



# Wei Wai Kum

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## **WEI WAI KUM FIRST NATION SUPPORTS MODERN TREATIES, BUT WARNS OF MAJOR CONFLICT AND LITIGATION IF K'ÓMOKS TREATY PROCEEDS AND INFRINGES LIǾWILDAǾW RIGHTS**

*Wei Wai Kum has been offering simple solutions, but B.C. and K'ómoks have refused to listen*

**Territory of the LiǾwildaǾw people, Campbell River, B.C. (April 12, 2026) – Wei Wai Kum First Nation** is urging the Province of British Columbia to pause the K'ómoks First Nation Treaty ratification process. While the Nation remains committed to reconciliation, it warns that the K'ómoks Treaty as currently drafted contains **massive infringements on the Aboriginal rights and title of the LiǾwildaǾw Nations**. Unless amendments can be made, Wei Wai Kum will be forced into legal actions and other formal steps to protect its rights and interests.

Wei Wai Kum has extended repeated invitations to Premier Eby, Cabinet ministers and MLAs to meet with Hereditary Chiefs and knowledge-keepers to understand Indigenous Law. When the Province declined, the Nation moved the meeting to Victoria, steps from the Legislature, to remove any barrier to attendance. The Premier and ministers still declined to meet. The Nation expresses appreciation to the MLAs who attended.

The current K'ómoks Treaty draft is unlike any other modern treaty in B.C. It claims almost 80% of Wei Wai Kum territory: lands, waters and resources that LiǾwildaǾw ancestors secured and defended, and that Wei Wai Kum leaders and Members hold a responsibility to steward and protect. It would also give K'ómoks fee simple ownership of the Salmon River Reserve, which was created for the benefit of LiǾwildaǾw ancestors in the 1880s.

“Wei Wai Kum supports K'ómoks on its reconciliation path, but not at the expense of our rights and title,” stated Chief Councillor Chris Roberts. “We cannot accept a treaty that encompasses LiǾwildaǾw lands where our people have rights and title and have exercised stewardship, governance and cultural responsibilities for generations. The Nation is deeply disappointed and expects more from a government that speaks so often about reconciliation.”

Wei Wai Kum First Nation calls on Canada and British Columbia to pause the ratification process to ensure the treaty does not infringe on the rights, title and territory of Wei Wai Kum and the broader LiǾwildaǾw Nations. One Nation's treaty should not come at the expense of another Nation's history, Indigenous law, rights, title and territory.

By rushing to sign agreements that ignore major territorial overlaps, the Crown is creating conflict between Nations and doubt among landowners and businesses across B.C.,



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threatening to throw the province into uncertainty. These overlaps must be resolved through protocol between Nations, ones that build unity, certainty and stability for everyone in the province, and those protocols need to be based on traditional laws and written into the treaties with equal legal force to the treaty. Wei Wai Kum is a significant economic driver for the mid-Island and Wei Wai Kum territory is the site of the John Hart dam, a new Wei Wai Kum-led wind farm project, two mines and significant forestry, fishing and water resources. All of these may be put at risk if Wei Wai Kum is forced to go to court to claim Aboriginal title to protect itself against the K'ómoks Treaty.

“We want to see treaties succeed,” said Chief Roberts. “But the Crown has a fundamental duty to ensure that treaties respect the rights of all Nations whose territories are affected. The history, ownership and governance of the Liǵwíłdaǵw people in this region is clear, documented and cannot be ignored. K'ómoks cannot magically draw a line on a map, erase history and claim our territory. The governments should not let this happen, and our Chiefs, Council and Members will not allow it to happen.”

Wei Wai Kum cannot and will not stand by while the Crown unilaterally assigns rights within its territory to another Nation. The Nation calls on the NDP government to postpone bringing forward legislation in the spring session to ratify the K'ómoks Treaty. The Nation wants to celebrate alongside K'ómoks, but meaningful collaboration must come first.

“We have solutions to offer. We are willing to negotiate protocols with K'ómoks to jointly recognize core territories and to support each other's treaties,” said Chief Roberts. “To date, K'ómoks has been unwilling to negotiate these solutions and, unlike in other treaties, the governments have declined to require these protocols as part of the K'ómoks Treaty. We are calling on British Columbia to create space for effective and respectful dialogue among Nations so that all can support the agreement, including Wei Wai Kum.”

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## **About Wei Wai Kum First Nation**

Wei Wai Kum (“Wee-Way-Come”) First Nation is one of the Liǵwíłdaǵw (“Lee-gwíłth-daox”) Nations, alongside We Wai Kai, Kwiakah, and Walitsama. The Liǵwíłdaǵw people have a long and well-documented history throughout the region, with territories extending across parts of the east coast of Vancouver Island and surrounding waters and mainland inlets. Historical accounts and Liǵwíłdaǵw oral histories describe the dominance and governance of Liǵwíłdaǵw throughout these territories, including areas now included within the proposed K'ómoks First Nation Treaty. These lands and waters remain central to Liǵwíłdaǵw cultural identity, stewardship responsibilities, and governance systems.

