

# hisiikcumyin: The Way We Need To Go

λaʔuuk<sup>wi</sup>ʔath driven and designed negotiations, engaging Canada and British Columbia in the process of “reconciliation”



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The reconciliation process will embody the Vision and Mission of the ʔaʔuukʷiʔaḥ First Nation. It will be guided by our timeless Ancestral ʔaʔuukʷiʔaḥ laws and principles.

**“VISION**

*We respectfully live, work and celebrate together in a healthy, collaborative community. In unity, we support, pursue and provide all viable economic, health, cultural and educational opportunities for our members. Our direction is based on the harmony of strong administration and good governance that values our haʔwiih ha-houlth-ee and the laws of nature.”*

**“MISSION**

*His-shuk-nish-tsa-waak,  
(we are all one)*

*We are here. We restore and promote our traditional values, we provide enhanced services to improve the quality of life for all.”*

## Why engage in reconciliation?

Our approach is proactive, with reconciliation occurring on Tla-o-qui-aht terms and is done as an assertion of inherent  $\lambda a\eta uuk^{wi}\eta ath$  authority of our  $h a w' i i h$ . Both Canada and B.C. have committed to reconciliation with Indigenous peoples, and  $\lambda a\eta uuk^{wi}\eta ath$  is being hands-on in defining the terms and conditions of this commitment.



Photo Credit: Gisele Martin



## Why engage in reconciliation...

We are holding the government accountable to their commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and by the Principles that Guide the Province of British Columbia and Canada's Relationship with Indigenous Peoples (The Principles). All discussions will build in a recognition of the right to self-determination, including the inherent right of our ḥaw'iiḥ to self-government.





**We did not do anything wrong in this relationship...**

The government is reconciling with us, we are not reconciling with them as we did not do anything wrong in this relationship. These discussions are part of them attempting to reconcile with us.



# Why are the Provincial and Federal governments reconciling now?

The sitting governments of B.C. and Canada have fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*

- On November 28, 2019 the Declaration Act was given royal assent and came into effect as a law of British Columbia, the purposes of which are to affirm the application of UNDRIP to the laws of B.C. and to contribute to the implementation of UNDRIP
- On June 21, 2021, Bill C-15, the UNDRIP Act, received royal assent, which will provide a roadmap for Canada and Indigenous people to work together to implement UNDRIP based on lasting reconciliation, healing, and cooperative relations.

# hišukniš čawaak

## “We Are All One”

While the respective governments (ł̣aʔuukʷiʔatḥ, Canada and B.C.) agree that they may have significant differences, they acknowledge the ł̣aʔuukʷiʔatḥ principle of **hišukniš čawaak** (*his-shuk-nish-tsa-waak*) and are willing to explore new ways to move forward in the relationship for the benefit of future generations.



## Steps to date along the hisiikcumyin path

- May 21, 2019 Chief and Council signed a Band Council Resolution supporting these discussions
- Preliminary relationship discussions with both B.C. and Canada, setting priorities for discussions, advancing outstanding commitments to  $\lambda a?uuk^{wi}?ath$  in previous agreements, work plans for 2021-2024
- Bilateral Agreement with B.C. signed October 14, 2021
- Draft Bilateral Agreement with Canada, anticipated to sign in the near future



Photo Credit: Gisele Martin

The historic signing of the hisiikcumyin Pathway Agreement between ʔaʔuukʷiʔaṭṭ and B.C. set the table for ʔaʔuukʷiʔaṭṭ to negotiate with the Province on issues important to our Citizens.

ʔaʔuukʷiʔaṭṭ ḥawiiḥ, Former Elected Chief Moses Martin and Hon. Murray Rankin, Minister of Indigenous Relations and Reconciliation were in attendance.

TOP LEFT (photo credit Devon Black): nuupiitačičł (Former Chief Moses Martin) & Hon. Murray Rankin; TOP RIGHT (photo credit Devon Black) from left to right : nakʷiimaḥni (Simon Tom), nuupiitačičł (Former Chief Moses Martin) & nuukmiis (Robert Martin);  
BOTTOM (photo credit John Watson) from left to right : tiitstiitskau auk suup (Lorena Frank), nuukmis (Robert Martin), nakʷiimaḥni (Simon Tom), nuupiitačičł (Former Chief Moses Martin), Hon. Murray Rankin, Devon Black, ḥiiškʷisinupšičł (Alex J. Frank), Joe David, Chris Seitcher, Hon. Gord Johns.







