

# *Gwets'en Nilt'i Pathway Agreement*



**GWETS'EN NILT'I  
PATHWAY AGREEMENT  
(the "Agreement")**

Dated for reference July 25, 2019

BETWEEN:

**THE T̂SILHQOT'IN NATION** as represented by:

Xeni Gwet'in First Nations Government,  
Yunešit'in Government,  
Tl'etinqox Government,  
?Esdilagh First Nation,  
Tšideldel First Nation,  
Tl'esqox (Toosey Indian Band), and  
the Tšilhqot'in National Government ("TNG")

**("Tšilhqot'in Parties")**

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA** as represented by  
the Minister of Crown-Indigenous Relations and the Minister of  
Fisheries, Oceans and the Canadian Coast Guard

**("Canada")**

AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA**

as represented by the Minister of Indigenous Relations and Reconciliation

**("British Columbia")**

(Collectively, the **"Parties"**)

**WHEREAS:**

- A. On June 26, 2014, the Supreme Court of Canada rendered its unanimous judgment in *Tšilhqot'in Nation*, recognizing Aboriginal title for the first time in Canadian history, in the homeland of the Tšilhqot'in peoples.
- B. The *Tšilhqot'in Nation* judgment offers a profound opportunity for Canada, British Columbia, the Tšilhqot'in Nation, and all First Nations, to renew and strengthen a

shared vision of First Nations as true partners in the economic, political and social future of Canada and this Province.

- C. The T̓silhqot̓in Nation has governed itself since long before contact with Europeans, in accordance with its own inherent laws, jurisdiction, governance and responsibilities. For generations, the T̓silhqot̓in people have vigorously protected their culture, their homeland, and their right to self-determination as Indigenous Peoples. The T̓silhqot̓in were not active participants in the Confederation of Canada and they are still striving to establish a true nation-to-nation relationship with Canada.
- D. The T̓silhqot̓in Nation is committed to advancing its right to self-determination and the other rights and interests of the T̓silhqot̓in peoples under constitutional and international law. The T̓silhqot̓in Nation is represented by the T̓silhqot̓in National Government and by the T̓silhqot̓in communities of Xení Gwet̓in First Nations Government (“Xení Gwet̓in”), Yunešit̓in Government, Tl’etinqox Government, ʔEsdilagh First Nation, T̓sidedel First Nation, and Tl’esqox (Toosey Indian Band) (“**T̓silhqot̓in Communities**”).
- E. The T̓silhqot̓in Nation and British Columbia entered the *Nenqay Deni Accord* on February 11, 2016 (“**Accord**”) to establish a comprehensive framework for longer-term negotiations to reconcile the rights, interests and goals of the T̓silhqot̓in Nation and British Columbia in T̓silhqot̓in Territory.
- F. 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.
- G. The T̓silhqot̓in Nation and Canada entered the *Letter of Understanding* on January 27, 2017 (“**Letter of Understanding**”) as the first step in achieving a lasting and comprehensive reconciliation for the T̓silhqot̓in people, based on recognition of rights, respect, co-operation and true partnership.
- H. The T̓silhqot̓in Nation and British Columbia signed the *Letter of Commitment* on October 31, 2017 (“**Letter of Commitment**”), renewing the commitment to the *Accord* and the shared intention, through this work, to implement the *T̓silhqot̓in Nation* decision, the United Nations’ *Declaration on the Rights of Indigenous Peoples*, and the Calls to Action of the Truth and Reconciliation Commission.
- I. Canada has released the *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, and British Columbia has released *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples* as an important starting point, in each case, for the Crown to engage in partnership, and a significant move away from the *status quo* to a fundamental change in the relationship with Indigenous peoples.

- J. The T̓silhqot̓'in Nation and Canada signed the *Gwets'en Nilt'i* Pathway Letter on November 2, 2018, on the declared Aboriginal title lands of the T̓silhqot̓'in peoples, to affirm the shared vision in the *Letter of Understanding* and to set out next steps on the path to reconciliation.
- K. In the *Gwets'en Nilt'i* Pathway Letter, Canada fully committed to recognizing the T̓silhqot̓'in Nation and its rights of governance and self-determination. Canada and the T̓silhqot̓'in Nation agreed to work together to develop an agreement by Spring 2019 that sets out the milestones on this path and establishes clear, transformative steps towards achieving true and lasting reconciliation for the T̓silhqot̓'in people and an enduring nation-to-nation relationship with Canada.
- L. The Parties recognize that the T̓silhqot̓'in Nation, Canada and British Columbia each have a critical role in advancing reconciliation. The Parties are committed to cooperation across Indigenous, provincial and federal jurisdictions as needed to support transformative change for the T̓silhqot̓'in peoples.
- M. The Parties enter this Agreement to build on the foundational work of the *Accord* and the *Letter of Understanding* and to set out their shared commitment, vision and path for achieving true and lasting reconciliation and a better future for the T̓silhqot̓'in Nation, Canada and British Columbia.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

## **1.0 PURPOSE**

- 1.1 The purpose of this Agreement is to bring transformative change during the term of this Agreement to the lives of the T̓silhqot̓'in peoples and to the relationship between the T̓silhqot̓'in Nation, Canada and British Columbia.
- 1.2 This Agreement is grounded in recognition and respect for the rights of the T̓silhqot̓'in Nation, as Indigenous peoples, to self-determination and self-governance, as affirmed by the United Nations' *Declaration on the Rights of Indigenous Peoples* and section 35 of the *Constitution Act, 1982*.
- 1.3 This Agreement builds on the Parties' ongoing reconciliation efforts under the *Accord*, the *Letter of Understanding* and the *Gwets'en Nilt'i* Pathway Letter. In this Agreement, the Parties set out together the shared vision, mutual commitment and clear transformative steps toward true and lasting reconciliation for the T̓silhqot̓'in Nation, Canada and British Columbia.

## **2.0 THE PILLARS OF RECONCILIATION**

- 2.1 The Parties commit to work together to achieve the shared vision for each of the following "pillars of reconciliation" ("**Pillars**"), as described in sections 6.0 – 13.0:

- a. T̓ilhqot'in Governance;
- b. Strong T̓ilhqot'in Culture and Language;
- c. Healthy Children and Families;
- d. Healthy Communities;
- e. Justice;
- f. Education and Training;
- g. T̓ilhqot'in *Nen* (Lands, Waters & Resources); and
- h. Sustainable Economic Base.

2.2 The Parties will address each of the Pillars in accordance with the Guiding Principles.

2.3 The Parties will be guided by the shared vision for each Pillar and the overall goal of sustained, substantive steps towards:

- a. recognizing T̓ilhqot'in jurisdiction, governance, law and responsibilities in respect of each Pillar;
- b. reconciling the Parties' respective jurisdictions, governance, laws and responsibilities in respect of each Pillar;
- c. establishing the lasting institutions, structures and processes required for the T̓ilhqot'in Nation to effectively assume and exercise its governmental role and responsibilities across the Pillars;
- d. building capacity within the T̓ilhqot'in Nation and T̓ilhqot'in Communities to effectively assume and exercise governmental authorities and responsibilities; and
- e. developing and adapting the fiscal framework between the Parties as the T̓ilhqot'in Nation assumes and exercises its governmental role and responsibilities across the Pillars.

### 3.0 GUIDING PRINCIPLES

- 3.1 The Parties will implement this Agreement in accordance with the guiding principles set out in this section (“**Guiding Principles**”).
- 3.2 Self-Determination: It is the right and responsibility of the T̓silhqot̓in Nation to chart its own path of self-determination, reflecting the priorities, goals and aspirations of the T̓silhqot̓in peoples. Canada and British Columbia will work collaboratively with the T̓silhqot̓in Nation to assess how best to support the T̓silhqot̓in on this path of self-determination and to attempt, in good faith, to reduce conflict and to harmonize the Parties’ respective laws, jurisdictions and responsibilities.
- 3.3 Sustained Progress: The Parties recognize that transformative change for the T̓silhqot̓in peoples requires immediate and sustained progress towards the shared vision for each of the Pillars, through identified stages, in a manner that continuously strengthens T̓silhqot̓in governance and self-determination, reconciles authorities and builds effective partnerships with Canada and British Columbia, and improves the lives of T̓silhqot̓in members (“**T̓silhqot̓in Citizens**”) and T̓silhqot̓in Communities.
- 3.4 Collaboration: Harmonization of laws and true and lasting reconciliation will require a cooperative approach that will be guided by section 35(1) of the *Constitution Act, 1982* and the United Nations *Declaration on the Rights of Indigenous Peoples*. To the fullest extent possible, the Parties will avoid adversarial positions in their engagement with each other and jointly address challenges and achieve progress through respectful engagement, mutual understanding and a spirit of collaboration.
- 3.5 Recognition and Respect: Recognition of rights, respect, co-operation and partnership are the foundation for transformative change. The Parties will engage on a nation-to-nation, government-to-government basis, respecting each other as partners and equals. As part of reconciliation, Canada and British Columbia acknowledge that transformative change and implementation of T̓silhqot̓in Aboriginal rights will be based on recognition rather than extinguishment, surrender or modification.
- 3.6 Decision-making and Mandates: The Parties will structure their teams, negotiation tables and processes to ensure quick access to individuals best positioned to provide the required mandate, decision or direction.
- 3.7 Holistic Approach: The Parties recognize that the goals of the Agreement are inter-related and must be approached holistically.
- 3.8 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, ceremonies, protocols, legislation, policy changes, revenue sharing 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.

