

2024

UCHUCKLESAHT YOUTH TREATY SIMULATION



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[The Gordon Foundation](https://gordonfoundation.ca/)¹ has been running Treaty Simulations in collaboration with communities, organizations, high schools, universities, government and Treaty experts since 2019. The Treaty Simulation model provides a hands-on learning experience to help participants understand Modern Treaties in Canada. Watch the animated [Treaty Simulation Explainer](https://understandingtreaties.ca/experience/e01/)² video to see how it all comes together. The Gordon Foundation would like to thank Uchucklesaht Tribe Government for their partnership on this event.

1 <https://gordonfoundation.ca/>

2 <https://understandingtreaties.ca/experience/e01/>

Notes on Terminology: Within this booklet many terms will be used. As a general rule, the terminology used during the time period or context being referenced will be used. For instance, the term “Aboriginal” is used in the context of legislation such as the section 35 of the *Constitution Act, 1982* while the term “Indian” is used in the context of section 91(24) of the *Constitution Act, 1867*.

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Table of Contents

LOGISTICS	4
AGENDA	5
PARTICIPANT PLEDGE	6
TREATY SIMULATION SCENARIO	8
OVERVIEW OF THE SIMULATION MEETING	10
BACKGROUND READINGS	11
ADVISOR PANEL NOTES	14
NOTES	15

Logistics

CONTACTS

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LOCATION & TIMING

The event will take place at the Wellness Centre in the Village of Ehtlateese. Breakfast will be served at 9:45AM and the days will end around 3:30PM.

Daily transportation to the Village will be available: departing Port Alberni at 8:30AM and returning around 4:00PM each day (depending on weather conditions).

Participants are asked to attend for the full event. Please let us know if you are unable to attend all or part of the event.

ACCESSIBILITY

We are committed to making the Treaty Simulation inclusive and accessible, and will do whatever we can to ensure the full participation of all attendees. Please contact us with questions or requests regarding access.

WHAT TO BRING

Business casual (relaxed but professional) or Traditional/Cultural clothing is suggested, or whatever you already have that you think looks professional. Tablets will be available to borrow at the event, but you are welcome to bring a laptop/tablet if you would like to use your own device during the event.

WHAT TO EXPECT

Your participation in the Treaty Simulation will be active. There will be both independent and group tasks/activities. You will be part of a team with other participants, and you will share research, writing, and public speaking tasks with your teammates.

Agenda

TUESDAY, JULY 9

- **8:30am Boat from Port Alberni**
- **9:45am Breakfast**
 - Opening
 - Introductions
 - Event Overview
- **12:00pm Lunch**
 - Advisor Panel
 - Team Prep
- **3:30pm End of Day**
- **4:00pm Boat to Port Alberni**

WEDNESDAY, JULY 10

- **8:30am Boat from Port Alberni**
- **9:45am Breakfast**
 - Team Prep
 - Activity
- **12:00pm Lunch**
 - Team Prep
- **3:30pm End of Day**
- **4:00pm Boat to Port Alberni**

THURSDAY, JULY 11

- **8:30am Boat from Port Alberni**
- **9:45am Breakfast**
 - Final Prep
 - Negotiation
- **12:00pm Lunch**
 - Negotiation
 - Sharing Circle
 - Closing
- **3:30pm End of Day**
- **4:00pm Boat to Port Alberni**



Participant Pledge

This pledge is your commitment to participating in the Gordon Foundation's Treaty Simulation.

A Treaty Simulation is a hands-on learning event for you to experience the realities of negotiating or implementing part of a Modern Treaty. As part of the simulation, we will use fictional examples of how real-life agreements are negotiated and implemented.

As a participant in the Treaty Simulation, we ask you to step outside the box and approach the exercise with imagination. The Gordon Foundation is committed to creating a safe space for participants to share new ideas, practice skills, and learn from one another.



