



Nenqay Deni Accord

Summary

Since September 10, 2014, the Tsilhqot'in Chiefs have been negotiating with British Columbia, resulting in the Nenqay Deni Accord (NDA). This summary outlines the main components of the Accord.

The Accord is:

- Only a **first step**: it sets the framework for the real negotiations with BC to achieve reconciliation for *all* Tsilhqot'in Communities, across the *entire* Tsilhqot'in territory;
- An Agreement that protects Tsilhqot'in Title, Rights & cultural values;
- An opportunity to obtain funding from government (not loans) for negotiations and community engagement to improve the lives of Tsilhqot'in members;
- A way to have more say over what happens on the land and in our communities;

The Accord is NOT:

- Not a final Agreement – it is only the first step, setting up the table for real negotiations;
- Not a Treaty or anything that can take away Tsilhqot'in Title, Rights or ways of life;



TŚILHQOT'IN NATIONAL GOVERNMENT

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After meeting with all Tsilhqot'in communities, the Tsilhqot'in Chiefs outlined the following eight “pillars” as a high level vision for the Tsilhqot'in Territory and people:

TSILHQOT'IN GOVERNANCE

- *Full self-government for Tsilhqot'in people*
- *According to Tsilhqot'in laws, institutions and values*



STRONG LANGUAGE & CULTURE

- *Tsilhqot'in members fluent in, and proud of, their language and culture*



TSILHQOT'IN MANAGEMENT OF LANDS & RESOURCES

- *Tsilhqot'in management of the lands, resources and wildlife*
- *Sustainable for future generations*



HEALTHY CHILDREN & FAMILIES

- *Health indicators on par or better than non-Aboriginal communities*
- *Programs delivered by Tsilhqot'in, based on Tsilhqot'in laws and*



HEALTHY COMMUNITIES

- *Standard of Living on par or better than non-Aboriginal communities*
- *Adequate housing, clean water, roads, infrastructure, etc.*



JUSTICE

- *Education and support for Tsilhqot'in communities*
- *Innovative preventative strategies and alternatives*



EDUCATION

- *Funding and outcomes on par or better than non-Aboriginal schools*
- *Real opportunities for post-secondary education and training*



SUSTAINABLE ECONOMIC BASE

- *Sufficient and sustainable economic base to support the above outcomes*





PURPOSE

The purpose of the Nenqay Deni Accord (NDA) is to establish the shared vision, principles and structures for BC and the Tsilhqot'in Nation to negotiate one or more agreements to effect a comprehensive and lasting reconciliation between the Tsilhqot'in Nation and British Columbia.

The Accord is also intended to foster immediate and ongoing action by the TNG and BC to:

- a. improve the social, cultural and economic well-being of the Tsilhqot'in Communities;
- b. build and align the capacities of the Parties to negotiate lasting reconciliation agreements and to implement those agreements once concluded;
- c. effect the practical transition of the Declared Title Area to Tsilhqot'in management, benefit and control, while respectfully engaging with third parties and attempting to address their interests within the Declared Title Area;
- d. reduce conflict and encourage collaboration in respect of land and resource management decisions in Tsilhqot'in Territory;
- e. promote economic development and investment in Tsilhqot'in Territory and the broader region, that reflects the values, goals and priorities of the Parties; and
- f. promote mutual understanding between the Parties and encourage relationships based on respect, recognition and reconciliation.

GUIDING PRINCIPLES

BC and the Tsilhqot'in Nation commit to immediate and sustained progress to achieve the shared vision for each of the Pillars, in accordance with the guiding principles.

1. Collaboration: To the fullest extent possible, the Parties will avoid adversarial positions and jointly address challenges and achieve progress through respectful engagement, mutual understanding and a spirit of collaboration.
2. Decision-making and Mandates: The Parties will structure their teams, negotiation tables and process to ensure quick access to individuals best positioned to provide the required mandate, decision or direction.