- 3.9 Touchstones: The Parties will work to implement the *Tsilhqot'in Nation* decision, the United Nations' *Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission through all of the work under this Agreement.

#### 4.0 IMPLEMENTATION TABLES

- 4.1 The Parties will utilize the tables and structures established under the *Accord* and the *Letter of Understanding* to implement this Agreement; specifically:
- a. the Leadership Table between the Tsilhqot'in Nation and British Columbia established pursuant to section 5.1 of the *Accord* ("**Leadership Table**");
  - b. the Working Group between the Tsilhqot'in Nation and British Columbia established pursuant to section 5.1 of the *Accord* ("**BC Working Group**");
  - c. the Sub-Tables established by the Tsilhqot'in Nation and British Columbia pursuant to section 5.2 of the *Accord* ("**Sub-Tables**"):
    - Governance Sub-Table
    - Economic Development Sub-Table
    - Social, Cultural, Education and Justice Sub-Table
    - Lands and Resources Sub-Table
    - Declared Title Area Implementation Sub-Table;
  - d. the Leadership and Steering Committee meetings established by the Tsilhqot'in Nation and Canada pursuant to sections 7 and 8 of the *Letter of Understanding*;
  - e. the Working Group between the Tsilhqot'in Nation and Canada established pursuant to section 9 of the *Letter of Understanding* ("**Federal Working Group**"); and
  - f. the sub-committees established by the Federal Working Group (including the Fisheries Working Group and the Military Block Sub-Committee).

- 4.2 The Parties may establish additional tables, structures and processes to implement this Agreement.
- 4.3 The Parties recognize that both bilateral and trilateral discussions are required to achieve the goals of this Agreement. Tripartite engagement may occur between leadership or at the Working Group or Sub-Table level, or through any other means deemed beneficial. The Parties will adopt a flexible and results-oriented approach to engagement and commit to participate in bilateral and trilateral discussions as required to implement this Agreement in an effective, efficient and expeditious manner.

## **5.0 SHARED VISION AND PATHWAYS**

- 5.1 The Parties have set out a shared vision for each of the Pillars, as described in sections 6.0 – 13.0, below. The T̂silhqot̂in Nation has identified priorities and the Parties have set out pathways (“**Pathways**”) with short-, mid-, and long-term milestones for achieving the shared vision for each Pillar (“**Milestones**”). The Pathways are attached as Schedule A to this Agreement.
- 5.2 The Parties will work collaboratively and in good faith through the implementation tables identified in section 4.0 to advance the Pathways and achieve the Milestones. The Parties acknowledge that progress on the Pathways depends on additional discussions, agreements, mandates and decisions by each Party and may also be affected by circumstances beyond the control of the Parties. For this reason, the Pathways and Milestones are not legally binding on the Parties, but instead represent the shared intention and understanding of the Parties.
- 5.3 The Parties recognize that the Pathways and Milestones are dynamic and will continue to be adapted, collaboratively, in response to changing circumstances and new opportunities and challenges as they arise.
- 5.4 The Parties will review, build on, and adapt existing work plans to align with the Pathways and Milestones under this Agreement.
- 5.5 The Parties acknowledge that continued work under the Long-Term Milestones in each of the Pathways is subject to this Agreement being extended or replaced in accordance with section 17.3, or as further agreed between the Parties.
- 5.6 The Parties will advance, and adapt as appropriate, the Pathways and Milestones in accordance with the Guiding Principles and section 2.3 of this Agreement.

## **6.0 T̂SILHQOT̂IN GOVERNANCE**

- 6.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Governance Pillar:



- a. Canada, British Columbia and the T̓silhqot̓in Nation recognize and reconcile their respective jurisdictions, governance, laws and responsibilities;
- b. the T̓silhqot̓in Nation governs itself, the T̓silhqot̓in Communities and T̓silhqot̓in Citizens pursuant to T̓silhqot̓in governance structures, laws and values;
- c. the T̓silhqot̓in Nation exercises law-making powers and provides autonomous governance and government programs for T̓silhqot̓in Citizens and T̓silhqot̓in Communities, including matters of T̓silhqot̓in culture, heritage, identity, language and institutions; and
- d. in accordance with section 6.1(a) and section 12.1(f), the T̓silhqot̓in Nation exercises recognized governance and law-making powers with respect to lands and resources.

6.2 Canada and British Columbia recognize the citizens of the T̓silhqot̓in Nation as:

- a. “Aboriginal peoples of Canada” under section 35 of the *Constitution Act, 1982*, who collectively hold Aboriginal title and Aboriginal rights, including the inherent right of self-government; and
- b. “Indigenous peoples” under the United Nations’ *Declaration on the Rights of Indigenous Peoples* which, among other matters, recognizes the right to self-determination and self-government, and to the preservation, practice and revitalization of Indigenous cultures and traditions

and the T̓silhqot̓in Nation, Canada and British Columbia agree, as set out in section 3.9, the application of the United Nations’ *Declaration on the Rights of Indigenous Peoples* to the T̓silhqot̓in Nation will be determined through the implementation of this Agreement.

- 6.3 The T̓silhqot̓in Nation is actively undertaking the work to renew, revitalize and ratify a truly T̓silhqot̓in governance system, endorsed by the T̓silhqot̓in people, and grounded in T̓silhqot̓in law, values and responsibilities. Canada and British Columbia are committed to supporting the T̓silhqot̓in Nation on this path of self-determination.
- 6.4 In collaboration with the T̓silhqot̓in Nation, Canada and British Columbia will each take the steps, as appropriate and within each Party’s respective jurisdiction and authority, including recommending legislation to Parliament and the Legislature of British Columbia, to:

- a. recognize the governance system of the T̂silhqot̂in Nation as an inherent Indigenous government with legal capacity and authorities as a government, operating outside of the *Indian Act* and the *Canada Not-for-profit Corporations Act*;
- b. develop and implement the necessary steps for the T̂silhqot̂in Communities to transition from the *Indian Act* to recognized, inherent T̂silhqot̂in Community governments;
- c. support the exercise of T̂silhqot̂in governmental funding authorities (potential examples include taxes, fees, licences, fines and penalties, leases, grants and investments) as agreed and established by the Parties over time; and
- d. develop a renewed, flexible and stable fiscal framework, adapted by the Parties over time, to support the T̂silhqot̂in Nation in effectively exercising its jurisdictions, authorities and responsibilities as a government.

6.5 The T̂silhqot̂in Nation and British Columbia agree that the work undertaken under this section is intended to advance the commitment in section 6.3 of the *Accord*.

6.6 The Pathway for achieving the shared vision for this Pillar is attached to this Agreement as Schedule "A".

## **7.0 STRONG T̂SILHQOT̂IN CULTURE AND LANGUAGE**

7.1. The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. T̂silhqot̂in Citizens fluent in, and proud of, their language and culture;
- b. public awareness, appreciation and understanding of T̂silhqot̂in culture, history and heritage; and
- c. recording and preservation of T̂silhqot̂in language, beliefs, oral histories including legends, and cultural knowledge for the benefit of future generations.

7.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule "A".

## **8.0 HEALTHY CHILDREN AND FAMILIES**

8.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. health indicators for T̓silhqot̓in children and families on par with or exceeding standards for non-Aboriginal children and families;
- b. culturally appropriate and effective counseling, treatment, healing and wellness programs for T̓silhqot̓in Citizens, and
- c. adequate support for T̓silhqot̓in children and families, delivered and managed by T̓silhqot̓in Communities, in accordance with T̓silhqot̓in laws and values.

8.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule "A".