TO THE BEST OF MY ABILITY, I COMMIT TO:

Being punctual and fully attending each day of the Treaty Simulation;

Participating in the simulation exercise in good faith and in the spirit of teamwork, community and relationship building;

Respecting the privacy of what others share in the discussions and engaging with empathy; and,

Contributing to a positive learning environment.

SIGNATURE: _____

NAME: _____ **DATE:** _____

Treaty Simulation Scenario

The following information is based on a fictitious example for the Treaty Simulation which is focused on the implementation of Modern Treaties. Although the implementation aspects are fictitious, the scenario is based on real-life agreements with peoples, nations, organizations and different levels of governments.

SCENARIO BACKGROUND

Fish and wildlife management in British Columbia is a shared responsibility between BC First Nations, the Government of British Columbia, and the Government of Canada. The Treaty Simulation will be based off the Maa-nulth First Nations Final Agreement, which came into effect on April 1, 2011. Chapter 10 of the Maa-nulth Final Agreement led to the creation of the **Joint Fisheries Committee** (JFC), which is an instrument of fisheries management.¹ The JFC is made of representatives from all five Maa-nulth First Nations, the Government of Canada, and the Government of British Columbia.

The Uchucklesaht Tribe Government, a member of the Maa-nulth First Nations, keeps a close eye on the population levels of fish moving from Hucuktlis Lake and the Uchucklesaht Inlet every year. Fish are counted through the construction of a **fish fence** and monitored in person.² However, the Henderson Sockeye population shows a pattern of continual decline, with recent counts being far below historic levels. Uchucklesaht Tribe Government recommends action be taken to determine and address the issues causing low populations of the coveted Henderson Sockeye.

¹ https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/fact_sheet_maanulth_aip_fisheries.pdf

² <https://www.uchucklesaht.ca/cms/wpattachments/wpID149atID407.pdf>

TREATY SIMULATION TASK

Participants will be divided into three teams, with each team representing one of the parties (the groups participating in the negotiation): **Uchucklesaht Tribe Government (UTG)** representing the Maa-nulth First Nations, Government of British Columbia (**provincial**), and Government of Canada (**federal**).

Your team will receive a **mandate letter** (a set of instructions given to negotiators from the government/Nation they are representing) expressing your party's goals and objectives. With help from an experienced advisor, your team will write a **proposal** (a formal recommendation for negotiators to present at the negotiation table) outlining what your party wants to see in the **Salmon Management and Rebuilding Plan**.

The three teams will meet at the negotiation table, where each team will present their **opening statement** (to introduce your party). Next, each team will present their party's proposal for the Plan. Teams will then negotiate until a **consensus** (a mutual agreement or compromise) is reached on a final Plan.

Your team's proposal for the **Salmon Management and Rebuilding Plan** should address:

1. Protection and restoration of habitat;
2. Initiatives that identify and reduce the impacts of climate change;
3. Other ideas (e.g., research/monitoring, public education); and,
4. Costs to implement the plan and who should cover them.



Overview of the Simulation Meeting

OPENING

- The hosting team opens the meeting.

INTRODUCTIONS

- The Chair asks each team to introduce themselves with an opening statement.
- Teams do not interrupt or ask questions during introductions.

PROPOSAL PRESENTATIONS

- The Chair asks each team to present their proposals.
- Teams do not interrupt or ask questions during presentations.
- Use your proposal presentation from Step 3 when it is your team's turn to present.
- When your team is presenting, your note-taker(s) will copy your proposal into a Comparison Chart for all the teams to see.

FIRST CAUCUS

- The Chair calls a 10-minute caucus (a break for teams to meet privately).
- Teams should look for any common ground or disagreements between proposals and decide what clarifying questions they want to ask the other teams.
- During a caucus, teams leave the negotiation table to strategize privately. The first caucus takes place after the introductions and proposal presentations. Each team can then call one caucus at any time during the negotiations.

