

## **COMMITMENTS FROM THE SPA**

1. Development of a joint statement regarding mutual respect for the histories, laws, customs and institutions of the Wet'suwet'en and the laws of British Columbia.
2. The development of a Wet'suwet'en Economic Initiatives Agreement that will include:
  - Articulation of mutual goals and an assessment of the economic needs of the Wet'suwet'en.
  - Identification of opportunities to enable the Wet'suwet'en to contribute to the provincial economy.
  - Identification of potential funding sources to enable the Wet'suwet'en to benefit from those opportunities.
  - Recommended economic measures.
  - Identification of structures to further Wet'suwet'en economic initiatives and coordination between the parties.
  - Specific financial arrangements.
3. The development of a Wet'suwet'en Lands and Resources Agreement that will include:
  - Articulation of mutual goals and an assessment of the existing planning and approval process with regard to lands and resources.
  - Identification of provincial legal obligations with respect to consultation around lands and resources activities.
  - Identification of opportunities to include Wet'suwet'en participation in planning and approval processes concerning lands and resources.
  - Recommendations to meet the goals identified.
  - Identification of potential mechanisms to further Wet'suwet'en participation in planning and approval processes concerning lands and resources.
  - Specific financial arrangements.
4. The development of a Wet'suwet'en Human Services Agreement that will include:
  - Articulation of mutual goals and an assessment of the human service needs of the Wet'suwet'en, particularly in relation to social, education, justice, health, recreation, housing and community services.
  - An assessment of federal responsibilities.
  - Identification of opportunities for the Wet'suwet'en to develop human service planning and delivery capabilities and identification of potential funding sources to enable the Wet'suwet'en to benefit from these opportunities including those available through federal programs.
  - Recommendations to meet the goals identified.
  - Identification of ongoing joint or individual mechanisms to further Wet'suwet'en human service initiatives and coordination between the parties.
  - Specific financial arrangements.
5. A comprehensive Needs Assessment and Analysis Study.
6. An initial study on an Economic Initiatives Overview.
7. A Wet'suwet'en information sharing project.
8. A Healthy Babies, Healthy Families Program.
9. Establishment of inter-ministry working groups to work jointly with the Wet'suwet'en Treaty Office to develop the components of the Economic Initiatives, Lands and Resources and Human Services Agreements.
10. Provision of TRIM data and Forest Inventory Maps and other information as agreed to.
11. The Province to seek to have costs of providing TRIM information and data borne in accordance with the provisions of the federal/provincial cost-sharing agreement

12. The provision of funds to the WTO for its participation in the development of the agreements.
13. A government-to-government review of significant progress on or about April 10, 1995
14. A government-to-government review of significant progress on or about June 10, 1995 but at least prior to July 11, 1995

## COMMITMENTS FROM THE ACCORD

### COMMITMENTS

1. To seek a one year adjournment, from the Supreme Court of Canada, of the appeal in Delgam Uukw v. the Queen.
2. To inform the BCTC that the Parties are ready to commence trilateral negotiations.
3. To issue a joint statement of mutual respect for the histories, laws, customs, and institutions of Gitxsan and Wet'suwet'en societies and of the laws of B.C.
4. To make efforts to reach agreement on a work plan, setting out goals of this accord and the process, structure and scope of treaty negotiations, including interim protection measures.
5. To proceed with bi-lateral negotiations where the BCTC determines that any one of the Parties is not ready to commence tri-partite negotiations.
6. To request that the BCTC establish separate negotiating tables for the Wet'suwet'en and the Gitxsan.
7. To commence negotiations in relation to co-existence of Wet'suwet'en and Crown rights over and within the Territory.
8. To commence negotiations in relation to economic initiatives
9. To commence negotiations in relation to jurisdictional arrangements.
10. To commence negotiations in relation to development, protection and rehabilitation of environment, waters, lands and renewable and non-renewable resources.
11. To commence negotiations in relation to social, health, education, justice and community services.
12. To acknowledge that any overlaps will be addressed in accordance with clause 7.1 (f) (ii) of the BCTC Agreement.
13. The Province to contribute negotiating funds to the Gitxsan and the Wet'suwet'en and that such funding will remain in effect until the start of treaty negotiations.
14. The Province agrees to fully staff a regional Provincial negotiating team which will treat these negotiations as a priority over the period of this Accord.
15. To extend the adjournment for an additional six months only with the agreement of all the parties.
16. During the period of adjournment, no actions will be taken in preparation for the appeal in Delgam Uukw v. the Queen.

## **COMMITMENTS FROM THE JOINT LETTER**

### **COMMITMENTS**

1. The re-establishment of the Lands and Resources Joint Working Group to oversee further implementation of Bilateral Agreement projects and implementation of the protocols.
2. Reconvening of the Information Systems Steering Committee, as a technical committee of the Joint Working Group, with greater local staff representation.
3. Funding to the WTO for three additional staff members, at STO2 levels, over a six month period to assist in implementation. One position, with a focus on implementation of the referral process, to be funded by MELP and the other two positions, with a focus on implementation of the operational planning protocol, to be funded by MOF.
4. Funds to be provided to WTO by MOF to assist in training new and existing staff on matters relating to the review of forestry operational plans.
5. A meeting prior to March 31, 1996 to establish a framework and to set measurable objectives for an evaluation which will be completed six months after the execution of the protocols.
6. The Lands and Resources Joint Working Group to develop an appropriate framework and specific mechanisms for information sharing and expertise sharing and training consistent with the protocols.
7. The Information Systems Steering Committee to develop and implement the Lakes Forest District operational planning pilot project, including identification of appropriate funding sources.
8. Designation of person(s) to assess the pilot project to determine its effectiveness and efficiency following implementation in the Lakes District.
9. Joint development of specific matters and time frames for discussions on environmental assessment to be completed by March 31, 1996.
10. Consideration of a meeting , prior to March 31, 1996, of Wet'suwet'en officials and chair of the regional Interagency Management Committee to discuss strategic planning matters and the possible development of principles governing Wet'suwet'en participation in strategic planning exercises.

## **COMMITMENTS FROM THE OMNIBUS AGREEMENT**

### **COMMITMENTS**

1. The Province will provide funds, if approved, to the Wet'suwet'en Treaty Office for its participation in the three joint working groups.
2. The Parties will assess the existing planning and referral processes with regards to land and resources and programs sponsored by MOF, MELP, EMPR, MOTH, EA Office, LUCO, SBTC and MSTL.
3. Parties to review Wet'suwet'en organization, institutions and decision making processes and will develop mechanisms to coordinate these with provincial processes.
4. Parties will identify provincial legal obligations with respect to consultation on proposed land and resource activities.
5. Negotiation of a detailed sub-agreement on Wet'suwet'en participation in land and resource planning and referral processes and separate agreements between the Wet'suwet'en and individual provincial ministries and agencies as required..
6. Determination of where coordination of the activities of provincial ministries and agencies is desired and where activities are best conducted cooperatively between the Wet'suwet'en and individual ministries and agencies.
7. Provincial funding of a mutually agreed to facilitator to facilitate the lands and resources negotiations contemplated in the Omnibus Agreement.
8. Joint development of Terms of Reference to guide the work of the facilitator.
9. Implementation of the interim protocol on land and resource use planning and referrals until the conclusion of negotiations.
6. Undertake a pilot Information Systems Project
7. Provide resources to the Wet'suwet'en for further work on cultural heritage inventories and databases.
8. Assessment, under two separate initiatives, of the current provincial planning and referral processes and review of Wet'suwet'en organization, institutions and decision making processes.
9. Development of a specific pilot project for Wet'suwet'en participation in forest survey training.
10. Joint development of a Forest Resource and Wildlife Habitat Inventory Project.
11. Funding to the WTO to facilitate the assessment of the Huckleberry, Telkwa Coal and Pac Rim Liquid Natural Gas projects.
12. Design and facilitation of a mineral and energy resource forum.
13. Joint development of a Wet'suwet'en Regional Integrated Economic Strategy by March 31, 1996 and as outlined in Part III (2) of the agreement.
14. Joint development of a Wet'suwet'en Integrated Human Services Strategy by May 15, 1996 and as outlined in Part IV (2) of the agreement.

Below is a reworking of the internal evaluation. Its focus is on assessing which commitments the province believes it has and has not met and on collating the various line ministry evaluations of the programs delivered under the bilateral arrangement. These evaluations, if they have been done, will be summarized in a standard format. If the evaluations have not been done, or lack all the necessary data, the data necessary for the standardized format will need to be collected.

The intent of this assessment is to provide a provincial snapshot of how well it feels it has met the commitments it has entered into with the Wet'suwet'en, to highlight those commitments which have not yet been met and to provide an easily accessible summary of each of the programs which have been delivered under the bilateral arrangement. These summaries will provide a clear picture of the scope and substance of the bilateral arrangement and will provide indications from the province on benefits and potential improvements. This is not a formal evaluation of the bilateral arrangement with the Wet'suwet'en, it is intended to provide a picture of how well the province feels it has lived up to its commitments under the Accord, the SPA, the Omnibus and the Joint Letter as well as a brief synopsis of the provincial view of the programs which have been delivered.

## **I. ASSESSMENT OF COMMITMENTS**

### **AGREEMENT: THE ACCORD OF RECOGNITION AND RESPECT**

COMMITMENT NUMBER: \_\_\_\_\_

- a) LEAD PROVINCIAL AGENCY? \_\_\_\_\_
- b) CURRENT STATUS? \_\_\_\_\_
- c) HOW WAS IT MET? \_\_\_\_\_
- d) WHEN WAS THIS ACCOMPLISHED? \_\_\_\_\_
- e) IF COMMITMENT HAS NOT BEEN MET PLEASE PROVIDE BRIEF REPORT.

