

(DRAFT June 5, 2019)

**MEMORANDUM OF UNDERSTANDING**

Dated \_\_\_\_\_, 2019

BETWEEN:

SIX NATIONS OF THE GRAND RIVER  
as represented by the Six Nations Elected Council

(“Six Nations”)

AND:

CANADIAN NATIONAL RAILWAY COMPANY

(“CN”)  
(Collectively the “Parties”)

**WHEREAS** it has been determined in the Haida and Taku River decision in 2004, and the Mikisew Cree decision in 2005, the Supreme Court of Canada held that the Crown has a duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty Rights.

**AND WHEREAS**, the Six Nations of the Grand River have Aboriginal and Treaty Rights throughout southern Ontario as secured to their Nation by the 1784 Haldimand Treaty and 1701 Nanfan/Fort Albany Treaty.

**AND WHEREAS**, the Six Nations of the Grand River as represented by the Six Nations Elected Council on March 7, 1995 commenced legal proceedings against the CROWN IN RIGHT OF CANADA as represented by THE ATTORNEY GENERAL OF CANADA and HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO (Court File No. 406/95-Brantford) for an accounting of what the Crown(s) did with all the land and assets of the Six Nations of the Grand River including all the natural resources upon and under Six Nations Treaty lands.

**AND WHEREAS**, on May 31<sup>st</sup> 2017 Six Nations and CN signed a letter of Intent to begin discussions to develop a Memorandum of Understanding in a respectful and mutually beneficial way.

**AND WHEREAS**, the Parties further commit to working together in good faith, with their representatives conducting themselves in an honest and transparent manner that promotes the principles of peace, friendship, and respect.

**AND WHEREAS**, by signing this Memorandum of Understanding (“Memorandum”), the Parties commit to renewing and strengthening the relationship between Six Nations and CN by developing a new approach to addressing Six Nations’ requirements for