## **9.0 HEALTHY COMMUNITIES**

9.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. standards of living for T̓silhqot̓in Communities on par with or exceeding non-Aboriginal communities, including housing, infrastructure, roads and access to clean water;
- b. T̓silhqot̓in Communities supporting their own well-being and healthy standards of living through economic self-sufficiency, to the extent practicable; and
- c. seamless and effective emergency management in the region, including wildfire response, across governments (federal, provincial and Indigenous), in a manner that supports the role and capacity of the T̓silhqot̓in Nation and T̓silhqot̓in Communities as true partners and leaders in emergency management.

9.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule "A".

## **10.0 JUSTICE**

10.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. representation of T̓silhqot̓in Citizens at each stage of the criminal justice system is equal to or below the representation of non-Aboriginal peoples, proportionally to their respective populations;
- b. T̓silhqot̓in Citizens have access to appropriate education and support in relation to the criminal justice system, including innovative preventative

and restorative strategies and alternatives that are consistent with T̓silhqot̓in laws and values.

- 10.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule “A”.

## **11.0 EDUCATION AND TRAINING**

- 11.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. education funding and outcomes in T̓silhqot̓in Communities are on par with or exceeding those in non-Aboriginal communities;
- b. education programs are developed and delivered by the T̓silhqot̓in Communities, with strong language and cultural components;
- c. public schools provide a safe and welcoming place for T̓silhqot̓in Citizens, with appropriate First Nations culture and history components, developed with the T̓silhqot̓in; and
- d. T̓silhqot̓in Citizens have meaningful opportunities for post-secondary education and training.

- 11.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule “A”.

## **12.0 T̓SILHQOT̓IN NEN (LANDS, WATERS & RESOURCES)**

- 12.1 The Parties will work together to make immediate and sustained progress toward the following shared vision for this Pillar:

- a. T̓silhqot̓in Aboriginal rights, including Aboriginal title, are recognized and reconciled in a manner that reflects the *T̓silhqot̓in Nation* decision, section 35 of the *Constitution Act, 1982*, and the United Nations’ *Declaration on the Rights of Indigenous Peoples*, including the principle of free, prior informed consent;
- b. The T̓silhqot̓in Nation and British Columbia, in partnership with Canada as required, achieve and refine the shared vision and priorities set out in section 12 of the *Accord* and the *Letter of Commitment*;
- c. The T̓silhqot̓in Nation, Canada and British Columbia establish lasting structures and processes that reduce conflict over land and resource management (including fisheries) and support consensus outcomes

reflecting the principle of free, prior informed consent in the United Nations' *Declaration on the Rights of Indigenous Peoples*;

- d. Seamless, effective and integrated partnership across governments (federal, provincial and Indigenous) including, as collaboratively defined, a direct and meaningful role for the T̓silhqot̓'in Nation in stewardship, monitoring, compliance and enforcement activities (including fisheries);
  - e. The T̓silhqot̓'in Nation, Canada and British Columbia, by agreement or other means, including recommending legislation to Parliament and the Legislature of British Columbia, harmonize their respective laws, jurisdictions and responsibilities in respect of T̓silhqot̓'in *nen*; and
  - f. The T̓silhqot̓'in Nation revitalizes its long and enduring relationships with neighbouring First Nations, renews the strong ties based on family and trade relationships, and seeks to establish positive ways of working together that honour and respect each other's respective laws, rights and interests in relation to lands, waters and resources, and create new opportunities for mutual benefit.
- 12.2 The Parties will continue to work cooperatively and collaboratively to support strong T̓silhqot̓'in governance and management of the Declared Title Area and to foster a stable transition to full management, benefit and control of the Declared Title Area by the T̓silhqot̓'in Nation while respectfully engaging third parties and attempting to address their interests within the Declared Title Area.
- 12.3 In this Agreement, the "**Declared Title Area**" means the area subject to the declaration of Aboriginal title granted by the Supreme Court of Canada in *T̓silhqot̓'in Nation v British Columbia*, 2014, SCC 44.
- 12.4 The Pathways for advancing the shared vision for this Pillar are attached to this Agreement as Schedule "A" which, in addition to the General Pathway, includes the Fisheries Pathway, the Military Block Pathway and the Declared Title Area Pathway.

### **13.0 SUSTAINABLE ECONOMIC BASE**

- 13.1 The Parties will work together to make immediate and sustained progress toward the shared vision of a strong, sustainable economic and fiscal base for the T̓silhqot̓'in Nation and economic development that supports T̓silhqot̓'in government services and contributes positively to the region.
- 13.2 The Pathway for advancing the shared vision for this Pillar is attached to this Agreement as Schedule "A".

## 14.0 DISPUTE RESOLUTION

- 14.1 Further to the Guiding Principles, the Parties are committed to addressing conflict and disagreement in a constructive and mutually respectful way.
- 14.2 If a dispute arises relating to the interpretation or implementation of this Agreement, or pursuant to section 14.9 or 17.5 of this Agreement (a “**Dispute**”), the TNG, Canada or British Columbia may bring the Dispute to the attention of the BC Working Group or Federal Working Group, as appropriate, by written notice outlining the details of the Dispute. If the matter requires all Parties for resolution (“**Tripartite Dispute**”), written notice will be provided to all Parties, and a tripartite Working Group (“**Tripartite Working Group**”) will be convened to address the matter.
- 14.3 The appropriate Working Group (BC, Federal, Tripartite) will discuss and attempt to resolve the Dispute, with direction from the involved Parties’ respective Leadership, where required. The Working Group will have 10 Business Days from receipt of the written notice under section 14.2 to try to resolve the matter, unless the Working Group agrees to extend the timeline.
- 14.4 If the Working Group cannot resolve the Dispute, the Leadership Table (for Disputes involving British Columbia) or Leadership or Steering Committee meetings (for Disputes involving Canada) will be convened to discuss and attempt to resolve the Dispute or provide further direction to the Working Group. For Tripartite Disputes, a leadership meeting will be convened comprising the Leadership Table (British Columbia) and the Leadership or Steering Committee (Canada). Leadership will have 10 Business Days to try to resolve the matter, unless Leadership agrees to extend the timeline.
- 14.5 Additionally, the Parties will utilize any dispute resolution mechanisms agreed to by the Parties in relation to a specific dispute, including but not limited to:
- a. exploring culturally specific resolution mechanisms;
  - b. developing focused work plans or side agreements;
  - c. inviting senior officials with an interest in the matter to participate in the dispute resolution process;
  - d. extending timelines to attempt to reach resolution;
  - e. exploring possible amendments to this Agreement; and
  - f. appointing facilitators or mediators.

- 14.6 A Party will not initiate or take any steps in litigation related to a Dispute until it has exhausted the dispute resolution process set out in this section.
- 14.7 For clarity, nothing in this section prevents or limits the ability of any Party to seek relief in court relating to a Dispute after exhausting the dispute resolution processes set out in sections 14.1 - 14.8 or if a Party still considers the Dispute unresolved more than 60 days after the Dispute was brought to the attention of the Working Group under section 14.2.
- 14.8 Notwithstanding section 14.6, any Party may bring judicial proceedings relating to a Dispute at any time:
- a. to prevent the loss of a right to commence proceedings due to the expiration of a limitation period;
  - b. to obtain interlocutory or other interim relief; or
  - c. to conduct depositions, or seek a court order to conduct depositions, as may be agreed to by the Parties or ordered by a court.
- 14.9 The T̓silhqot̓in Nation will exhaust the dispute resolution process set out in sections 14.1 to 14.8 prior to initiating, participating in, or taking any further steps in any ongoing, civil claim for a declaration of Aboriginal title that names Canada or British Columbia as a defendant. If the matter is not resolved to the satisfaction of the T̓silhqot̓in by this dispute resolution process, the T̓silhqot̓in can take further steps in its action, proceeding or ongoing litigation without further notice to Canada or British Columbia, except as required by the applicable Supreme Court Civil Rules.

## **15.0 FUNDING**

- 15.1 British Columbia will provide the TNG with:
- a. \$3,500,000 within thirty (30) days of the Effective Date; and
  - b. \$3,500,000 within three (3) months, following April 1, 2020,
- to implement this Agreement.
- 15.2 In addition, the Parties will seek to negotiate funding to be provided by Canada and additional funding to be provided by British Columbia to implement this Agreement.
- 15.3 The funding provided by British Columbia under section 15.1 will satisfy British Columbia's obligations under sections 19.1(d) of the *Accord*.

