

**IN THE SUPREME COURT OF CANADA  
(ON APPEAL FROM THE COURT OF APPEAL OF YUKON)**

BETWEEN:

**CINDY DICKSON**

Appellant

- and -

**VUNTUT GWITCHIN FIRST NATION**

Respondent

- and -

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COUNCIL, CONGRESS OF ABORIGINAL PEOPLES, COUNCIL OF YUKON FIRST  
NATIONS, PAN-CANADIAN FORUM ON INDIGENOUS RIGHTS AND THE  
CONSTITUTION, CANADIAN CONSTITUTION FOUNDATION, BAND MEMBERS  
ALLIANCE AND ADVOCACY ASSOCIATION OF CANADA,  
and FEDERATION OF SOVEREIGN INDIGENOUS NATIONS**

Interveners

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TESLIN TLINGIT COUNCIL**

(Pursuant to Rule 42 of the *Rules of the Supreme Court of Canada*)

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## PART 1 – OVERVIEW AND STATEMENT OF FACTS

### 1. Overview

1. Teslin Tlingit Council (“**TTC**”) intervenes in this appeal as a self-governing Yukon First Nation directly impacted by this Court’s decision and able to bring a valuable perspective to the Court’s consideration of the application of the *Canadian Charter of Rights and Freedoms* (“**Canadian Charter**”) to Indigenous governments.

2. TTC submits that modern treaties and self-government agreements have at their core inherent Indigenous rights of self-government, not delegated powers, and that the *Canadian Charter* should not be presumed at law to apply to Indigenous inherent rights. Imposition of the *Canadian Charter* on self-governing First Nations fails to respect the Nation-to-Nation relationship between the Crown and Indigenous Nations and risks undermining the principles and values of Indigenous societies.

3. Indigenous frameworks of rights and responsibilities may differ from the *Canadian Charter* while still upholding fundamental human rights. An approach that allows for negotiation of the application of the *Canadian Charter*, and does not assume its application, respects Indigenous legal orders and the capacity of Indigenous Nations to engage with the Crown to address the intricacies of reconciling Indigenous and Crown perspectives.

4. TTC’s Final Agreement and Self-Government Agreement parallel those of the Respondent/Cross-Appellant Vuntut Gwitchin First Nation (“**VGFN**”) such that determinations in respect of VGFN’s Agreements directly impact TTC. TTC agrees with the Respondent that the Umbrella Final Agreement does not import the *Canadian Charter* for Yukon self-governing First Nations. TTC provides the example of the development and implementation of its Indigenous justice system as supporting negotiations in respect of the *Canadian Charter*.

### 2. The Intervener Teslin Tlingit Council

5. The five clans of the Teslin Tlingit, *Kùkhhittàn*, *Ishkìtàn*, *Yanyèdi*, *Deshitan* and *Dakl’áweidi*, together form TTC, a self-governing First Nation based in what is now Yukon. The Teslin Tlingit live by *Haa Kùsteeyí*, the ‘Teslin Tlingit way’ which outlines fundamental values

and principles that are integral to Teslin Tlingit society and contemporary self-government.<sup>1</sup> Key features of *Haa Kusteeyi* reflect that TTC is a clan-based, rather than individualistic, society and that responsibilities are often prioritized over rights.<sup>2</sup>

6. The Teslin Tlingit clans came together to conclude the Teslin Tlingit Council Final Agreement, and accompanying Self-Government Agreement, with Canada and Yukon Government in 1993.<sup>3</sup> The Agreements are, like those of VGFN, modelled on the Umbrella Final Agreement and template Self-Government Agreement shared throughout the Yukon, which each First Nation implements through its distinct Constitution, laws and institutions.<sup>4</sup>

7. The Yukon Final and Self-Government Agreements recognize and confirm Indigenous jurisdiction in respect of administration of justice<sup>5</sup>, and TTC, together with Canada and Yukon Government, have taken significant steps in the development and implementation of TTC's justice system. TTC's justice agreements, along with the Yukon Final and Self-Government Agreements in whose framework they were developed, are distinct in that there is no agreement that the *Canadian Charter* applies.

<sup>1</sup> *Haa Kusteeyi* finds some English language expression in "[Ha Kus Teyea – Declaration of the Teslin Tlingit](#)", *Teslin Tlingit Council Guiding Documents, July 12 2005* [*"Haa Kusteeyi Declaration"*].

