

Giga'at First Nation Reconciliation Backgrounder



We Gitk'a'ata people have lived and thrived in our ancestral territory, guided by our ancestor's values, working within our complex social and political systems, since time immemorial. Our Adaawx have guided us by recounting through sacred stories the evolving relationships between our people and the natural and supernatural worlds. Our Ayaaxw (indigenous laws), grounded in the Adaawx and loomsk (respect), have governed how we live and our relationship with other people and other beings and the land and water.

Our ability to live our lives in our territory in accordance with our own ways has changed over time, more so in recent centuries and decades. Colonization, new diseases and attempts by others to abolish our inherent rights have taken their toll. But one thing has stayed the same: Gitk'a'ata leaders have always tried to do what's right for our people and our territories, even when they had to work within a legal and political system forced on us by others.

Now our nation has entered into "reconciliation negotiations" with the governments of Canada and British Columbia. This is the result of over 20 years of effort by our leadership working with other First Nations and Canada and BC, work that is now delivering an opportunity to negotiate a new kind of treaty agreement. One that will be based on recognition of our inherent Indigenous title and rights. And it will create a pathway through which we can regain our ability to govern ourselves and to regain our jurisdiction and authority over our lives and our territorial lands and waters.

From the Indian Act to Treaty and Other Approaches

The governments of Canada and BC are slowly improving their relationship with First Nations. It began in the 1990s with the creation of the modern treaty process. Gitga'at was one of many Nations who entered into treaty negotiations in good faith, but the process was complicated, expensive, and very slow. And while treaties provide an opportunity to regain some self-governing powers and some access to lands and resources, they didn't fully recognize our inherent rights. We had to pay the high costs of the negotiations. And meaningful self-government and access to land and resources could only be secured at the end of the process.

