



## Engagement is ongoing



### K'ómoks Treaty Negotiations

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#### Overview

**Who:** K'ómoks First Nation (K'ómoks), the Government of Canada (Canada) and the Province of British Columbia

**What:** Treaty negotiations

**Where:** Vancouver Island

**Why:** To advance reconciliation

**How:** In-person, online

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## K'ómoks Treaty Negotiations

Thank you to everyone who attended the in-person and virtual open houses in 2022. Here is the [presentation](#) from the virtual open house.

From May to October 2022, K'ómoks First Nation (K'ómoks), and the Government of Canada (Canada) and the Province of British Columbia (B.C.) engaged with local communities in K'ómoks First Nation territory to raise awareness about the close of treaty negotiations. In May 2023, the Ministry of Indigenous Relations and Reconciliation, Canada and K'ómoks released a What We Heard Report, which describes the engagement activities and participation rates, including feedback and questions collected during the engagement process, along with responses given by the negotiating partners.

Read the [What We Heard Report](#).

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K'ómoks, Canada (Canada) and B.C. have been in treaty negotiations since 1994. These negotiations are now in the final stage, Stage 5, of the BC Treaty Process. [Read more about that process here](#). Subject to further and ongoing consultation, negotiations are expected to close in 2024.

The treaty table includes:

- K'ómoks, Canada, and B.C. as parties to the treaty
- BC Treaty Commission, as facilitator and neutral party
- Local government representatives

Treaties are an important part of Canada and B.C.'s work to advance reconciliation guided by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission's Calls to Action.

## About the K'ómoks Treaty negotiations

Treaties are constitutionally protected agreements that help build a Nation-to-Nation relationship between First Nations, Canada and B.C. based on mutual trust, respect and understanding. Treaties are protected under the Constitution of Canada and include a commitment to a range of rights and obligations that all levels of government, including Treaty Nations, recognize. Treaties outline responsibilities and jurisdiction over treaty lands such as ownership, access, governance, financial benefits, taxation, and environmental management including fish and wildlife.

To learn more about the treaty negotiations, please read the [K'ómoks Treaty Factsheet](#).

The treaty will:

- Recognize the pre-existing rights and title of K'ómoks
- Establish self-government under a K'ómoks constitution
- Return lands to K'ómoks to self-manage
- Establish a process of co-management/shared governance in its territory

This means that K'ómoks will have ownership and jurisdiction over their treaty settlement land and can determine how best to use it. K'ómoks will have the right to self-govern and make laws concerning their lands and people. For example, K'ómoks could choose to make laws for K'ómoks members about health services, education, child and family services etc.

The treaty will provide the basis for a revitalized relationship between K'ómoks, their neighbours and all levels of government by fostering shared understanding about the treaty and delivering economic predictability in the region. The K'ómoks Treaty is intended to create jobs, promote investment and economic development, build housing, support tourism, encourage investments in infrastructure and support social well-being for the K'ómoks First Nation community, all of which will benefit the entire Comox Valley and surrounding area.

## Background on the K'ómoks Treaty negotiations

As detailed by K'ómoks First Nation, their ancestors have occupied eastern Vancouver Island and offshore islands from Salmon River to Little River. From Little River to Englishman River was occupied by the Pentlatch people. The K'ómoks and Pentlatch people spoke distinct Coast Salish languages and share a rich and vibrant culture. The Pentlatch were amalgamated with the K'ómoks tribes in 1876, by the Government of Canada.

Oral histories and archaeology describe a rich and bountiful relationship between the K'ómoks and Pentlatch people and their territories. Salmon, herring, shellfish, herring, deer, elk, seal, cod, rockfish, geese, duck, and a plethora of berries and plant foods filled the bellies of young and old alike. The harvest, preparation and cultivation of local resources were appropriate to the environment, resource, and spiritual beliefs. Fish weirs, clam gardens, duck nets, berry picking techniques and clothing design met the needs of K'ómoks and Pentlatch people, and for generations provided variety, utility, and sense of cultural uniqueness. Mask dances and rhythmic songs filled the winter nights and throughout the seasons. Property was distributed to guests in potlatches and elaborate naming ceremonies honoured the youth, leaders, and Elders of the communities.

Long before the arrival of settlers in this region, the K'ómoks and Pentlatch people were made up of a number of sub-tribes. Following contact with Europeans, northern First Nations groups started a southerly move into K'ómoks territory. A period of conflict displaced the K'ómoks southward to the territory of their relatives, the Pentlatch around the Comox Valley. Followed by a period of colonial policy and practices, the K'ómoks and Pentlatch families endured hardship and loss of land, resources, and cultural connection.

