



DOING BUSINESS THE TSILHQOT'IN WAY

*Reference guide to foster
respectful engagement with the Tsilhqot'in*

On June 26, 2014, Title to Xeni Gwet'in - Tsilhqot'in territory was declared establishing a foundation to build certainty in business relationships with First Nations.

The Tsilhqot'in are 'Open For Business' and invite industry to have early and respectful engagement when considering business opportunities in the Tsilhqot'in.





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Foreword

The landscape has evolved among the relationships between government and First Nations. Legally, politically, and economically there is a transformative change.

There is irrefutable value in working with the First Nation communities from the outset of developing business opportunities. The value systems in the First Nation communities are grounded with language, tradition, culture, land and resource stewardship, and the preservation of fish and wildlife for future generations. These value systems can be incorporated into the principles for future developmental activity.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), endorsed by Canada in November 2010, protects Indigenous people's collective rights to the "minimum standards for survival, dignity and well-being..."

¹ The UNDRIP recommends six steps for Indigenous peoples' achievement of Free, Prior and Informed Consent (FPIC)² recognizing that as stewards of the land present for thousands of years, they have a basic right to decision making on any development activity that affects ancestral lands, natural resources or territories.

Progression, albeit slow, has been made to transform the relationship with First Nation communities to one of inclusion in business. Engagement with the focus between both parties on how, when, and with and by whom are identified in FPIC as appropriate processes to guide a new relationship between the Indigenous community and a non-Indigenous business partner.

The Tsilhqot'in Nation has long expressed they would like to be taking part in economic development, and not just observing from the sidelines. Engaging the Tsilhqot'in Nation from the conceptual stage of business will foster a strong and equally-beneficial relationship for all parties involved.

¹ "United Nations Declaration on the Rights of Indigenous Peoples." United Nations, September 13, 2007, https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

² "United Nations Declaration on the Rights of Indigenous Peoples." United Nations, October 14, 2016, <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>



The Tsilhqot'in

The Tsilhqot'in, Chilcotin People of the River, are represented by six communities: ?Esdilagh (Alexandria), Tl'eqox (Toosey), Tl'etinqox (Anaham), Tsi Deldel (Alexis Creek), Xení Gwet'in (Nemiah Valley) and Yunesit'in (Stone). The Nation has a population of over 4,000 citizens.

The Nation established the Tsilhqot'in National Government (TNG) office in 1989 to provide services for their citizens while formalizing their traditional government structure.

In 1989, the Tsilhqot'in began legal proceedings against British Columbia for authorizing the harvest of timber against the Nations' consent within their territory. For decades, the court case progressed to the final court of appeals in the Canadian justice system. On June 26, 2014, the Supreme Court of Canada, for the first time in Canadian history, unanimously granted a declaration of Aboriginal title to the Tsilhqot'in Nation to approximately 1,900 square kilometres of land. The decision allows for full Tsilhqot'in ownership, benefit and control of the Declared Title Area (DTA). The DTA is located within the Xení Gwet'in caretaker area.

The Tsilhqot'in Nation has never ceded their traditional territory and are in active negotiations with the Provincial and Federal governments with the goal of achieving lasting reconciliation.

On December 10, 2014, the Tsilhqot'in and Government of British Columbia signed a Letter of Understanding¹ to commit to long-term reconciliation after the historic landmark decision acknowledging Tsilhqot'in title and committing the parties to develop a framework agreement. On October 24, 2014, the Premier of British Columbia in the Legislature in Victoria apologized for the wrongful hangings of six Tsilhqot'in warrior Chiefs in 1964-65. Over a year later, on February 12, 2016, both the Tsilhqot'in and B.C. signed the five-year agreement, the Nenqay Deni

¹ "Letter of Understanding, British Columbia & Tsilhqot'in." Tsilhqot'in National Government, December 10, 2014, http://www.tsilhqotin.ca/Portals/0/PDFs/LOU_Tsilhqotin_BC.pdf





Accord.² The Accord outlines eight negotiation areas – governance, culture and language, children and families, healthy communities, justice, education and training, lands and resources, and economic development.

On January 27, 2017, the Tsilhqot'in and the Federal Government of Canada signed a Letter of Understanding³ to strengthen the Nation-to-Nation relationship and to commit to negotiation for a reconciliation agreement. On March 26, 2018, Canada exonerated the Tsilhqot'in Chiefs who were wrongfully hanged in 1964 and 1965 of any wrongdoings and recognized them in the House of Commons in the presence of current Tsilhqot'in leadership and later Prime Minister Justin Trudeau delivered the exoneration in the Declared Title Area in the presence of Tsilhqot'in citizens and further committed to a Pathways Agreement⁴ which negotiates Federal issues in relationship to First Nations.