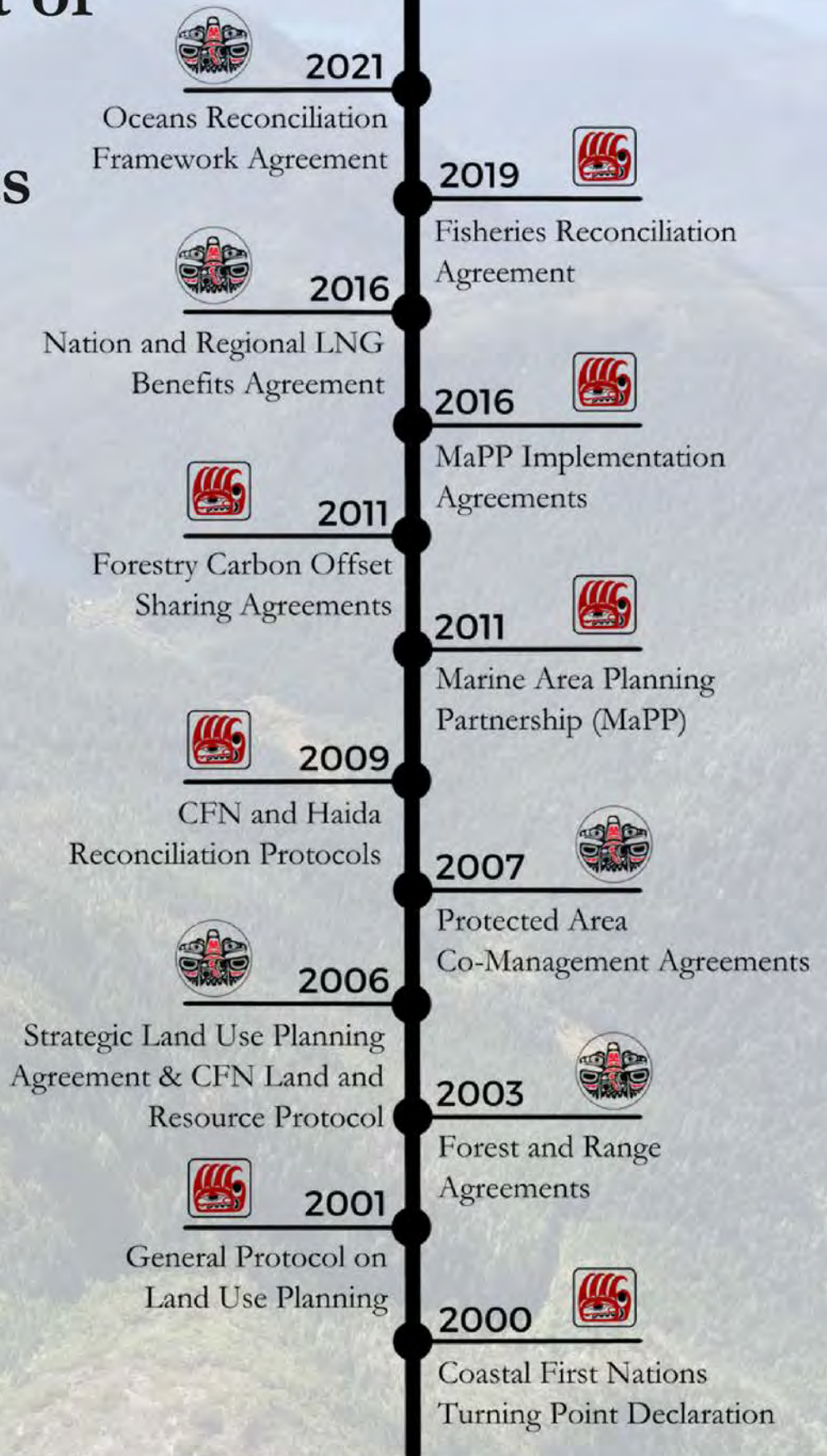
As modern treaty-making slowly progressed during the late 1990s and early 2000s, some First Nations fought to regain self-determination in other ways. Among these were the Haida and Tsilhqot'in who launched title claims in court. Title claims can be just as difficult and expensive as the Treaty process, with huge costs and no certainty of winning, but there have been successes. Haida won some important decisions related to consultation and accommodation in 2002 and 2004. And in 2014, the Tsilhqot'in Nation won their title case at the Supreme Court, a decision which forced the Crown to reconsider its approach to treaty making and to find other ways to develop a new relationship with First Nations.

While all of this was happening, Gitga'at leadership were pursuing a different strategy. In the early 2000s, Gitga'at leadership stepped away from the treaty table and began working with other First Nations on the coast to negotiate new land and resource agreements with BC. The process began with several Nations signing the "Turning Point Declaration" in 2000. Since then, Gitga'at and the other members of the Coastal First Nations-Great Bear Initiative have negotiated many new land and resource agreements with BC and Canada (see below). Taken together, in some ways these agreements have delivered similar or better outcomes than those achieved through treaty negotiations or legal proceedings.

A Snapshot of Gitga'at Agreements



CFN - COASTAL
FIRST NATIONS



The Shift to Reconciliation

In the wake of recent court decisions and First Nation political actions Canada and BC have continued to shift their approach to the development of new relationships with First Nations, most recently by encoding in law a commitment to apply the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), by development of a Recognition and Reconciliation of Rights Policy (the “Triple R” policy) and other new policies, and by developing a new fiscal framework in which the Crown covers the cost of negotiations. Underlying this work is a significant shift toward formal recognition of the inherent rights of Indigenous peoples including rights to land and the right to free and prior informed consent in relation to land and resource development.

Gitga’at continues to work with other First Nations and with Canada and BC to advance new kinds of agreements including a new approach to treaty-making. Unlike the treaty process, negotiation and implementation of reconciliation agreements will be a flexible step-by-step process. Canada and BC will cover the cost of negotiating and implementing the agreements. In line with the “Triple R” policy, there is no extinguishment of title for the Nation. Instead, inherent title and rights are recognized. Development of new self-government, delivery of resources for economic development, and transfer of title to and jurisdiction of lands and resources can be secured over time.