- a) who is or was the lead agency and if this responsibility has changed over time
- b) met/not met/in progress
- c) program or actions undertaken or document signed
- d) date/ongoing
- e) brief explanation as to the circumstances or decisions taken not to undertake the commitment (could include brief report on when the commitment is expected to be met)

These questions would be answered for each commitment. Each member of the working groups would be asked to respond to each commitment that they can. Responses would then be compared, a summary response (with conflicting responses noted) would be sent back to the group members who would review and comment. It is believed that for best results the working group members will need to meet to discuss. The first answers could be co-ordinated through the three working groups. Each group would be responsible for answering for the commitments. The three set of responses could then be compared and the group as a whole could meet to discuss where there are varying answers or where commitments have not been addressed. Have any of the three groups entered into additional commitments?

## **II. SUMMARIES OF MINISTRY EVALUATIONS**

PROJECT NAME  
PROJECT SPONSOR  
DESCRIPTION OF PROJECT  
COMPLETION STATUS  
COMMENTS  
CONTRIBUTION TO COMMITMENTS

The first five components would be taken from the ministry evaluations and the last component would be taken from Section I of this assessment.

We need to identify all the programs delivered and the lead ministry. The contact person for that ministry will then have to be contacted and asked to provide the evaluation. If such an evaluation has not been done then the contact person will be asked to provide the relevant data for the first five components.

We will also ask each of the three working groups to provide a status report of how well they feel that their working group is operating. It is expected that this would be no more than a one page summary of their duties, actions taken to date, current status and proposed work for the future.

## **III. BRIEF DISCUSSION WITH PROGRAM MANAGERS**

For those program evaluations which fail to answer the following questions, the program manager will be contacted to provide their opinion.

- a) Was the program worthwhile? (ie. in their opinion was it worth the funds expended)
- b) What benefits were derived from the program?
- c) What improvements could be made to facilitate better results?

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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

File: Gitxsan

Prepared for Honourable John Cashore, Minister, FOR  
INFORMATION

Gitxsan Lawyer Stuart Rush was quoted in the Interior News stating that the Province could not unilaterally break off negotiations.

Pursuant to negotiations around the Accord of Recognition and Respect, it was agreed that the Delgam Uukw matter be adjourned for an one-year period. The Supreme Court of Canada granted the Parties a further adjournment until March

In the signed Framework Agreement, Clause 13 provides that any of the Parties may suspend negotiations if one of the Parties initiates an activity which undermines the treaty process. To do so, the Party wishing to suspend negotiations must simply provide a letter to the Parties and the Treaty Commission outlining the reasons for the suspension.

The litigation has been adjourned until March 15, 1996, and while negotiations may be suspended unilaterally, returning to the courts, prior to March 15, 1996 would be difficult.

It is open to the parties to apply to the court to have the litigation resumed, but that would not likely be successful (see attached comments from AG).

It is not clear what Rush was referring to when he is quoted as saying "The Government has no authority to withdraw from negotiations." He specifically mentions the Accord, but makes no reference to the Framework Agreement. It may well be that Rush was not cognisant of Clause 13 of the Framework Agreement which specifically allows a Party to suspend negotiations.

While the Province cannot unilaterally resume the litigation prior to March 15, 1996, it can unilaterally suspend negotiations under Clause 13 of the Framework Agreement.

Mark L. Stevenson

Treaty Negotiator

Northwest Regional Team

October 18, 1995



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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

Prepared for Honourable John Cashore, Minister, FOR  
INFORMATION

Wet'suwet'en Treaty and Bilateral negotiations status.

Bilateral

On June 13, 1994, An Accord of Recognition and Respect (the Accord) was signed. The Accord provides for the adjournment of Delgam Uukw for a one-year period (now extended for a further six months) and the commencement of bilateral and trilateral negotiations.

The Province and the Wet'suwet'en signed a Significant Progress Agreement (SPA) on April 10, 1995, and initialled a bilateral agreement pursuant to the SPA on

September

1995. The bilateral agreement commits the

Wet'suwet'en and the Province to continue discussions that will lead to a more productive and effective relationship, and allows for specific negotiations in the areas of lands and resources, human and social services, and economic initiatives.

Both the SPA and the bilateral agreement were reviewed by the Treaty Negotiations Advisory Committee (TNAC) and the Bulkley-Skeena Regional Advisory Committee (RAC). Where appropriate, the comments of the third-party interests have been incorporated into the bilateral agreement. In addition, third-party forest interests will be included in the Lands & Resources bilateral table negotiations.

Treaty

The Wet'suwet'en filed a Statement of Intent (Stage 1) with the British Columbia Treaty Commission on June 24, 1994, and completed their Stage 2 "readiness" preparation on

September

30, 1994. The Province completed "readiness" preparation on December 13, 1994, and the table was declared "ready" on January 25, 1995. A Framework Agreement

3) was signed on July 13, 1995. AIP negotiations

(Stage 4) have begun on the treaty "vision", eligibility, enrolment, and ratification. A Lands and Resources side table and a Self Governance/Human and Social Services side table have been established. A tripartite Public

Information Working Group is operational and maintains an active program of public information sessions in the area.

The Bulkley-Skeena Treaty Advisory Committee (TAC) was formed in July, 1994. Jim Davidson, Councillor for Smithers, is the Wet'suwet'en TAC Representative.

The Bulkley-Skeena RAC was created in December, 1994.

The Wet'suwet'en will be asked to make a decision on the discontinuance of the Delgam Uukw appeal based on the progress made at the bilateral and treaty tables. The Parties must make a decision on discontinuance by 1996. In the interim, we are to proceed with accelerated negotiations.

The treaty negotiations are proceeding as scheduled. The RAC and TAC are operational and being consulted regarding the negotiations. The Public Information Working Group is operational. A SPA has been signed and a bilateral agreement initialled. The bilateral tables are proceeding on lands & resources, human service and economic matters.

John Cowell

Assistant Negotiator

Northwest Regional Team

October 18, 1995

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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

Prepared for Philip Halkett, Deputy Minister, FOR DECISION.

Approve \$32,000 expenditure from Interim Measures Fund to complete the funding for the Regional Economic Strategy project for the Wet'suwet'en, as part of the bilateral negotiations.

The Province and the Wet'suwet'en have negotiated a sub agreement to the Accord of Recognition and Respect which includes a number of initiatives, supported by a wide range of ministries. In almost all cases, funding has been provided by the participating ministries within their existing budgets. However, although all possible sources have been approached, full funding has not been found for the Regional Integrated Economic Strategy.

The Regional Integrated Economic Strategy proposed under this plan (total budget of \$112,000) has received strong support from the Ministry of Small Business, Tourism and Culture (\$50,000) and the Ministry of Skills, Training and Labour (\$15,000) and the Ministry of Employment and Investment (\$15,000). The remaining \$32,000 was requested from the Line Ministry Fund. However, the committee has recommended that the Interim Measures Fund is a more appropriate fund for this project.

The project is a key one to the Wet'suwet'en and has received strong support from the local non-aboriginal communities as well. The importance of building a cooperative working relationship between the aboriginal and non-aboriginal communities has been recognized by both groups. The successful completion of this project will not only identify realistic economic opportunities for the Wet'suwet'en but also ensure that the projects will have linkages to non-aboriginal economic players. It will have positive spin-off for the treaty process.

Approve the funding

The project will be delivered as envisioned and will fully involve aboriginal and non-aboriginal communities.

The Wet'suwet'en will be assured that the request was treated seriously by provincial ministries.

The economic review will provide useful information for the treaty process.

May create expectations for other First Nations.

Do not approve the funding

No expectations will be created.

The Wet'suwet'en will recognize that funding for such projects is limited.

Some of the opportunities for joint planning will be lost.

The treaty process will not have sufficient information to realistically assess Wet'suwet'en revenue generation potential.

The Wet'suwet'en may consider that the bilateral agreements have not demonstrated significant progress as required by the Accord.

The expenditure of \$32,000 from the Interim Measures Fund be approved.

Approved/Not Approved

Philip G. Halkett

Deputy Minister

Catherine Panter

Negotiator

September 14, 1995

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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

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#### WET'SUWET'EN BILATERAL NEGOTIATIONS

To brief the Deputy Minister and to seek direction with respect to completing negotiations to implement the Wet'suwet'en Significant Progress Agreement (SPA).

Although bilateral negotiations since the signing of the SPA on April 10, 1995, have resulted in considerable progress, several outstanding matters require resolution by the Ministry of Aboriginal Affairs before these negotiations can be concluded prior to the upcoming government to-government meeting tentatively scheduled for mid-July: (a) funding for Wet'suwet'en participation in working groups for the duration of the 6-month extension; (b) funding to implement the information systems project contained in the Lands and Resources Agreement; and, (c) assignment of and funding for lands and resources negotiators.

On June 13, 1994, An Accord of Recognition and Respect (the Accord) was signed between the Province and the Gitksan and Wet'suwet'en (the Parties). The Accord signified agreement by the Parties to adjourn the Delgam Uukw litigation for one year and to pursue trilateral and bilateral negotiations. Because the Accord leaves ambiguous the concept of "significant progress" that would enable the Parties to assess whether or not negotiations are indeed preferable and more productive than litigation, Significant Progress Agreements were negotiated. The Wet'suwet'en SPA, signed on April 10, 1995, commits the Wet'suwet'en and the Province to develop agreements in three areas: lands and resources, economic initiatives, and human services. In addition, four projects were identified for early implementation to demonstrate progress at the community level.

