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MEMORANDUM FOR THE DEPUTY MINISTER OF CROWN-INDIGENOUS
RELATIONS AND NORTHERN AFFAIRS

**MEETING REGARDING ESCALATION OF PROTESTS IN WET'SUWET'EN
TERRITORY ON OCTOBER 19, 2021**

PURPOSE OF MEETING

- To meet with Privy Council Office in regards to the Coastal GasLink pipeline in northwestern British Columbia and the Fairy Creek logging situation on Vancouver Island.

MEETING PARTICIPANTS

Crown-Indigenous Relations and Northern Affairs Canada

- Daniel Quan-Watson, Deputy Minister

Privy Council Office

- TBD

BACKGROUND/CONTEXT REGARDING COASTAL GASLINK

- The Coastal GasLink pipeline is a 670km-long natural gas pipeline owned by TC Energy that is being constructed from Dawson Creek, British Columbia (BC) to a liquefaction plant near Kitimat, BC. The pipeline passes through a number of Indigenous traditional territories including those of the Wet'suwet'en Nation in northwest BC.
- Approximately 20 First Nations have given approval for the project and have entered benefit agreements with Coastal GasLink and the Province. This includes a number of the elected chiefs and councils of various Wet'suwet'en *Indian Act* bands, though the Hereditary Chiefs of the Wet'suwet'en Nation are firmly opposed to the pipeline construction.
- The Hereditary Chiefs view themselves as the governors and caretakers of the entire territory and consider the elected chiefs as having jurisdiction only within their respective reserve boundaries. Thus, the Hereditary Chiefs take exception to any approvals provided by the elected chiefs and councils, and also any of the accommodations and benefit agreements provided by the proponents.

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- The project was approved by BC in 2014. Those opposed to the pipeline set up a protest camp on territory held by the Uni'stot'en House group of the Wet'suwet'en Nation, to restrict access for pipeline workers.
- In January 2019 the RCMP enforced a December 2019 court injunction against the protesters, and this resulted in multiple railway blockades across Canada in support of the Wet'suwet'en Hereditary Chiefs, who as a group oppose the pipeline.
- In late February 2020, federal Minister Carolyn Bennett and provincial Minister Scott Fraser from the Ministry of Indigenous Relations and Reconciliation met with the Wet'suwet'en Hereditary Chiefs on two distinct matters: Wet'suwet'en rights and title, and issues connected to the Coastal GasLink pipeline.
- There was a conscious decision to “de-link” the negotiation of agreements recognizing and implementing Wet'suwet'en rights and title from discussions concerning the Coastal GasLink pipeline.
- On February 29, 2020, the Wet'suwet'en Hereditary Chiefs, CIRNAC representatives, and BC agreed on a Memorandum of Understanding (MOU) focusing on rights and title. Under the MOU, Canada and BC broadly recognize: Wet'suwet'en rights and title throughout the Yintah (traditional territory) and that Wet'suwet'en rights and title are held by Wet'suwet'en Houses under their traditional system of governance. This MOU provided political recognition of the Wet'suwet'en Houses and committed the parties to negotiate legal recognition.
- The parties signed the MOU on May 14, 2020, following the Hereditary Chiefs reporting that the MOU had been approved by the Wet'suwet'en people in accordance with their traditional practices.
- An RIRSD table was established to implement the May 2020 MOU through the negotiation of agreements to legally affirm the Wet'suwet'en Houses as the Indigenous Governing Body with respect to rights and title, legal recognition of title, and confirmation of the Wet'suwet'en governance structure and areas of jurisdiction.
- In addition to the 'Rights and Title' table, there is a pre-existing RIRSD table focusing on child and family wellness that was established in 2017. The 'Wellness' table and the 'Rights and Title' table are intimately linked, but do not include all of the same parties and signatories to the respective MOUs.

Recent Developments

- Protest activities in the Wet'suwet'en territory (Yintah) began to escalate again this month as construction of the Coastal GasLink pipeline enters its final phases. Hereditary Chief Woos (Frank Alec) has invited people through social media to travel to the territory and help defend the land. Those who have responded to his call include approximately forty Mohawk 'warriors'.
- Small-scale protests have been held in recent days in various parts of the country in support of the Hereditary Chiefs. There is a risk that protest activities could spread and possibly escalate to the levels seen in early 2020.
- The RCMP are monitoring the situation closely, but have been blocked from accessing the protest site by the land defenders. The December 2019 court

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injunction against the protesters remains active, but the RCMP have not yet enforced the injunction and are seeking ways to de-escalate the situation.

- [REDACTED]
- In late October 2021 the Office of the Wet'suwet'en has temporarily suspended operations, including meetings with the Crown, due to a surge of COVID-19 cases in the territory. It is anticipated that activities will resume in mid-November.