TREATY PROCESS	VS.	RECONCILIATION NEGOTIATIONS
Title is negotiated, abrogated, modified	➔	Title by Agreement (Recognized right up front), rights and title continue (not through litigation)
All or nothing	➔	Step-by-step
Funds come at the end	➔	Funding flows immediately
Intended as a final agreement	➔	Does not necessarily have an end point



A NOTE ON THE WORD “RECONCILIATION”

Reconciliation has a lot of different meanings. The Truth and Reconciliation Commission may be the most famous use of the reconciliation word in Canada – but Reconciliation Agreements are not part of that process. In the context of our negotiations, Reconciliation is not a vague notion of improving relationships between First Nations and the Crown.

In Reconciliation Agreements, Reconciliation refers to a process reconciling Crown title and Indigenous title and rights. The Crown – the governments of Canada and British Columbia – have asserted their own title and interests over our lands, resources, and the way we make decisions without our consent. While they are not giving up their own claims, with the adoption of UNDRIP and development of new approaches like the Triple R policy they are working with First Nations to develop new approaches based on recognition of our Inherent title and rights. Through Reconciliation Negotiations Gitga’at will be able to regain authority over our lands and waters, and to decide for ourselves how we want to govern ourselves. Colonialism has been a process of over 150 years. Undoing colonialism through these Reconciliation Negotiations will take time.



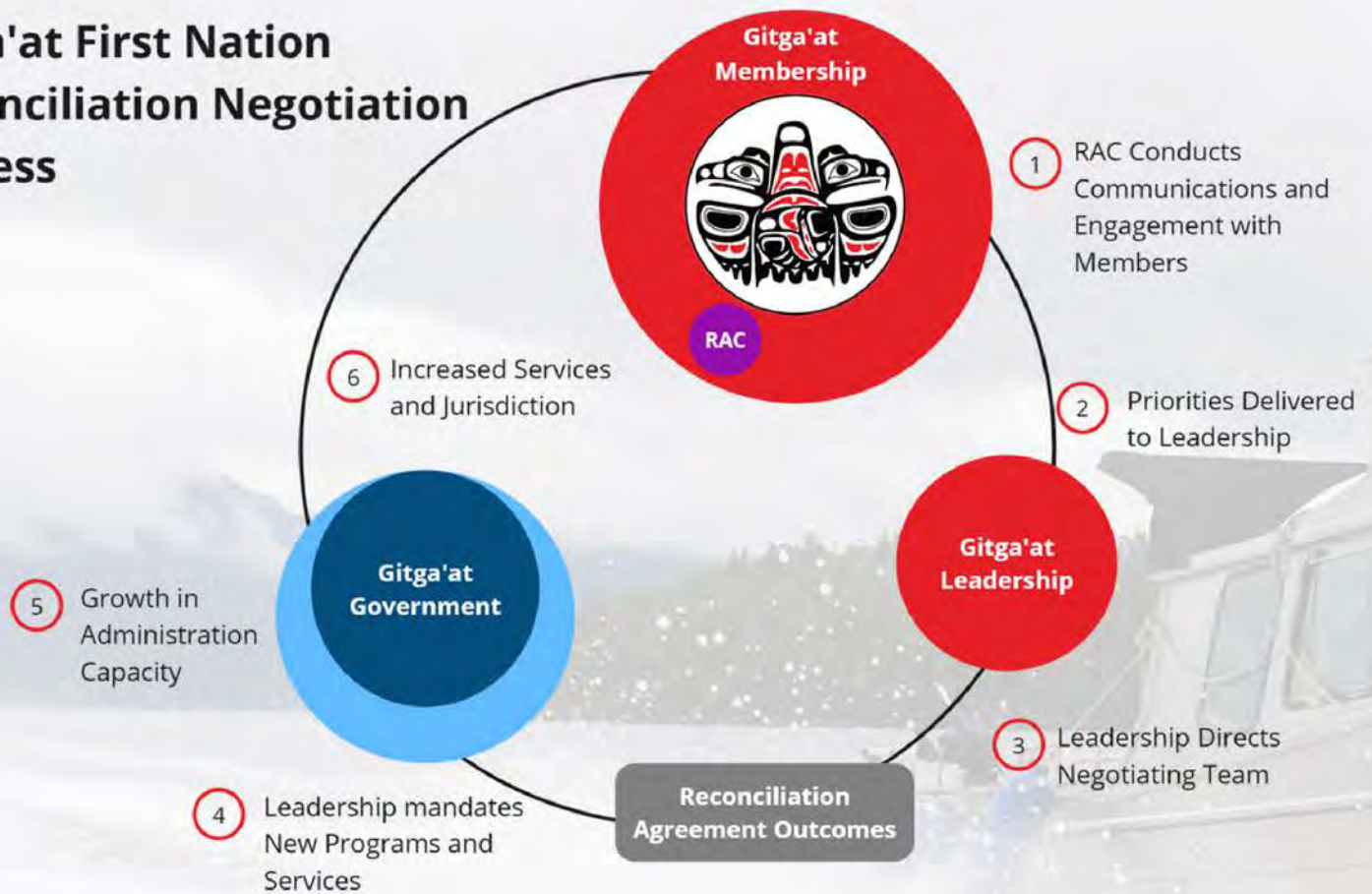
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IMAGE CREDIT: WENDY SHATTIL