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## Wei Wai Kum First Nation's concerns with the ratification of the K'ómoks First Nation Treaty

- **Recognition of Rights:** The proposed K'ómoks First Nation Treaty includes a recognition of rights clause, which reads: "*Canada and British Columbia recognize that K'ómoks has Aboriginal rights as recognized and affirmed by section 35 of the Constitution Act, 1982. For greater certainty, the Aboriginal rights of K'ómoks include Aboriginal title and the inherent right of self-government, as recognized and affirmed by section 35 of the Constitution Act, 1982.*" In other words, the Treaty takes uncertain K'ómoks aboriginal rights which could be defeated in court if necessary and turns them into constitutionally protected Treaty rights which are no longer subject to any strength of claim analysis.
- **Overlapping Territory, Creation of New Rights:** The proposed K'ómoks "Traditional Territory" in their Treaty claims close to 80% of Wei Wai Kum Territory and includes lands, waters and resources that are part of Liǵwíłdaǵw traditional territory. The K'ómoks Treaty grants K'ómoks new Treaty rights in areas they never used or occupied historically, including Loughborough Inlet in the core of Wei Wai Kum Territory.
- **Impact on Wei Wai Kum Treaty Negotiations:** If the K'ómoks Treaty is ratified as written, it will prevent Wei Wai Kum from negotiating key elements in a Wei Wai Kum Treaty. For example, Wei Wai Kum asserts exclusive ownership over *loxiwe*. These are traditional clam gardens that have been built, owned, managed and protected for hundreds of years by Wei Wai Kum ancestors. The creation of K'ómoks Treaty rights will likely prevent Wei Wai Kum from negotiating exclusive rights or tenures over these clam gardens.
- **Removal of Access and Connection to Salmon River Reserve:** The Salmon River Reserve in Sayward was allotted to Liǵwíłdaǵw in 1879. In 1941 there was an amalgamation with K'ómoks because the federal government failed to protect the Reserve against Settler incursions and because the Chief at the time had a wife at Comox that was a non-Member and the Indian Agent was threatening to remove her from the Reserve and leave her homeless. Liǵwíłdaǵw also had a historic village site at Comox. The amalgamation required retaining two Chiefs (one Liǵwíłdaǵw and one K'ómoks) and the equal sharing of all Reserves and revenues. Canada and K'ómoks failed to respect these requirements and now the governments are preparing to hand over the Reserve in fee simple ownership to K'ómoks alone.
- **Blocking or Delaying Major Projects:** The K'ómoks treaty would give K'ómoks significant leverage to block or delay Wei Wai Kum projects forever into the future, even in core Wei



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Wei Wai Kum Territory. K'ómoks is already using its draft treaty to try and block an \$800 million dollar wind farm project which is a Wei Wai Kum joint venture.

- **Historical Evidence and Indigenous Law:** A 'mountain' of Liǵwíłdaǵw oral histories, historical records and ethnographic records clearly document the presence, governance and use of these areas by Liǵwíłdaǵw people under Liǵwíłdaǵw law for generations, going back into at least the 1700s. Under Liǵwíłdaǵw and Indigenous law, these areas belong to Liǵwíłdaǵw.
- **Government Ignoring Indigenous Law and Refusing to Come and Learn:** For two years, Wei Wai Kum Council and Hereditary Chiefs have been inviting provincial leaders and K'ómoks to come to the *Gukwdzi* (Bighouse) for a cultural event to listen and learn from Liǵwíłdaǵw Hereditary Chiefs and knowledge-keepers. Wei Wai Kum have also been hoping to bring together their knowledge-keepers with the knowledge-keepers from K'ómoks to share and explore family histories and inter-marriages and look for jointly developed solutions based on culture, Indigenous law and family relations. K'ómoks and the provincial leaders have repeatedly declined to participate, even when Wei Wai Kum brought the event to Mungo Martin House in Victoria to make it easier for provincial leaders to attend.
- **Wei Wai Kum has Proposed and Sought Resolution:** Wei Wai Kum has made repeated efforts to engage K'ómoks in discussions on a protocol that would recognize and respect our respective core territories. K'ómoks did not engage until March 29, 2026, when they proposed a meeting on April 10, 2026, despite knowing the treaty is scheduled to proceed to Legislature within days. B.C. has refused to include protocol requirements in the K'ómoks Treaty, even though such requirements are in the Tla'amin Treaty, as an example.
- **The Risks are High:** Wei Wai Kum is a significant economic driver for the mid-Island and Wei Wai Kum Territory is the site of the John Hart dam, a new Wei Wai Kum-led wind farm project, two mines and significant forestry, fishing and water resources. All of these may be put at risk if Wei Wai Kum is forced to go to court to claim aboriginal title to protect itself against the K'ómoks Treaty.