



Hałcístut Tripartite Meeting Protocol

Heiltsuk / British Columbia / Canada

Background:

In October 2015, Heiltsuk signed the Heiltsuk Declaration of Title & Rights. Since then, Heiltsuk has been working to establish new negotiations with Canada and BC that could advance Heiltsuk objectives as set out in the Title and Rights Strategy that accompanied the Declaration. These negotiations are exploratory in nature, taking a “blank slate” approach as an alternative to litigation. This approach led to the signing of the Hałcístut Reconciliation Framework Agreement on January 28, 2017 with the federal government. This framework covers a broad range of subject matters including the recognition of Heiltsuk title, rights, and inherent jurisdictions.

Heiltsuk then concluded a vision document in January 2018, with the intent for Canada to equip their negotiators with an appropriate mandate reflective of the Truth and Reconciliation Canada’s Calls to Action, UNDRIP, *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, and T̓silhqot’in (2014). This document also addresses the need for immediate investments in the Priority House Posts that have been identified by the community. These immediate investments are necessary to show our citizens tangible results from our work and to demonstrate that Canada is committed to reconciliation. Furthermore, the mandate we are currently seeking needs to be flexible, innovative and broad enough to allow for robust and fruitful discussion regarding the recognition of Heiltsuk title, rights and self-government.

On April 3, 2017, Heiltsuk and B.C. signed their own Framework Agreement, the Hałcístut: Framework Agreement for Reconciliation (the “Framework Agreement”). In the Framework Agreement, B.C. “acknowledges the Heiltsuk Declaration and the Heiltsuk Title and Rights Strategy as important catalysts for reconciliation discussions between the Heiltsuk Nation and Canada” (Framework Agreement,

Section E).

The signing of the Framework Agreement is a significant benchmark for implementing Heiltsuk title, rights and inherent jurisdiction. Since the signing of the Framework, Heiltsuk and B.C. have amended this agreement to reflect UNDRIP.

Both bilateral framework agreements signed by Heiltsuk with Canada and BC respectively contemplate the commencement of tripartite discussions at an appropriate time. We are now at the point where all Parties see value in having tripartite discussions. The intent of this document is to set out a protocol when all three Parties engage in Hałcístut negotiations.

The Parties:

- Heiltsuk Nation
- British Columbia
- Canada

Chair of Meetings:

The Parties agree that Heiltsuk will chair and manage all tripartite meetings unless otherwise agreed to by the Parties.

Topic and Agenda:

The topic for each tripartite meeting will be identified at the meeting directly beforehand.

The Parties will discuss a draft agenda one week in advance of the meeting. In addition to this, the agenda will be reviewed and confirmed at the beginning of the meeting.

Status of Information Shared at Tripartite Meetings:

All negotiations and information are subject to the provisions of the bi-lateral framework agreements signed by Heiltsuk and Canada on January 28, 2017 and by Heiltsuk and BC April 3, 2017. Without restricting the generality of the forgoing all negotiations and information shared at the table will be treated as without prejudice and confidential to this table, unless otherwise agreed to by the Parties.

Canada and BC will not meet with each other, without participation of Heiltsuk representatives, to predetermine outcomes of issues under discussion at the tripartite table.

To avoid delays in decision making, bi-lateral conversations will be held for issues that do not demand tri-lateral consideration. Tripartite meetings will be reserved for issues that call for tri-lateral discussions only. These meetings will help define our collective approach for addressing reconciliation issues that need all three levels of government in the room.

These meetings are the place where we will revise, provide updates, and add to what we know as a group.

Action Items:


Each Party is responsible for taking their own respective notes. However, we will collectively review and read out the actions items, and commitments from each tripartite meeting. The agreed upon commitments will be recorded and emailed to all Parties present at the meeting. The chair will record and email agreed upon commitments to all Parties within five working days of the meeting.

Termination:

Any Party may terminate this protocol by providing sixty (60) days advance written notice to the other Parties, setting out reasons for termination and the date the termination takes effect. If any Party provides notice of termination the Parties will make reasonable efforts to resolve the dispute or issue and commit to attending at least one meeting to explore the possibilities of resolving the issue.

Signed on behalf of:

Heiltsuk Nation

 Nov. 22, 2018

Marilyn Slett, Chief Councilor
Heiltsuk Tribal Council

Date



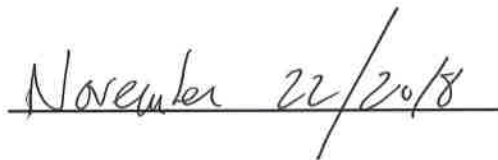
Qa' aít, Yím'as

Government of British Columbia

Date



Tom McCarthy, Chief Negotiator
Ministry of Indigenous Relations and Reconciliation

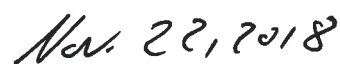


Date

Government of Canada



Chris Roine, Director General
Negotiations-West,
Treaties & Aboriginal Government
Crown-Indigenous Relations & Northern Affairs Canada



Date