Three working groups, comprised of Wet'suwet'en and line ministry representatives, were established to collaboratively develop the agreements. The agreements are effectively completed, although outstanding issues remain in each case, and are currently before line ministries for their approval of the commitments for which they have responsibility.

Provincial government approval of the agreements is targetted to be complete prior to the government-to-government meeting, with the exception of the Lands and Resources Agreement which will be subject to third party consultation before it is approved.

Throughout the process of negotiating the Accord and SPA, and implementing the SPA, the Wet'suwet'en have stressed that, in order for them to discontinue Delgam Uukw, the province would have to take extraordinary measures to demonstrate its commitment to building a new relationship with the Wet'suwet'en and to a productive and expeditious negotiation process. The province has made clear its commitment to the Accord, but has also sent clear signals that there are limits, grounded in fiscal realities, to this commitment. In all SPA negotiations, efforts have been made to achieve progress within line ministry mandates, program areas and budgets.

This has been largely successful, with the exception of the following matters:

Negotiation funding for period of 6-month extension: The Wet'suwet'en are requesting provision of funding to enable their ongoing participation in the working groups to March 31, 1996. An initial budget proposal requests \$135,000.00.

Funding for implementation of information systems project: Line ministries involved in the development of the project are unwilling to commit funds in the absence of a government policy with respect to capacity building for First Nations, and feel that MAA should take the issue forward to Cabinet. This is problematic given the timeframe we are working within. CLIB has \$70,000.00 available to contribute to this project, leaving a shortfall of \$155,800.00.

Assignment of a lands and resources negotiator: The Wet'suwet'en have requested

that a provincial negotiator be assigned to the lands and resources table until March 31, 1996, and that the involvement of a Wet'suwet'en lands and resources negotiator be funded for this period at a proposed cost of \$80,000.00.

Provincial contributions expended/committed to date total approximately \$1,390,534.00.

Given that the province is prepared to continue negotiations for an additional 6 months and is not seeking discontinuance, the issue of achieving "significant progress" by mid-July is less critical than it might have been. In order for negotiations to be successful, the Wet'suwet'en need some capacity to engage.

Provide no further funding for the Wet'suwet'en;

Approve \$100,000.00 to fund Wet'suwet'en participation in the working groups for the duration of the extension;

Approve up to \$250,000.00 to fund Wet'suwet'en participation in the working groups and to contribute to the information systems project.

Similar funding arrangements should be contemplated for the Gitksan.

Director

July 4, 1995

Carol Ann Shearer/356-5272

Negotiator/Treaty Negotiations

File Name: n:\nwest\bnotes\wetbil.jy4

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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

Prepared for Philip Halkett, Deputy Minister, for information.

Signing of Significant Progress Agreement with the  
The Province and the Wet'suwet'en have negotiated a sub agreement to the Accord of Recognition and Respect (attached) which lays the foundation for the development of a cooperative arrangement between the two parties on land resources, human service and economic matters. This Agreement outlines how the Wet'suwet'en will be involved in a range of government planning initiatives and specifies some specific initiatives which illustrate the new partnership at the community level. These initiatives are largely within existing ministry mandates and budget. Based on the significant progress achieved through this Agreement,

along with progress at the treaty table, the Wet'suwet'en will make a final decision regarding the discontinuance of the appeal by January 1996.

#### DISCUSSION

This Agreement has been reviewed by TNAC, RAC, and other affected third parties and affected ministries. Most of the recommended changes have been incorporated into the Agreement, and line ministries have signed an approval sheet indicating their support for the Agreement. Further delay has the potential to be very detrimental to the treaty process.

There are two outstanding issues which will be resolved at the September 26, 1995, Treasury Board meeting.

An Information Systems Pilot Project (Treasury Board Submission #9/96) has been proposed which will assist the Wet'suwet'en to meet the demands of government agencies with respect to consultation and will assist the Ministry of Aboriginal Affairs to develop a policy on capacity building. The line ministries and CLIB have agreed in principle to fund this project so no additional money is required, but ministries have requested that the policy implications be reviewed by Treasury Board.

A second Treasury Board Submission (#8/96) will be considered at the same time. It requests an additional \$100,000 for the continued participation by the Wet'suwet'en in the three joint working groups created to implement this Agreement, and to provide some

negotiation assistance to conclude some aspects of the lands and resources process.

The Ministry's Treasury Board analyst has indicated she will recommend approval.

The Agreement will be signed as soon as possible by the two Chief Negotiators. Further delay at this time will imply an unwillingness to reach a decision on this important bilateral agreement.

Approved/Not Approved

Philip G. Halkett

Deputy Minister

Prepared by:

Catherine Panter

Negotiator

September 11, 1995



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DISCUSSION PAPER: Provincial Response to the

Cory Waters

Ministry of Aboriginal Affairs

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SPEAKING NOTES: Provincial Comments on the GWG CBG AIP, dated Jan. 24, 1995

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SPEAKING NOTES:

Provincial Comments on the January 24, 1995

GITXSAN, WET SUWET EN AND GITANYOW

COMMUNITY-BASED GOVERNANCE AGREEMENT-

The Province has been requested to provide comments on the existing CBG AIP.

The CBG AIP was negotiated between Canada and the GWG without provincial involvement.

B.C. recognizes that Canada can proceed unilaterally with CBG legislation, under its authority for

Indians and lands

reserved for Indians

, to the extent that the CBG applies to reserve lands.

For purposes of treaty negotiations, the Province has developed interests in relation to governance.

If Canada and the GWG proceed to finalize the AIP, the Province would hope that provincial interests will be taken into account.

ABORIGINAL GOVERNANCE STRUCTURES

The Province's general interests in the structure of aboriginal governments are:

efficient government structures which minimize overlaps and duplications in service delivery;

effective intergovernmental relations;

structures compatible and consistent with the existing framework of provincial laws and the Canadian Constitution;

representation for all those who are affected by the decisions of aboriginal governments; and dispute resolution mechanisms.

Efficient Government Structures

Province supports the regional negotiation approach of having three First Nations negotiate the AIP.

Proposed system as outlined in the AIP does not appear consistent with the interests for efficient government structures. It is unclear how efficiencies or economies of scale will be envisioned under this system.

While FRIOs will be established to provide administrative efficiencies, the constituent Houses have the authority to disband the FRIO at any time.

#### Effective Intergovernmental Relations

The Province has an interest in ensuring a single window

for the Province or interested parties to access an aboriginal government's leadership and administration.

The AIP creates FRIOs to provide for a central point of contact with administration (s.6.13(C)), yet the agreement offers no single window to each Nation's leadership.

The precise territorial boundaries of House and Assembly of Houses lands (to be provided in Schedule C) are not yet included in the AIP.

#### Compatibility and Consistency with Existing Provincial Decision-Making Structures

there exist no guaranteed assurances for consistency of laws throughout each First Nation, except for the subject of Environmental Assessment.

#### Representation for Those Affected by the Decisions of Aboriginal Governments

Only those citizens in attendance at a House or Assembly meeting are able to vote on proposed House laws and provide

#### Sufficient Registered Opposition

There is potential for a small number of citizens attending a House meeting to have the authority to pass a House law, with a great number of citizens not being represented.

The Province will seek to ensure non-aboriginal participation, in this case, Community Members, in decision-making structures.

#### Mechanisms for the Resolution of Disputes

The Province has an interest in ensuring convenient Court proceedings for residents of B.C. The Province recognizes that appeals to the B.C. Supreme Court for disputes over CBG matters, which are normally under the jurisdiction of the Federal Court, will be more convenient for those living

#### AUTHORITY OF ABORIGINAL GOVERNMENTS

The AIP delegates law-making powers over existing reserve lands to the Houses and Assemblies in a number of Canada has agreed to negotiate a number of other subjects to the extent of its jurisdiction, and to negotiate with the

Province where applicable.

Provincial interests with respect to lands, resources and governance are affected by a number of subject matters included in the AIP. Some of these provincial interests have been articulated in the papers:

B.C. s Approach to Treaty Negotiations

B.C. s Approach to Treaty Settlements: Lands and Resources

B.C. s Approach to Treaty Settlements: Self-government

The Province would hope that the exercise of governance authorities will take into account provincial interests.

The Province's interests in the authority of aboriginal governments include:

clear jurisdictions for all governments throughout the where appropriate, consistent laws and standards will continue to apply throughout the Province; and linkages to existing provincial decision-making structures.

Jurisdictional Certainty and Clear Understanding

It may be difficult for House citizens, community members and external interests (governments and third parties) to understand which House laws apply to which citizens at any given time or for any given piece of House land.

Through treaty negotiations, the Province wishes to ensure certainty of existing and future access for the government, public and third parties to resources and for other purposes on and across Settlement lands.

The Province also has an interest in ensuring the rights of non-aboriginal residents on settlement lands are not adversely affected. The Province would want to ensure the AIP residency powers do not adversely affect non-aboriginal residents.

Concerning expansion of the GWG lands, the Province has an interest in maintaining consistency of standards and jurisdictions on settlement lands. It is doubtful that settlement lands remaining 91(24) lands would meet this interest.

The Province has an interest in ensuring a consistent taxation regime throughout the Province, and therefore has expressed its desire to phase out the tax exemptions offered to status Indians by sections 87 and 90(1) of the Indian Act. The AIP may make this interest more difficult to realise under treaty, as the AIP continues the tax exemption.

Consistent Laws and Standards

The Province has an interest in preventing legal or jurisdictional vacuums from being created by this, or any, agreement. The Province seeks to ensure that laws

of general application will continue to apply over all lands and to all citizens of the Province, including settlement lands and aboriginal citizens.

