

Huu-ay-aht First Nations | Ka:'yu:'k't'h'/Chek'tles7et'h' First Nations
Toquaht Nation | Uchucklesaht Tribe | Ucluelet First Nation



Maa-nulth First Nations
Practice Standards
for Ratification of the Treaty

August - September 2007

1.0. PRACTICE STANDARDS

1.1.0 Purpose of Practice Standards

Maa-nulth First Nations (the “Nations”) are currently involved in ratification of the Maa-nulth Final Agreement (the “Treaty”). The purpose of this report is to identify practice standards for use by the Nations’ internal ratification teams (the “Ratification Teams”) leading to the Treaty Vote. The practice standards are intended to assist the Nations by describing a level of performance for each Ratification Team to aim for. The report identifies ratification objectives and then describes actions or tasks that may help achieve those objectives. These practice standards were developed based on the following:

- The experience of the Nations during the Constitution votes
- The experience of Huu-ay-aht during their Treaty vote

It is noteworthy that the Nations confirm that holding the Constitution votes separate and prior to the Treaty Vote was an effective strategy. In particular, voters’ feedback indicates their appreciation for gaining an understanding of how their Constitutions function to: set out the values of the Nations; the structure and operation of the government; and guarantees made by the government to the people. The earlier Constitution vote has also provided momentum leading to the Treaty Vote.

Firstly, this Report will set out the ratification objectives of the Nations. Secondly, objectives that relate to the Treaty Vote are separated into two categories: those that relate to preparation for the vote, and those that relate to the voting process itself. Thirdly, the report sets out lessons learned by the Nations in conducting their Constitution votes. Lastly, the report lists practice standards for Nations to implement to help teams achieve a successful ratification process.

1.2.0. Ratification Objectives

The mandate of Maa-nulth Negotiating teams includes ensuring voters can make an informed decision on the Treaty. The starting point is to make certain the ratification process is conducted according to the highest standard by the Nations. This is consistent with an underlying principle of treaty-making in BC that any process (or law) under a Treaty will meet or beat provincial standards.

The ratification objectives for the Nations are as follows:

1. Ensure the Ratification Team is structured to ensure all levels of the Nations’ government are fully engaged in the ratification process.
2. Educate voters on the treaty. Utilize various methods to provide information about the Treaty to voters. Ensure materials and information is readily accessible in a variety of formats and that the content is easily understood.
3. Encourage voter participation. It is critical to locate and encourage all voters to participate so Maa-nulth Nations achieve the highest voter participation rate possible.
4. Ensure the Ratification Team and voters understand the voting process.

The objectives fall within two distinct categories related to the Treaty Vote:

- *Preparation for the vote:* Carried out by the Nations' Ratification Team
- *The voting process:* Carried out by the official Ratification Committee

2.0. PREPARATION FOR THE VOTE

The following activities and/or tasks will be carried out entirely by the Nations with the assistance of the Maa-nulth Technical team¹ wherever necessary:

1. Establish Ratification Teams for each Nation.
2. Educate voters on the treaty: distribute materials and undertake specific campaigns.
3. Encourage voter participation.

2.1.0. Establish Ratification Teams for each Nation:

Each Nation will establish a Ratification Team to carry out their ratification process. For example, HUU-ay-aht established "Team HUU-ay-aht"; the distinction will clearly separate the Nations' Ratification Team from the official Ratification Committee.

2.1.1. Structure of the Ratification Team:

The structure of the team is fundamental to the efficiency and successfulness of the overall process. Members of the Ratification Team should include:

- a. Ha'wiih
- b. Elected leaders of each Nation (Chief and Councilors)
- c. Senior Administrators (Band Manager and Financial Officer)
- d. Treaty Negotiator(s)
- e. Communication Workers
- f. Band Staff
- g. Influential Members (Elders, youth, business owners, fishermen, hunters)
- h. Volunteers

Engage the hereditary and elected leaders, together with the senior administrators to ensure the ratification process has support within all levels of the Nations' government. At the outset, it is extremely important to clearly identify the primary decision maker and the line of authority that will allow quick decisions as the process evolves.

