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BULLETIN No. 9 | June 18, 2000

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Squamish Nation Omnibus Trust Action  
Proposed Settlement Agreement

### Explanation and Most Frequently Asked Questions

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**Introduction:**  
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The government of Canada has now made a formal proposal to the Squamish Nation to settle all of the remaining issues in the Squamish Nation's 1977 Omnibus Trust Action. Chief and Council have reviewed this proposed settlement and are recommending it to the membership for a vote.

Membership will be asked to vote on three separate issues. These are:

#### 1. Do you accept the proposed Settlement Agreement?

The Settlement Agreement contains the details of what the Federal government is offering and what the Squamish Nation must do.

#### 2. Do you accept the Trust Agreement?

The Trust Agreement contains the details of what can happen to the \$92.5 million compensation if the membership accepts the Settlement Agreement.

#### 3. Do you agree to a surrender of those lands identified in the Settlement Agreement?



This Bulletin will attempt to explain the Settlement Agreement in plain English. It will do this by providing a short description of the contents of the Settlement Agreement, and by answering the most frequently asked questions about the Settlement Agreement. In doing so, this Bulletin will also talk about the Surrender.

The next Bulletin that is sent to membership will attempt to explain the Trust Agreement in a similar manner.

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## **Plain English Summary of the Settlement Agreement**

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The details of what the government of Canada is proposing as a settlement of our 1977 Omnibus Trust Action are contained in a document called the "Settlement Agreement". This Agreement is between the government of Canada and the Squamish Nation.

If the Settlement is accepted by the Squamish Nation membership, it would put an end to the Kitsilano court case, the Bouillon court case and the remaining claims in the 1977 Omnibus Trust Action. All of these claims were described in Bulletin No. 7 that was sent to membership.

The best way to understand what is in the Settlement Agreement is to look at what the Squamish Nation gets in it and what the government of Canada gets.

### **What the Squamish Nation Gets**

If membership approves the Settlement Agreement, the Trust Agreement and the Surrender, the Squamish Nation will get \$92.5 million.

This money is paid as compensation for all of the remaining claims left in the 1977 Omnibus Trust Action. This includes the Kitsilano and Bouillon claims.

This compensation must be put into a Trust to be administered on behalf of the membership of the Squamish Nation.

The management of the money placed into the Trust will be in accordance with a Trust Agreement that membership would have to approve.

These monies will be managed by trustees appointed by the Squamish Nation and not by the government of Canada.

## **What the Government of Canada Gets**

If the Settlement is approved, the government of Canada will get an end to the claims against it contained in the 1977 Omnibus Trust Action. The end to this lawsuit is provided to the government by the Squamish Nation in what is called a "Release". This is an assurance that the Squamish Nation will end its court case once and for all.

The government of Canada will also get assurances from the Squamish Nation that the Nation will no longer claim that the lands that remain as part of the lawsuit are still Squamish Nation Reserve lands. The lands in question are:

- > the Kitsilano Reserve lands, except for the railway area,
- > the Bouillon lands north of Capilano IR5,
- > all or parts of six former Reserves in the Squamish Valley,
- > the lands under the railway lines that run through Mission IR1, Seymour IR2 and Capilano IR5,
- > the lands under Third Street as it passes through Mission IR1.

Maps of all of these lands were provided in [Bulletin No. 7](#).

Finally, both the Musqueam and Burrard Bands went to court claiming that Kitsilano IR6 belonged to them. The government of Canada is of the opinion that the Reserve was a Squamish Reserve. In the Settlement Agreement, the Squamish Nation has promised that if either Musqueam or Burrard win their court cases, the Squamish Nation will return a portion of the \$92.5 million equal to the amount that Musqueam or Burrard is awarded by the court. This is known as an AIIndemnity@.

## **The Settlement Agreement, Trust Agreement and Surrender Are Connected**

The Settlement Agreement makes it very clear that, in order for there to be an Agreement, the Squamish Nation must approve the Surrender, the Trust Agreement and the Settlement Agreement. If there is no approval of either the Surrender or the Trust Agreement then there is no Settlement.

## How Membership Approval is Obtained

The Settlement Agreement requires that all Squamish Nation members have an opportunity to vote their approval of the Settlement Agreement, the Trust Agreement and the Surrender. The approval vote on the Settlement Agreement and Trust Agreement is called a "Ratification Vote".

In a Ratification Vote, approval is achieved if at least 50% of all members eligible to vote indicate their acceptance of the Agreement. For example, if there are 2,000 registered Squamish Nation voters, then there must be at least 1,001 "yes" votes.

An approval to provide a Surrender of the lands is accomplished by a "Referendum Vote". In a Referendum Vote, approval is achieved if at least 50% of all of those people eligible to vote cast ballots and, of those ballots cast, at least 50% agree to the Surrender. For example, if there are 2,000 Squamish members eligible to vote, then at least 1,001 must actually vote. In turn, a Surrender is obtained if at least 501 of those ballots cast are in favour of a Surrender.

NEXT | [Most Frequently Asked Questions](#)



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