The Province is interested in ensuring there are clear and consistent laws and standards throughout settlement lands. The exercise of the powers envisioned by the AIP may not be compatible with interests for consistent land and resource use and management in the Province.

Concerning the subjects of Environmental Assessment and Protection, the Province has an interest in ensuring that projects on aboriginal land will not adversely impact Crown land.

#### Linkages to Existing Provincial Decision-Making Structures

The Province wishes to ensure that GWG governance systems do not duplicate existing provincial functions.

For example, the Province envisions aboriginal governments as participants in a harmonized environmental assessment process with the Province and Canada, should a First Nation seek involvement in this subject.

The AIP is the result of bilateral negotiations between Canada and the GWG First Nations. The Province has various interests regarding aboriginal governance, and is concerned to the extent that the AIP does not meet these interests.

To meet provincial interests, the proposed governance system would have to ensure consistency of laws and regulatory delivery.

The Province seeks assurance that there has been adequate local public and third party consultation regarding the AIP.

The Province is interested in ensuring that the authorities provided for by the AIP, including those listed in ss.6.19 and 6.20, are exercised in a manner consistent with provincial interests.

The Province recognizes the considerable time, effort and resources that have gone into the negotiation of the AIP. The Province believes these efforts could serve as a building block for trilateral governance negotiations in the treaty process,

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## MINISTRY OF ABORIGINAL AFFAIRS

### BRIEFING NOTE

Prepared for Philip Halkett, Deputy Minister, FOR  
INFORMATION.

Two Treasury Board Submissions to support the bilateral  
Accord of Recognition and Respect (the Accord) with the  
Wet'suwet'en will be considered at the September 26, 1995  
meeting

The Province and the Wet'suwet'en have negotiated a  
sub-agreement to the Accord which includes a number of  
initiatives, supported by a wide range of ministries.  
funding for the initiatives has been provided by  
ministries within their base budgets and within existing  
mandates. The initiatives have demonstrated the Province's  
willingness to develop a cooperative working relationship  
with the Wet'suwet'en. In return, with the implementation  
of the bilateral Accord and significant progress in treaty  
negotiations, the Wet'suwet'en will discontinue its  
litigation.

TBS 8/96--Negotiation funding of \$100,000: The Ministry has  
already provided the Wet'suwet'en with \$395,000 to support  
negotiation of the Accord and its sub-agreements. The  
Wet'suwet'en have requested an additional \$100,000 to  
continue their participation in the working groups as the  
approved projects are implemented, and as the negotiation  
continues with regard to land and resource management and  
planning.

Treasury Board staff has recommended approval but there may  
be concerns about the precedent this approval sets. There  
may be an obligation to provide the Gitksan with additional  
negotiation funding, if it is requested, but given the  
special nature of this Accord, it should not be viewed as  
precedent setting for most First Nations. (note: The  
Gitksan projects

funded under the Accord are all within  
existing Ministry budgets -- no new money has been  
Without this support, the Wet'suwet'en will not have the  
resources to continue as an effective partner in the Accord.  
It may impact on their decision to adjourn the court case.

TBS 9/96--Information Systems Pilot Project for \$165,925:

The funding is in place for this pilot information systems  
project (see memo from the three supporting ministries --  
LUCO, Forests and Environment, Lands and Parks). The  
sponsoring agencies have requested that Treasury Board  
approve the project because it is ahead of policy  
development work on capacity building with First Nations.  
However, all three are agreed that the pilot nature of the  
project will assist government to make an informed decision

in this important policy area. Line agencies have consistently expressed concern about the ability of First Nations to respond effectively to referrals because of lack of capacity. This pilot is designed to test an approach to resolving that problem.

**SUMMARY or CONCLUSION:**

The Wet'suwet'en have worked cooperatively with government under the Accord. Approval of these two submissions will send a strong signal that cooperative negotiation can have positive results for all parties.

Catherine Panter

Negotiator

September 22, 1995.

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October 5, 1994

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#### CHECKLIST FOR COMPLETING READINESS

(Wet'suwet'en, British Columbia and Canada)

THE FOLLOWING INFORMATION MUST BE PROVIDED BY - IN THE CASE OF THE FIRST NATION, BY THE PERSON OR PERSONS

MANDATED TO REPRESENT THE FIRST NATION; IN THE CASE OF THE TWO GOVERNMENTS, THE MINISTER OF INDIAN AND NORTHERN AFFAIRS ON BEHALF OF CANADA AND THE PROVINCIAL MINISTER OF ABORIGINAL AFFAIRS ON BEHALF OF BRITISH COLUMBIA.

Scope

Next Steps

Timing

Commitment

Each party has made a formal commitment in writing to the two other parties to negotiate a treaty.

Minister of Indian and Northern Affairs writes commitment letter.

letter in process

Minister of Aboriginal Affairs writes commitment letter.

letters dated July 8, 1994 and

October 14, 1994

Chief Negotiator, Herb George, writes commitment letter.

August 15, 1994

Chief Negotiators

Each party to advise of the appointment of Chief Negotiators and contact persons.

Minister of Indian and Northern Affairs advises in writing that a chief Federal Negotiator and a contact person have been appointed.

letter in process

Chief Provincial Negotiator and a contact person have been appointed - Mark Stevenson and Carol Ann Shearer.

July 19, 1994; letter dated

October 14, 1994

Herb George advised that the Wet'suwet'en have appointed him as Chief Negotiator to negotiate with Canada and B.C.

Contact person: s.22

July 19, 1994; letter dated

August 15, 1994

Mandate

Each party to confirm in writing that it has a general mandate to negotiate a treaty and an effective process in place to develop its mandate throughout stages 3, 4 and 5.

Minister of Indian and Northern Affairs to confirm in writing Canada's mandate to enter into treaty negotiations.

letter in process

Minister of Aboriginal Affairs to confirm in writing BC's mandate to enter into treaty negotiations.

letters dated July 8, 1994 and

October 14, 1994

Herb George to confirm in writing the Wet'suwet'en mandate to enter into treaty negotiations.

September 13, 1994

Ratification

Each party to describe in writing its ratification procedure to conclude a treaty and the method by which it was adopted. Each party must also describe the ratification procedure that will be used to approve the framework agreement and agreement-in-principle.

Minister of Indian and Northern Affairs to describe in writing Canada's ratification procedure through framework agreement, agreement-in-principle and final agreement.

letter in process

Minister of Aboriginal Affairs to describe in writing BC's ratification procedure through framework agreement, agreement-in-principle and final agreement.

September 13, 1994; letter dated

October 14, 1994

Herb George to describe in writing the Wet'suwet'en ratification procedure through framework agreement, agreement-in-principle and final agreement as well as its eligibility rules and method of approval.

September 13, 1994

THE FOLLOWING INFORMATION MUST BE PROVIDED BY THE CHIEF NEGOTIATOR OR DESIGNATE.

Substantive and

Procedural Issues

Each party to describe clearly the substantive issues it wishes to negotiate.

Chief Federal Negotiator to provide a list of substantive issues to be discussed during Stage 3.

by October 12 - 14, 1994

Chief Provincial Negotiator to provide a list of substantive issues to be discussed during Stage 3.

preliminary list September 8,



1994; final list September 13,  
Chief Negotiator for the Wet'suwet'en to provide a list of  
substantive issues to be discussed during Stage 3.  
by October 12 - 14, 1994

Each party to describe clearly the  
procedural issues it wishes to negotiate.

Chief Federal Negotiator to provide a list of procedural  
issues to be discussed during Stage 3.  
by October 12 - 14, 1994

Chief Provincial Negotiator to provide a list of procedural  
issues to be discussed during Stage 3.  
preliminary list September 8,

1994; final list September 13,  
Chief Negotiator for the Wet'suwet'en to provide a list of  
procedural issues to be discussed during Stage 3.  
by October 12 - 14, 1994

#### Resources

Each party to confirm that it has the  
human and financial resources to  
undertake Stage 3.

Chief Federal Negotiator to confirm that Canada has in  
place the human and financial resources to undertake Stage  
3 and describe the internal mechanisms or structures to  
deal with cross departmental issues.

letter in process

Chief Provincial Negotiator to confirm that BC has in place  
the human and financial resources to undertake Stage 3 and  
describe the internal mechanisms or structures to deal with  
cross ministerial issues.

letters dated July 8, 1994 and  
October 14, 1994

Chief Negotiator for the Wet'suwet'en to confirm that the  
Wet'suwet'en budget and rationale for Stage 3 has been  
approved by the BCTC.

Discussions ongoing with BCTC.

#### Procedures for

##### Stage 3

The parties must confirm in writing to  
the BCTC that they have agreed on the  
frequency of meetings, locations and  
estimated timeframe to complete Stage

Working group to develop draft tripartite workplan for  
consideration by the main table.

October 12 - 14, 1994

Main table discusses and finalizes draft tripartite workplan.

October 12 - 14, 1994

Working group develops a tripartite protocol on procedural  
matters for Stage 3 (the frequency of meetings and  
locations of meetings).

September 13, 1994

Main table finalizes procedural protocol.

October 12 - 14, 1994

The parties advise the BCTC that they have agreed on procedural matters.

October 30, 1994

Parties to advise the BCTC in writing that it has begun to address information sharing.

Wet'suwet'en, BC and Canada to explore options with a view to developing principles and general mechanisms to guide information-sharing.

October 12 - 14, 1994

The parties agree to principles and general mechanisms to guide information-sharing.

November 8 - 10, 1994

The parties advise the BCTC that they have agreed on how information will be shared during the negotiations.

November 30, 1994

Overlaps

To identify and notify all affected First Nations.

September 13, 1994

To identify a process to resolve overlaps.