Ratification Teams should meet at a regular time, at least on a weekly basis, to develop strategies, work plans and give progress reports. Ensure the Ratification Team reviews the voting Rules of Procedure.

2.1.1.a.

Ha'wiih.

It is essential for the members to hear the Ha'wiih endorse and support the treaty and the direction being taken by the Nation. In particular, Ha'wiih may provide insight into how the treaty merges traditional government into a modern and legally recognized regime and the role for the Ha'wiih Advisory Council within the government structure in the Treaty. For example, one young and well-respected Ha'wiih went house-to-house as part of HUU-ay-aht's team to explain the treaty, answer questions and challenge any critics. His hard work was credited as playing an enormous role in their successful treaty vote.

Early in the campaign, identify Ha'wiih who are willing to provide their support and endorsement to the campaign and seek their commitment to participate in family meetings and community workshops. Additionally, include quotes from Ha'wiih endorsing the Treaty in publication materials.

2.1.1.b.

Elected leaders of each Nation:

It is crucial to engage the Chief and members of Council in all aspects of the ratification campaign. Ratification efforts will succeed because of the efforts of the team however every team needs a leader. An obvious choice is for the Chief of each Nation to act in the capacity as the Ratification Team leader. HUU-ay-aht pointed to the leadership of Chief Robert Dennis who drove their strategy as being paramount to their success. The leader is responsible to ensure the team meets deadlines and effectively carries out every task.

Prior to their campaign, HUU-ay-aht also conducted a workshop for Council members that specifically addressed their role and responsibility as elected leaders. One of the purposes of the workshop was to emphasize the need for each Councilor to demonstrate leadership as the Nation faces a vote of such magnitude. It may be useful for other Nations to conduct similar workshops for the same purpose and as a mechanism for Councilors to lend support to one another prior to embarking on the campaign.

Similarly, at the outset of their campaign, HUU-ay-aht utilized an effective strategy by assigning members of Council to chair or be responsible for committees tied to specific topics in the Treaty. For example, there were committees for Lands, Fisheries, Finance, Governance, etc. Councilors were required to educate themselves on their specific area of the treaty and to assist in developing fact sheets on each topic.

As a result of those efforts, the HUU-ay-aht government began to 'own' the treaty. In other words, the knowledge base of the treaty expanded to more members within government, rather than as previously when it was primarily HUU-ay-aht negotiators and members of the Maa-nulth technical team who were familiar enough to explain various areas of the treaty. Obviously some of the smaller Nations have fewer members of Council. However, the same strategy can be achieved by assigning senior Band staff or respected members of the community to carry out the equivalent role.

Additionally, templates of the Fact Sheets used by HUU-ay-aht have been made available to the Maa-nulth table for use by other Nations. The Maa-nulth technical team can assist to customize the fact sheets for each Nation (ex. how much land each Nation will acquire).

2.1.1.c. Senior Administrators (Executive Director/ Band Manager/ Financial Officer):
Due to the necessity for quick decisions, it is extremely important to involve the Executive Director, Band Manager and Financial Officer on the Ratification Team. This is crucial since the activities carried out by the Ratification Team on the front lines are ultimately what will make ratification a success. The participation of Senior Administrators will provide authority, guidance and flexibility necessary for the team to address matters immediately and ensure efficiency.

2.1.1.d. Treaty Negotiators:
Involvement of each Nations' negotiating team will greatly assist the ratification process. For example, negotiators should be prepared to clarify and explain the rationale to members on how agreement was reached on specific issues during the negotiations. They will be an important component of the team.

2.1.1.e. Communication Workers:
The communications worker for each Nation has the responsibility for an important aspect of ratification. That is, they are responsible to assist in coordination of family meetings, scheduling and distribution of materials and information to the members. They also act as a link to share information between the Nations. Undoubtedly their efforts to date have proven to be of fundamental value to their Nations, and their work will continue under the direction of each Ratification Team.