Voices of the Nation Leading the Way

In this new negotiation process, our community's voices need to guide the process. To ensure we do this right and include members in the process, Gitga'at leadership created the Reconciliation Advisory Committee (RAC) in 2021.

Gitga'at First Nation Reconciliation Negotiation Process



The RAC oversees engagement with our members. The ideas, values, and priorities we hear through these engagement sessions, surveys, webinars, and informal interactions are provided to Gitga'at elected leadership as recommendations to shape the priorities being put forward at the negotiation table. When new commitments are made and the money starts coming in, leadership, with guidance from membership, will work to dedicate new resources and capacity to deliver new services, and the new government administration will work on its capacity to best deliver these new services.

This process has already helped us refine the Reconciliation Framework Agreement to include culture and language programming.

Reconciliation Advisory

Committee Membership

CHAIR: ERIC ANDERSON

LOTTIE ANDERSON

AUSTIN BASSO

ALBERT CLIFTON

ARNOLD CLIFTON

OWEN GREEN

SPENCER GREENING

CAM HILL

VANESSA-LYNN DANES

MARY REECE

MARVEN ROBINSON



Gitga'at Reconciliation Negotiations

The latest development in this work is the negotiation of a Reconciliation Framework Agreement. It's called a Framework Agreement because it lays out the terms for the next step in negotiations: a more comprehensive and binding Reconciliation Agreement. Through this process, Gitga'at First Nation is committed to securing self-government, economic independence and sole or shared decision-making over our lands and waters, without compromising the Nation's values.

In this new direction, the work done for the Treaty, including the Agreement in Principle, the Treaty Related Measures projects, and Incremental Treaty Agreement proposals, isn't wasted. It continues to support and guide the work we're doing now to negotiate the Gitga'at Framework Reconciliation Agreement, and further Reconciliation Agreements.



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Gitga'at leadership meeting attended by Prime Minister Justin Trudeau & former Minister of Justice Attorney General, Jody Wilson-Raybould

Here are the key parts of this work:



- **Self-government:** We're deciding how we'll run our own affairs and make decisions.



- **Economic improvement:** We're getting better access to fishing, more control over the forests, and opportunities in clean energy, aquaculture, and property ownership in Prince Rupert and Kitimat.



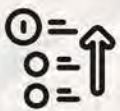
- **Protecting our oceans, land, and marine life:** We're making sure our environment is safe and our fisheries are healthy.