<sup>2</sup> *Haa Kusteeyi* Declaration at 3-5.

<sup>3</sup> [Teslin Tlingit Council Final Agreement between the Teslin Tlingit Council, the Government of Canada, and the Government of Yukon \(29 May 1993\)](#) [*"TTC Final Agreement"*]; [Teslin Tlingit Council Self-Government Agreement among the Teslin Tlingit Council and the Government of Canada and the Government of Yukon \(29 May 1993\)](#), [*"TTC Self-Government Agreement"*].

<sup>4</sup> Single Factum of Respondent on Appeal and Factum of Appellant on Cross-Appeal (Vuntut Gwitchin First Nation), filed 20 September 2022 at para 10 [*"Factum of the Respondent/Cross Appellant"*]; *Beckman v Little Salmon Carmacks First Nation* [2010 SCC 53](#) at para 2.

<sup>5</sup> TTC Final Agreement, s 24.2.1.13; TTC Self-Government Agreement ss 13.3.17, 13.6.0; Final Agreement of the Vuntut Gwitchin First Nation [*"VGFN Final Agreement"*], Affidavit #1 of Cindy Dickson, sworn 15 February 2019 [*"Dickson Affidavit #1"*], Exhibit E, Appeal Record [*"AR"*], Vol V, Tab 5.8 at 2; Vuntut Gwitchin First Nation Self-Government Agreement, Dickson Affidavit #1, Exhibit F, AR, Vol V, Tab 5.9 at 89, 93-95.

### 3. Indigenous Justice Systems

#### *Indigenous Administration of Justice*

8. The Royal Commission on Aboriginal Peoples, the Truth and Reconciliation Commission (“TRC”) and the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”), all recognize the value of indigenous justice systems and their connection to self-government and the right of self-determination.<sup>6</sup> As expressed by the Royal Commission on Aboriginal Peoples:

Aboriginal communities must have the right, as a part of self-government, to establish their own rules of conduct, to develop means of dealing with disputes (such as courts or peacemakers), appropriate sanctions (such as holding facilities or jails), and the full range of probation, parole, counselling and restorative mechanisms once applied by First Nations.<sup>7</sup>

9. Indigenous influences on and contributions to Canada’s justice system, for example community justice programs where elders participate in a sentencing decision by the Court, are important, but distinct from self-governing Indigenous justice.<sup>8</sup> A number of modern treaties confirm the jurisdiction of self-governing First Nations to establish an Indigenous Court<sup>9</sup> or require that the treaty partners “discuss and explore options for the establishment of a court.”<sup>10</sup> TTC’s developing justice system, including the Peacemaker Court<sup>11</sup>, provides an example where the Crown has formally agreed to the administration of justice under Teslin Tlingit Law<sup>12</sup> being

<sup>6</sup> Royal Commission on Aboriginal Peoples, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada* (Ottawa, Ontario: Canada Communication Group, 1996) at 54-56, 224 [RCAP Justice Report]; “Canada’s Residential Schools: Reconciliation” *Final Report of the Truth and Reconciliation Commission of Canada*, vol 6 (Montreal & Kingston: McGill-Queen’s University Press, 2015) at 16, 50 [“TRC Final Report Vol 6”]; *United Nations Declaration on the Rights of Indigenous Peoples*, GA Res. 295 (CVII), UNGAOR, 61st Sess., Supp. No. 49, UN Doc. A/RES/61/295 (2007) at arts 5, 18, 34 [“UNDRIP”].

<sup>7</sup> RCAP Justice Report, p 260.

<sup>8</sup> Jody Wilson-Raybould and Tim Raybould, “*Governance Toolkit: A Guide to Nation Building*” *British Columbia Assembly of First Nations* (2011), Part 1, Section 3, p. 4, 5, 11.

<sup>9</sup> *Nisga’a Final Agreement between the Nisga’a Nation and Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of British Columbia (26 April 1999)* Chapter 12, ss 30, 38 [“Nisga’a Treaty”]

<sup>10</sup> *Tla’amin Final Agreement between the Tla’amin Nation and Her Majesty the Queen in Right of Canada and Her Majesty the Queen in Right of British Columbia (11 April 2014)* Chapter 15, s 171 [“Tla’amin Treaty”].