2.1.1.f. Band Staff:
It is essential to immediately hold sessions with Band Staff and provide them with an overview of the "program areas" of the treaty. Since it is likely they may have fears and questions about the transition to self-government, information about how the treaty rids the Nation of restrictive Indian Affairs policies should be addressed. Undoubtedly, Band Staff will be asked questions about the treaty since they are in daily contact with members. For this reason, it is up to each Nation to educate staff early in the campaign and wherever possible, to include them on Ratification Teams.

Another aspect of addressing the needs of Band staff is to follow another HUU-ay-aht example. That is, at the outset of their campaign, HUU-ay-aht had a counselor attend a workshop with staff, to specifically address methods for dealing with high levels of stress. HUU-ay-aht anticipated the extremely hard work required for ratification and provided their team with stress management tools early, which subsequently allowed them to lend support to one another during the heat of the campaign.

2.1.1.g.

Influential Members of the Nations:

Influential members of the Nations will fall into an unlimited number of categories that could include Elders, Youth, Business Owners, Fishermen, Hunters, etc. Members may look to these kinds of individuals for their endorsement of the Treaty. In particular, these individuals may want to provide their perspectives on the prospects for economic development and business opportunities. Identify Influential Members willing to provide their support and endorsement to the campaign and seek their commitment to participate in family meetings and community workshops.

The Nations have actively reached out to the youth of the Nations since the Treaty was initialed. For example, Huu-ay-aht initiated the “349 Strategy”, so named for the 349 Huu-ay-aht members under the age of 35 years old. They engaged many young people to actively work in their campaign and looked to them for ideas for ratification events.

2.1.1.h.

Volunteers:

Actively pursue the commitment of volunteers to assist in the campaign. A strategy of “inclusion” for as many members as possible during the campaign will help achieve successful ratification.

2.2.0.

EDUCATE VOTERS ON THE TREATY:

2.2.1.

Community Meetings:

The experience of the Nations to date has provided valuable insight into what is effective in community meetings. At the outset of the campaign, the Nations must immediately set out a schedule that allows two areas or topics of the treaty per community meeting. It is important to ensure that all the substantial areas will be covered prior to the mail-in voting packages being distributed. The ‘community meetings schedule’ should be widely distributed to the voters. The main caution for the Nations is to avoid covering too many topics during the community meetings.

Toquaht held a gathering at the Toquaht Bay Campground where their members shared a feast, songs and dances and had informal discussions with the Technical team about the Treaty. During the gathering, a float plane was available to fly Toquaht members over their Treaty Settlement Lands.

Another successful event was the Huu-ay-aht Reunion, held the day before their Treaty Vote. Huu-ay-aht families (350 members) gathered together in a reunion with the theme ‘Proud to be Huu-ay-aht’. At the reunion, there was mini-golf and activities for children, a photographer was available to take family portraits, and Huu-ay-aht flags for vehicles were distributed. The only treaty related part of the reunion agenda was the premiere of the Huu-ay-aht video.

Both of these gatherings proved to be exceptional nation-building events. Uchucklesaht is hosting a similar gathering at Paawaats on August 10th and 11th.

2.3.2.

House-to-House Campaign:

Without question, all the Nations emphasize that house-to-house visits have been the best received and most successful method to educate members on treaty issues. Some Nations have expressed interest in having members of the Maa-nulth Technical team available to participate in house-to-house visits and family meetings when requested. House-to-house visits and family meetings should be set out on the calendar and in the work plan as early as possible to avoid potential conflicts in scheduling members of the Maa-nulth Technical team among the Nations. One of the challenges for the Nations will be to allocate sufficient time in work plans and schedules to ensure equal effort is dedicated to on and off reserve members.

2.3.3.

Youth Campaign:

The Maa-nulth Youth Forum was held in July at the University of Victoria. Young people, between the ages of 16 – 35 years of all five Nations attended the two day event, where they learned more about the treaty and shared their excitement about their future as a result of the treaty. In particular, the youth expressed that they expect to benefit from the capacity building and training that will occur as the Nations prepare for implementation. To maintain the momentum gained from the conference, channel the energy and excitement of youth about the treaty and include them in the campaign wherever possible.

2.3.4.

