

Backgrounder on MOU between Wet'suwet'en and Canada and B.C.

Authored by the Wet'suwet'en.

A. What would the MOU do?

- Canada and BC recognize that Wet'suwet'en rights and title are held by Wet'suwet'en houses under their system of governance
- Canada and BC recognize Wet'suwet'en aboriginal rights and title throughout the Yintah

These first two agreements are what your forefathers fought for before the Indian Reserve Commissioner O'Reilly in the 1890's;
Before the McKenna McBride Commission in 1915;
In the Bahlaats that were held secretly after the banning of potlatches;
In the 1977 Declaration of Title to the Yintah to Canada;
In their 20-year battle after the 1977 Declaration in *Delgamuukw\Gisday'wa*;
In the Wet'suwet'en good faith efforts to negotiate title through the BC Treaty Process.

- In three days and nights of intense discussions, the Wet'suwet'en Dini ze and Ts'ake'ze brought B.C. and Canada to this recognition which, as BC's Minister said, is 23 years overdue.

B. When will this happen?

- "Immediately on signing the MOU
- The formal agreement with the follow up implementation of title will occur in three months at which time the Wet'suwet'en will have time to review and approve the agreement on recognition along with BC and Canada.
- Implementation of the interaction between the three governments on management of the resources and take over of control will be advanced in negotiations with tight goals and will focus on the areas of jurisdiction determined as a priority to the Wet'suwet'en with targets of taking over jurisdiction in some areas within **6 months**.
- Possible areas of priority include:
 - Child and Family Wellness (6-month timeline)

- Water (6 month timeline)
- Wet'suwet'en Nation Reunification Strategy (6 month timeline)
- Wildlife
- Fish
- Land Use Planning
- Lands and Resources
- Revenue Sharing, fair and just compensation, economic component of aboriginal title
- Informed Decision Making
- **Within 12 months** of signing the MOU, the three governments agree to an agreement
 - The specifics of how aboriginal and crown titles interface
 - The agreement of Wet'suwet'en rights and title will be an agreement within the meaning of Section 35 of the Constitution Act, 1982.

C. What does this mean for the Wet'suwet'en?

You will be the first Indigenous Nation in Canada to have recognition of your Aboriginal title over your territory by Agreement.

Aboriginal title means:

- Use and Occupation of your Yintah
- Right to decide on the uses of your Yintah subject to constraint to protect for future generations
- An 'inescapable economic component' to your title

D. What did the Wet'suwet'en give for this Agreement?

Absolutely Nothing

E. How does this Agreement impact CGL project or other pipelines?

Officially it has no impact on CGL. In fact, the other two governments know that they will need to address the impact of CGL on the Wet'suwet'en territory.

The UN Declaration the law under your s. 35 title and rights requires such issues to be addressed.

The government is on notice of the severe impact of CGL on the southern Wet'suwet'en territory.

Nothing in this agreement restricts the court actions and protests relating to CGL from proceeding.

In the three days, the govt. were unable to address their responsibility for the CGL approvals without your consent.

However, that discussion can continue and will continue with your ongoing pressure on the governments.

F. How does this MOU and Agreement fit into the Wet'suwet'en fight for recognition of title and jurisdiction over your Yintah?

Gisday'wa stated to the Court on May 11, 1987, the first day of the Delgamuukw trial:

My name is Gisday'wa. My house owns territory in Owen Lake and Morice River territory. Each Wet'suwet'en plaintiffs' House owns similar territories. Together they own and govern the Wet'suwet'en territory.

Recent questions from the Bands:

G. Does the Hereditary Chief expect a signing bonus?

There are no signing bonuses related to this MOU, nor have the Hereditary Chiefs under the auspices of the Office of the Wet'suwet'en received signing bonuses or financial gain resulting in any activities of the Office of the Wet'suwet'en.

H. Is the Office of the Wet'suwet'en posturing itself as the third government?

As stated in the MOU, right and title rests with the House Groups and Clans as a collective, OW does not have decision making authorities of Wet'suwet'en Title lands. Decisions will follow our traditional decision making processes.

In those four sentences, Gisday'wa opened the Delgamuukw trial and set out exactly what they wanted the Court to compel the government to recognize.

Over three years your elders were questioned repeatedly and humiliated by the cross-examinations by Canada and BC.

Your rights and title were challenged on the basis that you watched tv, had windows in your houses, and drove cars. It was argued that you had given up your aboriginal title when you used western ideas and material objects.

One of your elders, Madeline Alfred, was repeatedly questioned as to a trail up and down the mountain until she asked George Holland, the interpreter, if this man was crazy that he kept asking her the same questions. She was asked if the Wet'suwet'en were 'dog-eaters' as a challenge to humiliate all of your people. This was the attitude of Canada and BC in the late 1980's.

Every territory boundary was challenged by the governments.

Those chiefs were fighting for the recognition of your title to your territory and your right to govern your territory.

On February 29, 2020, 29 years after the trial judge denied your rights and title to your territory, you have Canada and BC recognizing that title.

This is just the beginning but that recognition means that they will not be able to ever again approve a project without your government being fully part of the decision as to what will and will not happen on your territory.