



May 20, 2021

The Honourable Carolyn Bennett,
Minister of Crown-Indigenous Relations
Government of Canada

The Honourable John Horgan
Premier of BC

The Honourable Sandy Silver
Premier of Yukon

Re: Honouring, Respecting and Maintaining the Treaty and Unsurrendered Rights, Titles and Interests of Tlingit and Tagish peoples in British Columbia and Yukon (the “Indigenous Rights and Titles”)/Interim Protections, Collaborative Co-Governance and Treaty Negotiations

Who we are

Teslin Tlingit Council (TTC), Taku River Tlingit First Nation (TRTFN) and Carcross/Tagish First Nation (CTFN) represent the Dakhka Tlingit Nation with traditional territories in southern Yukon and north western British Columbia (BC). Our Elders, in the spirit of unity, remind and direct us that we share a cultural history as stewards and protectors of the land, water, air and natural resources within each of our traditional territories. Our people have lived since time immemorial as part of the land and part of the water in harmony and in accordance with our laws, traditions, and culture (*Haa Kusteeyi* or the Tlingit Way). We have inherited a sacred covenant from the Creator to care for our traditional lands and we are here to stay and continue to enrich our cultures, citizens, lands and resources.

Among us we have in excess of 25 years of experience implementing our constitutionally recognized treaties in our respective traditional territories and self-government agreements. We have entered into government-to-government agreements in Yukon and BC addressing a wide range of self-government priorities. This experience builds upon and enhances our Indigenous Rights and Titles.

We have embarked on government-to-government initiatives to investigate, analyse and implement collaborative measures to recognize and protect our Indigenous Rights and Titles. For example, we have recently undertaken a moose population survey within portions of our traditional territory in BC. We have also worked closely with other governments to protect and rebuild the caribou population within our traditional territories. These collaborative co-governing and management initiatives are valuable and helpful as they provide examples of how our governments can work together for the betterment of all.

On this journey, within the Canadian Federation, we, as Indigenous people, have consistently proven our rights in Canadian courts both in BC and the Yukon, preserved and revitalized our language and traditions and strengthened our capacity and identity for self-determination.



Vision for the Future

Our successes from these experiences demonstrate willingness and ability to participate fully in the Canadian Federation. The exercising of our Indigenous Rights and Titles in the modern context holds promise for ourselves and for the Canadian Federation. In order for us to be part of the Canadian Federation, we need Canada, BC and the Yukon to become our partners and recognize and fully implement the principles of free, prior, and informed consent, honour of the Crown, rights and jurisdiction and recognition of our inherent rights and the rule of law including traditional Indigenous laws.

Proposed Immediate Priorities and Measures

One amongst many areas of jurisdictions our governments can collaboratively make progress on with real observable steps is conservation with respecting lands, wildlife and fisheries. Our bottom line is that commencing immediately and within the next five years we need Tlingit conservation officers patrolling our traditional territories. Our expectation is that these officers would work cooperatively with provincial and territorial conservation officers and would enforce both conservation laws reflecting our Tlingit laws and the federal, provincial and territorial laws pertaining to our traditional territories that we collaboratively develop.

As illustration of threatening circumstances and possible interim steps we highlight the following:

- (a) Consent of the Tlingit Nation required for hunting in BC. Over the years, BC has licenced residents and outfitters to hunt moose and other wildlife within our traditional territories with minimal regulatory oversight. As a result, our Aboriginal Rights and Titles have been infringed and conservation measures have been minimal leading to an unsustainable harvest. Public safety concerns have been raised and have not been addressed. We still maintain that the best way to address these issues is the establishment of a collaborative process for co-governing and managing our lands and resources until our respective treaties formalise such processes. In this way, our consent would be explicit for the use and occupation of lands and resources and the harvest of wildlife and fish within our traditional territories.
- (b) Enactment of laws. We have developed land and wildlife management laws based on our inherent right to self-government and have proposed to work with BC officials to implement these laws. This would mean that, among other matters, authorizations would be required for the public to undertake resource development and harvesting activities in our traditional territories.
- (c) Interim Protection. In November 2019, we met with members of the BC Cabinet during the passage of the *United Nations Declaration of the Rights of Indigenous Peoples Act*, by the