<sup>11</sup> *Teslin Tlingit Peacemaker Court & Justice Council Act*: ax’kh xh’adu wus’yé, STTC 2011 [“Peacemaker Court Act”].

<sup>12</sup> *Peacemaker Court Act*, s.2(1)(z)

guided by and founded on Teslin Tlingit principles and processes.<sup>13</sup>

***TTC Administration of Justice under the Yukon Agreements***

10. TTC, Canada and Yukon are in the process of implementing administration of justice as part of self-government.<sup>14</sup> A justice Framework Agreement (the “**Framework Agreement**”)<sup>15</sup> was signed in 1999 which sets out phases for negotiation and implementation of a TTC justice system, contemplates negotiations in respect of the *Canadian Charter*, and anticipates the development of a TTC Charter of Rights.<sup>16</sup>

11. A subsequent Administration of Justice Agreement (the “**Justice Agreement**”),<sup>17</sup> which forms part of the TTC Self-Government Agreement by amendment,<sup>18</sup> affirms the governments’ intention to establish a contemporary Indigenous justice system “founded upon the traditional Teslin Tlingit clan processes for resolving disputes” and “guided by the principles of *Ha Kus Teyea*”.<sup>19</sup> In any hearing or adjudication of a matter under Teslin Tlingit Law, the Justice Agreement requires courts, the Teslin Tlingit Peacemaker Court, Yukon or appellate courts<sup>20</sup>, to consider *Haa Kusteeyi*, the collective nature of Teslin Tlingit society, and the importance of Teslin Tlingit traditional knowledge and customs, spiritual beliefs and practices, language and oral history, as well as to “reconcile prevailing common law principles with Teslin Tlingit Law and the customs and traditions of Teslin Tlingit Society”.<sup>21</sup> The TTC Peacemaker Court currently has authority to conduct dispute resolution<sup>22</sup> and will, in a future phase, take up its

<sup>13</sup> Justice Agreement, *infra* note 17 at s 2.0.

<sup>14</sup> *Supra*, note 5.

<sup>15</sup> Framework Agreement on the Process to Negotiate Teslin Tlingit Council Justice Agreement Between Teslin Tlingit Council and Her Majesty the Queen in Right of Canada and the Government of Yukon (14 April 1999) [“**Framework Agreement**”].

<sup>16</sup> Framework Agreement s. 4.1, Appendix I, Appendix II – Phase II.

<sup>17</sup> [The Administration of Justice Agreement Among Teslin Tlingit Council and Her Majesty the Queen in Right of Canada and Government of Yukon \(21 February 2011\)](#) [“**Justice Agreement**”].

<sup>18</sup> [Amendments to Teslin Tlingit Council Self-Government Agreement](#), YOIC 2011/75.

<sup>19</sup> Justice Agreement, s 2.1.

<sup>20</sup> See *Peacemaker Court Act* at s.15 re appointment of a “Friend of the Court to assist the Supreme Court to interpret Teslin Tlingit law and apply the principles set out in section 2 of the Administration of Justice Agreement.”

<sup>21</sup> Justice Agreement, s 2.2.

<sup>22</sup> *Peacemaker Court Act* at ss 2(t), 6(2), 6(3).

agreed role as court of original jurisdiction to adjudicate disputes.<sup>23</sup>

12. With Nation-to-Nation negotiation, TTC, Canada and Yukon Government have established a framework and continue to develop the implementation of Teslin Tlingit administration of justice as part of comprehensive self-government. For TTC, the parties have not expressly agreed to the application of the *Canadian Charter*, but have expressly agreed to reliance on Teslin Tlingit values, principles and processes in the administration of TTC justice, including in respect of disputes arising under and violations of Teslin Tlingit Law.<sup>24</sup>

13. The noted contemplation of development of a TTC Charter and negotiation of the *Canadian Charter* support that the *Canadian Charter* should not be assumed at law to apply to self-governing Indigenous Nations and that negotiations may be required to settle the relationship between differing frameworks of rights and responsibilities, taking into account the authorities and jurisdictions of respective governments.

