



# Ha-Shilth-Sa

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Ha-Shilth-Sa  
Nuu-chah-nulth for "Interesting News"

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## SPECIAL COMMEMORATIVE ISSUE



Nuu-chah-nulth First Nations have started to negotiate a Framework Agreement, as part of the treaty-making process. Negotiating sessions were held in April and May with the governments of Canada and British Columbia. The two ceremonial curtains seen behind the Nuu-chah-nulth negotiators belong to Tla-o-qui-aht Hawiih George Frank and Alex Frank.

### Nuu-chah-nulth Negotiations Open With Traditional Ceremonies

April 24, 1995 will go down as a historic date for the Nuu-Chah-Nulth people as treaty negotiations between their Ha'wiih (hereditary chiefs) and the Provincial and Federal governments officially got underway.

Everyone was welcomed to Tin-Wis, the site of negotiations, by the Tla-o-qui-aht Ha'wiih who were hosting this special occasion.

As everyone

gathered outside the hall at Tin-Wis each Nuu-Chah-Nulth First Nation was called forward and, led by their Ha'wiih, they entered the hall and were seated. Elder Francis Amos called in the First Nations one at a time while a constant beating of drums from inside the hall accompanied the entrance.

Once the Nuu-Chah-Nulth Ha'wiih, negotiators and advisors were seated, the del-

egates from the two governments were called into the hall.

The ceremonies started with Ahousaht elder Stanley Sam doing a prayer, followed by a minutes' silence, and giving money in respect of those who had recently lost loved ones.

Then everyone was welcomed by Barney Williams Jr., the keeper of the beach at Opitsat, whose function it is to welcome people

to the Tla-o-qui-aht territory. Thomas Curley spoke on behalf of Barney Williams. He said "This man is going to pull your canoes up, turn them upside down on the beach. We want you to show respect, that you will not leave this building until everything is finished. If any of you Ha'wiih, negotiators, have to leave the building, you will be escorted in and out, so you don't lose contact."

Barney Will-

iams Jr. then did a prayer chant which was followed by a song accompanied by four ladies dancing.

Ernest David, speaker for the Tla-o-qui-aht Ha'wiih then welcomed all of the

people to their territory. Elder Stanley Sam who is also descended from the Tla-o-qui-aht, spoke in his native language. Barney Williams Jr. translated into English. Continued Page 3

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## B.C. REFORM AND LIBERAL PARTY LEADERS TO TALK ABOUT TREATY ISSUES AT PUBLIC MEETING IN PORT ALBERNI

Port Alberni, B.C. At the invitation of the Nuu-Chah-Nulth Tribal Council, B.C. Reform Party Leader Jack Wiesgerber and B.C. Liberal leader Gordon Campbell will attend a public meeting on June 28th in Port Alberni to discuss their positions on the issues of openness and the B.C. treaty process.

Campbell and Wiesgerber will join Nuu-Chah-Nulth First Nations on a speakers' panel at a public meeting at 7:00 p.m. at the Echo Centre in Port Alberni, said Chief Francis Frank of Tla-o-qui-aht First Nations. Tla-o-qui-aht First Nations is one of 13 Nuu-Chah-Nulth First Nations who have

just entered the framework stage of treaty negotiations with the federal and provincial governments, through the B.C. Treaty commission process.

"Many public statements have been made by both leaders about their concerns about secrecy and the treaty making process," said Chief Frank. "With

A precedent-

a provincial election on the horizon, we would like these politicians to explain their positions."

"It would be our hope that these two leaders, after our meeting, would take the responsibility to provide a more balanced perspective to the general public than what is being currently displayed." The Nuu-Chah-Nulth tribal Council represents about 6,000 people on the west coast of Vancouver Island from Kyuquot to Bamfield. The Nuu-Chah-Nulth Treaty Table is the largest in British Columbia.

were open to the public.

## FRIENDLY COVE CAMPOUT TO FOCUS ON TREATIES

The Mowachaht/Muchalaht First Nations will be having their annual summer campout once again at Yuquot (Friendly Cove).

This year's campout, which takes place between July 4th and 14th, will focus on treaty issues. The

theme for the campout is "Involving Our Youth in the Treaty and Our Culture."

A number of native leaders involved in the treaty process will be visiting Yuquot during the campout. It is appropriate that discussions about treaties

take place at Yuquot as it was the site of first contact between the First Nations of the northwest coast of North America and Europeans. Captain Cook visited Yuquot in 1778.

Among those confirmed for the campout are Lillian Howard, Nelson Keitlah and Richard Watts, NTC Co-chairs and Chief Negotiator and Cliff Atleo who is the Chief negotiator for the Ahousaht Nation. Atleo will be speaking about Interim measures agreements. He helped to negotiate the Clayoquot Sound Interim Measures Agreement with the Provincial government in 1993.

For more information about the campout or transportation contact Margarita James or Cathy Krochak at the Mowachaht/Muchalaht Administration Office ph.283-2015.

On the last full day of the campout there will be a salmon barbecue on the beach. No doubt Chief Jerry Jack will be leading the singers in some songs to wind up.

Transportation

### Negotiation of a Framework Agreement

A Framework Agreement is a negotiated agenda which:

- Identifies the subjects for and objectives of the negotiations; and
- Establishes a timetable and any special procedural arrangements for the negotiations.

This will enable the commission and the parties to evaluate the progress of negotiations. In addition, it will enable the parties to confirm, modify or expand their negotiator's mandates.

*from the Report of the British Columbia Claims Task Force, June 28, 1991*

### Schedule-Framework Agreement Stage

The Parties agreed to the following schedule for the Framework Agreement Stage, which may be amended by agreement of all three Parties:

April 25-28	Interim Measures
May 23-26	Lands and Water Resources (excluding Fish and Fisheries)
June 19-23	Interim Measures Land and Water Resources (excluding Fish and Fisheries) Revenue/Fiscal Matters
July 24-28	Resources (Fish & Fisheries)
August 21-25	Jurisdiction and Governance
September 18-22	Jurisdiction and Governance
October 23-27	Culture and Heritage Implementation
November 20-24	International Issues
December 11-15	Other

Note: This schedule does not include other items that must be discussed and agreed upon in order to complete Stage 3 (e.g., procedural matters and the workplan for Stage 4, etc.).

