

## ‘Ratification does not remove the conflict’: Wei Wai Kum outlines treaty concerns

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**Update May 29:** The B.C. legislature passed Third the *K’ómoks Treaty Act* May 28 with a vote of 53 to 39. statement, K’ómoks First Nation acknowledged that remain regarding shared territory with neighbouring said K’ómoks was committed to continuing dialogue and working diligently to resolve matters and finding solutions. The K’ómoks Treaty ratified through federal legislation by the Parliament Following federal ratification, an effective date will be



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“This is an historic moment for our Nation and for all those who have worked tirelessly over many years to advance this Treaty,” said K’ómoks Chief Nicole Rempel. “Today reflects the dedication of our Elders, members, former leaders, negotiators, staff, and supporters who never lost sight of the vision of a stronger future for generations to come.”

### Original Story:

For Wei Wai Kum Chief Chris Roberts, whose First Nation is among those raising concerns surrounding Bill 20, the *K’ómoks Treaty Act*, the dispute over British Columbia’s proposed K’ómoks treaty is not simply about lines on a map.

It’s about First Nations’ law, territorial responsibility, constitutional rights, and whether neighbouring First Nations should be expected to resolve historic land overlap concerns after a treaty has already become legally entrenched.

Bill-20 seeks to ratify into provincial law the K’ómoks First Nation treaty in the Comox Valley on Vancouver Island. It moves the K’ómoks First Nation out from beneath the *Indian Act* to recognize its inherent right to self-government and law-making on a wide range of treaty chapters, including culture and heritage, harvesting, stewardship and land use.

Roberts told *Windspeaker* that Wei Wai Kum’s concern is not with modern treaties, but with the possibility that territories claimed by a First Nation undertaking treaty could become constitutionally protected despite unresolved disputes over those same territories with other First Nations.



“The concern is not with treaties themselves. Wei Wai Kum supports modern treaties done properly,” Roberts said. “The concern is that unresolved territorial assertions may become constitutionally protected before Indigenous Nations have resolved those issues among themselves.”

He said “Ratification does not remove the conflict. It risks constitutionalizing it.” And Wei Wai Kum has vowed not to let the issue drop, warning of "civil disobedience" if treaty ratification is not paused.

B.C., however, has continued to advance the treaty legislation of K’ómoks and of Kitselas First Nations, which is located in Northwest B.C. near Terrace along the Skeena River. The ratification of the Kitselas treaty is also mired in concern over territorial disputes with the Lax Kw’alaams and the Nine Allied Tribes.

Bill 20, the *K’ómoks Treaty Act*, moved through second reading in the British Columbia legislature on May 20 and is at the committee stage.

On April 20, Wei Wai Kum, Lax Kw’alaams Band, and the Nine Allied Tribes called for a 180-day pause on the K’ómoks and Kitselas treaty bills, arguing additional time is needed for facilitated dispute resolution grounded in First Nations law.

Roberts said the proposed K’ómoks treaty affects close to 80 per cent of Wei Wai Kum’s territory claims. Lax Kw’alaams Mayor Garry Reece has raised similar concerns about the proposed Kitselas treaty, saying neighbouring Nations remain supportive of treaty-making and self-determination, but not “at the expense of other First Nations, regional economic certainty, or public interest.”

“The proposed Kitselas Treaty would affect more than 90 per cent of our title and ancestral rights,” Reece told *Windspeaker*. “This is not a minor overlap and must be addressed before ratification proceeds.”

Roberts said Wei Wai Kum’s concerns involve governance authority, stewardship obligations, First Nations law, and ancestral territories that predate both B.C. and Canada.

“A central concern for Wei Wai Kum is that while our Nation retains Section 35 rights, the governments only consider them to be ‘asserted’ unless we go to court to prove them,” Roberts said. “Modern treaties skip the proof stage and jump straight to constitutionally protected treaty rights that carry a very different level of legal certainty and enforceability.”

Roberts said that difference matters because overlap concerns become more difficult to resolve once treaty rights are established.

“The sad irony is that our ancestors claimed and defended these lands and we are the ones with the strongest strength of claim, but the treaty process flips proof of rights and title on its head,” he said.

The proposed K’ómoks agreement, he argues, lacks some protections found in other modern treaties that Wei Wai Kum says help address overlap concerns, including protocol requirements involving neighbouring Nations and consent mechanisms for future treaty land additions.