- 15.4 The provision of funding by Canada and British Columbia under section 15.2 will also be conditional on, and subject to:
- a. obtaining all necessary policy and financial mandates and approvals, which may include Cabinet and Treasury Board approvals;
  - b. application of any applicable funding policies, directives, and processes, including applicable Treasury Board policies and directives on transfer payments; and
  - c. the completion of one or more funding agreements between the Parties setting out all relevant terms and conditions of the funding, including potential reporting requirements in addition to those set out in sections 15.6 - 15.8.
- 15.5 The provision of funds by British Columbia under section 15.1 and section 15.2 are subject to the *Financial Administration Act* and an appropriation of funds being available in the fiscal year during which payment is due. The provision of funds by Canada under section 15.2 is subject to an appropriation of funds by Parliament.
- 15.6 Annual payments described in section 15.1 and negotiated under section 15.2 will be released by Canada and British Columbia respectively following receipt of an annual report in each fiscal year that provides a high level summary of expenditures and achievements from the previous year's implementation funding. The form and manner of that report will be agreed to by the Parties.
- 15.7 The TNG will ensure that the annual report referred to in section 15.6 of this Agreement is submitted to Canada and British Columbia at least thirty (30) days prior to the next scheduled payment.
- 15.8 The TNG will ensure that the reports referred to in section 15.6 of this Agreement are posted in a manner making them reasonably available to T̓silhqot̓in Citizens and the public. If, due to technical limitations, the TNG is unable to make the reports available in this manner, Canada or British Columbia may assist in the public dissemination of the reports.
- 15.9 This Agreement does not preclude the T̓silhqot̓in Parties from accessing any funding, program or initiative that Canada or British Columbia might normally make available to other First Nations. The Parties agree that this Agreement is of benefit to all Parties and that as a principle, the Parties agree to discuss and pursue supplemental funding sources that may contribute to the implementation of this Agreement.



## 16.0 OTHER AGREEMENTS

- 16.1 This Agreement is intended to build on and advance the Parties' reconciliation efforts under the *Accord* (as contemplated by section 21.7 and 21.8 of the *Accord*) and the *Letter of Understanding* and *Gwets'en Nilt'i* Pathway Letter.
- 16.2 This Agreement is intended to replace the *Accord* and advance the *Letter of Understanding* and other written agreements between the T̓silhqot'in Parties, Canada and/or British Columbia. For clarity, the commitments set out in sections 10 and 12-14 and 16 of the *Accord* continue under this Agreement.
- 16.3 Other written agreements between the Parties, including the T̓silhqot'in Stewardship Agreement, continue in accordance with their provisions but from time to time may be amended, in writing, by the Parties to those other agreements, to address progress under this Agreement.

## 17.0 TERM

- 17.1 This Agreement comes into effect upon signature by all Parties (the "**Effective Date**") and remains in effect until March 31, 2024 (the "**Term**").
- 17.2 The Term may be extended by written agreement of the Parties.
- 17.3 The Parties are committed to achieving the shared vision for the Pillars set out in sections 6.0 – 13.0, pursuant to the respective Pathways (attached as Schedule A) and the Guiding Principles set out in section 3.0. Prior to April 1, 2023, the Parties will negotiate in good faith and attempt to reach agreement to extend the Term or replace this Agreement prior to expiry, as required to advance and achieve the shared vision and commitments set out in this Agreement.
- 17.4 In the event that the Parties extend the Term or replace the Agreement pursuant to section 17.3, the Parties will establish, by agreement, stable and predictable funding from Canada and British Columbia to the T̓silhqot'in Nation to support continued progress towards reconciliation.
- 17.5 The Parties agree that continuing to participate in negotiations and the funding commitments under this Agreement are material obligations of this Agreement ("**Material Obligations**"). If the T̓silhqot'in Nation believes Canada or British Columbia is in breach of one of the Material Obligations, or if Canada or British Columbia believes the T̓silhqot'in Nation is in breach of one of the Material Obligations, the concerned Party may invoke the Dispute Resolution process set out in sections 14.1 to 14.8.
- 17.6 If the other Party is in breach of one of the Material Obligations after the Parties have exhausted the Dispute Resolution process set out in sections 14.1 to 14.8, the concerned Party may suspend their commitments and obligations under this

Agreement in relation to the breaching Party, or pursue any other legal remedy available to the Party.

## **18.0 GENERAL PROVISIONS**

18.1 This Agreement may be amended by agreement of the Parties, in writing.

18.2 Nothing in this Agreement precludes the T̓silhqot̓'in Parties from:

- a. negotiating or implementing benefit-sharing or other agreements with proponents, third parties, or governments;
- b. accessing any economic benefits or opportunities that might be available to the T̓silhqot̓'in Parties;
- c. obtaining funding under the *T̓silhqot̓'in Stewardship Agreement*; or
- d. participating in government programs for which the T̓silhqot̓'in Parties may be eligible.

18.3 The negotiations conducted pursuant to this Agreement and all related documents are:

- a. without prejudice to the positions of the Parties in any future negotiations, legal proceedings or any other forum, and shall not be construed as admissions of fact and liability; and
- b. confidential unless the Parties agree otherwise in writing, subject to applicable access to information and freedom of information laws.

18.4 While the Parties recognize and affirm the declaration of Aboriginal title granted by the Supreme Court of Canada in *T̓silhqot̓'in Nation v British Columbia*, 2014 SCC 44, this Agreement does not otherwise create, amend, define, affirm, recognize, abrogate or derogate from any Aboriginal rights or Aboriginal title of the T̓silhqot̓'in Nation.

18.5 This Agreement is not a treaty or a lands claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

18.6 The Parties enter into this Agreement as a high-level framework to foster and support future negotiations between the Parties. The Parties do not intend, by taking this first step of signing the Agreement and establishing a high-level framework for discussions, to affect or impact in any way the asserted or established rights of other First Nations under section 35 of the *Constitution Act, 1982*.

- 18.7 The Parties agree that this Agreement will be implemented in a manner consistent with the established rights of other First Nations under section 35 of the *Constitution Act 1982*, as well as the ongoing duty of Canada and British Columbia to consult with First Nations and seek to accommodate potential adverse impacts on asserted Aboriginal rights and title claims, as appropriate, in accordance with the common law and the provisions of applicable First Nations' treaties and engagement agreements.
- 18.8 The Parties recognize and acknowledge that other First Nations assert rights and interests under section 35 of the *Constitution Act, 1982* in the area subject to this Agreement, and are committed to engaging with other First Nations in an open and positive manner to attempt to resolve differences, reconcile interests and find mutually agreeable solutions.
- 18.9 The Parties acknowledge that the boundaries of T̓silhqot'in *nen* as currently expressed may be amended or adapted over time based on protocols, agreements, areas of shared responsibility and other arrangements between the T̓silhqot'in Nation and neighbouring First Nations.
- 18.10 This Agreement does not fetter or limit, and shall not be deemed to fetter or limit, the decision-making authority of any Party or their authorized representatives.
- 18.11 There will be no presumption that any ambiguity in any of the terms of this Agreement should be interpreted in favour of any Party.
- 18.12 If any part of this Agreement is void or unenforceable at law, the Parties agree to negotiate and attempt to reach agreement, to the extent reasonably possible and as their respective interests may require, on a replacement for the severed part with a view to achieving the intent of the Parties as expressed in this Agreement.
- 18.13 All headings in this Agreement are for convenience only and do not form a part of this Agreement and are not intended to interpret, or explain the scope, extent or intent of this Agreement or any of its provisions.
- 18.14 In this Agreement, words in the singular include the plural, and words in the plural include the singular unless the context or any specific definition otherwise requires.
- 18.15 The use of the word "including" is to be read as not limiting the generality of the preceding term or phrase.
- 18.16 Schedule A is attached to and forms part of this Agreement.
- 18.17 This Agreement may be executed in counterparts and by facsimile by the Parties.

**19.0 REPRESENTATIONS AND WARRANTIES**


19.1 Each of the T̓silhqot'in Parties represents and warrants to Canada and British Columbia, with the intent and understanding that Canada and British Columbia will rely on them in entering into this Agreement that:

- a. The T̓silhqot'in Parties have the legal power, capacity and authority to enter into this Agreement on their own behalf and on behalf of their Citizens; and
- b. Subject to its terms, this Agreement is a valid and binding obligation upon them.

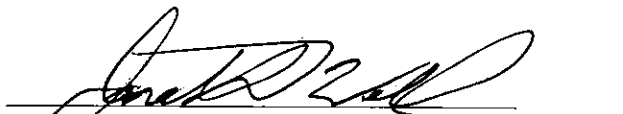
19.2 Canada and British Columbia represent and warrant to the T̓silhqot'in Parties, with the intent and understanding that the T̓silhqot'in Parties will rely on them in entering into this Agreement, that they have the authority to enter into this Agreement and that, subject to its terms, this Agreement is a valid and binding obligation upon them.