## **PART II – STATEMENT OF INTERVENER’S POSITION**

14. TTC’s submission relates to the question of whether the *Canadian Charter* applies to Yukon self-governing First Nations in the context of this appeal, as argued by the Respondent.<sup>25</sup> TTC’s submission starts from the position that self-government and the administration of justice that connects to and underpins self-government, is not a delegated or transferred power under section 32 of the *Canadian Charter*, nor is the *Canadian Charter* brought in through the Umbrella Final Agreement. TTC submits that the *Canadian Charter* applies to the inherent rights of modern treaty Nations only where and to the extent that it is negotiated and stated to apply by agreement, or where powers are expressly delegated or transferred so as to fall within section 32.

15. TTC’s position is that Nation-to-Nation negotiations are the appropriate mechanism to address application of the *Canadian Charter* to self-governing Indigenous governments to respect Indigenous legal orders and Indigenous frameworks of rights and responsibilities.

<sup>23</sup> *Peacemaker Court Act* at ss 2(o), 2(u), 49(2).

<sup>24</sup> Justice Agreement at s 5.0.

<sup>25</sup> Factum of the Respondent/Cross Appellant at para. 36(a).

### PART III – STATEMENT OF ARGUMENT

#### 1. *Canadian Charter* does not automatically apply and must not be unilaterally imposed

16. TTC supports the submissions of VGFN in respect of the *Canadian Charter* not applying in the context of this appeal.<sup>26</sup> TTC submits the *Canadian Charter* does not apply under s.32 to self-governing First Nations exercising inherent rights, absent express delegation or transfer of authority from a government that is subject to the *Canadian Charter*, or by way of agreement.

17. Constitutional rights and self-government are central to the extensive and complex negotiations of modern treaty arrangements. It is significant that the Yukon Final and Self-Government Agreements do not expressly reference application of the *Canadian Charter*, whereas other modern treaties do.<sup>27</sup>

18. The *Canadian Charter* itself is a product of negotiations which took into account core values of Canadian society and is, of course, a recent addition to the relationship between Canadian governments and citizens. The *Canadian Charter* can be considered an articulation of rights and values made by Canada’s governments to individuals subject to Canada’s authority based on the liberal enlightenment tradition of individual rights.<sup>28</sup> The relationship between a government and its citizens can take other forms and have different priorities. Indigenous Nations, who occupied Canada in organized societies for centuries before the arrival of settlers, have distinct fundamental values that also warrant respect<sup>29</sup> even if they differ from the cultural assumptions of the *Canadian Charter*’s “emphasis on personal rights and freedoms.”<sup>30</sup> The *Canadian Charter* ought not to be imposed as it risks displacing or eroding Indigenous values

<sup>26</sup> Factum of the Respondent/Cross-Appellant at paras 38 – 98.

<sup>27</sup> See, for example Nisga’a Treaty, Chapter 2, s 9; Tla’amin Treaty Chapter 2, s. 8.

<sup>28</sup> Mary Ellen Turpel “[Aboriginal Peoples and the Canadian Charter of Rights and Freedoms: Contradictions and Challenges](#)”(1989) 10:2 & 3, Canadian Woman Studies 149 at 150 [“**Turpel**”]; Naomi Metallic, “[Checking our Attachment to the Charter and Respecting Indigenous Legal Orders: A Framework for Charter Application to Indigenous Governments](#)” (2022), *Constitutional Forum*, 31:2 at 15 [“**Metallic**”].

<sup>29</sup> *Delgamuukw v British Columbia*, [1997] 3 SCR 1010, at para. 189; *R. v. Van der Peet*, [1996] 2 SCR 507 at paras 18-20.

<sup>30</sup> *Dickson v. Vuntut Gwitchin First Nation*, 2021 YKCA 5 at para 2; Metallic at 5.

and distinct frameworks of rights and responsibilities.<sup>31</sup>

## 2. Indigenous Administration of Justice and Self-Determination

19. Ensuring that the administration of justice, as the system by which a community's laws are upheld, enforced and challenged, can incorporate the values of that community, is necessary to effective self-government.<sup>32</sup> Applying the *Canadian Charter* to Indigenous governments, laws and systems of justice “enables litigants to constitutionally interrogate the rich complexity of Aboriginal societies according to a rigid analysis grid of individual right and state obligation. It authorizes judicial reorganization of Aboriginal societies according to non-Aboriginal values.”<sup>33</sup>

20. The right to maintain, develop and promote Indigenous juridical systems, customs and institutions is recognized in UNDRIP, particularly by Articles 5, 18, and 34.<sup>34</sup> The UN Expert Mechanism on the Rights of Indigenous Peoples has stated that the right to self-determination includes the right to maintain and strengthen Indigenous legal institutions, and to apply Indigenous customs and laws.<sup>35</sup> TTC submits the right to strengthen Indigenous legal institutions and to exercise inherent rights, customs and laws must include genuine respect for foundational principles of Indigenous Nations, rather than imposition, without agreement, of the *Canadian Charter*.