OBJECTIVES OF THE MEETING

- TBC

KEY/HOT ISSUES

1. De-escalating the protest activities in Wet'suwet'en territory



Points to Register:

- [REDACTED]

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- CIRNAC intends to continue its discussions with the Wet'suwet'en Hereditary Chiefs at both the Rights and Title RIRSD table and the Wellness RIRSD table.

- We will keep in touch with our BC counterparts on this as well. [REDACTED]

- It is important for Canada to reassure Wet'suwet'en of our commitment to addressing their interests in lands and resources within their territory through negotiated arrangements that implement their rights and title in practical and meaningful ways.

2. Status of RIRSD discussions and CIRNAC's relationship with the Wet'suwet'en Hereditary Chiefs

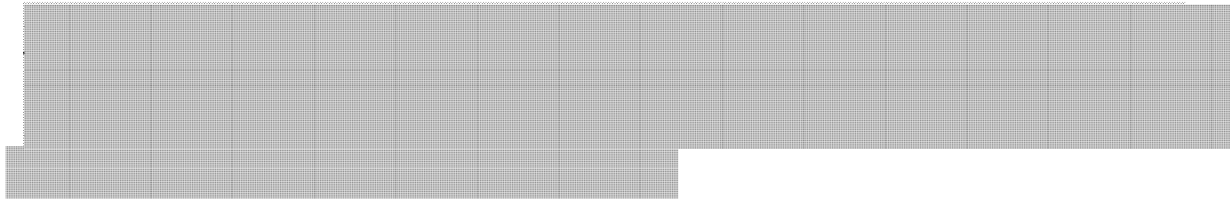
- CIRNAC has been actively working with the Wet'suwet'en Hereditary Chiefs through the RIRSD process since 2017, when a Wellness table was established to focus on child and family service interests.
- A second table focussing on Rights and Title resulted from the MOU that was negotiated [REDACTED]
- Both tables have generally met on a biweekly basis, though progress in legally recognizing the Wet'suwet'en Houses and rights and title has been slower than expected for a number of reasons, [REDACTED]

- [REDACTED]

- [REDACTED]

- [REDACTED]

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Points to Register (If asked):

- **While the Rights and Title table was established to implement the MOU that was negotiated following the pipeline protest blockades of early 2020, the MOU is silent on the pipeline matter. The parties intentionally delinked the pipeline and rights and title topics because the pipeline matter falls within provincial jurisdiction.**
- **The Rights and Title table continues its work at implementing the May 2020 MOU with respect to the legal affirmation of Wet'suwet'en title and rights and legal recognition of the Houses. The work is highly complex and progress has been slower than originally anticipated.**

3. Relationship between Wet'suwet'en Hereditary Chiefs and Mohawk Nation Members

- During the cross-Canada protests in early 2020, it became evident that the Wet'suwet'en Hereditary Chiefs have established relationships with leaders and activities in the Mohawk community.
- In October 2021, a number of Mohawk activists travelled to Wet'suwet'en territory to support the Hereditary Chiefs in their ongoing protest against the Coastal GasLink pipeline, posting photos of the "Haudenosaunee and Wet'suwet'en family standing together" on their social media feeds.

Points to Register (If asked):

- **Relationships between Wet'suwet'en and Mohawk Nation representatives are well known since the sympathy protests undertaken near Belleville, Ontario in early 2020. Certain Mohawk individuals are known to use protest opportunities to leverage support online, and in the mainstream media. We can expect that these relationships will continue to develop, to the extent that they are able to support each other's objectives.**

**ENTER INFORMATION AND SPEAKING POINTS REGARDING FAIRY CREEK
HERE**

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ANNEXES: NOT SURE IF NEEDED

Annex A: May 2020 MOU

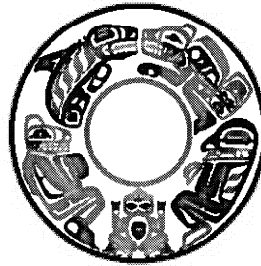
Annex B: Summary of Negotiation Products and Substantive Issues

INFORMATION BLOCK

Don Morrison/TAG-NW Negotiator/604-318-9380/October 26, 2021



**BRITISH
COLUMBIA**



Canada

Memorandum *of* Understanding

Between
Canada,
British Columbia
and
Wet'suwet'en
As agreed on February 29, 2020.

IMMEDIATE

1. Canada and B.C. recognize that Wet'suwet'en rights and title are held by Wet'suwet'en houses under their system of governance.
2. Canada and B.C. recognize Wet'suwet'en Aboriginal rights and title throughout the Yintah.
3. Canada, B.C., and the Wet'suwet'en commit to the negotiations described below (commencing immediately).
4. B.C. commits to engage in these negotiations consistent with the *Declaration on the Rights of Indigenous Peoples Act*.
5. Canada and B.C. will provide the necessary resources to Wet'suwet'en for these negotiations.
6. The parties agree these negotiations are to be intensively mediated by an agreed upon mediator.