September 13, 1994

Establish a way for the BCTC to monitor overlap discussions.

September 13, 1994

Other Interests

Canada and British Columbia to advise the BCTC in writing that they have established a mechanism to consult with other interests.

BC and Canada to complete profiles identifying local and community interests.

October 14, 1994

BC and Canada to establish consultation mechanisms to address local and community interests.

October 30, 1994

BC and Canada to advise the BCTC that it has established mechanisms to consult with other interests.

November 15, 1994

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## MINISTRY OF ABORIGINAL AFFAIRS

### BRIEFING NOTE

Prepared for the Honourable John Cashore, Minister, FOR  
INFORMATION

Forest industry concerns with the Wet'suwet'en Bilateral  
Agreement (Agreement).

The Agreement was developed to demonstrate significant  
progress in relation to the Accord of Recognition and  
Respect (Accord). As part of that Agreement, signatory  
ministries committed to a negotiation process intended to  
define how the Wet'suwet'en will participate in land and  
resource planning and decision making processes prior to the  
conclusion of a treaty.

Council of Forest Industries and Northern Forest Products  
Association (NFPA) have expressed concerns with this  
Agreement.

limited consultation with third-parties;

implied co-management for the First Nation;

facilitator's potential conflict of interest;

precedent making potential of any negotiated agreement;

goes beyond the minimum consultation required

by legal interpretation of aboriginal rights.

The Ministry of Aboriginal Affairs has contracted a  
facilitator, Ross McMillan, who is responsible for  
facilitating the negotiation process between the  
Wet'suwet'en and the line agencies. He is operating under  
very tight timelines because of the need to reach an  
agreement by the end of December. (The Wet'suwet'en are  
looking for significant progress before making a decision in  
January if they intend to return to the Supreme Court.) The  
negotiations are limited to two tables, dealing with forest  
operational planning and the broader referral system.

Victoria and regional staff are supportive of the process,  
seeing the potential for increased certainty if an effective  
consultation protocol is developed.

With the agreement of the Province and the Wet'suwet'en,  
industry representative, Gordon Gunson, attended the first  
meeting held in Smithers on October 25 and 26, 1995. He is  
reportedly uncomfortable with the speed and tenor of the  
proposed process. Industry is reviewing its ability to  
participate.

In order to deal with industry concerns, Ministry of  
Forests' staff have agreed to meet on November 1, 1995, with  
Marlie Beets and local industry representatives to discuss  
the intended outcome of the current negotiations, to assure  
them that co-management is not on the table, and to clarify  
industry's participation in this process. Mark  
Stevenson

has arranged to meet with Marlie Beets prior to the meeting to address concerns regarding the Bilateral Agreement process, its status, the facilitator's role, and to clarify how any resulting protocols will be ratified. He will also meet with NFPA and, if necessary, attend the November 1, 1995, meeting in Smithers.

Marlie Beets has copied all TNAC members on her concerns with this Agreement and suggested that other third-parties are not adequately represented. The Deputy has responded to this letter (attached). She has also requested a meeting with the Minister while he is in the north, later this week.

The Agreement has language which ensures: it is not legally binding; it does not provide a veto; it may be suspended unilateraal

unilaterally

; it is without prejudice; and it is subject to the openness protocol. As most of the projects are underway or completed, and the Wet'suwet'en and participating ministries are happy with the current provisions, it is not viable to reopen the Agreement. Instead, the Ministry prefers to refocus discussion on the current process and its outcome, and on establishing clear expectations regarding future consultations.

Catherine Panter

Negotiator

October 30, 1995

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MINISTRY OF ABORIGINAL AFFAIRS  
BRIEFING NOTE

page

MINISTRY OF ABORIGINAL AFFAIRS

Prepared for Philip Halkett, Deputy Minister, for decision.

Approve \$32,000 expenditure from Interim Measures Fund to complete the funding for the Regional Economic Strategy project for the Wet'suwet'en, as part of the bilateral negotiations.

The Province and the Wet'suwet'en have negotiated a sub-agreement to the Accord of Recognition and Respect which includes a number of initiatives, supported by a wide range of ministries. In almost all cases, funding has been provided by the participating ministries within their existing budgets. However, although all possible sources have been approached, full funding has not been found for the Regional Economic Strategy.

The Regional Integrated Economic Strategy proposed under this plan has received strong support from the Ministry of Small Business, Tourism and Culture (\$50,000) and the Ministry of Skills, Training and Labour (\$15,000) and the Ministry of Employment and Investment (\$15,000). The remaining \$32,000 was requested from the Line Ministry Fund. However, the committee has recommended that the Interim Measures Fund is a more appropriate fund for this project. (Anne Kirkaldy has approved this project funding approach).

The project is a key one to the Wet'suwet'en and has received strong support from the local non-aboriginal communities as well. The importance of building a cooperative working relationship between the aboriginal and non-aboriginal communities has been recognized by both groups. The successful completion of this project will not only identify realistic economic opportunities for the Wet'suwet'en but also ensure that the projects will have support and linkages to non aboriginal economic players and will have positive spin-off for the treaty process.

Approve the funding

The project will be delivered as envisioned and will fully involve aboriginal and non aboriginal communities.

The Wet'suwet'en will be assured that the request was treated seriously by provincial ministries.

The economic review will provide useful information for the treaty process.

May create expectations for other First Nations

Do not approve the funding

No expectations will be created

The Wet'suwet'en will recognize that funding for such projects is limited

Some of the opportunities for joint planning will be lost

The treaty process will not have sufficient information to realistically assess Wet'suwet'en revenue generation potential.

The Wet'suwet'en may consider that the bilateral agreements have not demonstrated significant progress as required by the Accord.

The expenditure of \$32,000 from the Interim Measures Fund be approved.

Negotiator

File No:

(Negotiator, Treaty Negotiations Branch)

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MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

File: Gitxsan

Prepared for Honourable John Cashore, Minister, FOR  
INFORMATION

Present status of Treaty Negotiations with the Gitxsan.

A Treaty Framework Agreement was signed with the  
Gitxsan on July 13, 1995, and work was initiated  
towards an Agreement-in-Principle (AIP);

Following a July 17 and 18, 1995 Main Table meeting, a  
number of road blockades were initiated by Gitxsan  
House members because of disputes with the Ministry of  
Forests over consultation;

While these blockades were in place, provincial staff  
did not participate in any working groups or treaty  
side table meetings;

Also, a scheduled September, 1995 Main Table was  
The blockades were finally removed in late  
September,

1995, and the Minister requested assurances  
from the Gitxsan Chief Negotiator of no further  
blockade activity;

Discussions have been ongoing and a decision has  
recently been made to appoint a facilitator to resolve  
the forestry issues;

On this basis, the Gitxsan Chief Negotiator has agreed  
to provide the requested assurances;

Working Group and Side Table meetings are now  
proceeding in preparation for a scheduled Main Table on  
October 25 and 26, 1995.

The forestry disputes and resulting blockade activity  
have delayed treaty negotiations by approximately six  
The Parties have agreed in the Framework Agreement to a  
twenty-four month time frame to reach AIP. Given this  
limited time frame, any delays are significant.

In addition, a decision regarding discontinuance of the  
Delgam Uukw court case is required in January, 1996.

There is considerable pressure to make significant  
progress at the treaty table prior to that date. In  
this respect, the delay has been very significant.

Negotiations towards an AIP are now proceeding;

There have been unfortunate delays due to a number of  
forestry disputes and resulting road blockades.

Sandy Fraser

Negotiator

Northwest Regional Team

October 18, 1995

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DISCUSSION PAPER: Provincial Response to the

Cory Waters

Ministry of Aboriginal Affairs

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DISCUSSION PAPER: Provincial Comments on the GWG CBG AIP, dated Jan. 24, 1995

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DISCUSSION PAPER:

Provincial Comments on the January 24, 1995

GITXSAN, WET SUWET EN AND GITANYOW COMMUNITY-BASED

GOVERNANCE AGREEMENT-IN-PRINCIPLE

To provide comment on the Gitxsan-Wet suwet en-Gitanyow (GWG) Community Based Governance (CBG) Agreement in Principle (AIP) negotiated between Canada and the Gitxsan, Wet suwet en and Gitanyow, in light of provincial treaty interests.

Canada and the GWG are conducting bilateral negotiations to provide a community-based governance agreement. This agreement would see the GWG governing themselves based upon their traditional house system. Negotiations are taking place under the Community-Based Self-Government policy initiative, commenced by Canada in 1986. AIP negotiations with the GWG began in 1990. The latest draft of the CBG AIP has been initialled by the federal and GWG negotiators, and is dated January 24, 1995.

Canada released its Inherent Right to Self-Government policy in August, 1995. It is anticipated that Canada supports implementation of the right to self-government through existing processes. Canada has suggested that, in B.C., implementation of the inherent right would be through the B.C. Treaty Commission process. The AIP states that the agreement will not abrogate or derogate from the existing aboriginal or treaty rights, including rights of self-government, of the GWG. Canada has also indicated its intent to complete existing CBG agreements, but will not commence any new CBG negotiations.

The Province has developed interests to guide its participation in treaty negotiations on governance issues. The Province has been requested to provide comments on the existing CBG AIP. The following comments assess the Gitxsan, Wet suwet en and Gitanyow Community-Based Governance Agreement-In-Principle in light of provincial treaty interests.

The Province recognizes that the CBG negotiations on reserve lands fall under Canada's constitutional jurisdiction for

Indians, and Lands reserved for the Indians

. However, to the

extent that the CBG AIP will be used as a basis for treaty negotiations and as a model for governance of Treaty Settlement Lands, the Province has specific interests it would like to see addressed.