NEGOTIATIONS

- The Chair calls on each team to ask questions and receive responses.
- After each team has a turn, the Chair decides which area to negotiate first, and negotiations resume.
- During negotiations, note-takers from each team help record consensus (mutual agreement on a compromise) decisions in the Comparison Chart for all the teams to see.
- Teams can call a caucus during negotiations when they need to meet privately.

CLOSING

- The Chair asks teams to review the consensus notes documented by the note-takers.
- If everyone agrees that the documented notes represent the consensus they negotiated, the Chair invites the hosting team to close the meeting.

Background Readings

WHAT IS A TREATY?

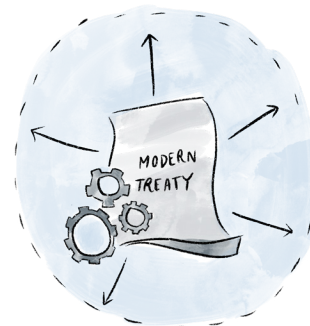
In 1763, King George III of Great Britain issued The Royal Proclamation¹ confirming the original occupancy of Indigenous peoples and paving the way for land agreements between the British Crown (government) and Indigenous peoples. The proclamation established how the British would manage land in North America following the Seven Years War.² It proclaimed that settlers could not live on the land until the Crown had signed treaties with the First Nations who occupied the territories.

There are also many examples of historic treaties; see the *Pre-1975 Treaties of Canada* map illustrating those signed before 1975.³ Although many treaties were signed more than a century ago, treaty commitments remain valid today. The treaties set out continuing treaty rights and benefits that First Nations entered into with the British government, and later Canada. Treaty rights are protected by section 35(1) of the *Constitution Act, 1982*.⁴ Ensuring the recognition of treaty rights is an on-going challenge that Indigenous peoples continue to face.

For this exercise we will be looking at Modern Treaties. In this context, the definition of a treaty is a legally binding agreement made between the Crown and Indigenous nations, governments, or organizations.

WHAT IS A MODERN TREATY?

Known as Comprehensive Land Claims Agreements elsewhere in Canada, Modern Treaties are constitutionally protected agreements between Indigenous peoples, the federal government, and a provincial/territorial government that create a long-term relationship between the signing parties. First and foremost, Modern Treaties recognize and protect Indigenous rights and title to their land. Indigenous peoples have inherent rights that are affirmed in the Constitution. The Constitution did not create these inherent rights, but recognized and affirmed them. Indigenous peoples were and are inherently self-determining with or without Modern Treaties. Modern Treaties are tasked with reconciling, clarifying, and modifying these rights. See the *Modern treaties and stand-alone self-government agreements* map.⁵



1 https://www.rcaanc-cirnac.gc.ca/DAM/DAM-CIRNAC-RCAANC/DAM-PPLCOM/STAGING/texte-text/nahm_250_pt_1379596017260_eng.pdf

2 <https://www.thecanadianencyclopedia.ca/en/article/seven-years-war>

3 <https://www.rcaanc-cirnac.gc.ca/eng/1100100032297/1544716489360>

4 <https://www.thecanadianencyclopedia.ca/en/article/constitution-act-1982>

5 <https://www.rcaanc-cirnac.gc.ca/eng/1605796533652/1605796625692#sec3>

TREATY-MAKING IN BRITISH COLUMBIA¹

First Nations were self-governing long before the arrival of Europeans in what is now British Columbia, and across Canada. These Nations had distinct histories, languages, cultures, laws, and systems of governance. The *Indian Act* (introduced in 1876) imposed strict regulations and attempted to dismantle these systems of governance. Treaties are a means to reclaim and affirm Indigenous self-governance and are a pathway to reconciliation, and new relationships based on mutual respect and recognition.

In British Columbia, there are Historic and Modern Treaties. Treaties signed between the 1700s and the early 1920s are considered Historic Treaties, including the 14 Douglas Treaties on Vancouver Island and Treaty 8. Modern Treaties refer to those signed beginning in the 1970s and into the present day. There are eight Modern Treaties in British Columbia, in addition to a growing number of Self-Government Agreements negotiated within and outside the treaty process.