## Ha-Shilth-Sa



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## OPENING CEREMONIES.....CONTINUED FROM PAGE 1

"First we would like to acknowledge the support of the R.C.M.P. and their support to our nations. Barney explained why Stanley is standing with the Tla-o-qui-aht people. He explained that his roots are with our people. "Stanley Sam is one of us, from one of the houses of the Chiefs of our Nation."

Stanley spoke about the protocol of the Chiefs, "Part of what you're witnessing today is the protocol of our Chiefs, the Chiefs that own this land you stand on today and we welcome you in the Spirit of our ancestors."

Then Tla-o-qui-aht Chief Councillor Hes'quis'nup'schilt (Francis Frank) made a welcoming speech. He welcomed all of the hereditary chiefs, elders, council members, of the Nuu-Chah-Nulth Nations and the delegates from the governments of Canada and British Columbia. He also welcomed Tom Barnett (former MLA from Alberni), Port Alberni Mayor Gillian Trumper and Ucluelet Councillor Mike Amrhein.

Stanley Sam also explained some history about how five of the Nuu-Chah-Nulth Nations are connected through their family lineage. He said that there were five sisters, the oldest stayed in Tla-o-qui-aht, the others went to Mowachaht, Ahousaht, Tseshaht, and Ditidaht. We are recognizing these things, to honour the relatives and to show that the lineage has never been broken for generations in terms of family and tradition. These things are important, and not only important but they are alive today" said Barney Williams Jr. in translating for Stanley Sam.

Chief Wickeninnish's sacred thunderbird dance was then performed. This dance is rarely shown to the public and is only performed on very special occasions. When it was completed it was announced that the meeting was officially opened.

Stanley Sam

addressed the assembly again with Barney Williams Jr. translating. He explained that "these things we witnessed came out of visions of people who went out to meditate. It was done to give medicine to the chiefs that are negotiating to give them strength, strength from the Creator, so those things that have been taken from us, the hahoolthe of the Hawiih will be returned at us."

Tla-o-qui-aht elder Margaret Joseph then performed a prayer chant.

"It's in the Spirit of that protocol that we sat each tribe to their specific seat to show the people that we still follow tradition in the spirit of our ancestors in recognizing the governments of the different nations of our Nuu-Chah-Nulth area."

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We're about to embark on developing a new book in our history and hopefully we share the same common vision," said Francis Frank. "We want to be a contributing factor to

the richness of the economy that we all know as Nuu-Chah-Nulth land. We want to contribute, that is what we envision in the treaty."

Several other speakers made opening remarks including representatives of the two governments, the Nuu-Chah-Nulth Tribal Council and the BCTC (B.C. Treaty Commission).

Treaty Commissioner Barbara Fisher said "I believe everyone comes here in good faith and with respect for this process. My role will be as a neutral person that will assist those goals and make sure that the respect we feel in this room carries on during all negotiations."

Honorable John Cashore, the Minister of Aboriginal Affairs for the provincial government congratulated the three negotiating parties on having reached this critical stage of framework discussions. "I'd also congratulate you on achieving a very effective and worthwhile open treaty process."

We all know that secrecy was never intended to be a part of the process," Cashore said that the major goals from the provincial perspective of the process are "1) to provide certainty and clarity regarding rights and responsibilities of governments and individuals, 2) maintain the provinces strong and vibrant economic strengths and diversity and 3) to ensure economically, socially, and culturally stable First Nations communities."

Central Co-chair Nelson Keitlah spoke about some of the wide gaps that exist economically between First Nations and the general public.

"Where we see 70-80% unemployment that we have in our communities and yet across the country the general public unemployment is 9-10%, we do have a great concern."

We see today something unfolding before us, something that should have happened over 200 years ago when the people came to our shores and saw our rich resources, the rivers that were full of fish, our beaches, our forests," Nelson Keitlah said.

Southern Co-chair Richard Watts also spoke of a time in

The Chief Ne-

gotiators for the Federal Government, John Langford, and the Provincial Government, Murry Rankin, also made opening remarks.

Langford echoed what previous speakers had said about the need for an open process "and to keep both aboriginal and non-aboriginal communities closely involved in the work at the table."

He said that it was natural we should start this process in an atmosphere charged with expectation and optimism on one hand, fear and uncertainty on the other."

"This atmosphere places a heavy obligation on us to work together to make these negotiations a success for all of us," Langford said.

Provincial negotiator Murry Rankin said that "We too are committed to forging the new relationship that previous speakers have referred to, a relationship between aboriginal and non-aboriginal peoples. On behalf of the Province I pledge to work with you to forge this new relationship in the spirit of openness and respect."





At the Framework Agreement negotiations.

## Nuu-chah-nulth Treaty Talks Begin

After waiting for over 100 years, the Nuu-chah-nulth Hawiih (Hereditary Chiefs) and their negotiators have started discussions about the outstanding land question with the Federal and Provincial governments.

Thirteen First Nations from the Nuu-chah-nulth Tribal Council are taking part in framework agreement discussions at Tin-Wis, which is within the traditional territory of the Tla-o-qui-aht First Nations.

One other First Nation, Ditidaht, is presently negotiating a framework agreement at a separate table.

Nuu-chah-nulth and government delegates were welcomed to Tin-Wis by the Hawiih of the hosting Tla-o-qui-aht First Nations on April 24th.

On the following day the negotiations began.

The framework agreement stage of the treaty talks will identify the issues that will be negotiated in stage 4 of the treaty process, which is the negotiation of an agreement in principle.

The framework agreement stage also establishes a timetable and any procedural arrangements for the negotiations.

The Nuu-chah-nulth presented four items that they wished to discuss:

time but are only preparing for treaty negotiations in the future.

The three parties have signed an Openness Protocol Agreement, which allows the main table negotiations to be observed by the general public and dispels the myth that the treaty negotiations are being conducted in secrecy.

On April 25th, the first day of negotiations, the Nuu-chah-nulth put forward an amendment to their readiness document by adding thirteen Co-Chief Negotiators, one from each First Nation.

Canada and British Columbia were asked to provide more information their interests and their visions for a post-treaty British Columbia.

Murray Rankin, Chief Negotiator for the Province said that "the Province wants the treaty to clarify aboriginal rights to lands and resources. We want to address issues like governance and social and economic and environmental concerns of all us parties."