In preparation for its involvement in the current treaty process in British Columbia, the Province has developed interests concerning the structures and authorities of aboriginal governments.

This discussion paper highlights where the AIP is and is not compatible with current provincial interests and treaty policies.

The Province wishes to ensure that negotiations of aboriginal governance incorporate the interests of all British Columbians. In the treaty process, the Province accomplishes this through third party and local community consultation and established openness protocols for negotiations. It is important that there be sufficient consultation with impacted communities and third-party interests around the AIP. The Province seeks assurances that this has occurred.

#### Aboriginal Governance Structures

This section looks at the structures of governance envisioned by the AIP, the provincial interests that surround governance structures, and the extent to which the AIP is consistent with these interests.

The governance structure created by the AIP is based upon the traditional GWG house system. This system has been negotiated on the premise that the GWG Nations will have authority over all existing reserve lands. Current reserves will be divided into House territories. Many houses will not have a unique land base and will govern through participation in an

#### Assembly of Houses

. The Assembly of Houses is also envisioned where the interests of more than one House overlap on common lands. To date, no schedule of how reserve lands are to be divided into House and Assembly lands has been included in The AIP creates approximately 83 governing Houses from the current nine registered Indian bands. Canada has stated that approximately 20 Assemblies of Houses will be created by the AIP. These Houses and Assemblies of Houses will have all the capacity rights, powers and privileges of a natural person

The Province's general interests in the structure of aboriginal governments are: efficient government structures which minimize overlaps and duplications in service effective intergovernmental relations; compatibility and consistency of aboriginal government structures with the existing framework of provincial laws and the Canadian Constitution; means of representation for all those who are affected by the decisions of aboriginal mechanisms for the resolution of disputes.

#### Efficient Government Structures

In meeting the provincial interest for efficient government structures, the Province supports the regional negotiation approach of having three First Nations negotiate governance authorities. The Province believes that regional agreements provide the opportunity to create efficiencies and economies of scale in service delivery. However, from the Province's perspective, the proposed House system as outlined in the AIP does not appear consistent with the interests for efficient government structures. The House system plans for about 100 Houses and Assemblies to govern existing GWG reserve lands -- a relatively small geographic area. It is unclear how efficiencies or economies of scale will be envisioned under this system. While FRIOs will be established to provide administrative efficiencies, the AIP provides the constituent Houses the authority to disband the FRIO at any time.

#### Effective Intergovernmental Relations

The Province has an interest in ensuring a single window

for the Province or interested

parties to access an aboriginal government's leadership and administration. The AIP creates FRIOs to provide for a central point of contact with administration (s.6.13(C)), yet the agreement offers no single window to the collective leadership of each of the Gitksan,



Wet suwet en and Gitanyow. The Province sees a single window as an important government structure for future inter-governmental relations with any aboriginal government. Such a body may also be appropriate to coordinate House laws and to provide efficiencies in service delivery.

The precise territorial boundaries of House and Assembly of Houses lands (to be provided in Schedule C) are not yet included in the AIP. The effect such boundaries will have on efficiency, consistency and inter-governmental relations must be considered. This becomes more critical under treaty negotiations, should the expansion of GWG lands beyond existing reserve lands be considered.

#### Compatibility and Consistency with Existing Provincial Decision-Making Structures

The Province seeks to avoid multiple, overlapping jurisdictions and inconsistent or conflicting regimes throughout the Province. Under the AIP governance structure, there exist no guaranteed assurances for consistency of laws throughout GWG Houses, except for the subject of Environmental Assessment. The provisions in sections 6.8 and 6.24 refer to harmonization of laws, but do not guarantee consistency.

#### Representation for Those Affected by the Decisions of Aboriginal Governments

The Province seeks to ensure the interests of those affected by the decisions of aboriginal governments are represented in decision-making

. The Province is not certain that House or Assembly consensus addresses this interest. Only those citizens in attendance at a House or Assembly meeting are able to vote on proposed House laws and provide

#### Sufficient Registered Opposition

. There is potential for a small number of citizens attending a House meeting to have the authority to pass a House law, with a great number of citizens not being represented.

The Province has an interest in ensuring all citizens of B.C. have access to decision-making structures which affect them. The AIP allows for non-aboriginal participation as community members

-- it is not clear if this approach adequately satisfies this provincial interest. Members may participate in discussions around the creation of laws. They are not able to propose House laws, to vote on decisions to pass laws, or to protest against laws by way of

#### Sufficient Registered Opposition

#### Mechanisms for the Resolution of Disputes

The Province has an interest in ensuring dispute resolution and potential Court proceedings are convenient for residents of B.C. The Province notes that the B.C. Supreme Court could have jurisdiction to hear disputes over CBG matters, which are normally considered Indian matters and under the jurisdiction of the Federal Court. The Province recognizes that such appeals will be more convenient for those living in B.C., but also has an interest in preventing federal off-loading onto the Province of its current government and fiduciary responsibilities.

#### Authority of Aboriginal Governments

This section looks at the governance authorities envisioned by the AIP, the provincial interests that surround governance authorities, and the extent to which the AIP is consistent with these interests.

The AIP delegates law-making powers over existing reserve lands to the Houses and Assemblies in a number of areas, including: citizenship, land use and management,

management of renewable and non-renewable resources,  
 agriculture,  
 Environmental Assessment,  
 business regulation and licensing,  
 speeding, parking, towing, abandoned vehicles, access for emergency vehicles,  
 weight limits, road closures, and regulation of traffic,  
 the issuing of leases, licences and permits, and  
 other matters of a local or private nature concerning House Lands.

Canada has agreed to negotiate a number of subjects to the extent of its jurisdiction, and to negotiate with the Province where applicable. Subjects that are listed as applicable to the Province include:

estates and succession of property,  
 education,  
 social and welfare services including the custody and placement of children,  
 health services,  
 community services,  
 emergency response,  
 administration of justice, public order, safety and security,  
 environmental protection,  
 water resource,  
 endangered species,  
 taxation powers, and  
 such other matters as the parties may both agree upon in the future.

Provincial interests with respect to lands, resources and governance are affected by a number of authorities included in the AIP, particularly those listed in sections 6.19 and 6.20. Some of these provincial interests have been articulated in the papers entitled

B.C. s Approach to

Treaty Negotiations

B.C. s Approach to Treaty Settlements: Lands and Resources

B.C. s Approach to Treaty Settlements: Self-government

. The Province has an interest in

seeing that the exercise of the authorities envisioned by the AIP takes into account the interests which have been articulated by the Province in the above documents.

The Province's interests in the authority of aboriginal governments include:

clear jurisdictions for all governments throughout the Province, providing all parties with a clear understanding of their rights, responsibilities and accountabilities;  
 where appropriate, consistent laws and standards will continue to apply throughout the Province in areas such as health and safety, consumer protection, environmental protection, labour and product quality, administration of justice, policing and social linkages to existing provincial decision-making structures. For example, linking aboriginal health structures with provincial Regional Health Boards and Community Health Councils would provide efficiencies in services and reduction in duplication. Similarly, incorporation into provincial Environmental Assessment processes would ensure trans-boundary effects of projects would be minimized.

Jurisdictional Certainty and Clear Understanding of Government Rights,  
 Responsibilities and Accountabilities

The Province has an interest in ensuring all citizens of B.C. understand the laws and authorities that govern them. The potential number of Houses and Assemblies with legislative authority is over 100. Such a number governing a relatively small land base could lead to significant jurisdictional uncertainty. It may be difficult for House citizens, community members and external interests (governments and third parties) to understand

which House laws apply to which citizens at any given time or for any given piece of House land.

Through treaty negotiations, the Province wishes to ensure certainty of existing and future access for the government, public and third parties to resources and for other purposes on and across Settlement lands. The Province also has an interest in ensuring the rights of non-aboriginal residents on settlement lands are not adversely affected. The residency of people on GWG lands can be regulated by an individual House or Assembly (ss3.40(d,g)). The Province would want to ensure these powers do not adversely affect non-aboriginal residents.

The AIP is limited to existing reserve lands, but provides for reserve land additions, subject to federal approval. The Province has an interest in maintaining consistency of remaining 91(24) lands would meet this interest. In any event, existing provincial lands may not be added to federal lands without provincial approval, and ought to incorporate consultations with local governments.

The Province has an interest in ensuring a consistent taxation regime throughout the Province, and therefore has expressed its desire to phase out the tax exemptions offered to status Indians by sections 87 and 90(1) of the Indian Act. The AIP may make this interest more difficult to realise under treaty, as the AIP continues the tax exemption. In addition, the Province will wish to clarify definitions under the Taxation sub-agreement, including definitions of

Corporation

taxation for local purposes

The Province envisions Aboriginal governments as having similar powers to municipal governments with respect to the taxation of utilities on Settlement Lands. It is the Province's interest to ensure Crown immunity for tax will be unaffected by aboriginal taxation authority. Such an immunity will be extended to aboriginal governments and their entities operating on aboriginal lands.

Numerous terms in the AIP leave considerable interpretation for the courts. Terms like comprehensive fashion

(s.4.7 -- dealing with environmental protections, emergency

response, and endangered species) provide little guidance for the intent of these powers.

The Province would appreciate clarification of the term

custom

, on which much of the

existing agreement is based. The definition of

Environment

presented in s.10.1 is

extremely broad and may not be consistent with the current provincial views.

Consistent Laws and Standards

The Province has an interest in preventing legal or jurisdictional vacuums from being created by this, or any, agreement. The Province seeks to ensure that laws of general application will continue to apply over all lands and to all citizens of the Province, including settlement lands and aboriginal citizens, until such laws are replaced by valid GWG laws.