**IN WITNESS WHEREOF the Parties hereby execute this Agreement as set out below:**

ON BEHALF OF THE GOVERNMENT OF CANADA:

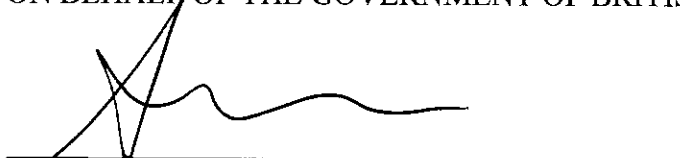
  
The Honourable Carolyn Bennett  
Minister of Crown-Indigenous Relations

August 15, 2019  
Date

  
The Honourable Jonathan Wilkinson  
Minister of Fisheries, Oceans and the Canadian Coast Guard

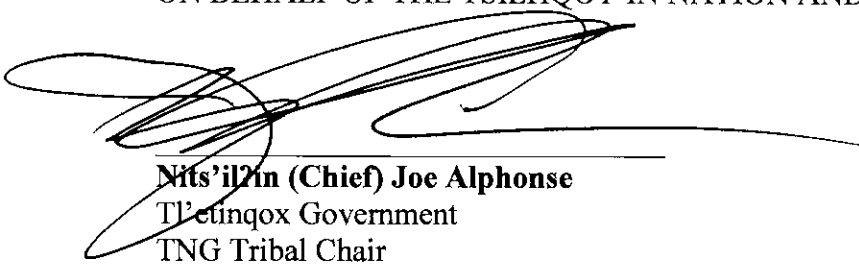
August 15, 2019  
Date

ON BEHALF OF THE GOVERNMENT OF BRITISH COLUMBIA:

  
The Honourable Scott Fraser  
Minister of Indigenous Relations and Reconciliation

August 15, 2019  
Date

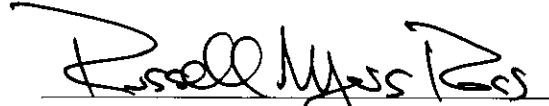
ON BEHALF OF THE T̂SILHQOT'IN NATION AND THE T̂SILHQOT'IN PARTIES:



**Nits'il?in (Chief) Joe Alphonse**  
Tl'etinqox Government  
TNG Tribal Chair

August 15, 2019

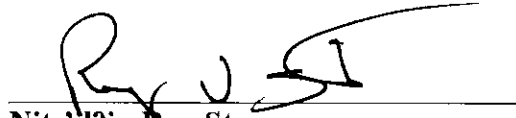
Date



**Nits'il?in Russell Myers Ross**  
Yunešit'in Government  
TNG Vice-Chair

August 15, 2019

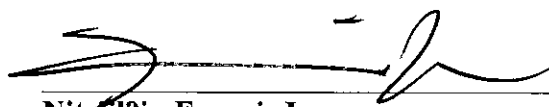
Date



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

August 15, 2019

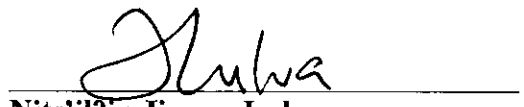
Date



**Nits'il?in Francis Laceese**  
Tl'esqox (Toosey Indian Band)

August 15, 2019

Date



**Nits'il?in Jimmy Lulua**  
Xeni Gwet'in First Nations Government

August 15, 2019

Date



**Nits'il?in Otis Guichon**  
Tšideldel First Nation

August 15, 2019

Date

**Schedule A**

***Gwets'en Nilt'i* Pathway Agreement**

**Pathway Documents**

## Governance Pathway

### Short-Term Milestones (Years 1-3)

*The short-term milestones focus on recognizing and implementing “core” T̓silhqot̓'in governance in respect of such matters as: appointing political leaders, internal systems of governance, decision-making processes, systems of financial management and accountability, citizenship, and such other “core” governmental authorities as may arise.*

1. T̓silhqot̓'in Nation renews and revitalizes a truly T̓silhqot̓'in governance system, endorsed by the T̓silhqot̓'in people, and grounded in T̓silhqot̓'in law, values and responsibilities.

To achieve this Milestone, the T̓silhqot̓'in Nation will continue its ongoing engagement with Communities to develop draft relationships/constitutional principles renewing and revitalizing core T̓silhqot̓'in governance matters such as:

- affirmation of T̓silhqot̓'in unity,
  - statement of guiding T̓silhqot̓'in values,
  - cooperation between Nation and Communities,
  - internal systems of governance,
  - decision-making structures and processes,
  - systems of financial management and accountability,
  - citizenship, and
  - other matters as identified.
2. T̓silhqot̓'in Nation builds internal capacity for strong Nation and Community Governance and to support the transition into greater governmental authority and responsibility.
  3. In collaboration with the T̓silhqot̓'in Nation, Canada and British Columbia each identify the legislative and other steps required to recognize the T̓silhqot̓'in Nation as an inherent Indigenous government with legal capacity and authorities as a government.
  4. The Parties collaborate to identify and develop steps for the T̓silhqot̓'in Communities to transition from the Indian Act to recognized, inherent T̓silhqot̓'in Community Governments.
  5. The Parties will jointly identify issues, opportunities, challenges and risks to ensure stable transition from Indian Act to recognized, inherent governance in a manner that benefits but does not negatively impact the T̓silhqot̓'in Communities or Citizens.
  6. T̓silhqot̓'in Nation implements key components of traditional governance, to strengthen and shape the path of self-determination, which will include:

- T̓silhqot̓in Nation establishes, maintains and develops the Ts'iqi Dechen Jedilhtan (Women's Council) as a key advisory body.
- T̓silhqot̓in Nation further explores potential role for Nitsil'in Chugh (Grand Chief) with the T̓silhqot̓in Communities.
- T̓silhqot̓in Nation holds annual (or twice-annual) Citizens Forum and assesses potential as permanent governance institution.
- T̓silhqot̓in Nation continues to hold annual (or twice-annual) Leadership Assembly (all Chiefs and Councils) and assesses potential as permanent governance institution.
- T̓silhqot̓in Nation continues to hold T̓silhqot̓in Chejaghetadelh (Governance Gatherings) on the land as a critical element of governance revitalization.

#### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓in Nation ratifies a truly T̓silhqot̓in governance system, endorsed by the T̓silhqot̓in people, and grounded in T̓silhqot̓in law, values and responsibilities.
2. In collaboration with the T̓silhqot̓in Nation, Canada and British Columbia each take the steps required (legislative and otherwise) to recognize the T̓silhqot̓in Nation as an inherent Indigenous government with legal capacity and authorities as a government, operating outside of the Indian Act and the Canada Not-for-profit Corporations Act.
3. The Parties collaborate to implement the identified steps for the T̓silhqot̓in Communities to transition from the Indian Act to recognized, inherent T̓silhqot̓in Community Governments.
4. T̓silhqot̓in Nation continues to build internal capacity for strong Nation and Community Governance and to support the transition into greater governmental authority and responsibility.
5. The Parties develop a renewed, flexible and stable fiscal framework to support long-term T̓silhqot̓in governance, adaptable over time as the T̓silhqot̓in Nation assumes additional jurisdictions, authorities and responsibilities as a government.
6. The Parties collaboratively identify and implement T̓silhqot̓in governmental funding authorities (potential examples include taxes, fees, licences, fines and penalties, leases, grants and investments) as agreed, established and adapted by the Parties over time.
7. T̓silhqot̓in Nation continues the work of renewing and revitalizing its inherent governance system, based on feedback, experience and the direction from the T̓silhqot̓in peoples.



### **Long-Term Milestones (Years 6-10 +)**

1. T̓silhqot'in Nation has a strong, effective, inherent system of governance, endorsed by the T̓silhqot'in peoples, grounded in T̓silhqot'in culture, laws and values, and with the human and financial capacity for stable, long-term success.
2. The Nation and Community Governments are recognized and operate pursuant to their inherent rights of self-determination and governance, outside of the *Indian Act*, the tribal council system, and the *Canada Not-for-profit Corporations Act*.
3. By agreement(s) or legislation, Canada and British Columbia recognize T̓silhqot'in jurisdiction and authority in respect of additional subject matters as jointly identified by the Parties (e.g. children and families, education, fisheries) and establish frameworks to harmonize the application of T̓silhqot'in, British Columbia and federal laws.
4. The Parties adapt the renewed, flexible and stable fiscal framework over time to support the T̓silhqot'in Nation in effectively exercising these additional jurisdictions, authorities and responsibilities as a government.
5. T̓silhqot'in Nation, Canada and British Columbia collaboratively address the remaining areas of jurisdictional conflict or uncertainty and continue to enhance respectful relations to harmonize their respective laws, jurisdictions and responsibilities.