## 3. Indigenous Charters of Rights and Responsibilities

21. In recognition of the distinct values and frameworks of rights and responsibilities of Indigenous communities, development by First Nation governments of charters of rights and

<sup>31</sup> See for example VGFN Constitution, Article IV - Rights of Citizens, which are guaranteed “subject only to such reasonable limits as can be demonstrably justified in a free and democratic Vuntut Gwitchin society” [emphasis added] Vuntut Gwitchin First Nation Constitution, Dickson Affidavit #1, Exhibit N, AR, Vol V, Tab 5.8 at 142.

<sup>32</sup> See RCAP Justice Report at 55-59, 66; Kent McNeil, “[Aboriginal Governments and the Charter: Lessons from the United States](#)” (2002) Can J Law Soc 17:2 73 at 103-104 9 [McNeil].

<sup>33</sup> Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001) at 195.

<sup>34</sup> UNDRIP at arts 5, 18, 34; [United Nations Declaration on the Rights of Indigenous Peoples Act](#), SC 2021, c 14, s 4.

<sup>35</sup> “[Access to justice in the promotion and protection of the rights of indigenous peoples](#)”, Human Rights Council Expert Mechanism on the Rights of Indigenous Peoples Human Rights, Sixth Session, UN Doc A/HRC/EMRIP/2013/2, (8-12 July 2013) at 6, 8.

freedoms “which reflect[ ] Aboriginal customs and values” was a recommendation of the 1991 Report of the Aboriginal Justice Inquiry of Manitoba.<sup>36</sup> This recommendation was accompanied by the imperative that “Aboriginal courts must be free to establish and develop their own rules and procedures in a way that is culturally compatible with their history and community. To do so they will have to draw upon their traditions and customs.”<sup>37</sup>

22. The 1996 Royal Commission Report on Aboriginal People and Criminal Justice in Canada also recommended that Aboriginal Nations develop their own charters of rights in order to “supplement the protections in the Canadian Charter of Rights and Freedoms and provide guidance to courts in interpreting existing protections in the Canadian Charter.”<sup>38</sup> TTC submits that limiting the charters of Aboriginal Nations in this way, however, fails to adequately recognize the distinctiveness of Indigenous legal orders and the ways in which applying the *Canadian Charter* to Indigenous governments and laws may substantially interfere with meaningful self-government.<sup>39</sup>

23. While some values or rights and freedoms in the *Canadian Charter* may align with those of Indigenous communities, others may differ. For example, the Report of the Aboriginal Justice Inquiry of Manitoba states the s.11(c) right against self-incrimination potentially conflicts “with some traditional laws that expect people to answer the complaints that have been lodged against them as part of the process of finding the truth and of healing the conflict within the community.”<sup>40</sup> The individual rights basis of the *Canadian Charter* fundamentally diverges from the importance of collectives within some Indigenous communities. For TTC, for example, clans may take precedence over individuals and responsibilities may accompany rights, such that a clan may be held responsible for the actions of their clan members.<sup>41</sup>

24. As recognized by the TRC, reconciliation requires constructive action toward addressing ongoing legacies of colonialism that have had destructive impacts on Indigenous peoples’

<sup>36</sup> Hamilton, A., & Sinclair, M., *Report of the Aboriginal Justice Inquiry of Manitoba*, Volume 1, (Winnipeg, Manitoba: Queen's Printer, 1991) at 336 [**Manitoba Aboriginal Justice Inquiry**].

<sup>37</sup> Manitoba Aboriginal Justice Inquiry at 334.

<sup>38</sup> RCAP Justice Report at 267.

<sup>39</sup> McNeil at 101-102.

<sup>40</sup> Manitoba Aboriginal Justice Inquiry at 334.