He added that "we think that settling aboriginal issues at a table like this through negotiations is infinitely preferable to litigation. We think it will benefit all British Columbians to do so, not only the aboriginal community. We think that treaties will ultimately serve to achieve certainty over the landscape, help attract new investment to resource communities such as those in this area. That would be a summary of the Provincial interests in this process," said Rankin.

The Nuu-chah-nulth presented four items that they wished to discuss:

1) that each party nominate one person as chair,

2) negotiation of an interim agreement providing benefits for elders,

3) that a process be developed to counter those that wish to stop the treaty making process, and

4) when and how can interim measures be negotiated by First Nations.

Rankin concluded by saying "we are committed as our vision as we walk forward in this process, to addressing existing inequalities in social and economic circumstances of First Nations' communities."

"We wish to negotiate a land base that strives to meet the economic and community needs of Nuu-chah-nulth people. We wish to develop economic bases that enables First Nations to build healthy, financially viable and sustainable communities. We wish to negotiate flexible arrangements with First Nations to reflect their preferences for decision making powers and their needs for capacity to deliver programmes and services. Lastly, we wish to promote economic opportunities throughout all communities in this area. That would be a summary of the Provincial interests in this process," said Rankin.

Some concerns about Mr. Rankin's presentation

were raised from the Nuu-chah-nulth side of the table. Tseshah Acting Chief George Watts raised the issue of Nuu-chah-nulth living communally. Mr. Rankin spoke about creating a new relationship under the Canadian Constitution, and Watts responded that "the Constitution does deal with individual rights but we as Nuu-chah-nulth act communally and our whole heritage and history is based on acting as communal people. He said that the dances, religions and cultural practices would not live on without the right to live communally.

Ahousat Chief Negotiator Cliff Atleo said that a concern he had about the presentation of the Province was "a strong need for orientation on the part of the Federal and Provincial Governments" because a lot of what he heard was how First Nations fit into the Constitution, and into non-native institutions and laws. Atleo said "what of our laws? what of our history? Yes, carved in stone, laws that live forever, unamended. Why, because they were right, those laws, they were right for us."

Chief Negotiator for Canada, John Langford, made a presentation on Canada's vision.

Some of the points he made included:

## Nuu-chah-nulth Treaty Talks.....Continued

It views the financial benefits as a means of providing economic opportunities that are complimentary to the other provisions in the treaty."

Nelson Keitlah was one of the speakers that took exception to this statement, that there be no compensation for past wrongs or resource uses. He said

"we come from a people, when they were exempting lands for instance in the latter part of the 1800's, when all the lands were being divided up, there was only two people that didn't qualify in exemption years, the Chinese and First Nations people. We come from that."

George Watts

responded by saying "I did hear that there's not going to be compensation for past wrongs and past use of lands. This certainly is a new and interesting concept to me."

It sends a clear message to us, when it comes to our hurts, we must sweep it under the carpet and talk about future economic development in terms of compensation. I'm not sure that's going to sit too easy with us especially when it comes to the issue of residential schools," Watts said.

Rankin said that the Province has no experience in respect to compensation for elders.

He went on to point out that the Nuu-chah-nulth could prove through economic study that billions of dollars have gone out of Nuu-chah-nulth territory in terms of resource extraction. Yet we have to sit here and listen to arguments from non-Indians about how much we cost."

Watts added that if they were allowed access to land in 1800's, "if we weren't discriminated against like the Chinese, we probably wouldn't be here today negotiating treaties. We'd be well established as land owners,

in fact we'd own a huge part of this territory under the white man's law, never mind our own law."

Later in this session the Nuu-chah-nulth negotiators brought forward the issue of interim measures.

Negotiator Richard Watts said that to this point the Federal and Provincial Governments haven't come up with a concrete answer on how and when interim measures will be dealt with. "We want it clear from the governments when and how this will be done." He also brought up the issue once again about Nuu-chah-nulth's desire to negotiate elder's benefits.

Provincial negotiator Murray Rankin responded that "we have no problem in dealing with it" and he added that there are between 40 to 50 interim measures in B.C. presently.

He said that the process, if we achieve treaty related interim measures at this table, they would go to cabinet for their consideration and approval and then on to the line ministries to implement them.

Rankin said that the Province has no experience in respect to compensation for elders.

Cliff Atleo said that he wanted to reinforce the positive approach in viewing interim measures. The interim measures clause clearly states that we prefer to negotiate as opposed to litigate. We prefer to see business carry on, not totally interrupted but business has to adjust how it does so in order to address the interests of First Nations."

He said that they could look at the Clayoquot Sound Interim Measures and develop something using this approach, and

not use a lot of time dealing with interim measures, time that could be used in dealing with the treaty process.

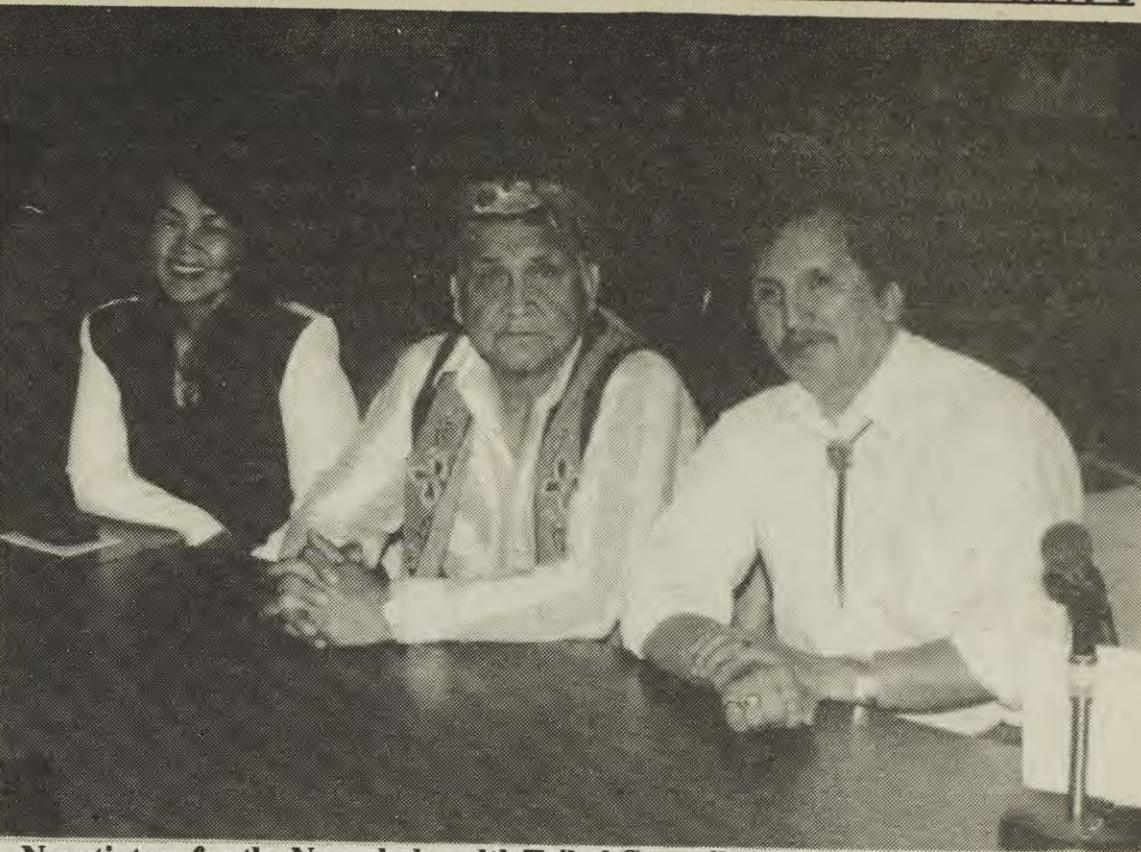
George Watts expressed frustration at the governments setting aside lands through the CORE process and for parks and leaving very little left for First Nations to negotiate for.

