

Village of Masset
Council of the Haida Nation
Village of Port Clements

the document was signed and dated March 19, 2004

PROTOCOL AGREEMENT

An understanding about working together for the
well-being of the land, waters and
people of Haida Gwaii.

BETWEEN: The Council of the Haida Nation (CHN)

AND: The Municipalities of Port Clements and Masset.
(Referred to collectively here as the "Communities".)

This agreement is without prejudice to the position of the Haida Nation
in any proceeding before a court of law or administrative tribunal
or in negotiations with respect to sovereignty, ownership or title.

This agreement will not diminish the powers, duties
and functions of the Communities

1 RECOGNITION AND AFFIRMATION

1.1 The CHN appreciates the Communities efforts to invest in and
improve the quality of life and stability of the Island Community in
calling for responsible management of the resources of Haida Gwaii.

1.2 The Communities respect the hereditary responsibilities and the
relationship of the Haida people to Haida Gwaii.

1.3 The CHN accepts that the people who called the islands home are
most affected by land use and title disputes and invites the participa
tion of the Communities to represent their interests in talks regarding
conciliation of Crown and Haida title.

1.4 The Communities recognize the co-existence of Crown and
Haida aboriginal title and accept the offer of the CHN to participate
in conciliation talks.

1.5 The Parties will ensure that individuals and Communities will not
be dispossessed of lands, and that any unlawful past dispossession of
lands will be the liability of the Crown.

2 **BASIS OF ACCORD**

2.1 People seek security for their families and homes.

2.2 It is our intention to work together in common cause for the benefit and betterment of the Island Community.

2.3 The management of land and marine resources over the past 50 years have put the islands in a precarious position.

2.4 Decisions that affect our communities and people have been made by off island regimes that have little or no personal interest in the future of these islands. Decisions that affect the well-being of our communities and these islands should be made by the people who live on island in accordance with the spirit of this agreement.

2.5 The harmonization of Haida and Crown titles need not be divisive or exclusive and can be taken as an opportunity to make things better.

2.6 The CHN and Communities affirm that forestry, fishing, tourism and all other development must be done in a planned and deliberate manner and that a healthy environment is the foundation upon which the future of our cultures, economy and society depend.

2.6.1 The Parties accept, as a standard, and will work together to achieve and maintain the rights afforded in the Canadian Charter of Rights and Freedoms.

3 **PURPOSES OF AGREEMENT**

3.1 To work together in designing a future that will support a healthy environment and create a sustainable islands economy.

3.2 To initiate a series of discussions regarding the possible outcomes and implications of Haida aboriginal rights and title, strategic land and coastal resource use planning, islands governance, economic development and other related topics described in Section 4.

3.3 All parties signing this document agree to participate in the spirit of respectful co-operation to design a relationship that is meaningful and balanced now and in the future, regardless of future court decisions. The parties further agree to support and promote jointly made decisions as a result of discussions held as outlined in 3.2 above.

4 **AGENDA**

4.1 The CHN and the Communities will design decision-making framework to guide subsequent discussions.

4.2 An initial discussion will be held regarding the implications and possible outcomes of Haida aboriginal rights and title. The Parties will make the community members aware of the differences between the treaty process, aboriginal title and the implication of court decisions; and will

4.3 Investigate and discuss options and design an all island governance model; and

4.4 Discuss areas of interest to the communities and residents related to the reconciliation of Haida and Crown title, such as property rights; and

4.5 Identify and discuss economic development opportunities and needs for future growth including but not limited to:

- Community Forestry
- Access to timber for local mills and manufacturers
- Reestablishment of a local Marine economy
- Tourism

4.6 The Parties will support a strategic land and coastal resource use plan for the islands that incorporates local knowledge with science; and will

4.7 Identify innovative ways to make adjustments and transitions associated with the outcomes of land and marine use planning; and

4.8 Review the management of forest and marine resource industries such as logging, fishing and tourism. This will include establishment of a Haida Gwaii Forest Council to aid in the cooperative development of innovative solutions that will promote sustainable planning and management initiatives; and

4.9 Define infrastructure, social development needs and opportunities and identify their solutions. Examples: education and health care; and

4.10 Address other matters, as the parties deem necessary.

5 **MEETINGS**

5.1 A schedule of meetings will be prepared monthly, quarterly or otherwise as need be, as agreed to by both parties in consultation and consideration of the topics for discussion. All meetings will be public and open.

5.2 An Islands wide symposium or conference will be held once per year so that major subjects can be discussed in a large public forum.

6 **NATURE OF THIS ACCORD**

This accord is a living document, subject to changes identified through community dialogue and agreement.

7 **RATIFICATION**

This accord is ratified by the Haida Nation and the Communities as appropriate to our various organizations and councils.

8 **SIGNATURES** *(original document is signed by the following)*

Guujaaw, President of the Haida Nation

Dale Lore, Mayor, Village of Port Clements

Barry Pages, Mayor, Village of Masset

Witnesses:

Notes:

1) The definition of sustainability as per the ICSI consensus document: "For the present generation to have the use of natural resources, without compromising the same opportunities for future generations.

2) Conciliate means to bring together, assemble, union. To overcome, as distrust or hostility. To render accordant or compatible: reconcile.

3) Harmony. The phrase "in harmony with" is synonymous with "in agreement, conformity or accordance with".