## **Strong Culture and Language Pathway**

*The milestones focus on implementing T̓silhqot̓'in approaches outlined in the T̓silhqot̓'in Social Cultural Action Plan that will enhance the Nation's language preservation activities, program development, and community-based language initiatives*

### **Short-Term Milestones (Years 1-3)**

1. T̓silhqot̓'in Nation builds internal capacity for strong Nation and Community structures that empower citizens to utilize their language and gain fluency.
2. T̓silhqot̓'in Nation develops proposal for full T̓silhqot̓'in language immersion programming and continues to develop innovative tools to support language retention and fluency.
3. T̓silhqot̓'in Nation builds from feasibility studies to work with partners and integrate immersion programs with early childhood education and primary classes.
4. T̓silhqot̓'in Nation empowers learners and educators to co-develop with partners the T̓silhqot̓'in Language Teacher Certificate Program.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation formalizes a language teacher certificate program.
2. Partners have successfully conducted a pilot teacher certificate program and provide wrap around supports for future language teachers to gain their teaching accreditation.
3. T̓silhqot̓'in Nation's jurisdiction and responsibilities in respect of culture and language for its Citizens are recognized by Canada and British Columbia, by legislation or agreement.
4. The T̓silhqot̓'in Nation's jurisdiction and responsibilities in respect of culture and language and long-term T̓silhqot̓'in language development as the T̓silhqot̓'in Nation advances its programming across Communities and the Nation, is supported by a renewed, flexible and stable fiscal framework.

### **Long-Term Milestones (6-10 years +)**

1. Language programs are self-sufficient with the financial and human resources in place to move the T̓silhqot̓'in language from surviving to thriving.
2. T̓silhqot̓'in Nation has recorded and preserved the language, beliefs, oral histories, and cultural knowledge for the benefit of future generations.

3. A comprehensive language program that is integrated across the Nation and Communities utilizing a suite of tools, curriculum and immersion programs that mainstream the T̓silhqot̓in language in all areas of work.
4. All T̓silhqot̓in citizens no matter where they live have access and opportunity to learn their language.

## **Healthy Children & Families Pathway**

*The milestones focus on implementing T̓silhqot̓'in child and family approaches outlined in the T̓silhqot̓'in Social Cultural Action Plan that will develop preventative and culturally based programs rooted in the T̓silhqot̓'in Nation's traditional laws and values.*

### **Short-Term Milestones (Years 1-3)**

1. T̓silhqot̓'in Nation, Canada and British Columbia implement a culturally based prevention/early intervention model reaffirming traditional T̓silhqot̓'in approaches to family and community wellbeing.
2. T̓silhqot̓'in Nation builds strong Nation and Community based systems that utilize the strengths of all partners, and empowers families, communities, and agencies to maximize success.
3. T̓silhqot̓'in Nation, Canada and British Columbia implement new programs that recognize and implement T̓silhqot̓'in jurisdiction over child and family services.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation, Canada and British Columbia have established jurisdictional relationships to engrain T̓silhqot̓'in traditional laws and practices as the foundation to a transformed child and family services.
2. T̓silhqot̓'in child and family services have the fiscal capacity to advance their programming across Communities and the Nation.

### **Long-Term Milestones (Years 6-10 +)**

1. A transformative and holistic T̓silhqot̓'in child and family model is implemented, grounded in T̓silhqot̓'in laws, values and responsibilities.
2. T̓silhqot̓'in child and family services are delivered and managed by the T̓silhqot̓'in.
3. T̓silhqot̓'in Nation's jurisdiction and responsibilities in respect of child and family services for its citizens are recognized, respected and harmonized with the respective jurisdictions and responsibilities of Canada and British Columbia.
4. T̓silhqot̓'in child and family wellness indicators exceed provincial standards.
5. T̓silhqot̓'in child and family programs are sustainable and culturally-based, with the financial and human resources in place to transform from surviving to thriving.

## **Healthy Communities Pathway**

### **Short-Term Milestones (Years 1-3)**

*The short-term milestones focus on transforming the lives of T̓silhqot̓'in Citizens and Communities by addressing the needs for safe and healthy homes, essential infrastructure and emergency preparedness.*

1. Canada and the T̓silhqot̓'in Nation implement the T̓silhqot̓'in Housing Investment Strategy to address the housing and infrastructure needs in the T̓silhqot̓'in Communities. The Parties also explore partnership opportunities with British Columbia to support this initiative.
2. T̓silhqot̓'in Nation, Canada and British Columbia partner to continue advancing the Tripartite Collaborative Emergency Management Agreement and assess and implement the calls to action in the *T̓silhqot̓'in Wildfires Report: The Fire Awakened Us*.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation and Canada continue to implement the *T̓silhqot̓'in Housing and Infrastructure Implementation Plan*, in partnership with British Columbia as opportunities are available.
2. T̓silhqot̓'in Nation, Canada and British Columbia continue to assess and implement the *T̓silhqot̓'in Wildfires Report: The Fire Awakened Us* and address the emergency management gaps across all areas for the benefit of First Nations and stakeholders across the country.

### **Long-Term Milestones (Years 6-10 +)**

1. T̓silhqot̓'in Nation and Canada continue to implement the *T̓silhqot̓'in Housing and Infrastructure Implementation Plan*, in partnership with British Columbia as opportunities are available, with the goal of establishing a sustainable housing and infrastructure program for the Nation supported by strong policy, capacity and governance structures.
2. T̓silhqot̓'in Nation, Canada and British Columbia have successfully partnered to implement the *T̓silhqot̓'in Wildfires Report: The Fire Awakened Us*.
3. T̓silhqot̓'in Nation, Canada and British Columbia have established seamless and effective emergency management in the region, including wildfire response, across governments (federal, provincial and Indigenous), in a manner that supports the role and capacity of the T̓silhqot̓'in Nation and T̓silhqot̓'in Communities as true partners and leaders in emergency management.

## **Justice Pathway**

*The milestones focus on implementing T̓silhqot̓'in approaches outlined in the T̓silhqot̓'in Social Cultural Action Plan that will enhance the Nation's justice activities, coordination, program development, and better outcomes.*

### **Short-Term Milestones (Years 1-3)**

1. T̓silhqot̓'in Nation builds strong Nation and Community based systems that utilize the strengths of all partners, and empowers families, communities, and agencies to maximize success.
2. Canada engages with British Columbia and T̓silhqot̓'in Nation to explore and define Canada's role in supporting this work, which includes addressing criminal justice, community safety and policing issues for the T̓silhqot̓'in Nation.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation, British Columbia and Canada, as required continue advancing the shared vision and priorities of the Parties in respect of justice issues identified above.

### **Long-Term Milestones (Years 6-10 +)**

1. T̓silhqot̓'in Nation, British Columbia and Canada achieve and continuously refine the shared vision and priorities of the Parties in respect of justice issues.
2. The Parties collaborate to identify and implement steps for T̓silhqot̓'in jurisdiction and authority to be recognized in respect of justice issues and programs, and establish frameworks to harmonize the application of T̓silhqot̓'in, provincial and federal laws.

## **Education and Training Pathway**

*The milestones focus on implementing T̓silhqot̓'in approaches outlined in the T̓silhqot̓'in Social Cultural Action Plan that will enhance the Nation's education activities, coordination, program development, and students learning outcomes.*

### **Short-Term Milestones (Years 1-3)**

1. T̓silhqot̓'in Nation builds internal capacity, partnerships and structures that lead to stronger education outcomes for the Nation, Communities and learners.
2. T̓silhqot̓'in Nation completes the research and development of tools that can integrate T̓silhqot̓'in culture and teachings across education systems.
3. T̓silhqot̓'in Nation builds from feasibility studies and works with British Columbia, Canada and other partners to integrate immersion programs with early childhood education and primary classes.
4. T̓silhqot̓'in Nation utilizes Adult Education Centre Feasibility Study and works with British Columbia, Canada and other partners to determine how to address adult learning and training needs.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation has fully integrated new curriculums across education systems that proudly reflect T̓silhqot̓'in culture and teachings.
2. T̓silhqot̓'in Nation, British Columbia, Canada and other partners have successfully progressed from feasibility studies, to pilots, to the expansion of innovative language and education programs across the T̓silhqot̓'in Nation.
3. T̓silhqot̓'in Nation's jurisdiction and responsibilities in respect of education for its Citizens are recognized, respected and harmonized with the respective jurisdictions and responsibilities of British Columbia and Canada. In partnership, British Columbia, Canada and the T̓silhqot̓'in Nation are co-developing the structures and programming required to deliver culturally appropriate, T̓silhqot̓'in-led education to T̓silhqot̓'in Citizens from early childhood education through adult learning.
4. The T̓silhqot̓'in Nation's jurisdiction and responsibilities in respect of education and long-term T̓silhqot̓'in education development as the T̓silhqot̓'in Nation advances its programming across Communities and the Nation, is supported by a renewed, flexible and stable fiscal framework.