"They announce the creation of parks, they announce the creation of land use plans amongst our Hereditary Chiefs territories and they say we respect you! They've done their interim measures with the white people and made sure they set aside those lands before we got to the table," Watts said.

Federal negotiator John Langford also made some comments about their position on interim measures. He said Canada will assess interim measures proposals on the basis of how they may contribute to reaching final agreements, on how they may help fulfill federal operational responsibilities, and what their legal and financial implications are.. He said that Canada will ensure that existing third party interests are acknowledged and taken into account in the consideration of interim measures proposals.

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Negotiators for the Nuu-chah-nulth Tribal Council Lillian Howard, Nelson Keitlah, and Richard Watts.

lands, resources, jurisdiction over these, as not have ever been given up."

**Steve Charleson-Hesquiat Negotiator**

"Our Ha'wii believe the treaty making process is backwards. They believe B.C. and Canada have a claim on their territory.

They wish to rectify a situation whereby B.C. and Canada are meddling in their houses and their businesses, even deciding who should belong in their families. It pains them to see destruction in every part of their hahoolthe. It pains them to see our language, culture, spirituality being stripped from generations of our people.

He said that Canada will ensure that existing third party interests are acknowledged and taken into account in the consideration of interim measures proposals.

After hearing some of the positions and visions of the two governments, a number of spokespersons for the Hawiih made presentations, as to what their goals and aspirations are in the treaty process.

**Some of the speakers comments were :**

**Cliff Atleo** - "one of the most consistent pieces of information that we get from our Ha'wii, our Elders, our a'he'pitth is what's constantly repeated time and again, is their ownership of the

grounds went to the American people. The Federal people better take note of this because under an Act they were asked to look after us and they didn't live up to their obligations."

**Judith Sayers**

**Opetcheshahat Negotiator** - "Our main goal, with the help of our elders, is to maintain a way of life and that's what a treaty is about and that's what it's for. We will maintain this way of life within the responsibilities given to us by our Creator and within the protocols of our culture and this includes a stewardship over our lands."

**Earl Smith**-speaker for the Ehatesht Hawiih-

"Our claims is going to be based on our traditional values. It's going to be based on making our people what they used to be- thriving, flourishing, independent! We want interim measures, we want access to resources and lands, so we can develop the solutions for our people, ourselves, on our terms, not by some act, policy, regulation. Give us that opportunity. That's why we say as Ehatesht, justice comes first. Let's rectify 221 years of injustice by showing respect

and acknowledgement and understanding of our Hawiih and how they administer their hahoolthe."

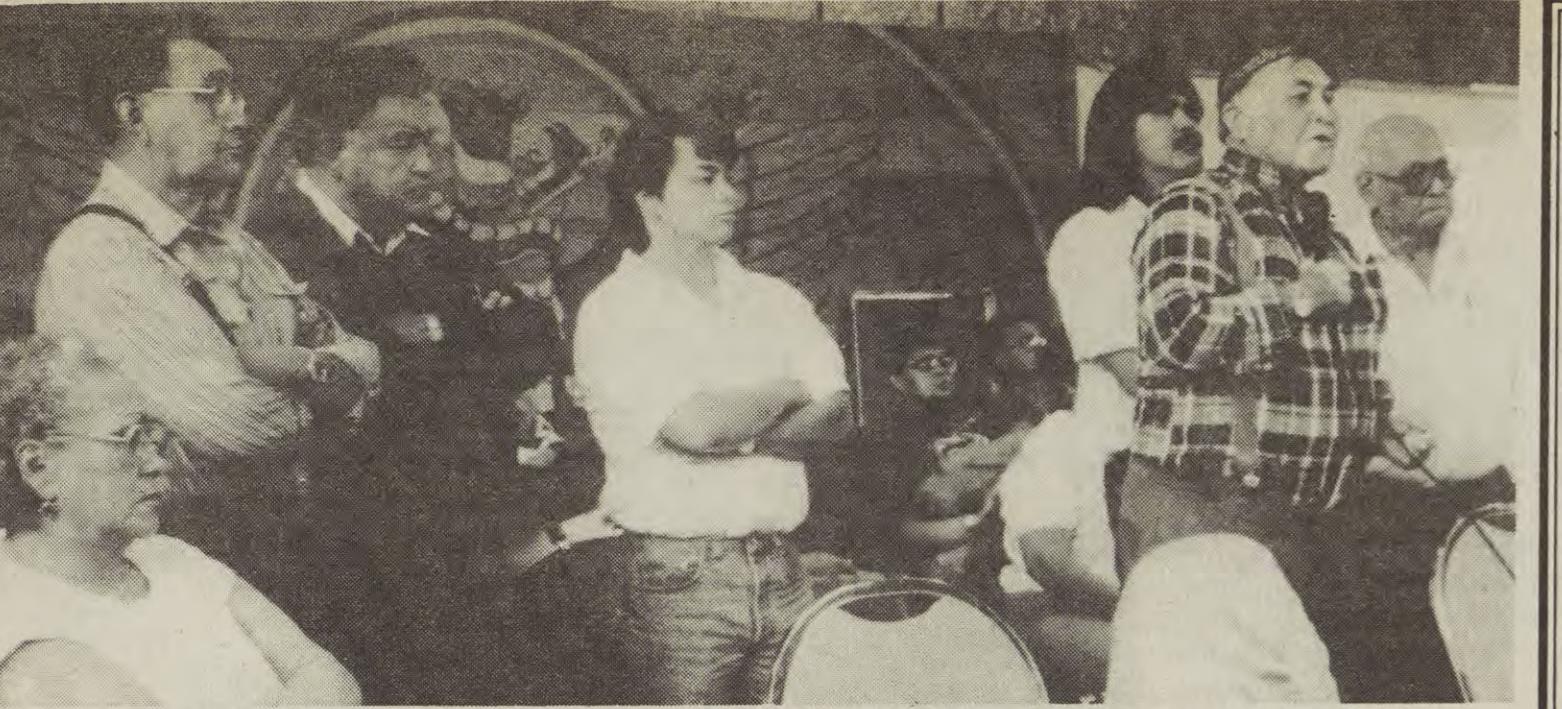
At the closing of this first session of talks many speakers got up to thank the Tla-o-qui-aht Hawiih and people for their hospitality.