BC Legislature. We proposed, at that time, that our respective traditional territories be withdrawn from any further land and/or resource alienation unless such infringements were with our “free, prior and informed” consent, as expressly contained in UNDRIP. UNDRIP was passed following the adoption by the First Nations Summit, BC and Canada of the Recognition, and Reconciliation of Rights Policy (September 4, 2019). The combination of these achievements together with progressive implementation policies confirmed the collective goal of the Principals to protect the essence of our traditional territories and our Indigenous Rights and Titles, subject to our express “free, prior and informed consent”. Such interim traditional territorial protection would continue to convey the collective intentions of the Principals to respect and protect our traditional territories and Indigenous Rights and Titles in a manner consistent with these evolving principles, policies and legislation.

How to Achieve this Vision

Our relationships within the Canadian Federation require meaningful dialogue, negotiations and reciprocity. Recent efforts involving collaborative co-governance and management measures are a good beginning. Intergovernmental relationships require recognition of our history, culture, language and jurisdiction. We believe, given our experiences and the geographic location of our traditional territories, that a unique set of circumstances exist for the creation of these relationships.

We have had no significant progress to date at the negotiation level and our Indigenous Rights and Titles continue to be eroded. We have requested interim measures be put in place in both Yukon and BC while negotiations continue and a land use planning process gets underway.

Governments continue to allow land alienation through land and resources dispositions, licences, leases etc. within our traditional territories without obtaining our free, prior and informed consent. The results are unjustifiable and unconstitutional infringements of our Indigenous Rights and Titles.

We will continue to assert our Indigenous Rights and Titles in our traditional territories. All who wish to access our traditional territories must have our prior consent. This includes all of those acting under permissions, permits or authorisations issued by any other government. Other governments will also require our consent prior to accessing our traditional territories. These measures are currently being undertaken and will increase, including notice to the public.

We see this assertion of our Indigenous Rights and Titles as supporting and underscoring the importance of the current tripartite discussions and negotiations despite not having produced the anticipated progress to date. We believe that obtaining prior consent can be accomplished through collaborative intergovernmental measures that are already under discussion.



Your governments have a legal and political obligation to engage with us in a meaningful process which will result in co-governance relationships. Your governments must demonstrate the political will by providing the mandates required and resources needed to conclude our treaties and protect our Indigenous Rights and Titles.

We ask your governments to immediately initiate a joint committee planning process with us with timelines and deliverables to establish and fund a Tlingit enforcement authority that will employ Tlingit conservation officers with full regulatory powers to investigate, seize, fine, and have the powers of their actions supported by Tlingit law and the court systems of both BC and Yukon. The establishment and recognition through action of real powers for the Dakhka Tlingit Nation would demonstrate that the other governments truly recognize and support reconciliation, UNDRIP, and our Indigenous Rights and Titles.

Gunalchéesh,

Lynda Dickson
Haa Shaa Du Hen
Carcross/Tagish First Nation

John Ward
Spokesperson
Taku River Tlingit First Nation

Eric Morris
Naa Sháade Háni
Teslin Tlingit Council

- CC Celeste Haldane, Chief Commissioner, British Columbia Treaty Commission
Chief Leah George-Wilson, Co-Chair, First Nations Summit
Ray Harris, Co-Chair, First Nations Summit
Grand Chief Stewart Phillip, President, Union of British Columbia Indian Chiefs
The Right Honourable Justin Trudeau, Prime Minister of Canada, Government of Canada
The Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance, Government of Canada
The Honourable Selina Robinson, Minister of Finance, Government of British Columbia
The Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation, Government of British Columbia
The Honourable David Eby, Attorney General, Government of British Columbia
Grand Chief Peter Johnston, CYFN