

Gitga'at First Nation Independent Government Backgrounder



We Gitk'a'ata people have lived and thrived in our ancestral territories, guided by our ancestor's values, working within our complex social and political systems. Adaawx (oral history) has guided us by recounting the relationships between our people and the natural and supernatural worlds, establishing principles through sacred stories. The Ayaaxw is our ancestral law, grounded in Adaawx and loomsk (respect), and it guides our relationships with other people and other beings and the land and water.

We hold close our ways for continued survival, even as we adapt to new circumstances and opportunities. The strong connection to our lands and waters builds strength and resilience as our Nation starts on a path of rebuilding our own government system, regaining our jurisdiction and authority over our territories, and on uplifting our community cultural, social and economic well-being. This journey will include building upon our traditions and existing systems to identify and realize our own vision for our community's independent governance.

As part of negotiating Reconciliation Agreements with the Federal and Provincial Governments, Gitga'at will be pursuing negotiation and implementation of a new "independent government" agreement.

This document provides background information on independent government, what it will mean for Gitga'at, and how our members will be involved.



What is Independent Government?

Independent Government is a catch-all phrase describing how First Nations are reclaiming jurisdiction over ourselves and our territories. Gitga'at First Nation is embarking on a process to become “independent governing,” resulting in the creation of new laws and structures that will enable us to govern ourselves, develop and deliver our own community health and education programs, and regain decision making authority over our territorial lands and waters.

We are committed to upholding the values and principles from Adaawx and Ayaawx to reflect our ways of knowing and understanding our world and relations within the social structure of Gitk'a'ata people. We also recognize that more recent decision-making processes first introduced through the Indian Act also have some use for our community. We will remain true to our values and protocols, adapt our independent governance system to heal from past dependencies, reclaim our inherent right to self-determination, and ensure our nation's future for generations to come.

Gitga'at independent government will involve developing a constitution, including a law-making process, redesigning and modernizing our governing institutions, including developing our own internal legal dispute resolution tribunal and other processes. Once the new constitution, law making processes, independent government structures and dispute tribunals are in place, Gitga'at's independent governing institutions will be recognized by the Province of British Columbia and Canada, and new financial funding arrangements for Gitga'at independent governance will be negotiated.

Much like a Treaty, Gitga'at's independent government will be formally recognize by Canada and BC through changes to their legislation and the signing of an independent government agreement. Crown governments will not evaluate Gitga'at's constitution or legislative processes; however, they expect (and this will likely be reflected in the legislation) that there is harmony between Gitga'at and a few key Crown laws – meaning that Gitga'at's constitution cannot override protections guaranteed by the Canadian constitution.



What is a Constitution?

A constitution is the ultimate “law of the people and the land,” and any subsequent law related to health or education or territorial stewardship that is developed by us must be consistent with the constitution. It includes the core values of a people, the rights that we enjoy as citizens (which may extend to non-human beings), describes how laws are made and enforced, and includes a dispute resolution processes (a judiciary).

While the term “constitution” comes from western law, the concept is universal to any independent governing people. Some constitutions, like the Canadian and US constitutions, are written. Some constitutions, like the British Constitution, or Gitga’at’s Ayaaxw, are not. We need to write our constitutions down in order to clarify how our government interacts with those of Canada and BC. And once they recognize our written constitution, they will also need to abide by it. But without a written constitution, even though we ourselves may recognize the weight of our oral traditions and Ayaaxw, Canada and BC do not.

We will need to ask ourselves a number of questions to decide what to include in the constitution, how the written constitution relates to our Ayaaxw, and how our hereditary and elected systems will work together. We will also need to consider things like what parts of the Indian Act and other pieces of federal and provincial legislation will be replaced by our own law-making authority, how we can change the constitution in the future, how our leaders are chosen, and how to define who can be a member of the Gitga’at First Nation.

The constitution will outline the fundamental laws and rules of our government structure, process, roles, and authority, including:

- Fundamental Principles and values
- Rights, freedoms, and responsibilities of Gitga’at citizens – and possibly non-human beings
- Citizenship in the nation
- Financial Administration
- Law-making
- The dispute resolution process
- Elections
- Constitutional Amendment Process

Similar to how our culture informs our relationships with ourselves, one another, the land and water, and the supernatural world through Ayaawx and Adaawx, the Constitution will allow us to develop laws that respect our traditional values of respect, accountability, and honour.

What are Governing Institutions?

Governing Institutions are groups of people like our Clans, our Chief and Council, the Provincial Legislature, and other bodies that make and administer and implement laws, regulations and policies.

Currently, Gitga'at recognizes two governing institutions:

1. The elected Chief and Council and
2. The clan system with the Sm'gyigyet (Chiefs) and Sigidm hanaa'nax (Matriarchs)

As we develop the constitution, Gitga'at will define how these two systems and leaders interact, and which of them is responsible for different kinds of decisions.

We will also have the opportunity to change how our Chief and Council is structured. For instance, we may decide to add specific roles to council including elder representatives, youth representatives, or urban representatives. The constitution will also define the length of the terms for council members and other important details.