Recognition was given to the observers of the process, Nuu-chah-nulth and non-natives. Appreciation was also extended to the elders, for their words of counsel and wisdom and to the singers and dancers who performed during the evenings.

Francis Frank, in making closing statements, thanked the youth for being there, "as it's you that gives us the vision and an objective to work for something to provide a better life for us all."

He also thanked the people from the community, those from the environmental community and the forest industry community, who sat in on the talks, and he asked that they try to work together to find some of the answers.

"We don't come to this table with anything other than our strong values, our culture and our Ha'wii. Don't forget who we're doing this for, our young people. We'd like you to keep those thoughts in your minds until we get back."



Ahousat elder Stanley Sam spoke about the haloothee of the Hawiih during the treaty negotiations. He was speaking on behalf of Ahousat Hawiih and their representatives: (l-r) seated Ida August, Cosmos Frank, Edgar Charlie, Shawn Atleo, Billy George, Stanley Sam, Head Chief Earl Maquinna George.

#### \*\*\*\*A Lesson In Hahoolthee \*\*\*\*

During the second session of negotiations at Tin-Wis the Nuu-Chah-Nulth elders shared a lot of their knowledge about histories, systems of governance, and what their chiefs owned.

One of the very knowledgeable elders, Stanley Sam from Ahousat, made an eloquent speech about Hahoolthee, which includes the chiefs ownership, jurisdiction and control of land, waters, resources, and much more. Stanley was speaking on behalf of the Ahousat Ha'wihi (Hereditary Chiefs) that were in the hall, as part of the process of educating the two governments on Nuu-Chah-Nulth concepts of ownership and governance. Stanley spoke in his native language which was translated by N.T.C. Co-Chair Nelson Keitlah.

The following is some of what Stanley said:

He said that in pre-contact times the government of the chiefs was very much in existence. They were looking after the mountains and rivers and what was alive within his hahoolthee. It was indicated by landmarks, where the hahoolthee is. There were ways that ownership was exchanged, including through wars.

He spoke about the importance of the rivers due to the fact of what resources were in the rivers and the sea.

"We want the Federal and Provincial negotiators to understand the ownership and title belongs to our chiefs," Stanley Sam said. "Their ownership, which goes out to the sea. There was always a definite place where you will be fishing or gathering on the sea. Hunting and fishing was always divided for the people. They were very careful that through each household or through the ranking of chiefs - it was divided accordingly. No one would be dismissed."

"So now we see the mountains bare. Because of the destruction, the medicines and places of worship are gone. It is almost impossible to find. The great hunters prepared themselves for months at a time using these medicines and places of worship."

"At Cyre River, the place Chief Keitlah owns, they resisted first contact with the foreign people. He cut the rope (of their ship). He didn't want any invasion of his territory, of his hahoolthee."

"People of yesterday always emphasized the importance of hahoolthee. The knowledge of yesterday is going to be very important to our people," Stanley told the assembly.

The Nuu-Chah-Nulth chiefs, elders, negotiators, and muschim (tribal members) met before and after each day's negotiating session.

Advice and information would be given by the elders at these caucus meetings.

Stanley Sam advised that "you have to work as fast as you can to understand our history and what hahoolthee is. We can't lose our histories."

It was agreed that the Nuu-Chah-Nulth should write a book about hahoolthee, using the wisdom of the elders. This book should be finished within a one year period said George Watts, who volunteered to chair a committee to do this important work.

#### TO ALL AHOUSAT BAND MEMBERS

The Treaty Negotiation Staff would like to have all Band Members submit addresses and phone numbers for purposes of any contacts that may be required with Band Members. We would appreciate receiving addresses and phone numbers A.S.A.P.

Contact person:

Bella Campbell Connie Manuel  
at 670-9563 or 670-9531

#### *The Second Session of Framework Agreement Discussions*

The second session of the Framework Agreement discussions took place at Tin-Wis on May 23rd to May 26th.

During this four day session the three parties clarified some specific items from their talks in April, including the Interim Measures Process, the role of the working group, the appointment of a chairperson, and the Nuu-chah-nulth resolution on their Chief Negotiators.

These topics were followed by a general discussion on lands, water and natural resources (excluding fish and fisheries), to further refine the list of substantive issues in the Framework Agreement.

Also during this session time was given to Nuu-chah-nulth elders, to educate the federal and Provincial negotiators about some Nuu-chah-nulth history, the roles of the Ha'wihi, and in particular "hahoolthee", the key aspect of the Nuu-chah-nulth position in negotiations. Ahousat elder Stanley Sam delivered an eloquent speech in his language about hahoolthee. (see sepa-

rate article).

Nuu-chah-nulth negotiator Richard Watts opened the discussion on interim measures. He said "we want interim measures now, so that everything isn't gone by the time we get to the treaty table." Watts said that the Nuu-chah-nulth territory is one of the fastest growing areas in North America in terms of population growth and development.

Federal negotiator John Langford gave some more information on Canada's position on interim measures. He stated that in some cases where the government is downsizing, lands will be available that are in surplus. There is a process for notifying First Nations when these lands are in surplus, he said.