The history of treaty-making in British Columbia and Indigenous-led processes for the recognition of rights and title is vast. Past and contemporary examples of direct action and numerous landmark court cases have established a legal and political landscape affirming Indigenous (Aboriginal) rights and title, as well as Crown (the Governments of British Columbia and Canada) responsibilities and obligations to address these rights. The *Calder* case paved the way for Indigenous title and rights recognition in Canada and was a key milestone affirming Nisga'a Nation self-governance.

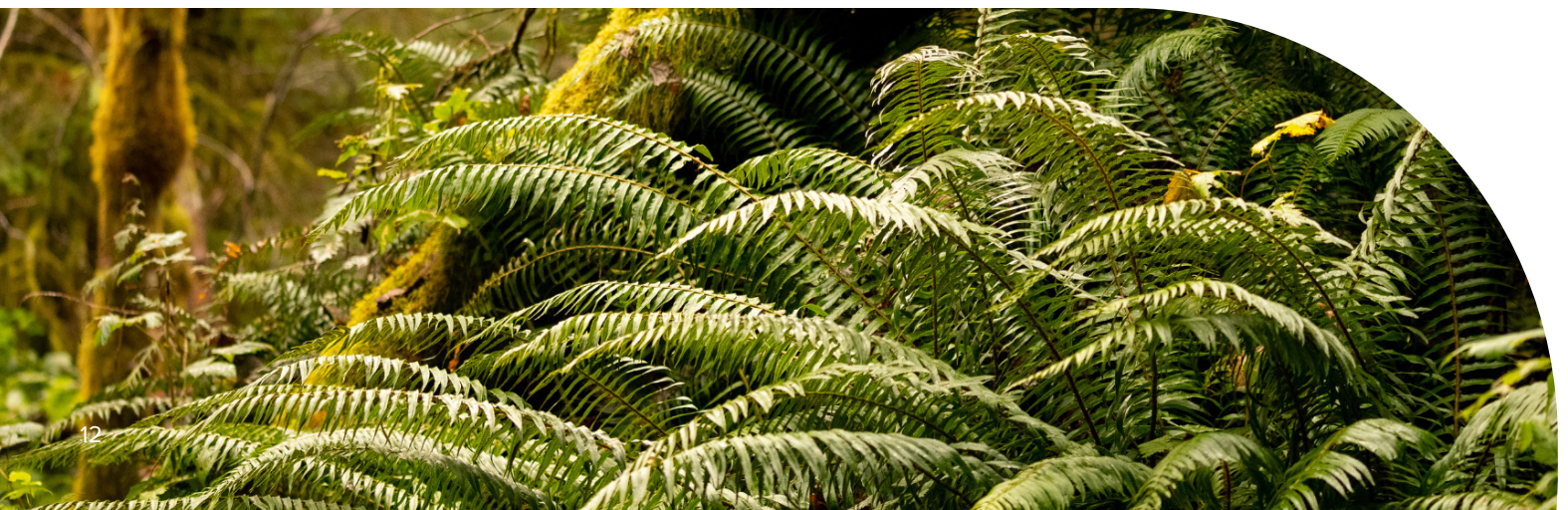
The Nisga'a Final Agreement (Nisga'a Treaty), which came into effect in 2000, was the first Modern Treaty in BC, and the first Modern Treaty to include self-government provisions in Canada. Since then, seven other First Nations have become self-governing through Modern Treaties negotiated through process outlined by the British Columbia Treaty Commission (BCTC).²

Those in the south of the province that have been negotiated more recently (Tsawwassen First Nation, Tla'amin Nation, and the five Muul-nulth Nations) established the Alliance of BC Modern Treaty Nations (joined soon after by Nisga'a Nation in 2019). Treaty-making in BC continues, and there are currently 17 First Nations engaged in negotiations to finalize treaties and become self-governing Nations; see BCTC's interactive map.³