2 "Nenqay Deni Accord." Tsilhqot'in National Government, February 12, 2016, <https://www.google.ca/search?q=nenqay+deni+accord&oq=nenqay+den&aqs=chrome.0.69i59j69i60l2j69i57j0.7031j0j4&sourceid=chrome&ie=UTF-8>

3 "Letter of Understanding, Canada & Tsilhqot'in." Tsilhqot'in National Government, January 27, 2017, http://www.tsilhqot'in.ca/Portals/0/PDFs/Press%20Releases/2017_01_27_Tsilhqot'in_Canada_LOU.pdf

4 "Gwetse'en nil'tl – Towards it, We Are Striving." Pathways Agreement Tsilhqot'in, November 2, 2018, http://www.tsilhqot'in.ca/Portals/0/PDFs/2018_11_PathwaysAgreement.pdf



Tsilhqot'in Value Systems

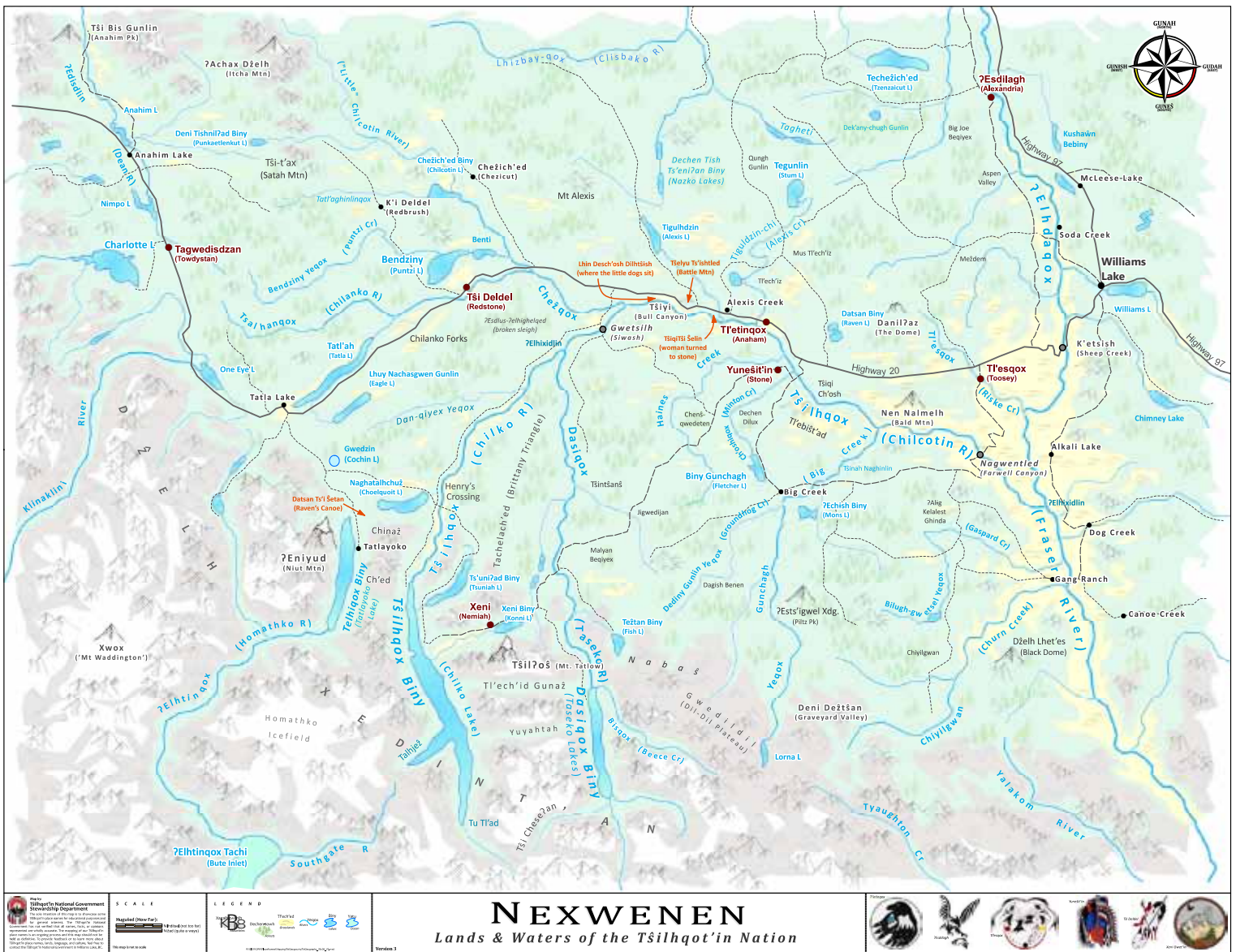
Value systems in First Nation communities are grounded with language, tradition, culture, land and resource stewardship, and the preservation of fish and wildlife for future generations.

Tsilhqot'in history is embedded on the lands in which the people have resided for thousands of years. The deep connection that the Tsilhqot'in have with their land begins with territory-specific teachings in hunting, gathering, and preserving their sustenance. Land-based daily teachings or customs have long cultivated the Tsilhqot'in way of life.