He also said Wei Wai Kum believes the treaty could affect ownership of the Salmon River Reserve, harvesting rights in areas such as Heydon Bay and Campbell River, treaty rights in places such as Loughborough Inlet where Wei Wai Kum argues K'ómoks had no presence historically.

K'ómoks leadership has previously disputed similar concerns. Chief Councillor Nicole Rempel has argued the agreement recognizes shared territory and involves a limited treaty land package. In an April 30 statement, she said the proposed treaty land package represents approximately 12,500 acres — “less than one per cent” of the territory claimed by Wei Wai Kum — and does not determine neighbouring Nations’ rights.

K'ómoks, Kitselas, and Kitsumkalum First Nations released a joint statement on May 19 defending the treaty process and the community mandates that support the agreements. The Kitsumkalum Treaty Act is expected to be introduced to the legislature for ratification later this year.

“Our Nations stand firmly behind the integrity of the treaty process and the democratic mandates provided by our people,” the three Nations stated jointly. “These treaties were ratified following years of community engagement, education, consultation, and open dialogue. Attempts to undermine that process through misinformation do not change the facts.”

The three Nations said the treaties represent “hope, certainty, opportunity, and a future beyond the restrictions of the *Indian Act*.” They also rejected suggestions that overlap concerns are being ignored, saying they have engaged neighbouring Nations for more than 25 years and that the treaties do not extinguish neighbouring rights.

Roberts sees the issue differently. He argues the B.C. treaty process itself can place Nations in difficult positions when overlapping territorial histories are not resolved first.

He described the process as an “interest-based” system originally intended to avoid lengthy court-style title battles, but argued it can also create pressure for broader territorial assertions because constitutionally protected rights, governance powers, and economic benefits become tied to mapped areas despite no requirement to prove title or strength of claim.

“The overlap issue was created by placing a colonial structure over top of Indigenous laws and allowing individual Indian Bands to map out whatever territory they wish and submit a map for treaty negotiations with no proof of rights or title and no confirmation from neighbouring First Nations,” Roberts said.

First Nations’ territorial systems should not be misunderstood as “undefined” or “informal,” he said, arguing they were shaped through marriage, trade, diplomacy, alliances, stewardship obligations, and negotiated access arrangements.



“People throw up their hands and say, ‘Those Indigenous people are claiming 110 per cent of the province. It’s all ridiculous,’” Roberts said. “Historically, there were no overlaps. Everyone knew the boundaries and the boundaries were reinforced by Indigenous law.”

Roberts pointed to Wei Wai Kum’s relationship with K’ómoks as one example.

“In our case, there was a longstanding protocol between Wei Wai Kum and K’ómoks that the Oyster River represented the boundary between our territories, and Wei Wai Kum has upheld that understanding consistently over the years,” he said.

He also raised historical concerns involving Walitsama, a Ligwitdaxw Nation amalgamated with K’ómoks Indian Band in 1941, saying the history, reserve interests, cultural sites, and descendants connected to Walitsama require meaningful consideration in any fair process.

On April 20, Wei Wai Kum, Lax Kw’alaams, and the Nine Allied Tribes proposed the pause process to involve First Nations law summits, historical fact-finding, protocol discussions, and binding agreements alongside treaties.

Discussions continued through meetings held May 11 to May 15 involving the Nations, Premier David Eby, and provincial officials, where participants discussed a pause and First Nations law-based dispute resolution. The groups received support from the Union of British Columbia Indian Chiefs.

Provincial officials have maintained that discussions with neighbouring Nations will continue throughout ratification.

“The introduction of the treaty legislation is not the finish,” B.C. Indigenous Relations Minister Spencer Chandra Herbert previously stated. “In fact, it continues the process, and I think it makes clear what conversations we need to have with those neighbouring nations.”

Roberts said Wei Wai Kum has spent years raising concerns with K’ómoks and the province through meetings, correspondence, and First Nations law and protocol discussions. He said the proposed pause of ratification is intended to create more time and further structure for dispute resolution before unresolved issues become more difficult to address.

“A pause is not about stopping treaties. It is about protecting reconciliation and ensuring treaties are built on stable foundations,” Roberts said. “The objective should not simply be to complete treaties quickly. It should be to build agreements and relationships that are legitimate, durable, and genuinely reconciliatory for everyone involved.”