Some other points made by Langford were that there will be third party consultations, interim measures are meant to balance First Nations and others interests, interim measures will not involve legislation, interim measures are meant to be temporary

Tseshah negotiator George Watts recommended that one of the First Nations prepare an interim measures proposal and table it for negotiation. This will help clarify the policies of Canada and British Columbia.

Continued  
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#### WHALING STILL AN ISSUE WITH NUU-CHAH-NULTH AT TREATY TABLE

During the May session of Nuu-Chah-Nulth Framework Agreement discussions the Nuu-Chah-Nulth representatives tabled a list of "substantive issues" that they wanted to be included in the agreement.

These issues would then be negotiated in stage 4 of the treaty process (Negotiation of an agreement in Principle).

One of the issues presented by the Nuu-Chah-Nulth was whaling, a traditional

activity of their people up to the early 1900's, when it was banned due to declining stocks.

Whaling is a hot topic of debate in the media at the present time due to the intention of the Nuu-Chah-Nulth relatives from the

Makah Nation in Washington State resume their traditional whaling activity, by harvesting 5 whales a year.

Making the presentation showed that whaling means much more than "money" to the Nuu-Chah-Nulth, which is what some uninformed people are saying is motivating the Makah people.

Mexsis-Tom

Happynook from the Huu-ay-aht Nation.

Mexsis is from one of the whaling families of the Huu-ay-aht. He consulted with elders and other whaling families before speaking at the treaty table.

4) We must talk about how the whaling chiefs had many special and sacred places throughout the territory and used them on a regular basis for spiritual preparation, these include whole mountains and their surrounding areas. They even had special places to get the cedar trees to build the whaling canoes.

The land and the sea were tied together as one package that can not be separated.

5) we want you to understand what the whale represented to us. When the whale was cut it represented every inch of our chiefs territory, every cut had to be precise. You could not cut into another chiefs portion because that meant part of his hahoolthee was being cut off and in the end every part of that whale was utilized.

Mexsis introduced himself in his native language.

"The question would be why do we want whaling on the table?" he said.

The Arguments presented are as follows:

1) Whaling has to be on the table because the places that our grandfathers bathed, prayed and fasted still exist today. They are still within our territories. Also the descendants of those grandfathers are here today even as we speak.

2) We want these special places to be protected forever, so whaling families can continue to practice their spirituality. We recognize that we may never whale again in the traditional way but we will always practice the spirituality that has been passed down from generation to generation.

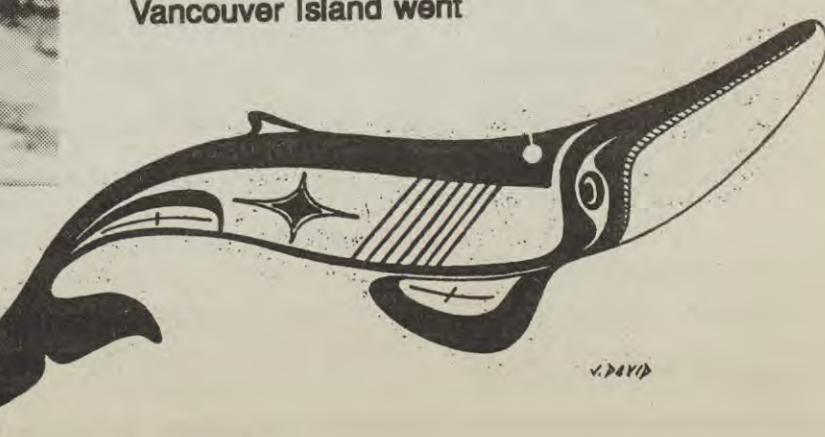
3) We must talk about how the whaling nations of the west coast of Vancouver Island went



In 1928 Huu-ay-ahts killed this whale and brought it to their village at Capis (Dodgers Cove). Photo reprinted with the permission of the Royal British Columbia Museum. Neg.No.PN16345.



This historic photo shows Huu-ay-aht men cutting up a whale at Capis (Dodgers Cove). Identified are (l-r) Jackson Jack (in foreground), Gordon Frank, Wilson Joe, unknown, Gus Tootmis, Old Ginger, Bill Happynook, boy - unknown, Mexsis - Tommy Happynook, Jack Peter, unknown, unknown. The photo was taken by Fred Coates and was loaned to the Ha-Shilth-Sa by the Huu-ay-aht Treaty Office.



# Huu-ay-aht Treaty News

Keeping in tune with our goal: To keep the Ohiapt tribal members up to date on the Treaty issues, the Ohiapt Band Council and the Treaty Committee held a Ohiapt (Huu-ay-aht) Treaty Meeting on Saturday June 3, 1995.

Throughout the meeting we had 61 voting members and about 15 non voting members (youth) attend parts of the treaty meeting.

Ta'yii Hawith Huu-ay-aht (Head hereditary chief of Ohiapt), Naasiismis, Spencer Peters welcomed the people to the meeting and expressed the need for the people's involvement in this very important process. He identified some major resource issues that require the tribes immediate attention and felt

that a meeting of the Barkley Sound Hawiilh and elders may be able to address some of these concerns. Although we have a small crowd today, tomorrow we may have more people here, he said, and I urge each of you to pass on the message about the importance of these treaty negotiations. He mentioned that some non natives may have some history to contribute to our research.

Yalth luu a, Jeffery Cook, second hereditary chief indicated that we need to work on getting more people involved in this process.

Tlii tlii ahs, Victor Williams, third hereditary chief to speak said that he has been attending these meet-

Pacific Treaty Organization.

Tommy Happynook informed the members in attendance that Huu-ay-aht Treaty Office has made a Draft Cultural Inventory Proposal which has been reviewed by the committee and with a few minor adjustments will be ready for submission to Provincial Heritage Branch early next week. This Cultural Inventory will identify all the traditional uses in our territory and will require interviewing our Huu-ay-aht elders. A detailed and comprehensive chronological report on traditional territory will be developed from this work, Tom said.