The Province is interested in ensuring there are clear and consistent laws and requires that aboriginal governance authorities meet or beat provincial regulatory (renewable and non-renewable resource management, environmental assessment, and traffic and transportation regulation) may not be compatible with interests for consistent land and resource use and management in the Province.

Concerning the subjects of Environmental Assessment and Protection, the

Province has an interest in ensuring that projects on aboriginal land will not

adversely impact Crown land.

The positive nature of House law proposed by the AIP satisfies the provincial interest for clear laws: a House must enact a law for the law to be recognized and enforceable. Such an approach clearly identifies laws that are in force over GWG lands, citizens and residents. However, the process requirements for House and Assembly law-making under the AIP is not made clear.

#### Linkages to Existing Provincial Decision-Making Structures

The Province wishes to ensure that GWG governance systems do not duplicate existing provincial or federal functions. For example, the Province envisions aboriginal governments as participants in a harmonized environmental assessment process with the Province and Canada, should a First Nation seek involvement in this subject.

The AIP is the result of bilateral negotiations between Canada and the GWG. The Province has various interests regarding aboriginal governance, and is concerned to the extent that the AIP does not meet these interests.

The Province recognizes that Canada and the Gitksan, Wet suwet en and Gitanyow may proceed bilaterally with the CBG final agreement because of Canada's jurisdiction for Indians and lands reserved for Indians

provided by s.91(24) of the Constitution Act,

1867. For the purpose of treaty negotiations, the Province has developed interests in relation to governance, and these interests have been outlined in the documents referred to earlier.

Should Canada proceed to finalize the AIP with the GWG, the Province would hope that the parties would take into account provincial governance interests.

Should the parties wish to defer governance discussions into the context of tripartite treaty negotiations, the treaty discussions will be facilitated to the extent that the CBG AIP is able to meet provincial interests.

The Province wants to emphasize the need to ensure there has been adequate local public

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August 11, 1995

Allison Bond

Brian Price

Anne Kirkaldy

Margo Ross

Re: Treasury Board Submission 8/96

Attached is a "draft" Treasury Board Submission which outlines a request for \$100,000 for continued participation by the Wet'suwet'en in the joint working group on bilateral agreements in place as a result of the Significant Progress Agreement. A copy for signature will follow in the next week. In the meantime, any comments and suggestions will be incorporated into the draft document (phone 356-5272).

s.22 I am working to complete the document and get it into the system for the September 12th Treasury Board meeting.

Catherine Panter

Negotiator

Northwest Regional Team

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To Hilary McMurray

page

MINISTRY OF ABORIGINAL AFFAIRS

BRIEFING NOTE

Prepared for Philip Halkett, Deputy Minister, FOR  
INFORMATION

Summary of December 19 1995 meeting between Team NWest and the Wet'suwet'en regarding discontinuance, adjournment, capacity building, and land selection.

As part of the need for the Parties to make decisions by January 15 1996 regarding the status of the Accord of Recognition and Respect, Team NWest and the Wet'suwet'en met to discuss issues and determine if there could be agreement on how each party might proceed.

The undertakings we reached in the meeting are as follows:

In the Cabinet submission regarding the Wet'suwet'en and the Delgam Uukw court case in early January 1995, several options will be outlined including; a recommended option for an eighteen month adjournment of the case so the Parties may continue Treaty Negotiations. This would include a \$300,000 request for Wet'suwet'en capacity building in the 1996/97 fiscal year. There was no guarantee given that this option will be the one adopted by Cabinet.

If the Province continues negotiations with the Gitksan, and then decides to suspend the negotiations, the Wet'suwet'en will commit to proceed with their negotiations, based on their own merit, independent of any Provincial suspension of negotiations with the Gitksan.

The Province and the Wet'suwet'en agreed to ensure that negotiations are as open ended as possible and that innovative solutions are explored wherever possible to meet our respective interests.

The Wet'suwet'en will provide to the Province a list of all their "cut off claims" along with all research they have on each claim. The Province agreed to consider whether these claims should be part of the process but without prejudice to any land and cash treaty settlement.

The Province will follow up on the cultural, education and economic development value of the fee simple parcel of land which was identified. The Wet'suwet'en are to provide a legal description. The Province will investigate the possible use of treaty interim measures (consistent with our land selection model) if there can be a demonstration of public interest.

The Province will also investigate the issues relating to the land settlement model and the jurisdiction ramifications

if there is a sharing of resource revenues on settlement land or continuation of existing tenures on settlement land. The Province will continue internal dialogue with the Wet'suwet'en concerning our land selection procedure, reviewing results of preliminary analysis and identifying location specific interests of the Wet'suwet'en. The Province will have extensive discussion with the Wet'suwet'en over the period January to March 1996 to incorporate the interests of the Wet'suwet'en in possible land selections as fully as possible.

The Province will not table an offer (and only with Canada's agreement) for at least a two month period after the end of March 1996 to allow the Wet'suwet'en to review the information garnered through this process and to seek community input.

V SUMMARY or CONCLUSION:

The Wet'suwet'en want to continue negotiations and would like to negotiate following the agreements as laid out in this December 19, 1995 meeting. They will not recommend a discontinuance of the Delgam Uukw Appeal to their chiefs and people as they feel it would be seen as a total submission to the Crown.

John Cowell  
Negotiator

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## MINISTRY OF ABORIGINAL AFFAIRS

### BRIEFING NOTE

Prepared for Honourable John Cashore, Minister, FOR INFORMATION.

Members of the Fort Connelly Indian Band have erected a blockade on the BC Rail line, north of Takla Landing (km 241 of Dease Lake Extension). Their primary concern is a fine of approximately \$300,000 levied against their development corporation by the Ministry of Forests (MOF) for cutting timber without authority.

The Fort Connelly Indian Band was merged with the Takla Indian Band for administrative purposes, by the Department of Indian Affairs, and moved from Bear Lake to Takla. Fort Connelly people are Gitksan and the Takla Band are Carrier. Recently, some Fort Connelly members, led by Thomas Patrick, moved back to Bear Lake and attempted to formally become a Band under the Indian Act and develop a viable community at Bear Lake.

In August of 1994, they erected a blockade to protest cutting activities in the Sustat and Kotsine watersheds. This was dismantled by the police, but resulted in the burning of two bridges. Subsequent to the blockade being dismantled, the MOF commenced discussions around the concerns vis a vis the Kotsine and the Sustat, and initiated local economic development discussions.

As the Fort Connelly Band had pursued independent band status and submitted its own statement of intent with the British Columbia Treaty Commission, the MOF had agreed to do business with Fort Connelly as a separate entity. As a part of the negotiations, the MOF had agreed to provide the Band with an economic development package which involved a logging contract. The Fort Connelly Band proceeded to remove timber prior to obtaining permits and paying the stumpage required. This ended in a dispute between the MOF and Fort Connelly and an eventual fine of approximately \$300,000 levied against the development corporation. The Principles of the corporation are Thomas Patrick, Acting Chief, and Dieter Berg, a consultant and local lodge owner.

The Fort Connelly people have now erected an unmanned blockade and have raised the issues of both the fine and logging in the Kotsine and the Sustat. There is a current injunction in the area prohibiting members of the Fort Connelly Band from impeding BC Rail access and from interfering with the activities of Takla Track and Timber TTT) which holds the cutting permits. Police may move in to enforce the injunction this weekend.

Dieter Berg appears to be behind most of the activities of the Fort Connelly Indian Band. It appears that he is the one who stands to lose the most if MOF insist on the fine. The logging contract and related economic development initiatives had the potential to serve as a model of cooperation between a remote Indian community and the MOF, but has now turned sour.

Existing linkages with the Gitksan Treaty Office (GTO) are not clear. Don Ryan has not publicly supported or denounced the blockade, and is not likely to do so in the future.

### V SUMMARY

Resolution of the blockade issue is currently between TTT, and the Fort Connelly Band. If the existing injunction is valid, it is likely it will be enforced by the police, at the request of TTT.

We will have to wait and watch to see what links develop between the GTO and the Fort Connelly Band.

Mark L. Stevenson

Treaty Negotiator

Northwest Regional Team

September 22, 1995



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## MINISTRY OF ABORIGINAL AFFAIRS

### BRIEFING NOTE

Prepared for Honourable John Cashore or Philip Halkett, Deputy Minister,  
FOR INFORMATION.

At the Main Table treaty negotiations with the Gitksan, held on December 7, 1995, the province presented a land selection model which rejected the Gitksan co-jurisdiction model for treaty settlements.

The Accord of Recognition and Respect which led to the adjournment of the Delgamuukw matter will expire by mid-January, 1996. The Gitksan and Wet'suwet'en will have to decide if they wish to discontinue their litigation, or recommence the litigation and abandon negotiations.

The litigation is scheduled to recommence on March 15, 1996.

The Parties have fundamentally different visions of a treaty settlement. The Gitksan and Wet'suwet'en are seeking a co-jurisdiction model which seeks to maximize aboriginal jurisdiction on crown lands.

The Province is seeking a land selection model which would maximize provincial jurisdiction on crown lands and limit aboriginal jurisdiction to settlement lands. The provincial model is based on province wide interests which include: certainty, consistency of standards and affordability.

After first briefing the Regional Advisory Committee and the Treaty Advisory Committee, the Province tabled its land selection model at open meetings on December 7, 1995 with the Gitksan, and December 8, 1995, with the Wet'suwet'en, essentially rejecting the co-jurisdiction model.

A press release by the Gitksan dated December 5, 1995 led negotiators to believe their model would be rejected out of hand. However, Gitksan negotiators sought more information on the provincial approach and attempted to manipulate numbers which would result in a larger land base for themselves, based upon the Nisga'a model. The Wet'suwet'en reaction was similar, though less detailed.

