



Canada

LETTER OF UNDERSTANDING

Dated for reference January 27, 2017

BETWEEN:

THE TSILHQOT'IN NATION as represented by:

Xeni Gwet'in First Nations Government,
Yunesit'in Government,
Tl'etinqox Government,
?Esdilagh First Nation,
Tsi Deldel First Nation,
Toosey Indian Band (Tl'esqox), and
The Tsilhqot'in National Government ("TNG")
(the "Tsilhqot'in Nation")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by

the Minister of Indigenous and Northern Affairs Canada ("the Minister")
("Canada")

(Collectively, the "Parties")

SHARED VISION:

- A. By entering this Letter of Understanding ("Letter"), Canada and the Tsilhqot'in Nation commit to renewing and strengthening their nation-to-nation relationship, and negotiating in good faith to achieve a lasting reconciliation for the Tsilhqot'in people.
- B. On June 26, 2014, the Supreme Court of Canada rendered its unanimous judgment in *Tsilhqot'in Nation*, recognizing Aboriginal title for the first time in Canadian history, in the homeland of the Tsilhqot'in people.
- C. The *Tsilhqot'in Nation* judgment offers a profound opportunity for Canada, the Tsilhqot'in Nation, and all First Nations to restore Indigenous Peoples to their rightful place as true partners in the economic, political and social fabric of Canada.
- D. On May 10, 2016, Canada fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* without qualification and committed to implement the *Declaration* in partnership with Indigenous Peoples.
- E. The Tsilhqot'in Nation has governed itself since time immemorial, in accordance with its own inherent laws, jurisdiction, governance and responsibilities. For generations, the Tsilhqot'in people have vigorously protected their culture, their homeland, and their right to self-determination as Indigenous Peoples within Canada.
- F. The Parties wish to embrace this historic opportunity and explore new ways to achieve a just and enduring reconciliation for the Tsilhqot'in people and to lead the way forward with new and innovative approaches to reconciliation between Canada and Indigenous Peoples, based on recognition of rights, respect, co-operation and true partnership.

ACKNOWLEDGMENT & RECONCILIATION

1. The Parties agree to renew and strengthen their nation-to-nation relationship. In this spirit, the Minister accepts the invitation of the Tsilhqot'in Nation to meet with the Tsilhqot'in leadership, elders, youth and communities in Xeni Gwet'in, on Tsilhqot'in Aboriginal title lands, in Summer 2017 or such other time as agreed by the Parties. The Minister will also relay Tsilhqot'in Nation's invitation to the Prime Minister and the Minister of Justice.
2. Recognizing that reconciliation begins with truth telling and healing, the Minister agrees to seek authority for Canada:
 - a. to take steps to redress, through a statement issued on a date and location to be agreed upon by the Parties, the wrongful trial and hanging in 1864/65 of the Tsilhqot'in Chiefs, who died defending their lands, their people and their way of life;
 - b. to the fullest extent of its authority, to exonerate the Tsilhqot'in Chiefs of any wrongdoing; and
 - c. to make deliberative attempts to understand the history of the Chilcotin War of 1864/65 and its aftermath (in particular the Tsilhqot'in perspective) and how these events have shaped the relationship between the Tsilhqot'in and the Crown to date, in an effort to move beyond this history and create a truly reciprocal and respectful relationship.

RECONCILIATION FRAMEWORK AGREEMENT

3. The Parties will make best efforts to negotiate a Reconciliation Framework Agreement (Framework Agreement) by January 2019. The Framework Agreement will set out a shared vision, principles, priorities and structures to negotiate a comprehensive and lasting reconciliation between the Tsilhqot'in Nation and Canada.