3. Sustained Progress: The Parties commit to sustained, step-by-step progress towards each of the Pillars, and will work together to define short, mid and long-term objectives. The Parties will jointly prepare and review annual work plans to develop and refine this “road map” to achieve reconciliation and the agreed outcomes.
4. Measurable Progress: The Parties’ progress towards each goal will be objectively measurable and regularly evaluated. The Parties will agree on the targets and metrics of progress for each goal.
5. Dedicated Time and Expertise: The Parties will dedicate the time, expertise, staff, key decision-makers and technical support required to achieve progress towards the shared vision for each of the Pillars. This includes working together to build capacity and maximize use of training opportunities.
6. Holistic Approach: The Parties recognize that the goals of the Agreement are inter-related and must be approached holistically. In particular, the success of all other goals depends on a strong foundation of Tsilhqot’in culture and language. The Parties acknowledge that there is a strong linkage between social and economic progress and effective progress will require parallel, ongoing work on each of the Pillars.
7. Flexible and Innovative Arrangements: The Parties will consider any arrangements to achieve the goals of the Agreement, including interim agreements, comprehensive agreements, memoranda of understanding, protocols, legislation, policy changes, revenue sharing, amendments to the Tsilhqot’in Stewardship Agreement, or any combination thereof.
The Parties will use a flexible and creative approach to develop opportunities and arrangements as required to achieve the goals set out in the Agreement, even if they are different from the status quo or do not fit easily into existing regimes, laws, programs, policies or structures.
8. Role of Canada: The Parties acknowledge the participation of the Government of Canada is required to fully achieve the shared vision and reach final reconciliation. The Parties will work diligently to get meaningful participation from the Government of Canada while maintaining their shared commitment to progress towards the shared vision for each of the Pillars.

IMPLEMENTATION TABLES

The Leadership Table and Working Group established under the Letter of Understanding will be continued to implement the Accord and provide oversight and co-ordination to sub-tables, for the duration of the Accord.



Additional sub-tables will be established, with responsibility to guide progress under the Accord in specific areas and report to the Working Group as follows:

1. Governance
2. Economic Development Table
3. Social, Cultural, Education and Justice Table
4. Lands and Resources Table
5. Declared Title Area Implementation Table

The sub-tables will be comprised of senior staff from the relevant Ministries and Tsilhqot'in Nation. Each Sub-Table will prepare its own terms of reference for approval by the Working Group, establish its process, and hold regular meetings to implement the direction of the Working Group and Leadership Table.

1. GOVERNANCE (Section 6)

This sub-table will look specifically at things related to being a government. This includes such projects as constitution development and making/affirming Tsilhqot'in laws.

2. ECONOMIC DEVELOPMENT (Section 13)

The economic development sub-table will be tasked with the following:

1. Developing an economic action plan for all communities;
2. Finding economic opportunities within the territory;
3. Looking into the possibility of River West starting up again or alternatives for the site;
4. Looking into alternative energy and infrastructure;
5. Getting First Nations Woodland Licences (and other tenures) going; and
6. Other (such as employment opportunities)

3. SOCIAL, CULTURAL, EDUCATION AND JUSTICE

The social, cultural, education and justice sub-table will be tasked with the following:

1. Creation of a "social and cultural action plan" for the Tsilhqot'in (section 7);
2. The strengthening of Tsilhqot'in culture and language (section 7);
3. Improving the lives of children, youth and families (section 8);
4. Improving communities and infrastructure (section 9);



5. Focusing on the numerous justice issues (over-representation in the justice system, policing, education, tracking of those in the system, gang violence, prevention) (section 10); and
6. Focusing on education and training (Tsilhqot'in culture and language components in schools, safe and welcome environments in school, post-secondary involvement, and increasing levels of education of the Tsilhqot'in) (section 11).

4. LAND AND RESOURCES (Section 12)

The Lands and Resources sub-table will be tasked with the following:

1. Developing a process for managing lands and resources in the territory;
2. Strategic planning;
3. Addressing issues of the South Chilcotin;
4. Developing a process for each community to select lands for their benefit, ownership and control;
5. Increasing the powers of the Fish & Wildlife Panel under the TSA to provide joint recommendations and have equal influence on fish and wildlife decisions;
6. Increasing moose recovery efforts through monitoring, surveys, technical reports, habitat protection; and
7. Renaming of key geographical features in the Territory.

5. DECLARED TITLE AREA (Section 15): The fifth sub-table will be responsible for addressing issues surrounding the transition of the Declared Title area to Tsilhqot'in benefit, management and control.

TERM AND TERMINATION OF AGREEMENT: The Nenqay Deni Accord remains in effect for five (5) years, from the date that it was signed by all six Tsilhqot'in Chiefs and BC (February 11, 2016).

The Tsilhqot'in Nation is not be consenting, approving or agreeing to any provincial authorizations by entering into the Accord – the Tsilhqot'in Nation and Tsilhqot'in Communities still have full discretion to oppose any government approval and to go to court to challenge any government decisions.

The Nation agrees to attempt to negotiate further “title” lands for each Tsilhqot'in Community during the term of the Accord, rather than bring court actions seeking Aboriginal title to large areas – unless threatened by government activity. The Tsilhqot'in Nation can continue to bring Aboriginal title and Aboriginal rights actions in court to defend against threats to the land from government planning (e.g. mining, forestry).