Band Staff Campaign:

To re-emphasize what has already been noted, it is essential to immediately hold sessions with Band staff to provide them with an overview of the ‘program areas’ of the Treaty. It is likely they will have many questions about the transition to treaty and information about how the Treaty rids the Nations of restrictive Indian Affairs policies should be addressed during these sessions.

2.3.5.

Telephone Campaign:

The Nations should utilize telephone campaigns to contact all voters. Ensure the person conducting the phone calls is energetic, friendly and supportive of the Treaty. Utilize the phone campaign to:

- i. Survey voter participation, in particular to determine:
 - a. Whether they will vote
 - b. Voter opinion and what may influence their decision
- ii. Notify voters of information meetings
- iii. Schedule home visits
- iv. Inform voters of the Mail-in Ballot process by making phone calls in three stages:
 - a. Notify the voter to expect the ballot
 - b. Confirm the voter received the ballots
 - c. Remind the voter to return the ballot

2.3.6.

Websites:

Websites are a useful tool to distribute information to members who have access to the internet. At the beginning of their campaign, Huu-ay-aht hired an IT technician to train two staff members to learn how to upload information onto their website to ensure it was regularly updated. For smaller nations with fewer resources, Maa-nulth can provide assistance to provide this same service.

2.3.7.

Written Materials:

At the outset of the Constitution and Treaty ratification processes, the Nations worked hard to develop and implement an effective Communications Strategy. For example, the Communications Committee worked closely with the Technical Team to develop fact sheets, bulletins and brochures on specific topics on the treaty. These have been widely distributed through mail outs, door to door delivery and posted on the Maa-nulth website. Additionally, any question posed by members is responded to in these publications and mailed out to all members and posted on the website.

2.3.8.

Videos

The Province of BC is working with the Nations to shoot footage at community events and interview influential members of the Nations in order to produce 10 minute videos of aspirations and goals for the treaty. These videos will be posted on the Nations and the Province of BC's websites.

2.3.8.

Nisga'a Government

Members of Huu-ay-aht had the opportunity, together with Tsawwassen members to travel to Nisga'a territory and meet with Nisga'a Government representatives. During their visit, they toured Nisga'a Lisims Government House; observed the Nisga'a Legislature in action and dialogued with members about how the implementation of their treaty. The visit had an extremely positive influence on members who came away with a clear picture and understanding of self-government under a modern treaty. It is recommended the same opportunity to visit Nisga'a be provided for members of the other four Maa-nulth Nations. The Nisga'a Government office advises the next sitting of their Legislature is September 26th and 27th, 2007.

2.3.8.

Ensure the Ratification Budget is Adequate:

Many of the Nations have a large percentage of voters who live off-reserve in areas such as Vancouver, Victoria, Nanaimo and Campbell River. This places a great deal of pressure on the financial and human resources available for the Nations. Additionally, since the campaign is being conducted during high travel season, this adds higher costs to organize community meetings in urban areas.

Given the extremely short time-frame for the campaign, it is important to closely monitor spending to ensure the work stays within the allocated budget. For this reason, it is recommended the Senior Administrator provide regular budget updates to the Ratification team during the campaign.

3.0. ENCOURAGE VOTER PARTICIPATION

The difficult work of ratification is an even greater challenge when faced with the reality that any voter who does not participate in the vote will automatically be counted as a ‘no’ vote. The reason for the ratification threshold (numbers of votes required) is that the Government of Canada has a duty to ensure it has protected the rights of all members of the Nations by ensuring they have a voice in the decision to move their Nations into a new legal regime.

3.1.1. Ratification Threshold:

It may be useful, as part of the communications efforts to emphasize the importance of casting a vote, and the consequences of an individual not participating. It is important the Nations assess voter participation and opinion early in the campaign. Ratification Teams should conduct an informal survey of the voters to establish voter participation. This would result in the Nations being in a position to understand both where to focus their efforts, and may also identify members willing to become involved in the campaign.