- **Community health and well-being:** We're focusing on things like language and culture programs and better access to education.



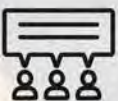
- **Good Faith Measures:** We're getting the financial support we need while we work on these agreements. See page 12 for more details.



- **Priority Negotiating Topics:** These are the most important things we're talking about right now. See page 13 for more details.



- **Longer Term Topics:** These are the big goals we'll work on in the future. See page 13 for more details.



- **Commitment to Negotiate Binding Reconciliation Agreement:** We're committed to making a final agreement that everyone agrees on.

Reconciliation Framework Agreement Main Components

GOOD FAITH MEASURES

The Good Faith Measures component of the Reconciliation Framework Agreement will deliver financial resources up front so that Gitga'at can begin making progress on key initiatives sooner rather than later. The following priorities listed below have been chosen from our members, matriarchs, and clans, and our negotiating team is working to secure the financial support to meet our Nation's needs and interests:

- **Self-Governance:** Deciding how we run our affairs
- **Language and culture:** Preserving and promoting our language and traditions.
- **Housing and infrastructure:** Improving our homes and community facilities.
- **Community wellness:** Taking care of the well-being of our community members.
- **Property and land:** Managing our land and property.
- **Economic development:** Growing our economy.
- **Fisheries management:** Making sure our fisheries are healthy.

PRIORITY NEGOTIATING TOPICS

- **Self-governance:** Continuing to develop how we govern ourselves.
- **Title & Rights Recognition:** Defining new Government to Government Relationship.
- **Economic revitalization initiatives:** This includes things like land transfers and financial resources to develop forestry, tourism shellfish, marine plant harvesting, and clean energy opportunities.
- **Environmental Protection and Land & Marine Stewardship:** Managing our land and marine areas, including protected areas, and moving forward on emergency response capacity and fish habitat restoration, sportfish management, etc.

LONGER-TERM MEASURES

We also have longer-term goals that we know will require time, resources, funding, guidance and cooperation to make real, positive changes for Gitga'at.

- **Improve community well-being:** This includes better education and health services, as well as improving housing and infrastructure.
- **Land & marine stewardship:** This involves taking care of wildlife, habitats, lowering emissions and preparing for climate change.
- **Additional economic revitalization:** This means expanding into activities like shellfish farming, marine plant harvesting, clean energy, and acquiring more land and property.

Implementing the Vision

Negotiations are the first step in climbing the mountain of taking back control of our government and our territory. We want to make decisions together that deliver progress toward what's important to us. To make this happen, we know our administration needs to get ready for the changes that are coming. Gitga'at First Nation is working to complete an evaluation of self-government capacity and readiness, the goal being to identify and begin to make the changes and develop the new capacities so that our government and staff are ready to deliver on the outcomes of the negotiations.

To support this work Gitga'at Council has established a Self-Government Working Group (SGWG). This group includes the Band Manager, directors from GFN's administrative departments, Gitga'at Oceans and Lands Department (GOLD), and the Gitga'at Development Corporation. SGWG is preparing to transform Gitga'at First Nation from a Band administration into fully capable and independent self-government organization. The Self-Government Working Group will identify what we're good at and what we need to improve to make the change to self-government happen smoothly.

The self-government evaluation is focusing on five important components:

Policy

Process

Structure

Governance

Evaluation

To make this big transformation happen, we need a tough and reliable administrative setup with these five components. This will ensure a solid foundation for our membership and help build our vision of the future for our Nation.

A large whale is breaching the water surface, creating a massive splash. The whale's head and back are visible above the water. In the background, there is a large, forested mountain range under a clear sky.

Continued Membership Engagement

We value our members' voices and input throughout this process. Gitga'at First Nation is committed to continuing communication and engagement concerning the Reconciliation Framework Agreement process.



<https://www.gitgaatnation.ca/treaty>

If you have additional questions, please contact:
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