

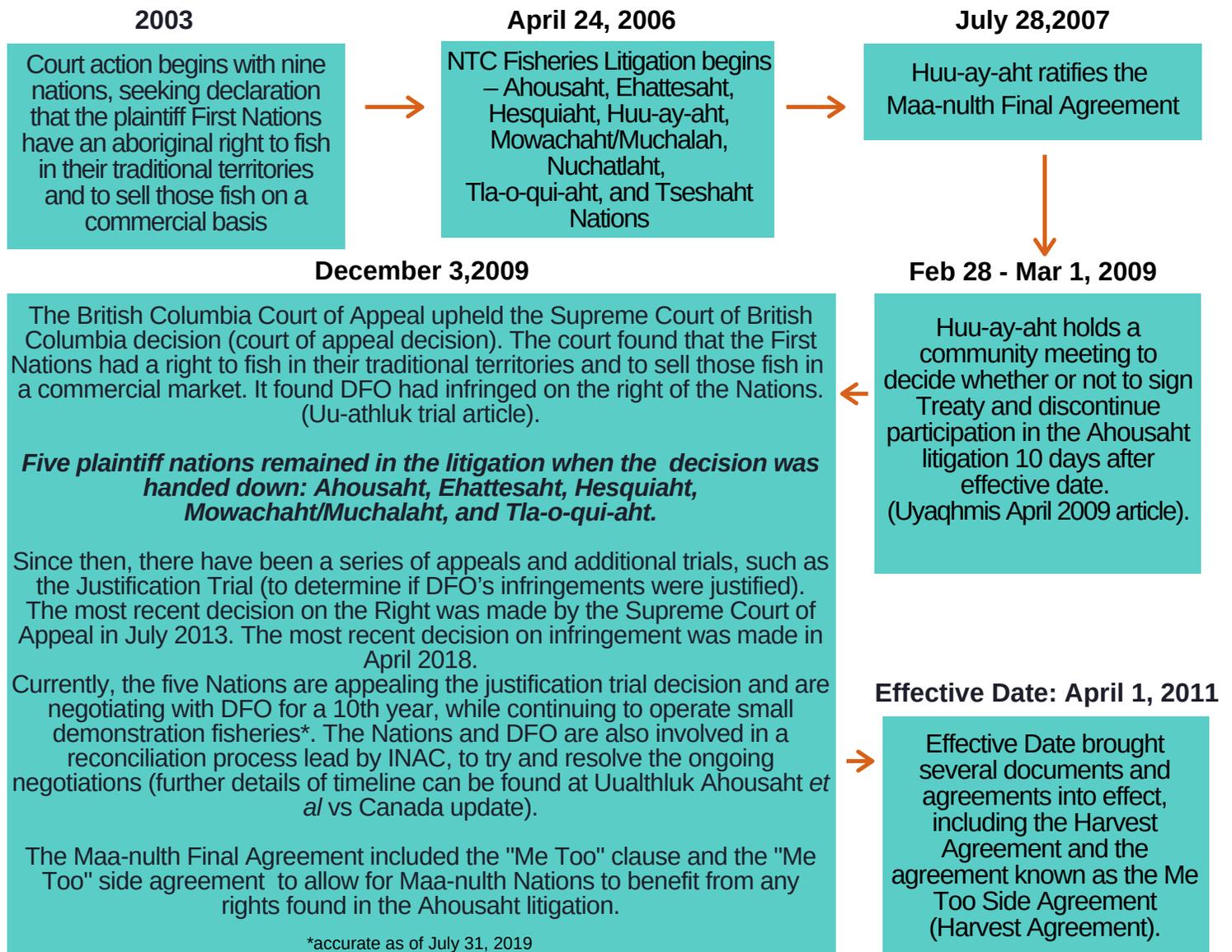
Treaty Implementation Update #3 - Benefits of Treaty Opportunities in Treaty: What is "Me Too"?

Background

How the Me Too clause and Me Too side agreement came to be ...

- One issue remained outstanding for fisheries as the final agreement was reaching completion
- Huu-ay-aht chose to discontinue participation in the "Ahousaht et al. vs Canada" litigation in order to move forward with Treaty (community vote held March 2009)
- The "Me Too" clause and side agreement were developed to allow Maa-nulth Nations to benefit from any positive outcomes from the litigation

Timeline



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Definitions

Me Too Clause

Summary - The clause in the Treaty is about getting constitutional protection for the commercial fisheries licences in the Harvest Agreement

- Nations are able to populate the Harvest Agreement with a limited number of commercial licences and quota (amounts outlined in agreement).
- Within eight years of the highest domestic court decision on the Ahousaht litigation, Huu-ay-aht can request that licences be moved from the Harvest Agreement into the treaty, which would make them constitutionally protected.

Me Too Side Agreement

Summary – This side agreement is about getting the opportunity to negotiate licensing and fisheries similar to the five nations

- Within one year of a change in Fisheries Canada management regime and licencing, Maa-nulth Nations can request to negotiate an arrangement with the commercial licences similar to the five nations.
- There is no time frame attached to the length of the negotiations.

Called "Me Too" because it would give Maa-nulth Nations commercial fisheries protection under the constitution, the same as given to the five nations

What does this mean?

Both the clause and the agreement can be triggered independent of one another.

Maa-nulth Nations could negotiate a commercial fishery comparable to what the five nations get in their negotiations with DFO, and then move those licences in to the Treaty where the commercial fishing licences and rights would be constitutionally protected.

What does this mean for Huu-ay-aht?

Huu-ay-aht and other Maa-nulth Nations are working together politically and legally at the Maa-nulth Treaty Society Board of Directors table, and technically at the Maa-nulth Fisheries Committee table, to develop a unified strategy on "Me Too." This includes economic decisions regarding the purchase of licences to place into the Harvest Agreement. These discussions are ongoing.

Negotiations, trials, and legal disputes have delayed the application of any benefits from the rights won in 2009.

The five nations are in another round of court cases and another season of limited demonstration fisheries under existing DFO rules and regulations. The Nations continue to fight for a fishing agreement that reflects their rights and is truly a T'aaq-wiihak fishery.

*T'aaq-wiihak refers to fishing with permission of the Hāwiih (hereditary chiefs).

What could the fishery look like?

The T'aaq-wiihak fisheries, envisioned by the five nations, is a year-round, multi-species, non-industrial, community /citizen fishery. DFO continues to have jurisdiction over fisheries in Canada (this is true in the Ahousaht litigation ruling and in the Treaty) and will manage the fishery at a high level, including catch reporting and conservation closures. The timing, species, limits, and participants of the T'aaq-wiihak fishery, would be managed by the communities.

When the Maa-nulth Nations negotiate their right to commercially sell fish in a manner comparable to T'aaq-wiihak, there will be updates and consultation with fishers and citizens.

Questions?

If you have any further questions, please contact the Director of Implementation, Crystal Jack at 250-723-0100 or crystal.j@huuayaht.org.



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