In the latter part of the 19<sup>th</sup> century, the surviving sub-tribes of K'ómoks amalgamated with the Pentlatch and collectively became known as the Comox Indian Band in 1940. The K'ómoks modern composition was complete when the Hahamatsees/Walitsma, a Kwakwaka'wakw group with partial K'ómoks origins, amalgamated with K'ómoks, bringing with them the Salmon River Indian Reserve.

K'ómoks entered Stage 1 of the treaty negotiations process in 1994 and signed the Agreement-in-Principle (Stage 4) with British Columbia and Canada on March 24, 2012. The purpose of the Agreement-in-Principle (AIP) was to identify and define the range of rights and obligations to be included in the treaty, including:

- Existing and future interests in the land and natural resources
- Governance authorities and structures
- Laws and other regulatory processes
- Fiscal contributions and relationships, as well as processes for amendments and dispute resolution

The AIP forms the basis for the treaty and lays the groundwork for its implementation. Read the [AIP here](#).

During Stage 5 treaty negotiations, the interests identified in the AIP are built upon, additional matters are negotiated, and all legal and technical issues are resolved to reach a formalized treaty agreement. Subject to further and ongoing consultation, negotiations are expected to close in 2024.

There are several important steps that must occur following the completion of negotiations and before the implementation of the treaty begins. K'ómoks must create laws and a constitution to be voted on by its members. Treaty initialing and ratification, including a vote by eligible K'ómoks members, will take place. Once ratified by all parties, the Final Agreement will become a treaty through legislation developed and passed by B.C. and Canada. Prior to the final signing, the treaty requires Royal Assent.

The outcomes of the K'ómoks Treaty discussions are subject to consultation with First Nations with overlap or shared territory interests. As a result, Canada and B.C. have been consulting with these First Nations on an ongoing basis. These are complex processes that require respectful dialogue with and between Canada, B.C. and First Nations.

When signed, this treaty will embody the new relationship and commitments made between K'omoks, Canada and B.C. The final stage, Stage 6, is the implementation of the treaty, which occurs when a treaty is approved by all signatories and has reached its Effective Date.

## Partner and public engagement

Local government, stakeholder and public engagement is important for everyone at the treaty table. The purpose of engagement is to share information and build awareness and support of the final stage of negotiation of the K'omoks Treaty as a step to advance reconciliation and foster good neighbour relationships in the region.

Engagement has been on-going with local governments and stakeholders throughout negotiations to share information about the treaty. Engagement provides an opportunity for local governments, stakeholders and the public to discuss hopes and issues for the treaty and its implementation.

## Resources

[British Columbia Treaty Commission \(BCTC\)](#)

[K'omoks First Nations website](#)

[K'omoks First Nations Treaty webpage](#)

[K'omoks Agreement in Principle \(signed March 24, 2012\)](#)

[About K'omoks First Nation \(B.C.webpage\)](#)


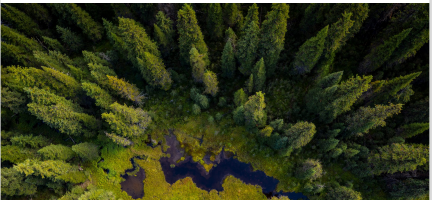

[United Nations Declaration on the Rights of Indigenous Peoples](#)

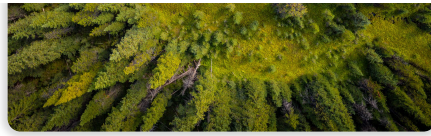
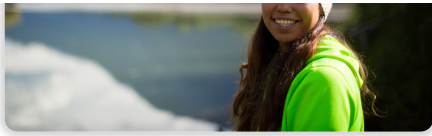
[B.C.Declaration on the Rights of Indigenous Peoples Act](#)

Public invitation information bulletin: <https://news.gov.bc.ca/releases/2022IRR0052-001296>

Public results information bulletin: <https://news.gov.bc.ca/releases/2023IRR0028-000854>

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# Acknowledgement

The B.C. Public Service acknowledges the territories of First Nations around B.C. and is grateful to carry out our work on these lands. We acknowledge the rights, interests, priorities, and concerns of all Indigenous Peoples – First Nations, Métis, and Inuit – respecting and acknowledging their distinct cultures, histories, rights, laws, and governments.

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