Ricky Nookemis, speaking on behalf of Hawiilh tuis (Benson Nookemis) his uncle, said that he knows all the work the committee is doing. He provided a brief summary of his involvement with the Pacific Northwest Treaty Association and mentioned that more aboriginal groups from two other countries have joined the international treaty organization. This means that all countries have joined the Pacific Northwest, except Russia and Japan, are now represented in the Northwest

Angela Wesley gave a brief summary

on the Nuu-Chah-Nulth treaty negotiations to date and explained Interim Measures. Later in the afternoon she gave a detailed flip chart presentation on some of the Huu-ay-aht Treaty Committee's Strategic Planning. She mentioned that we have to be working with George Watts who has been helping us develop our plan and the following summarizes Ohiapt (Huu-ay-aht) Treaty Goals.

- Healthy, prosperous, self-sustaining Ohiapt (Huu-ay-aht) communities.

- Recognition of our Hawiilh or Hereditary Chiefs.

- Culture and Language to flourish.

- Future generation can reach greatest po-

tential.  
- To rise to our Historic Greatness.

How do we reach our goal? "Capacity Building - preparing for our future" was the theme of her presentation.

## Resources:

What employment opportunities do we need to train for to prepare for our future? Some responses were Fish Biologists, Wildlife Managers and Forester, Mapping and GIS training, etc.

## The Second Session...Continued

On May 24th Provincial negotiator Murray Rankin presented a position paper on "British Columbia's Approach to Treaty Settlement Lands and Resources."

This paper drew a lot of concern and criticism from the Nuu-chah-nulth negotiators, including some angry reactions.

They were disturbed by the contents of the paper and also with the fact that the paper had been leaked to the media at a Regional Advisory Committee meeting in Terrace prior to it reaching the Nuu-chah-nulth table.

Some of the statements made in the paper included:

- "at the time sever-

eighty was asserted in British Columbia, title to land in the Province became vested in the Crown."

"the existence of aboriginal rights does not call into question the Crown's title to the land."

"the Province expects that Treaty Settlement Lands will be held communally by a First Nation, in a manner equivalent to fee simple. Just as with fee simple lands, First Nations' ownership will not be absolute or unconditional."

"the amount of land defined as Treaty Settlement Land will vary from treaty to treaty....Treaties must take into account the difference in land values in different locations."

- "the Province is not

interested in recreating the past. Substantive negotiations will focus instead on the current and future interests of the parties."

"if treaties are to be meaningful in a contemporary world, they cannot be based solely on evidence from the past. The current and future interests of all parties will determine the final land area of each treaty."

"It is the Province's objective that existing Indian Reserves will be incorporated within Treaty Settlement Lands. Overall, the total land held by First Nations- Including the area of present Indian reserve Lands- will be less than five percent of the Province's land base."

"lands required for public purposes (for example, significant access routes or community water supplies) will not be on the table."

"Provincial agreement to any land package will be subject to acceptable access provisions. All British Columbians will continue to have access to land and resources for hunting, fishing and recreational opportunities."

"some First Nations have indicated that they will seek compensation based on a calculation of damages arising from past use and alienation of the lands and resources within their traditional territories. The Province will not calculate the cash component of treaties on this basis, and provincial negotiators will not have a mandate to enter discussions on such calculations."

The positions laid out in this paper drew a lot of responses from the Nuu-chah-nulth negotiators.

George Watts described it as "trash-colonialism". He said that the Nuu-chah-nulth came to negotiate their future as a people, "all this paper is about is protecting non-Indians rights."

Ucluelet Spokesman Larry Baird

said that the paper sets parameters for negotiations. "We're looking for a new relationship. You're not going to get it with these kinds of documents. It's going to legislate us over the years into being white."

Ahousat negotiator Cliff Atleo said "your document reflects that you're giving to us governance, lands. We don't have a claim. Your governments have a claim. We reject the notion you have anything to give to us. There were very clear First Nations in this land with whole societies, with doctors, navigators and scientists."

"work will continue towards the goal of protecting 12 percent of British Columbia's land base."

"lands required for public purposes (for example, significant access routes or community water supplies) will not be on the table."

"show me where you have extinguished my Chief's title- you haven't done that. Who extinguished my title- how?"

There was also a lengthy discussion on the way the paper had been leaked to the media. Accusations were made that it was politically motivated, to try to appease the sectors of the public that are worried about the treaty making process.

Mr. Rankin defended the document by saying that it is a province-wide working paper that is subject to change over time.

The Nuu-chah-nulth negotiators presented a list of substantive issues that they wanted tabled for negotiation. Some brief comments were made by the speakers about why Nuu-chah-nulth wanted these issues on the table.

The next session of Framework Agreement discussions will take place on June 19-23. The main issue on the agenda for this session is revenue and fiscal matters.

this time does not preclude that we will in the future.

**Aquaculture-** concern about the heavy activity, especially in Clayoquot Sound. Lack of controls.

**Control of lands, waters, & air-** quality has been deteriorating. Time has come to clean it up.

**Environment-** includes jurisdiction and review of Existing Reserves held in trust by Federal government

**Expropriation-** want to negotiate amount that can be expropriated by government

**Land & Sea Quantum-** will be up to each First Nation to determine what is required and to negotiate their own.

**Foresore Rights-** aquaculture, docks, marinas-our Ha'wii must be involved.

**Special Sites-** not enough protection for special and sacred sites

**Riparian Rights-** health of watersheds, streams-concerns about existing laws.

**Urban Issues-** settlement lands for urban people, schooling, housing, jobs, medical.

**Copyright-** others have copied artwork, recorded histories

**Surface & Subsurface Ownership of Resources-** ownership, restoration, rehabilitation.

**Fisheries, marine animals & plants-** control by Ha'wii- environmental protection

**Whaling-** protection of sacred places, carry on with our spiritual practices

**Offshore-** jurisdiction never relinquished by Ha'wii.

This is a partial list presented to the table under the category of lands, water, and air. Other items can be added during the process.

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NUU-CHAH-NULTH

## DECLARATION AND CLAIM

WE, THE NUU-CHAH-NULTH, are the rightful, legal, and sovereign occupants and users of the lands and waters shown on the accompanying map, being the west coast of Vancouver Island, adjacent islands, and surrounding waters.

FOR MANY THOUSANDS OF YEARS, without break, we have traditionally occupied and used these lands and waters to sustain our way of life. Our aboriginal interest in these territories and their natural resources has never been extinguished by treaty or superseded by law.

WE HEREBY PRESENT to the Government of Canada, through the Department of Indian and Northern Affairs, and according to conventions established by Canada, our claim to the Nuu-chah-nulth tribal territories.