### **Long-Term Milestones (Years 6-10 +)**

1. T̓ìlhqot'ìn Communities and citizens have access to meaningful education programs and supported in all areas of learning.
2. T̓ìlhqot'ìn citizens have strong self-sufficient early childhood, kindergarten to grade 12, and adult learning programs in place that support Communities and students attaining their learning aspirations.



## **T̓silhqot̓'in *Nen* (Lands, Waters and Resources) Pathway – General**

### **Short-Term Milestones (Years 1-3)**

*These short-term milestones focus on implementing the vision and priorities identified by T̓silhqot̓'in Nation and British Columbia in the *Nenqay Deni Accord* and the *Letter of Commitment*, and on engaging collaboratively with Canada to identify and define Canada's role in this work.*

1. T̓silhqot̓'in Nation and British Columbia will convene senior officials, reporting directly to British Columbia and T̓silhqot̓'in Nation leadership, to participate in focused meetings with the BC Working Group and/or Lands and Resources Sub-Table Managers on a regular basis to provide leadership and guidance for implementation of the commitments in section 12 of this Agreement, section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment*, as set out in this Pathway. Canada will participate in this work as appropriate.
2. T̓silhqot̓'in Nation and British Columbia develop an action plan (with short-, mid- and long-term actions), building on their existing work plans, to advance the shared vision and priorities set out in section 12 of this Agreement, section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment* in accordance with these Milestones.
3. Canada engages with British Columbia and T̓silhqot̓'in Nation to explore and define Canada's role in supporting the shared vision and priorities set out in section 12 of this Agreement, section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment*.
4. T̓silhqot̓'in Nation and British Columbia, in partnership with Canada as required, co-develop structures and processes that reduce conflict over land and resource management and support consensus outcomes reflecting the principle of free, prior informed consent in the United Nations' *Declaration on the Rights of Indigenous Peoples*.
5. T̓silhqot̓'in Nation continues to build and operate stewardship and monitoring programs as collaboratively defined with British Columbia and Canada (e.g. Fisheries Monitors, T̓silhqot̓'in Natural Resource Officers, T̓silhqot̓'in Ranger Program) and further develops its strategy for sustainably operating these programs and expanding the T̓silhqot̓'in role into compliance and enforcement activities.
6. T̓silhqot̓'in Nation undertakes community-driven, nation-coordinated strategic planning / land use planning as a foundation for expressing T̓silhqot̓'in management priorities, values and interests in T̓silhqot̓'in *nen* to support the work with British Columbia in achieving the shared vision and goals set out in section

12 of this Agreement, section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment*.

**Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓in Nation and British Columbia, in partnership with Canada as required, continue to advance this Pathway and Milestones to implement the shared vision and priorities set out in section 12 of this Agreement and section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment*.
2. T̓silhqot̓in Nation and British Columbia, in partnership with Canada as required, continue to co-develop and implement structures and processes that reduce conflict over land and resource management and support consensus outcomes reflecting the principle of free, prior informed consent in the United Nations' *Declaration on the Rights of Indigenous Peoples*.
3. T̓silhqot̓in Nation operates stewardship and monitoring programs (e.g. Fisheries Monitors and T̓silhqot̓in Natural Resource Officers, T̓silhqot̓in Ranger Program) and continues to collaborate with the Parties regarding further expanding the T̓silhqot̓in role into compliance and enforcement activities.
4. The T̓silhqot̓in Governments exercise additional jurisdictions, authorities and responsibilities in respect of T̓silhqot̓in *nen*, as collaboratively implemented with British Columbia and Canada to harmonize respective laws and supported by a renewed, flexible and stable fiscal framework.

**Long-Term Milestones (Years 6-10 +)**

1. T̓silhqot̓in Nation and British Columbia, in partnership with Canada as required, achieve and continuously refine the shared vision and priorities set out in section 12 of this Agreement and section 12 of the *Nenqay Deni Accord* and the *Letter of Commitment*.
2. T̓silhqot̓in Nation and British Columbia, in partnership with Canada as required, have established lasting structures and processes that reduce conflict over land and resource management and support consensus outcomes reflecting the principle of free, prior informed consent in the United Nations' *Declaration on the Rights of Indigenous Peoples*.
3. T̓silhqot̓in Nation operates sustainable programs for stewardship, monitoring, compliance and enforcement that reflect T̓silhqot̓in Nation authority as an order of government and integrates and harmonizes British Columbia, federal and T̓silhqot̓in regulatory regimes.

4. T̓silhqot'in Nation, British Columbia and Canada, have harmonized their respective laws, jurisdictions and responsibilities in respect of T̓silhqot'in *nen*, to the extent possible.
5. The T̓silhqot'in Governments exercise additional jurisdictions, authorities and responsibilities in respect of T̓silhqot'in *nen*, as collaboratively implemented with British Columbia and Canada to harmonize respective laws and supported by a renewed, flexible and stable fiscal framework.

## **T̓silhqot'in Nen (Lands, Waters and Resources) Pathway – Declared Title Area**

### **Short-Term Milestones (Years 1-3)**

*These short-term milestones focus on establishing a path, through partnership between T̓silhqot'in Nation, Xeni Gwet'in First Nations Government ("Xeni Gwet'in"), British Columbia and Canada, to support strong T̓silhqot'in governance and management of the Declared Title Area, with clarity as to the Parties' respective roles and responsibilities and certainty for residents and stakeholders.*

*The shared vision and intention is to establish a unique, world-class example of Government-to-Government and Nation-to-Nation partnership grounded in Indigenous leadership, vision and self-determination.*

*The T̓silhqot'in Nation and Xeni Gwet'in estimate that success in achieving these milestones requires sustained, multi-year investment by British Columbia and Canada of practical, technical and funding support to establish the capacity, planning and agreements required to advance the shared vision. British Columbia and Canada agree that practical, technical and funding support is critical to success in achieving the Milestones and will work to establish sustained, multi-year funding for this Pathway.*

1. Xeni Gwet'in and T̓silhqot'in Nation establish a clear vision and roadmap for sustainable governance and land and resource management in the Declared Title Area.
2. Xeni Gwet'in and T̓silhqot'in Nation develop a strategy for long-term economic development and begin investing in growth in the Declared Title Area.
3. Xeni Gwet'in and T̓silhqot'in Nation begin to build internal capacity for strong Community Governance through training, mentoring and strategic hiring.
4. Xeni Gwet'in and T̓silhqot'in Nation, in collaboration with British Columbia, develop strategic plans for access management and tenure management to transition beyond the current Bridging Agreements and support more active tenure management by Xeni Gwet'in, on behalf of the T̓silhqot'in Nation, in the Declared Title Area.
5. Xeni Gwet'in, T̓silhqot'in Nation and British Columbia identify critical infrastructure issues in the Declared Title Area and collaboratively develop a plan for infrastructure management.
6. Xeni Gwet'in and T̓silhqot'in Nation begin to develop land use, access, wildlife and forest health management laws, policies and procedures, informed by engagement with British Columbia, Canada, residents and stakeholders. Xeni Gwet'in and T̓silhqot'in Nation engage collaboratively with British Columbia and

Canada to harmonize respective jurisdictions and authorities as required and the Parties begin to implement critical management measures.

**Mid-Term Milestones (Years 4-5)**

1. Xení Gwet'in and T̓silhqot'in Nation continue to build internal capacity for strong Community Governance and to support the transition into greater governmental authority and responsibility.
2. Xení Gwet'in and T̓silhqot'in Nation work collaboratively with British Columbia, Canada and regional governments to clarify and harmonize roles and responsibilities regarding land, water and resource management and interests of third parties.
3. Xení Gwet'in and T̓silhqot'in Nation continue to develop, regulate and enforce land use, access, wildlife and forest health management laws, policies and procedures in the Declared Title Area, informed by engagement with British Columbia, Canada, residents and stakeholders and supported by collaborative work with British Columbia and Canada.
4. Xení Gwet'in and T̓silhqot'in Nation develop and begin to implement new tenure management and revenue generation systems.

