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September 6, 2019

Canada, British Columbia, and First Nations Summit endorse new negotiating policy: Indigenous rights recognition and no extinguishment

VANCOUVER – The Principals of the BC treaty negotiations process endorsed a policy on Wednesday that will significantly advance reconciliation in BC. The *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* (“the policy”) was co-developed by Canada, British Columbia, and the First Nations Summit and makes it clear that negotiations are based on the recognition of the inherent rights of Indigenous peoples.

Rights recognition was always the intention of treaty negotiations. At the 1992 signing of the BC Treaty Commission Agreement, establishing the made-in-BC treaty negotiations process, Chief Joe Mathias proclaimed:

“Negotiations, in our view, will not be based on that tired old notion of extinguishment. We will not tolerate the extinguishment of our collective Aboriginal rights. Let us set that clear today.”

While some modern treaties are being implemented in Canada, negotiating policies have been slow to fully embrace rights recognition. The new policy is unequivocal in rejecting extinguishment, and directs that treaties not require full and final settlement and are capable of evolution. This brings the federal and provincial policies in-line with the original spirit and intent of the treaty negotiations process. The policy also acknowledges that negotiations must be based in good faith, the honour of the Crown, and will respect the United Nations Declaration on the Rights of Indigenous Peoples.

“This new policy in effect recognizes the legal and constitutional nature of indigenous title, rights, laws and legal systems, requiring negotiations for their protection and implementation be of the upmost importance for our country. This policy will ensure this happens,” states Chief Commissioner Celeste Haldane. “After a long history of rights denial in Canada, then rights reluctance, this policy demonstrates we are now officially in a new era of Indigenous rights recognition. We congratulate the Principals on this ground-breaking collaborative policy.”

The policy was endorsed in Victoria by Minister of Crown-Indigenous Relations Carolyn Bennett, Minister of Indigenous Relations and Reconciliation Scott Fraser, and the First Nations Summit, with the Treaty Commission in attendance.

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Quick Facts

- The Principals expanded the Treaty Commission's mandate in January 2018: "Through its role in facilitating treaty negotiations, BCTC will support the implementation of the UN Declaration, the TRC's 94 Calls to Action, the federal Principles, and the recognition of First Nations right and title."
- On December 2018 the Principals signed an accord committing to changing BC treaty negotiations.
- In the 2019 budget, the federal government announced that treaty loans will be eliminated and repaid.

FOR MORE INFORMATION

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About the BC Treaty Commission

The Treaty Commission is the independent body responsible for overseeing treaty negotiations among the governments of Canada, BC and First Nations in BC. It has three roles: facilitation, funding, and public information and education. Visit www.bctreaty.ca to learn more about the Treaty Commission.