Over the years, the Tsilhqot'in have worked to preserve and document their language. The Tsilhqot'in have been recognized to have language speakers throughout various ages – most notably the youth. There are also many Elders who only speak Tsilhqot'in.

Bilingual language, Tsilhqot'in and English, distance signage, and traditional place names mark the Tsilhqot'in community locations and landmarks throughout the territory. Many documents, laws, and policies are written in Tsilhqot'in for the benefit of the citizens.

The culture and traditions are intact. The communities actively practice cultural and traditional activities while gathering, within the Tsilhqot'in school systems and through cultural camps. Drumming, singing, and oral history are a part of every day living.



Stewardship of the Lands & Waters

The T̓silhqot̓in work to maintain health of the lands and waters in their capacity as inherent stewards of the lands. Water bodies, fish, and wildlife have no boundaries, and the Nation collectively works together to conserve them for future generations.

Known as the People of the River, the Nation will examine effects to lakes, rivers, tributaries, and underground water bodies. The Nation—with the Department of Fisheries and Oceans—co-manages the rivers that run through the territory. Strong sockeye returns every year are highly attributable to the care and diligence of the T̓silhqot̓in.

The T̓silhqox (Chilko River) sockeye run is one of the largest and healthiest sockeye runs, and averages approximately one million fish returning per year. Salmon travel over 805 kilometres to reach the Chilko where they spawn at the glacial Chilko Lake. These salmon were found to have large hearts and healthy cardiorespiratory systems: “Superfish,”¹ according to National Geographic. The T̓silhqot̓in maintain protection measures over additional rivers and water bodies.

1 “Superfish With Bigger Hearts Better Equipped for Climate Change.” National Geographic, April 1, 2011, <https://news.nationalgeographic.com/news/2011/03/110331-salmon-global-warming-adaptation/>



Law Making Authority

Xeni ?eguh jid Nits'egugheni?an (Affirmation of the Nemiah Declaration), March 19, 2015.

Description: Affirming that the Nemiah Declaration is the law governing the Declared Title Area.

http://www.tsilhqotin.ca/Portals/0/PDFs/Nemiah_Declaration.pdf

Dechen Ts'ededilhtan (Emergency Moose Protection), August 27, 2018.

Description: Interim Tsilhqot'in law prohibiting provincially authorized Limited Entry Hunt (LEH) within Tsilhqot'in territory.

Policies

Tsi Ts'edetalhdez Gwá Dechen Ts'edilhtán - Draft Mining Policy)

<http://www.tsilhqotin.ca/Portals/0/PDFs/MiningPolicyDistribution.pdf>

Steps to Engagement

A successful relationship with the Tsilhqot'in can be fostered through respect, transparency, and honesty. The Nation is intrinsically connected to the lands in which they reside and contemplate decisions on the land use for themselves and their future generations.

The process for engagement with the Tsilhqot'in is simple:

ENGAGE EARLY

- Engage early to avoid missteps
- Contact the economic development department to discuss the project and to arrange a future date to arrange a formal meeting with the Nation
- Prepare the technical staff with company background information and conceptual plans of the project

LEARN

- Build a relationship with the Tsilhqot'in to learn about the uniqueness of each community
- Join the Tsilhqot'in citizens at traditional gatherings and in their communities
- Discover the values that drive the Nation

MOU STAGE

- Develop a Memorandum of Understanding with the Nation
- Establish protocols that take into account the Tsilhqot'in values
- Identify together the potential service and supply arrangements (i.e. capacity building opportunities, transferences of knowledge, economic and training opportunities, traditional-use studies, benefit sharing, equity ownership)

PROJECT FORMULATION

- Work with the communities when developing the plan for the project
- It is important to 'paint the full picture' for the Nation and expect that the Nation will carry out their own due-diligence
- This step is an iterative process to ensure that the Nation is fully informed and is comfortable with the progression

DECISION MAKING

- Understand that the Tsilhqot'in governance system is complex, unified, and follows a traditional decision-making process
- Allow time, this process may have a number of steps before it gets to the decision-making stage
- The Nation has the final say – Free, Prior and Informed Consent (FPIC) supports the First Nation communities' right to self-determination, consultation and participation in decision-making

Relationships take time and effort.

Reach Out to Us

The Tsilhqot'in is interested in economic growth and in teaming with strong industry leaders. There is a growing work force and a high unemployment rate in the Tsilhqot'in due to a lack of opportunities that complement the vision and values close to home.

The Tsilhqot'in Nation encourages companies wishing to do business within the territory to build local benefits to the communities. Within the territory, the Tsilhqot'in Nation expects:

- The right of first refusal on contracts
- Preferential hiring for First Nation people and the local residents
- Training with the goal of developing capacity for a skilled labour force locally
- Fostering joint venture companies
- Contributions at community and nation events and partnership attendance
- Investments within the communities that support the healthy vision of the Nation

Contact the Tsilhqot'in National Government Economic Development team for more information.

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