PRIORITY ISSUES

4. The Parties commit to working to transform the lives of Tsilhqot'in citizens and communities, in the following priority areas:
 - a. closing the profound gaps in education, health and mental health care, housing, infrastructure, access to clean water and the overall health and well-being of the Tsilhqot'in citizens and communities;
 - b. addressing criminal justice, community safety and policing issues;
 - c. supporting children and families of the Tsilhqot'in people;
 - d. jointly reviewing fisheries management in Tsilhqot'in territory;
 - e. establishing new fiscal relationships based on stable, predictable and flexible funding;
 - f. exploring and seeking to resolve issues related to Lot 7741 (Chilcotin Military Block);
 - g. fostering economic opportunities for the Tsilhqot'in;
 - h. recognizing and implementing Tsilhqot'in governance and law;
 - i. recognizing and reconciling Tsilhqot'in Aboriginal title and rights;
 - j. implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*, including the right of free, prior informed consent;
 - k. negotiating the Framework Agreement, as described above; and
 - l. other priorities as identified by the Parties.
5. The Parties are committed to making progress in the above areas while the Framework Agreement is negotiated and implemented.
6. In negotiating the Framework Agreement, and making progress in the priority areas, the Parties will draw on the Truth and Reconciliation Commission's recommendations, as set out in its Final Report, for guidance and as a framework for action in achieving reconciliation.

PROCESS

7. The Tsilhqot'in Chiefs and the Minister (the "Leadership") may engage when required to resolve issues as they arise and to ensure the efficient progress of negotiations. The Minister will engage other federal departments as required.
8. The Lead Negotiator for the Tsilhqot'in Nation and the Senior Assistant Deputy Minister, Treaties and Aboriginal Government (the Steering Committee), will meet on a quarterly basis, at a minimum, and are responsible for overseeing the negotiation process.

9. The Parties will establish a technical working group comprised of designates of the Tsilhqot'in Nation, and officials from Indigenous and Northern Affairs Canada, Justice Canada, and other departments, as required (the "Working Group"). The Working Group will hold regular meetings, no less than monthly, and implement direction from the Leadership. The Working Group will also deal with any urgent short-term issues that arise between meetings.
10. Each Party will ensure that its representatives at the Working Group have direct and timely access to their Leadership and to those individuals that are best positioned to provide any required mandate, decision or direction.
11. The Parties will use a flexible and solutions-based approach to develop opportunities and arrangements as required to achieve progress on the priority issues, even if they differ from, or do not fit easily, into existing regimes, laws, programs, policies or structures.

FUNDING & RESOURCES

12. The Parties agree that the commitment of funding and resourcing by Canada is essential to the success of this Letter and the Framework Agreement. The Parties will determine bridge funding to support the shared priorities and processes identified in this Letter, until the Framework Agreement is concluded and longer-term funding commitments are in place.

OTHER

13. This Letter does not create, amend, define, affirm, recognize, abrogate or derogate from any Aboriginal rights or title of the Tsilhqot'in Nation which are recognized and affirmed by section 35 (1) of the *Constitution Act, 1982*.
14. This Letter and Framework Agreement which may flow from it are not intended to constitute a treaty or land claims agreement within the meaning of Sections 25 and 35 of the *Constitution Act, 1982*.
15. This Letter does not create, recognize, affirm, deny or amend any legally enforceable rights.
16. This Letter does not preclude the Tsilhqot'in from accessing any funding, program or initiative that Canada might normally make available to other First Nations.
17. This Letter, the negotiations conducted pursuant to this Letter, and all related documents, are without prejudice to the positions of the Parties in any proceedings before a court or other forum and shall not be construed as admissions of fact or liability.

IN WITNESS WHEREOF the Parties hereby execute this Letter as of the date first written above.

On behalf of the Tsilhqot'in Nation:

Nits'il?in (Chief) Joe Alphonse
Tribal Chairman – Tsilhqot'in National Government
T'letinqx Government

Nits'il?in Victor Roy Stump
?Esdilagh First Nation

Nits'il?in Roger William
Vice Chairman – Tsilhqot'in National Government
Xeni Gwet'in First Nations Government

Nits'il?in Russell Myers Ross
Yunesit'in First Nations Government

Nits'il?in Francis Laceese
T'esqox (Toosey) Indian Band

Nits'il?in Ervin Charleyboy
Tsi Deldel First Nation

On behalf of Her Majesty the Queen in Right of Canada:

The Honourable Carolyn Bennett
Minister of Indigenous and Northern Affairs Canada