At the negotiating table, there was no rejection of the provincial approach.

In a related set of negotiations, the Ministry of Forests is currently involved in discussions on forestry matters with the Gitksan, and have engaged the services of a facilitator to attempt to bring the parties closer. These negotiations are continuing at a slow pace.

Currently, there is some speculation around Gitksan leadership, particularly the leadership of s.22

s.22 . This speculation has recently been fuelled by correspondence from some Gitksan members to the Treaty Commission and to the Province.

The Gitksan have an assembly scheduled for December 12 and

13, 1995, and will be briefing their hereditary chiefs on the provincial approach. Leadership may emerge as an issue at the assembly.

It is possible that both the Gitksan and Wet'suwet'en may be considering going down the "lands selection" path. If this is the case, they will attempt to push the provincial mandate to the extreme.

On the other hand, the alternatives of negotiation as a result of discontinuance or litigation may be too stark for them, and in the end, they may both decide to "save face" and litigate.

It may well be that a further adjournment is the only "win win" alternative.

It is too early to say if the Gitksan or Wet'suwet'en would accept the provincial approach rather than litigate. Clearly, they will both wish to have political meetings with Ministers early in January before making a decision.

Mark Stevenson  
Treaty Negotiator  
North West Coast Regional Team  
December 11, 1995

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STRICTLY CONFIDENTIAL

TREASURY BOARD SUBMISSION

The Honourable Elizabeth Cull

Chair

Treasury Board

Victoria, British Columbia

REQUEST NO.:

August 15, 1995

Treasury Board approval is requested to fund the participation of the Wet'suwet'en in joint (British Columbia-Wet'suwet'en) working groups pursuant to bilateral negotiations under the Accord of Recognition and Respect in the amount of \$100,000.

An Accord of Recognition and Respect between the Province of British Columbia and the Office of the Hereditary Chiefs of the Gitksan and Wet'suwet'en Peoples was signed on June 13, 1994.

The Accord provides for a one-year adjournment of the Gitksan and Wet'suwet'en appeal in *Delgam Uukw v. the Queen* to enable the parties to engage in negotiated resolutions to a number of critical bilateral issues and to begin trilateral negotiations in accordance with the six-stage process of the B.C. Treaty Commission. The Accord also provides for a six-month extension upon agreement of all parties.

Although the Accord raises the concept of "significant progress" as a way for the parties to assess whether or not negotiations are preferable and more productive than litigation, it leaves the matter undefined. Consequently, separate significant progress agreements were required to more precisely define how the parties would assess progress in both treaty negotiations and bilateral negotiations.

In order for negotiations to proceed, the Accord recognizes that negotiation funding will be required. Trilateral negotiations are funded through the B.C. Treaty Commission. Bilateral negotiation funding was requested from the Province. In August, 1994, Treasury Board approved a total of \$0.68 million to cover costs of both the Gitksan and the Wet'suwet'en incurred to negotiate the significant progress agreements and subsequent negotiations flowing from those agreements. Although the funding request was for a three-month period, Treasury Board approval was contingent on the Ministry of Aboriginal Affairs advising the First Nations that this funding was approved to conclude bilateral negotiations.

A significant progress agreement was signed with the Gitksan on March 2, 1995, and with the Wet'suwet'en on April 10, 1995.

Considerable progress has been made in trilateral negotiations.

Framework agreements with the Gitksan and the Wet'suwet'en as well as a mandate to proceed to agreement-in-principle negotiations were approved by Cabinet on July 5, 1995,

With respect to Wet'suwet'en bilateral negotiations, consistent

with the Wet'suwet'en Significant Progress Agreement, specific agreements on lands and resources, human services and economic initiatives have been developed. These agreements commit the parties to continue working together to improve the operational working relationship between the Wet'suwet'en and the Province, and to enhance Wet'suwet'en access to government programs and services.

In addition, specific initiatives are identified in the agreements for implementation at the community level. These initiatives in themselves do not represent a significant departure from normal line ministry business with a First Nation. What they represent is a new way of doing business, where cooperative planning ensures that ministry initiatives truly meet the needs of the community they are intended to serve. They have been funded through existing Ministry budgets as part of their normal operating costs. (Note: a separate Treasury Board Submission has been prepared to describe the Information Systems On July 5, 1995, Cabinet approved the six-month extension provided for in the Accord. The Wet'suwet'en have also approved the extension. During this six-month period, the joint working groups will continue to meet to oversee the implementation of the bilateral agreements, ensure ongoing co-ordination and communication between the parties, and to undertake additional initiatives or projects as directed by the parties. It is intended that each working group will meet at least once a month, with additional meetings scheduled as required.

The Wet'suwet'en have identified the need for funding to support their participation on these working groups during the period of the extension.

#### Government Values and Priorities

The Province has been consistently clear in its commitment to negotiation, rather than litigation, as an effective way to resolve issues between the Province and First Nations. The Accord provided an opportunity for that commitment to be demonstrated, and the results in the first year suggest that this commitment to negotiations is well-founded.

While much progress has been made, it is not sufficient from the perspective of the Wet'suwet'en to discontinue the Delgam Uukw litigation. The six-month extension provides the parties with a further opportunity to achieve "significant" progress that could lead to a full discontinuance of the litigation.

#### Financial Management Considerations

As Cabinet has approved a six-month extension provided for in the Accord, there will be a requirement for on-going negotiation and participation in the process. This extension means that bilateral negotiations will be concurrent with the trilateral negotiations. The nature of the Gitksan bilateral negotiations differed from that of the Wet'suwet'en, and does not call for the same level of intensive ongoing bilateral negotiations. Accordingly, the Gitksan have not submitted a request for negotiation funding support to date. If the Gitksan identify such a requirement, the

Province would be obligated to respond in a manner consistent with its approach to the Wet'suwet'en.

To date, approximately \$1.5 million has been expended, committed or requested to support the Wet'suwet'en participation in the Accord process.

\$395,000 to support the negotiation of the Accord and the Significant Progress Agreement, including funding for Wet'suwet'en community consultation related to these negotiations, and excluding the \$100,000 requested in this submission.

approximately \$1 million for the implementation of specific initiatives identified in the bilateral agreements (see attached list).

An additional \$100,000 is requested in this submission to enable the Wet'suwet'en to continue in the process.

Option #1:

Approve the funding request to enable the Wet'suwet'en to continue to participate in the joint working groups so that the Significant Progress Agreement can be fully implemented and the parties have a legitimate measure of reinforces the Province's commitment to the Accord and to negotiate, rather than litigate, solutions builds upon the progress achieved to date in bilateral negotiations by enabling the parties to implement the agreements that have been reached ensures that resources (human and financial) committed to date are not wasted by the inability of the Wet'suwet'en to stay engaged in the process recognizes the positive relationship that has been developed and signals the Province's desire to continue working with the Wet'suwet'en towards a more positive, productive and mutually rewarding partnership Wet'suwet'en ability to stay engaged in these negotiations is supported by local third party interests who are supportive of the initiatives identified in the Significant Progress Agreement perception by other First Nations that the Wet'suwet'en have received excessive funding in the Accord process perception by other First Nations that the Wet'suwet'en have an unfair advantage in accessing government funds because of the "special" nature of the Accord perception by non-aboriginal interests that the Province is "buying" a settlement of Delgam Uukw need for Treasury Board to rationalize its decision in light of its previous instructions when approval was given for funding for a similar purpose approximately \$1.5 million has already been expended, committed or requested to support negotiations and implementation related to the Accord and the Significant Progress Agreement

Option #2:

Do not approve the funding request.

minimizes the potential for criticism with respect to excessive funding

is consistent with previous Treasury Board direction

sends a clear signal that, while the Province is

committed to the Accord, it is not prepared to support

an "at any cost" process to achieve discontinuance of

Delgam Uukw

potential to adversely affect the status of bilateral

negotiations and to undermine the positive relationship

that has developed between the parties to date

Wet'suwet'en would likely be unable to continue to

participate in the working groups, and if they could,

their participation would be so reduced as to impede

productive, efficient implementation of the bilateral

agreements in the required timeframe

potential for local third party backlash if we cannot

deliver on the agreements that have been developed

Option #1:

Approve the funding request to enable the Wet'suwet'en to

participate in the joint working groups so that the Significant

Progress Agreement can be implemented and the parties have a

legitimate measure of "significant" progress at the end of the

six-month extension period.

Ministry Contact:

Carol Ann Shearer (356-5272)

Negotiator

Northwest Regional Team

John Cashore

Minister of Aboriginal Affairs

Date

Approved/Not approved

Chair, Treasury Board

Date

Brenda Eaton

Secretary

APPENDIX I

Summary of Financial Contributions Expended, Committed and

Requested to August 15, 1995 to Support Wet'suwet'en Bilateral

Negotiations.

Accord

Negotiation funding

Community Consultation

Significant Progress Agreement

Negotiation

Implementation

Participation in joint working

groups

Specific Initiatives

Public Information

Healthy Babies, Healthy Families  
Needs Assessment  
Social Justice Worker  
Cultural Camps  
Information Systems Review  
Information Systems Project  
Planning Assessments  
Cultural Heritage Inventory Proposal  
Forest training Pilot  
Wildlife habitat Inventory  
Assistance  
Mineral and Energy Forum  
Regional Integrated Economic Strategy  
Provision of Forest Cover Maps, TRIM  
data and translation of data for use  
Sub Total Committed and Expended  
Sub Total Requested  
Total

\*Funding requested, not yet approved.

Line Ministry costs are expended as part of their normal  
operating costs to deliver programs.