## Work Plan and Steering Committee

A new structure was finalized January 2022 with the creation of a **2022-2024 Work Plan** and a **Reconciliation Steering Committee**. The Steering Committee is comprised of both elected and hereditary leadership representation, **2 Lead Co-Negotiators** (Saya Masso & Chief Elmer Frank), advisors and elders, with technical support from the Jim Chisholm (**Tribal Administrator**), John Watson (**Strategic Advisor**), and Saul Brown (**Governance Advisor**).

## Work Plan and Steering Committee...

The overall reconciliation process is managed by the Reconciliation Steering Committee, whose objective is to advance community objectives and outstanding commitments to ʔaʔuukʷiʔath̓ in previous agreements through negotiations with Canada and B.C. This process will address real community needs and strives to see results within the negotiations, focusing on what is achievable to address human well-being.

Council and ʔaw̓iiḥ representatives on the Steering Committee report back to the full Council every 6 weeks. For quorum for major decisions made at the Steering Committee, at least five councillors and five ʔaw̓iiḥ, in addition to the Chief Councillor must be present.





## Why all these agreements?

The Province and Canada have different jurisdiction and authority from each other, thus we have strategically engaged each

separately with Bilateral Agreements. Following establishing these, then a nuppiitčik Accord (Tripartite Agreement) will allow discussions that need all three governments at the table where responsibilities overlap, to enhance services to improve the quality of life for all.

# Summary of Agreements

Agreement	What it is	Priority Topics to be explored (though not limited to)	Ratified
<p><b>hisiikcumyín</b> Pathway Agreement (Bilateral)</p>	<p>The Province has different jurisdiction and authority from the federal government. Here we strategically engage the Province to address areas of provincial and Tla-o-qui-aht jurisdiction, without the involvement of Canada.</p>	<p>Advance outstanding commitments from Previous agreements with B.C.; Tribal Parks management and stewardship and shared management, collaborative governance, and benefit agreements such as carbon credits; Language preservation and revitalization; Economic development; Negotiate Tripartite Agreement between TFN, B.C. and Canada; Tla-o-qui-aht title, rights and self-determination; Transfer of community and economic development lands; Land Vision</p>	<p><b>Signed</b> <b>Oct 14, 2021</b></p>
<p><b>hisiikcumyín</b> Memorandum of Understanding (Bilateral)</p>	<p>Under the Canadian Constitution, the Provincial and Federal governments have different responsibilities. Here we strategically engage with the federal government to address areas of federal and <b>ł̓aʔuukʷiʔaṭṭ</b> jurisdiction, without the involvement of the Province.</p>	<p>Address interests associated with “Parcel 2”; Language preservation and revitalization; Economic development; Tribal Park management and stewardship models with benefit agreements in relation to Parks Canada; Tla-o-qui-aht governance and law; Housing and infrastructure; <b>ł̓aʔuukʷiʔaṭṭ</b> title, rights and self-determination; <b>ł̓aʔuukʷiʔaṭṭ</b> Land Vision</p>	<p><b>Drafted for anticipated signing in the near future</b></p>
<p><b>nuppiitčik</b> Accord (Tripartite)</p>	<p>This brings the three governments (the Province, Canada and <b>ł̓aʔuukʷiʔaṭṭ</b> ) together in negotiations, where discussions need both provincial and federal governments at the table. Having both Canada and the Province at table means we will be able to have rigorous, creative and dynamic negotiations.</p>	<p><b>nuppiitčik</b> means ‘coming to an agreement in a good way’, and will be based on priorities of the <b>ł̓aʔuukʷiʔaṭṭ</b> Strategic Plan to resolve outstanding issues like addressing the socio-economic gaps with specific projects</p>	<p><b>Drafting phase, signing date yet to be determined</b></p>



# Priority Topics To Be Explored

Many are shared with both Canada and B.C., as both governments have a role in specific priority areas, and some of the land related roles are divided due to the existence of Pacific Rim National Park Reserve and carbon credits.

## B.C.

- Advance outstanding commitments from previous agreements
- Transfer and implementation of community and economic development lands

## BOTH B.C. & CANADA

- Language preservation / revitalization
- Recognize and implement  $\lambda a \eta u u k^{w i} \eta a \eta$  title, rights, & self-determination
- Recognition and phased implementation of  $\lambda a \eta u u k^{w i} \eta a \eta$  Land Vision
- Tribal Park management and stewardship models and benefit agreements
- Economic development
- Negotiate Tripartite agreement

## Canada

- Parcel 2 Ty-Histanis
- Housing and Infrastructure
- $\lambda a \eta u u k^{w i} \eta a \eta$  governance and law



## Community Engagement is integral to these discussions, to the creation of term sheets, and setting community priorities...

