

Protocol Agreement
REVISED DRAFT 2006

BETWEEN: The Council of the Haida Nation (CHN)

AND: The Skeena-Queen Charlotte Regional District Electoral Area D

(Referred to collectively here as the “Communities”.)
Hereafter referred to as the “Parties”.

The people who live on Haida Gwaii have a vested interest in the present and future well-being of the land, waters, and people of Haida Gwaii and that we all seek security for our family and homes.

1 Recognition And Affirmation

1.1 The Parties intend to improve the quality of life and stability of the Island Community through 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 participation of the Communities to represent their interests in talks regarding conciliation of Crown and Haida aboriginal 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 acquisitions of the past will be the liability of the Crown.

2 Basis Of Accord

2.1 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.

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

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

2.4 The Parties 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.

2.5 The Parties accept as a standard the rights afforded in the Canadian Constitution.

2.6 The Parties will work together to combat racism in all its forms.

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 The 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 Parties 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.

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

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

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 Support a strategic land and coastal resource use plan for the islands that incorporates local knowledge with science.

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

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.

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

4.10 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 the 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 Parties as appropriate to our various organizations and Councils.

This agreement is without prejudice to the position of the Parties 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 existing legal powers, duties, responsibilities and functions of the Parties.

8 Signatures



Guujaaw, President of the Haida Nation



Ian Hetman, Area 'D' Director-SQCRD

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".*