AGREEMENT TO BE NEGOTIATED OVER THE NEXT THREE MONTHS

1. Legal recognition that the Wet'suwet'en Houses are the Indigenous governing body holding the Wet'suwet'en Aboriginal rights and title in accordance with our Inuk Nuatden.
2. Legal recognition of Wet'suwet'en title as a legal interest in land by Canada and B.C.
 - a) There will be no impact on existing rights and interests pertaining to land until jurisdiction is transferred to the Wet'suwet'en.
 - b) Jurisdiction that flows from Wet'suwet'en Aboriginal rights and title will be transferred to Wet'suwet'en over time based on an agreed upon timetable (with the objective for transition of some areas within 6 months and a schedule for the remaining areas of jurisdiction thereafter).
 - c) In some cases the jurisdiction that is transferred to the Wet'suwet'en will be exclusive and in some cases it will be shared with Canada or B.C.
3. The areas of jurisdiction that will need to be addressed include the following (without limitation):
 - a) Child and Family Wellness (6 month timeline);

- b) Water (6 month timeline);
- c) Wet'suwet'en Nation Reunification Strategy (6 month timeline);
- d) Wildlife;
- e) Fish;
- f) Land Use Planning;
- g) Lands and Resources;
- h) Revenue Sharing, Fair and Just Compensation, Economic Component of Aboriginal Title;
- i) Informed Decision Making; and
- j) Such other areas as the Wet'suwet'en propose.

4. Title will be implemented and jurisdiction (exclusive or shared) will be transferred once specifics on how Aboriginal and Crown titles interface have been addressed - this includes the following:

- a) Transparency, accountability, and administrative fairness mechanisms including clear process and remedies to address grievances of any person, pertaining to all areas of shared and exclusive jurisdiction.
- b) Clarity on the Wet'suwet'en governance structures, systems, and laws, that will be ratified by the Wet'suwet'en and will be used to implement their title to the extent required to understand the interface between the Crown and Wet'suwet'en jurisdiction.

5. This agreement is to be ratified by Canada, B.C. and Wet'suwet'en under their respective systems of governance.
6. The agreement will be binding on Canada, B.C. and the Wet'suwet'en and all of their agencies, departments and officials as they conduct their business together as governments.

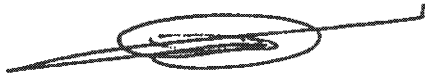
AGREEMENT TO BE NEGOTIATED OVER THE NEXT TWELVE MONTHS

1. The specifics of how Aboriginal and Crown titles interface.
2. The agreement recognizing Wet'suwet'en rights and title will be protected by *Section 35 of the Constitution, 1982*.



Signed on the 14th day of May 2020.

SIGNED ON BEHALF OF THE WET'SUWET'EN NATION
by the Wet'suwet'en Hereditary Chiefs



Woos (Frank Alec)



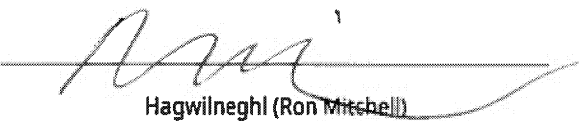
Madeek (Jeff Brown)



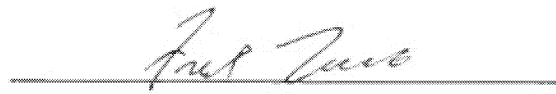
Knedebeas (Warner William)



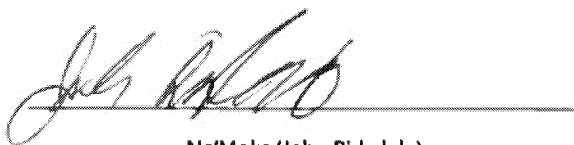
Kloum Khun (Alphonse Gagnon)



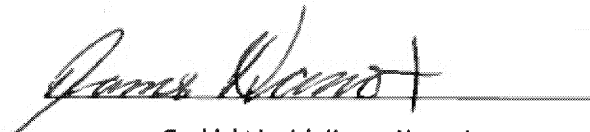
Hagwilneghl (Ron Mitchell)



Gisday'wa (Fred Tom)



Na'Moks (John Ridsdale)



Goohlaht Lay'oh (James Namox)



Smogelgem (Warner Naziel)



SIGNED ON BEHALF OF HER MAJESTY THE QUEEN
IN RIGHT OF CANADA
by the Minister of
CROWN-INDIGENOUS RELATIONS



Hon. Carolyn Bennett

SIGNED ON BEHALF OF HER MAJESTY THE QUEEN
IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
by the Minister of
INDIGENOUS RELATIONS AND RECONCILIATION



Hon. Scott Fraser



Canada

**Pages 10 to / à 11
are withheld pursuant to section
sont retenues en vertu de l'article**

21(1)(c)

**of the Access to Information Act
de la Loi sur l'accès à l'information**