Following the negotiation agreements being signed, exploratory discussions will be an ongoing, multi-year process. Each identified Priority Topic above may have a sector table, which may include the following steps:

- Collaboratively create term sheets for each sector table
- Bring each term sheet to the ᓄᓐᓄᓐᓄᓐᓄᓐᓄᓐ Community for community consultation
- Negotiation table to update term sheet with Canada / B.C. based on community feedback
- Collaboratively create three-year action plans to achieve tangible success in each sector
- Identify gaps in existing programs and policy for implementing initiatives in term sheets
- Formulate programs and policy options to fill in gaps - seek mandate and budget for implementation
- Assess the successes and where we can improve upon for future negotiation tables.



## The 2003 MOU and Parcel 2

ł̓aʔuukʷiʔath̓ entered into an MOU with Canada (Indian Affairs and Parks Canada) on June 18, 2003 which committed Canada to establish what is now known as Ty-Histanis. This required the Canadian Parliament to amend boundaries of the Pacific Rim National Park Reserve and to create the new Indian Reserve that is now Ty-Histanis.

Canada did meet these obligations. However, in addition, this 2003 MOU obligated Canada to secure a second parcel (known as Parcel 2) of land for ł̓aʔuukʷiʔath̓ for community purposes. Canada still has not fulfilled this obligation and it is a key objective of ł̓aʔuukʷiʔath̓ in negotiations with Canada to ensure fulfillment of all outstanding obligations. The term of this MOU has been extended to April 26, 2024.



# Tla-o-qui-aht Tribal Parks



## Land Vision Map

*“The Tribal Park Designation and the Principles of Hishukish Tsawaak are intended to deliver a healthy ecosystem for the unborn generations to come. The Tribal Park is a model for sharing the Haahuulthii and is also means of recognizing the inherent rights and title of Tla-o-qui-aht to manage and monitor the Haahuulthii.”*

~ Tla-o-qui-aht Tribal Parks Declaration





# This is not a Treaty

Reconciliation includes recognition and implementation of  $\lambda a?uuk^{wi}?\text{ath}$  title and rights, so all discussions will build on a recognition of the right to self-determination, including inherent right to self-government.

This is not a treaty or final agreement. This is outside of the B.C. Treaty Process. There will be no ceding, releasing or surrendering of any  $\lambda a?uuk^{wi}?\text{ath}$  territory, rights or title.

# Where we are at today

The **hisiikcummyin Pathway Agreement** (Bilateral Agreement with B.C.) was signed October 14, 2021.

The **hisiikcummyin Memorandum of Understanding** (Bilateral Agreement with Canada) will be ready for signing by Chief Councillor Elmer Frank and  $\lambda a?uuk^{wi}?ath$   $h a'wiih$  (Hereditary Chiefs) in the near future.

The **nuppiitčik** Accord (Tripartite Agreement with both B.C. And Canada) will be drafted following this and the signing date is yet to be determined.

...then work can really begin on creating Term Sheets with our Community Members to further specify  $\lambda a?uuk^{wi}?ath$  objectives in each priority topic.



# Next Steps

The easing of COVID restrictions will allow  
łáʔuukʷiʔath Chief Negotiators and technical  
support to organize regular meetings as we  
establish the specific achievables for each of the  
priority subject areas to occur over 2023-2024.

Canada and BC have provided funding for  
łáʔuukʷiʔath to allow this to occur.



# Conclusion

While ‘reconciliation’ (the mending of a relationship, the restoration of friendly relations) can be a loaded word, it is an expression that the governments now recognize ʔaʔuukʷiʔath̓ as having Title, recognizing ʔaʔuukʷiʔath̓ laws and hereditary chiefs, and ʔaʔuukʷiʔath̓ sovereignty. The time for reconciliation is now.

In the meantime we are trying to work with governments of today to better our people, ensure greater social and economic

outcomes for ʔaʔuukʷiʔath̓ within these negotiations, and to have a brighter future for our grandchildren, without surrendering our title to anyone.



For more information and updates:

<https://tla-o-qui-aht.org/hisiikcumyin-reconciliation>

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Please join us at upcoming membership meetings, to guide our staff and leadership in this process. Dates and locations to be posted to the  $\lambda a?uuk^{wi}?ath$  website, Facebook, and via notices circulated to community households.