<sup>41</sup> *Haa Kusteeyi* Declaration, p. 2-5; Justice Agreement, ss 2.1 and 2.2; see Turpel, p. 152, 153.



institutions and traditions, including administration of justice.<sup>42</sup> The recognition in modern treaties of jurisdiction over the administration of justice must be accompanied by support for justice systems based on the values, principles and processes of self-governing Indigenous communities. These values, principles and processes may be rooted in the traditional but must also be allowed to evolve and accord with contemporary decisions<sup>43</sup>, rather than confined to the “traditional, customary or historic.”<sup>44</sup>

#### 4. Nation-to-Nation Negotiations on the *Canadian Charter*

25. TTC recognizes the Canadian governments’ strong interest in promoting the values of the *Canadian Charter* and holds that Nation-to-Nation negotiations are the appropriate approach to reconciling the Crown and Indigenous perspectives.

26. The fundamental objective of the law of aboriginal and treaty rights is the “reconciliation of aboriginal peoples and non-aboriginal peoples and their respective claims, interests and ambitions”<sup>45</sup>, with negotiations repeatedly affirmed as the process by which reconciliation is best achieved.<sup>46</sup> Negotiating towards an agreed resolution is particularly important to addressing the intricacies of reconciling fundamental values, rights and responsibilities that may differ.

27. Negotiated self-government, including the expression of Indigenous fundamental rights and freedoms, is not inconsistent with the Constitution of Canada.<sup>47</sup> Canada’s legal framework and constitutional principles provide architecture that supports respect for distinct legal orders. Canada’s federation is built on recognition of the diversity of its component parts, where a party can join and at the same time affirm “their will to protect their individual cultures and their autonomy over local matters.”<sup>48</sup>

<sup>42</sup> TRC Final Report Vol 6 at 16.

<sup>43</sup> [“Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada”](#) *Truth and Reconciliation Commission of Canada* (2015) at 206.

<sup>44</sup> Factum of the Appellant, Cindy Dickson, filed July 25, 2022 at paras 10(b), 12.

<sup>45</sup> *Mikisew Cree First Nation v. Canada*, [2005 SCC 69](#), para. 1 [“*Mikisew 2005*”].

<sup>46</sup> *Delgamuukw*, para.186; *Haida Nation v. British Columbia (Minister of Forests)*, [2004 SCC 73](#), para. 14; *Mikisew Cree First Nation v. Canada*, [2018 SCC 40](#), para. 22; *First Nation of Nacho Nyak Dun v. Yukon*, [2017 SCC 58](#), para. 4

<sup>47</sup> *Campbell v. British Columbia*, [2000 BCSC 1123](#), paras. 1, 81, 152-53, 169-171

<sup>48</sup> *Reference Re Secession of Quebec*, [\[1998\] 2 SCR 217](#), paras. 58, 60, 79

28. Allowing for negotiated resolution between an Indigenous Nation, Canada and the relevant territorial or provincial government in respect of the roles of the *Canadian Charter* and a Nation's own frameworks of rights and responsibilities would assist with navigating the exercise of inherent and expressly delegated or transferred authorities, and the interaction of Indigenous legal orders and Canadian law. Negotiated agreements would provide greater certainty and clarity to Indigenous legal systems, lawmakers and courts rather than only relying on a case-by-case approach to testing the applicability and scope of the *Canadian Charter*.<sup>49</sup>

29. Modern treaties and self-government agreements “end the paternalistic colonial administration of Canada”<sup>50</sup> and recognize and guarantee the authority of First Nations to develop and implement self-government reflective of their cultural and political distinctiveness. The recognition and protection of the distinct “way of life” and “cultural distinctiveness” of Yukon First Nations, including the intervenor TTC, are agreed objectives of the Yukon First Nation Final and Self-Government Agreements.<sup>51</sup> TTC submits that further good-faith negotiation is required to define the role and relationship of the *Canadian Charter* to self-governing Yukon First Nations.

#### PART IV – COSTS

30. TTC seeks no costs and requests that no costs be awarded against it.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of October, 2022.

  
Kate Blomfield

  
Jeffrey Nicholls

  
Grace Hermansen

**Counsel for the Intervener, Teslin Tlingit Council**

<sup>49</sup> *R v Kapp*, 2008 SCC 41 at para. 65.

<sup>50</sup> *Teslin Tlingit Council v Canada (Attorney General)*, 2019 YKSC 3 at para 16.

<sup>51</sup> VGFN Final Agreement, Dickson Affidavit #1, Exhibit E, AR, Vol III, Tab 5.8 at 64.

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