	Constitution Vote Results		Treaty Ratification Threshold	
	Number of Votes Cast	Results	Eligible Voters* *Enrolled as of June 12, 2007	Votes Required And Results (where applicable)
Huu-ay-aht	237	195 Yes 41 No 1 Spoiled	330	304 Cast 166 Required 272 Yes 31 No 1 Spoiled
Ka:’yu:’k’t’h’ Che:k’tles7et’h’	227	196 Yes 29 No 2 Spoiled	224	113
Toquaht	54	49 Yes 4 No 1 Spoiled	71	36
Uchucklesaht	87	85 Yes 0 No 2 Spoiled	135	68
Ucluelet	173	119 Yes 53 No 1 Spoiled	364	183

3.1.2. Inability to Locate Members on the Voters List:

The official Ratification Committee established the “Criteria to Remove Names from Voters Lists Where Individuals Cannot Be Contacted”. It is especially important the Nations document all efforts being made to locate individuals, in case this process must be utilized at a later stage in the campaign.

4.0 THE VOTING PROCESS

The fourth ratification objective relates to the work that must be carried out by the official Ratification Committee. The Ratification Committee is responsible for the conduct of the Treaty Vote and the Dissolution of Indian Band and Transfer of Assets and Liabilities Vote (the “Band Vote”). Both votes will be conducted according to the Maa-nulth First Nations Ratification Committee Rules of Procedure (the “Rules of Procedure”). Early in the process, the Ratification Team should review the Rules of Procedure to ensure team members understand the steps of the voting process.

4.1.1. The Official Ratification Committee:

The authority for the Committee to oversee the Treaty Vote and Band Vote is found in the Ratification Chapter of the Treaty. The job of the Ratification Committee is to ensure it is a fair vote, carried out consistently between the Nations.

Ratification Committee Members	
Huu-ay-aht	Denny Durocher
Ka:'yu:'k't'h'/Che:k:tles7et'h'	Sandra Kayra
Toquaht	Lisa Morgan
Uchucklesaht	Chuck Poschenreider
Ucluelet	Allan Tweedie
British Columbia	Lloyd Roberts
Canada	Jim Morgan

4.1.2. Voting Packages:

The Ratification Committee is responsible to produce and distribute the Voting packages for the Nations. The Voting Packages will contain the following:

- Notice of Vote: Outlines the process for Mail-in and In-person voting.
- Instructions for Mail-in Ballot: Six simple steps to follow.
- A paper clipped package: The package contains the pieces to participate in the mail-in voting process: Secrecy envelope, Identification Envelope and a pre-stamped envelope addressed to the Chief Electoral Officer.
- Enrollment Form and Instructions: The enrollment application.

4.1.3. Poll Stations:

The Notice of Vote will include the locations of the Poll Stations and the date and hours for in-person voting. The Nations can designate individuals or family members to pick up and deliver secured Mail-in ballots to Poll Stations.

4.1.4. Ballot Questions:

The following questions will be asked of persons eligible to vote:

Ballot Question 1: Do you approve the Maa-nulth First Nations Final Agreement (Treaty) initialed December 9, 2006?

Ballot Question 2: Do you approve the dissolution of the ♦ First Nation (Indian Act Band) and transferring all assets and liabilities to the ♦ First Nation (Treaty First Nation)?

4.1.5. Eligibility and Enrolment Issues:

The Ratification Committee is responsible to oversee the Eligibility and Enrolment (E & E) issues during the Treaty Vote and Band Vote.

The E & E criteria are as follows:

Band Vote: Registered Band Members on INAC list who are 16 years or older on the last Voting Date

Treaty Vote: Those Enrolled who are 16 years or older on the last Voting Date in accordance with the criteria in the Treaty.

5.0. CONCLUSION

The Nations confirm that as a result of the campaigns leading to the Constitution Votes and HUU-AY-AHT's Treaty Vote that far more members than previously now stand to voice their opinion and share their dreams about the future of their Nations. Additionally, as a result of the work to prepare for the votes, the governments of the Nations' are taking ownership and expanding their knowledge base of the Treaty.

It is important to take complete advantage of the momentum following the success of all five Nations' Constitution Votes. The Nations are encouraged to consult and apply these Practice Standards during their ratification process.