¹ <https://understandingtreaties.ca/discover/bc/>

² <https://bctreaty.ca/negotiations/negotiation-process/>

³ <https://bctreaty.ca/map/>

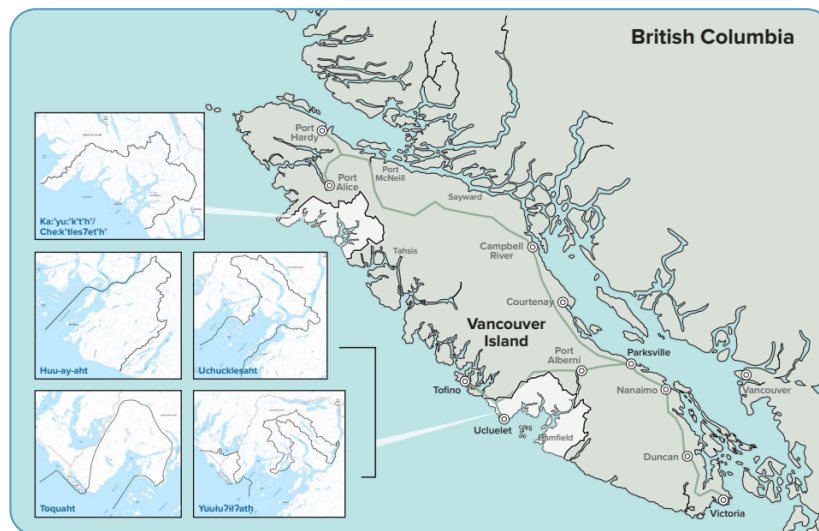


MAA-NULTH FINAL AGREEMENT

“The five First Nations of the Maa-nulth Final Agreement are located on the west coast of Vancouver Island with territories within Barkley Sound, Kyuquot Sound and Chekleset Bay. Maa-nulth means ‘villages along the coast’ in the Nuuchah-nulth language – a fitting name for the five First Nations that are party to the Treaty. Those First Nations are the signatories to the first modern-day Treaty on Vancouver Island: Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ First Nations, Toquaht Nation, Uchucklesaht Tribe, and YuułuꞀiꞀꞀath (Ucluelet First Nation), and the governments of Canada and BC.”¹

- “On December 9, 2006, Premier Gordon Campbell, the Honorable Jim Prentice, the Minister of Indian Affairs and Northern Development and the Five Chiefs representing the Maa-nulth First Nations on Vancouver Island witnessed the joint initialling of the third final agreement reached under the British Columbia Treaty Process.
- In a vote held on June 16, 2007, the Uchucklesaht Tribe approved the Constitution that had been crafted by their community. In votes held in October 2007 all of the Maa-nulth Nations voted in favour of the Maa-nulth Final Agreement and British Columbia and Canada ratified the agreement shortly afterwards.
- On November 21, 2007, the Maa-nulth Final Agreement Act (Bill 45) was introduced into the Provincial Legislature as the five Maa-nulth First Nations witnessed this historical day.”²

The Maa-nulth First Final Agreement came into effect on April 1, 2011 and is the first multi-Nation Treaty in British Columbia.



“The treaty is a clear recognition of our rights and title. The treaty has taken our undefined rights and turned them into defined treaty rights.”

– Uchucklesaht Tribe Government

1 <https://www.maanolth.ca/wp-content/uploads/2023/03/Maa-Nulth-5-year-Report-English-Oct192022-DigitalFinal-LR.pdf>
2 <https://www.uchucklesaht.ca/cms.asp?wpID=205>

Advisor Panel Notes

Listen carefully for important information that is shared during the advisor panel. The information presented will be essential in understanding some of the challenges associated with salmon management in the mountains, lakes, rivers and streams throughout the Uchucklesaht Nation.

What does the Maa-nulth First Nations Final Agreement say regarding salmon management and conservation?

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-
-

What are some of the major challenges and concerns that impact salmon and their environment? How could salmon management be improved upon?

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What is the relationship between salmon and the Uchucklesaht Nation?

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Additional Notes

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