WE, THE UNDERSIGNED representatives for the member bands of the Nuu-chah-nulth Tribal Council, on behalf of our people, both status and non-status, empower the Council to conduct negotiations pursuant to this claim on our behalf.

*Roy Mousaht*  
for the Mousaht Band

*Lettice Etches*  
for the Ohiat Band

*Monie Montar*  
for the Clayoquot Band

*Willie Jatuck*  
for the Opetchesalit Band

*Philip John*  
for the Ehattesaht Band

*L. Jones Jr.*  
for the Pacheenaht Band

*S.P. Lucas*  
for the Hesquiat Band

*Adam Shuswap*  
for the Sheshaht Band

*Ronald Lee*  
for the Kyuquot Band

*David S.*  
for the Toquaht Band

*Don Lester*  
for the Nitinat Band

*Samson Blane*  
for the Uchucklesaht Band

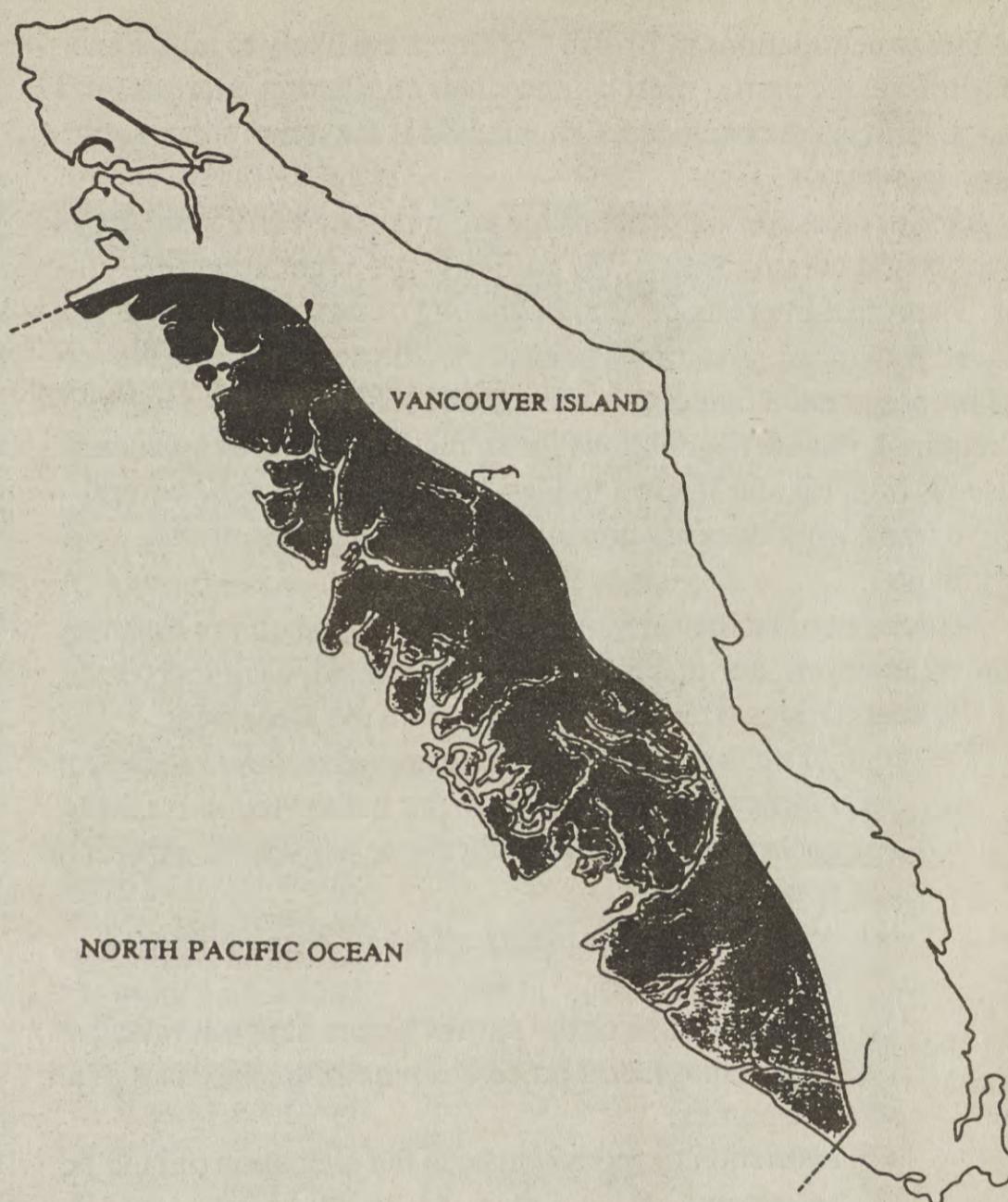
*Mary Johnson*  
for the Mowachaht Band

*L.D. Baird*  
for the Ucluelet Band

*Alben Michael*  
for the Nuchatlitz Band

*George Watts*  
Chairman, Nuu-chah-nulth Tribal Council  
Presented this 16 day of October, 1980. ■

# NUU-CHAH-NULTH



## DECLARATION AND CLAIM

### DECLARATION BY THE HA'WIIH OF THE NUU-CHAH-NULTH NATION

Since time immemorial, we the Nuu-chah-nulth Ha'wiih are the rightful owners and carry the full authority and responsibility to manage and control all that is contained within each of our Ha-houlthee. Strict traditional laws and teachings dictate that it is our responsibility to govern our territories by managing and protecting all lands, waters and resources within our Ha-houlthee to sustain our muschim and our traditional ways of life.

Our authority and ownership have never been extinguished, given up, signed away by Treaty or any other means or superseded by any law. We continue to seek a just and honourable settlement of the land and sea question within all of our respective territories.

Through our governing laws and powers, the Ha'wiih endorse, support and direct our respective Nations to enter negotiations with the governments of Canada and British Columbia to reach agreements and /or treaties which will recognize and re-affirm our ownership and governing authorities over our respective Ha-houlthee.

This endorsement and support is provided on the basis and understanding that the Ha'wiih are and will continue to direct negotiations as decision-makers and active participants, consultants, and/or advisors throughout negotiations and discussions regarding all of the lands, waters, resources and governance issues within our respective Ha-houlthee.



Mowachaht Ha'wii Ambrose Maquinna signs the Declaration of the Nuu-chah-nulth Hawiih on November 1, 1994.