6.0. PRACTICE STANDARDS:

1. Establish Ratification Teams; for example, establish “Team HUU-ay-aht” to clearly distinguish the Nations’ Ratification Team from the tri-partite (official) Ratification Committee.
2. Structure the Ratification Team to ensure there is necessary authority and support within all levels of the Nations’ government during ratification. The Ratification Team should include:
 - a. Ha’wiih
 - b. Elected Chief and Councilors
 - c. Senior Administrators (Band Manager and Financial Officer)
 - d. Treaty Negotiators
 - e. Communications Workers
 - f. Band Staff
 - g. Influential Members of the Nations
 - h. Volunteers.
3. Determine who will be the Ratification Team Leader with the primary authority for decision-making during the campaign. They will drive the strategy and are responsible to ensure all tasks are followed up by team members each week.
4. Set out the schedule for the Ratification Team to meet at least once a week during the campaign. Ensure the Ratification Team reviews the tri-partite Voting Rules of Procedure.
5. Ensure the Senior Administrator and/or Financial Officer closely monitors the ratification budget and provides regular updates to the team.
6. Early in the campaign, identify Ha’wiih willing to endorse the Treaty and commit to participate in the campaign. If possible, obtain their quotes of endorsement for inclusion in publications to voters.
7. Encourage elected Councilors/ Senior Band Staff/Influential Members to become actively involved in the campaign. Ask them to take on the responsibility to become educated on one specific area of the treaty (example: lands, fisheries, finance etc.) to assist during information sessions.
8. Actively pursue influential Band members, youth and other volunteers to assist in the campaign. To maintain the momentum from the Maa-nulth Youth Forum, include youth in the campaign wherever possible.
9. Set out a calendar for community meetings to ensure all substantial areas of the treaty will be overviewed prior to the Mail-in ballots being distributed. Appoint members of the team to facilitate and make presentations during the meetings. Avoid covering more than two topics per meeting.
10. Set aside sufficient time in the calendar to conduct house-to house visits. Strategically appoint Team members to for the house-to house visits.

- 11.** Utilize telephone campaigns to contact all voters. Ensure the person making the phone calls has an energetic and friendly voice and is supportive of the Treaty. Utilize the phone campaign to:
 - i. Survey voter participation; in particular to determine:
 - a. Whether they will vote
 - b. Voter opinion and what may influence their decision
 - ii. Notify voters of information meetings
 - iii. Schedule home visits
 - iv. Inform voters of the Mail-in Ballot process by making phone calls in three stages:
 - a. Notify the voter to expect the ballot
 - b. Confirm the voter received the ballots
 - c. Remind the voter to return the ballot
- 12.** Schedule sessions with Band Staff to provide an overview of the ‘program areas’ of the Treaty as it is likely Band Staff will have questions about treaty implementation. Band Staff are in daily contact with band members so it is important to educate them early and wherever possible, to obtain their commitment to participate in the campaign.
- 13.** Host ‘nation-building’ events: Gatherings; Re-unions; Feasts; Picnics.
- 14.** Continue to target specific campaigns and widely distribute written materials provided by the Maa-nulth Communications Committee. Utilize websites to post information as much as possible.
- 15.** Ensure a wide range of Ha’wiih, Chief and Council and influential members who endorse the Treaty are interviewed for the videos being produced by BC.
- 16.** If a Nisga’a visit is coordinated by Maa-nulth, select undecided voters and influential members to participate in the trip.
- 17.** Ensure that voters understand the ratification threshold (number of votes required to pass the treaty) and the consequences of an individual not participating (it will be counted as a ‘no’ vote).
- 18.** Document all efforts being made to locate individuals in case the process to “Remove Names from Voters Lists Where Individuals Cannot Be Contacted” must be used at a later stage in the campaign
- 19.** Deputize Electoral Officers to ensure there are people with the necessary authority who can pick up ‘sealed’ Mail-in ballots when it appears someone may miss the Mail-in ballot deadline and cannot attend a Poll Station.
- 20.** Do not be afraid to make adjustments during the campaign.

ⁱ The Maa-nulth Technical Team includes:

Gary Yabsley / Angela Wesley / Dan Legg / Trudy Warner / Michele Guerin / Bob Bocking/ Brent Lehmann