**Long-Term Milestones (Years 6-10 +)**

1. The Parties have established a clear, seamless regulatory framework for the Declared Title Area that respects and recognizes T̓silhqot'in ownership, management, benefit and control.
2. The Parties have harmonized T̓silhqot'in land use, access, wildlife and forest health management laws, policies and procedures for the Declared Title Area with provincial, federal and regional regulatory systems.
3. Xení Gwet'in and T̓silhqot'in Nation have a fully implemented tenure management strategy for the Declared Title Area.
4. Xení Gwet'in and T̓silhqot'in Nation have the "core" internal capacity required for strong Community Governance and greater governmental authority and responsibility as contemplated by the shared vision and goals of this Pathway.
5. Xení Gwet'in and T̓silhqot'in Nation have developed and implemented revenue generation systems and opportunities to support sustainable governance of the Declared Title Area.

## **Tsilhqot'in Nen (Lands, Waters and Resources) Pathway – Military Block**

### **Short-Term Milestones (Years 1-3)**

*These short-term milestones focus on establishing a respectful working relationship between Canada and the Tsilhqot'in Nation (and in particular the Tsilhqot'in Community of Tl'esqox) in respect of Military Lot 7741 ("Military Block").*

1. Tl'esqox and the Department of National Defence ("DND") enter into an Interim Communication and Engagement Protocol to improve relations and communications regarding the Military Block.
2. Tl'esqox and DND collaboratively implement the Interim Communication and Engagement Protocol and identify issues and long term objectives related to the Military Block.

### **Mid-Term Milestones (Years 4-5)**

1. Tl'esqox, Tsilhqot'in Nation and Canada negotiate a longer-term *Protocol Agreement* addressing issues related to the Military Block.

### **Long-Term Milestones (Years 6-10 +)**

1. Tl'esqox, Tsilhqot'in Nation and Canada collaboratively implement the *Protocol Agreement*, including through the negotiation of additional agreements as necessary.

## **Fisheries Pathway**

### **Short-Term Milestones (Years 1-3)**

*The short-term milestones focus on implementing immediate planning and operational work related to the governance and management of T̓silhqot'in fish, fish habitat and fisheries and build off the "Shared Interest Document to Guide Fisheries Reconciliation".*

*The T̓silhqot'in Nation and Canada will engage collaboratively with British Columbia to identify and define British Columbia's role in this work.*

1. T̓silhqot'in Nation has a clear vision of nation-wide priorities and direction (roadmap/strategy) for advancement of T̓silhqot'in governance and management of fish, fish habitat and fisheries within Pathway-Reconciliation Agreement.
2. T̓silhqot'in Nation and Canada (and British Columbia as appropriate), develop options and priorities to ensure direct and meaningful role for T̓silhqot'in Nation in the governance and management of T̓silhqot'in fish, fish habitat and fisheries.
3. T̓silhqot'in Nation and Canada (and British Columbia as appropriate), jointly identify and implement measures to monitor, protect, restore and enhance fish and fish habitat (including ecosystem resources) that support T̓silhqot'in fisheries, including the Chilko, Taseko, Chilcotin and Fraser salmon runs, to protect sustainable populations for current and future generations.
4. T̓silhqot'in Nation and Canada (and British Columbia as appropriate), jointly identify and support targeted restoration projects and conservation-enhancement projects for the conservation and rebuilding of T̓silhqot'in fish, fish habitat and fisheries. Once priority projects have been identified, the T̓silhqot'in Nation, Canada, and British Columbia (working bilaterally and trilaterally as appropriate) will collaboratively work to secure the additional funding required to implement such projects.
5. T̓silhqot'in Nation and Canada (and British Columbia as appropriate), jointly identify and implement measures to support T̓silhqot'in fisheries for all purposes (traditional/cultural/economic fisheries).
6. T̓silhqot'in Nation and Canada (and British Columbia as appropriate), jointly identify and support fisheries-related economic opportunities (including aquaculture, commercial recreation, etc).
7. T̓silhqot'in Nation and Canada (and British Columbia as appropriate) evolve and enhance the Chilko Lake Fisheries Site and work to effect administrative transfer of the Chilko Lake Fisheries Site and associated structures to the T̓silhqot'in and

secure T̓silhqot̓in authorization for DFO's continued use of the Chilko Lake Fisheries Site for salmon stock assessment purposes.

8. In a manner consistent with the T̓silhqot̓in *Nen* Pathways, T̓silhqot̓in Nation and British Columbia (with Canada as appropriate) identify and implement measures to support T̓silhqot̓in Nation's governance and management of natural resources (eg. Water, forests, and other landscape level/ecosystem resources) that impact fish, fish habitat, fisheries and aquatic resources.
9. T̓silhqot̓in Nation, with support from Canada and British Columbia, continues to build internal capacity to support an effective and incrementally increasing role for the T̓silhqot̓in Nation in the governance and management of fish, fish habitat and fisheries, including stewardship, planning, monitoring and enforcement.

#### **Mid-Term Milestones (Years 4-5)**

1. In a manner consistent with the T̓silhqot̓in *Nen* Pathways, British Columbia and Canada implement steps to recognize T̓silhqot̓in jurisdiction, authority, governance and management in respect of fish, fish habitat and fisheries, and working with the T̓silhqot̓in establish frameworks to collaboratively apply/ harmonize the application of T̓silhqot̓in, federal and provincial laws.
2. T̓silhqot̓in Nation continues to build internal capacity to support the increasing exercise of T̓silhqot̓in laws, authority, governance and management over fish, fish habitat and fisheries.
3. T̓silhqot̓in Nation and Canada (and British Columbia as appropriate), continue to jointly identify and implement measures to monitor, protect, restore and enhance T̓silhqot̓in fish and fish habitat (including ecosystem resources), including the Chilko, Taseko, Chilcotin and Fraser salmon runs, to protect sustainable populations for current and future generations.
4. T̓silhqot̓in Nation and Canada (and British Columbia as appropriate) continue to jointly identify and support targeted restoration and enhancement projects for the protection and rebuilding of T̓silhqot̓in fisheries.
5. T̓silhqot̓in Nation and Canada (and British Columbia as appropriate) jointly develop frameworks or guidelines in respect of the enforcement of T̓silhqot̓in, federal and provincial laws regarding fish, fish habitat and fisheries including transitioning to an enhanced fisheries enforcement role for the T̓silhqot̓in Nation.

#### **Long-Term Milestones (Years 6-10 +)**

1. Continuing on the work under Mid-term Milestone 1, British Columbia and Canada continue to take steps to recognize T̓silhqot̓in jurisdiction, authority, governance and management in respect of fish, fish habitat and fisheries, and



establish frameworks to collaboratively apply/harmonize the application of T̓silhqot̓in, provincial and federal laws.

2. T̓silhqot̓in Nation continues to build internal capacity to support the increasing exercise of T̓silhqot̓in laws, authority, governance and management over fish, fish habitat and fisheries.

## **Sustainable Economic Base Pathway**

### **Short-Term Milestones (Years 1-3)**

*The short-term milestones focus on building a strong economic base for the T̓silhqot̓'in Nation through economic development that contributes positively to the region and by identifying opportunities to exercise additional governmental funding authorities.*

1. T̓silhqot̓'in Nation and British Columbia continue advancing the shared vision and priorities set out in section 13 of this Agreement, section 13 of the *Nenqay Deni Accord* and the *Letter of Commitment*, including priorities related to government procurement policies, resource revenue sharing, acquisitions fund, land-based investment strategy and an economic development capital fund.
2. T̓silhqot̓'in Nation completes the *Economic Action Plan and Alternative Energy and Infrastructure Plan* as set out in the *Nenqay Deni Accord* and the Parties collaboratively assess opportunities to support economic development for the T̓silhqot̓'in Communities and advance projects that are deemed actionable.
3. T̓silhqot̓'in Nation establishes the Dandzen Development Corporation to advance economic development for the T̓silhqot̓'in Nation.

### **Mid-Term Milestones (Years 4-5)**

1. T̓silhqot̓'in Nation and British Columbia continue to implement the shared vision and priorities set out in section 13 of this Agreement, section 13 of the *Nenqay Deni Accord* and the *Letter of Commitment*, including the *Economic Action Plan* and *Alternative Energy and Infrastructure Plan*.
2. T̓silhqot̓'in Nation begins to implement governmental funding authorities, pursuant to collaborative steps developed and implemented with British Columbia and Canada, and in coordination with progress towards milestones on the Governance Pathway.

### **Long-Term Milestones (Years 6-10 +)**

3. T̓silhqot̓'in Nation exercises a full suite of governmental funding authorities and generates significant revenues to support T̓silhqot̓'in government services and operations.