

# The Te'mexw Treaty

## Impact on Local Communities

The Governments of Canada and British Columbia are in negotiations on the Te'mexw Treaty with five Coast Salish First Nations on Lower Vancouver Island. Local governments who may be impacted by this treaty have come together to identify and share their interests and concerns.

The local Te'mexw treaty advisory committee understands the need for the treaty process. Recognizing its impact on municipalities and the people who reside in them, the committee has been working since 2005 to have local interests heard.

### The Treaty Process in BC

The BC treaty process is a land claims negotiation process started in the early 1990s to resolve outstanding issues with British Columbia's First Nations.

A treaty is a negotiated agreement that spells out the rights, responsibilities and relationships of First Nations and the federal and provincial governments. The negotiation process deals with far-reaching issues such as land ownership, governance, wildlife and environmental management, sharing resources, financial benefits and taxation.

Many of the issues of interest to First Nations are also the responsibility of local governments. Therefore, it's necessary that municipalities have a role in treaty negotiations and implementation. This is generally done through an advisory committee.

In BC, there is a six-stage process that the federal, provincial and First Nations go through to reach agreement on a treaty.

### The Te'mexw Treaty

The Te'mexw Treaty is in stage four of the treaty process. In this stage, the three parties examine in detail the issues, define a range of rights and obligations, and begin to plan for implementing the treaty. The three parties involved are the Federal Government, Provincial Government and the Treaty Association negotiating on behalf of the First Nations represented: Songhees, Nanoose, Beecher Bay, T'Souke and Malahat.

The advisory committee for this treaty represents the municipalities of Colwood, Esquimalt, Highlands, Langford, Metchosin, Saanich, Sooke and View Royal. The committee has developed an interest paper that identifies local government concerns and interests.

## The Te'mexw Treaty and Local Government

The Te'mexw Treaty Advisory Committee has identified interests in seven areas that may impact local government and the people they represent.

1. **Standards & Regulations** – Local governments are required to maintain safety, environmental and public health standards. *We need compatible standards and regulations on all lands, including treaty settlement lands.* The issues: environmental standards, economic and environmental sustainability, building inspection, fire protection, business regulations and assistance, and emergency preparedness.
2. **Land Use Planning & Servicing** – Local governments facilitate the planning of healthy communities. *We need existing processes such as Official Community Plans, the Regional Growth Strategy and other bylaws to be coordinated with First Nations.* The issues: boundary roads and development approvals, servicing costs, land transfers, and shared services such as schools, recreation, hospitals, parks, police, emergency telecommunications, libraries and more.
3. **Infrastructure & Services** – Local governments provide and maintain sewers, water, parks, recreation, waste management, fire and police protection and more. *We need to work with First Nations to ensure that infrastructure and services are efficiently provided at the lowest possible cost.* The issues: infrastructure standards, capital costs for common servicing and access to right of ways.
4. **Revenue & Taxation** – Local governments must maintain stable budgets without unduly increasing the tax burden for individuals or property. *We need to ensure that local governments maintain their current tax base.* The issues: loss of grants in lieu of taxes, taxation without representation.
5. **Governance** – Local governments have well defined working relationships with the federal and provincial governments and between themselves. *We need a clearly defined relationship between local governments and First Nations.* The issues: participation in regional planning, input into treaty language on local government relations, applying and enforcing bylaws.
6. **Natural Resources** – Local governments depend upon access to natural resources for livelihood and recreation. *We need a say in the management of the natural resources on treaty settlement lands.* The issues: access to recreational areas, protection of water resources, the agricultural land reserve, green space and air quality.
7. **Communication** – Local government and First Nations relations are dependent on an orderly transition process that is understood and supported by all. *We need a communication protocol between TAC members and local Bands.* The issues: working together to achieve mutual understanding and collaboratively exchanging information.

The full report is available on the web site of the municipalities listed below.

### Next Steps

Although the Te'mexw Treaty Advisory Committee has a limited ability to influence treaty negotiations, its members will continue to put forward the interests of local government and municipal taxpayers.

To learn more or to have your say, please contact your local MLA, MP or the Honourable George Abbott, BC's Minister of Aboriginal Relations and Reconciliation. Further information on the Te'mexw Treaty is available at: [www.gov.bc.ca/arr/firstnation/temexw/](http://www.gov.bc.ca/arr/firstnation/temexw/)