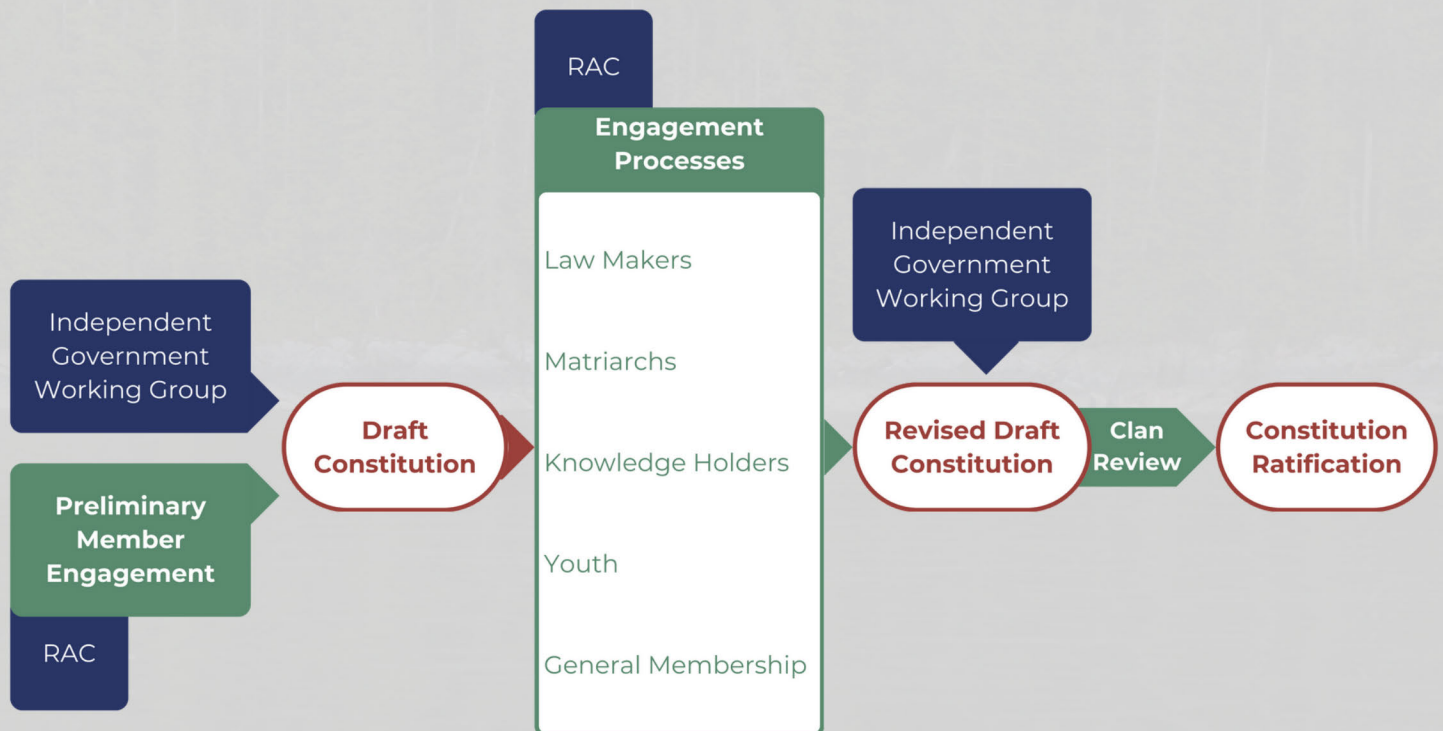
The Constitution will also need to include a way to resolve disputes – a tribunal or judiciary. The purpose of the judiciary or tribunal process will be to interpret law, resolve disputes, and uphold the Constitution. This is how the justice system and the courts work in Canada. Having our own judiciary or dispute tribunal in place will ensure our laws are upheld, and ensure matters are being conducted in a manner that respects and upholds our constitution. This process is key to maintaining the integrity of the constitution on which all law is based, including our people's values, rights, and jurisdiction.



How will Gitga'at Develop Our Constitution?

Gitga'at will develop independent government through a carefully designed set of engagements with memberships, clan leaders, matriarchs, youth, and elected leadership. Two committees are central to this engagement: The Reconciliation Advisory Committee and the Independent Government Working Group.

The Reconciliation Advisory Committee (RAC) is responsible for engaging with Gitga'at membership to ensure our priorities are considered during negotiations. The Independent Government Working Group is responsible for developing the independent government process, including drafting versions of the Constitution and other legal documents and policies for consideration by Gitga'at membership.



Above: Constitution Development Engagement Process Figure.

Throughout this process, the RAC will organize engagement with membership, elders, leadership, clans, matriarchs, and youth to secure input on how to develop Gitga'at independent government. The Independent Government Working Group will draft documents to review through further engagement until a draft constitution can be put before the Gitga'at membership for a ratification vote.

INDEPENDENT GOVERNMENT WORKING GROUP

- Teresa Robinson, Gitga'at member and band manager
- Cameron Hill, Gitga'at member, Elected Councillor and speaker of Gisbutwada (Killer Whale Clan)
- Spencer Greening, Gitga'at member
- Dan Cardinall, member of Gitga'at negotiating team
- Eric Anderson, Gitga'at member and Gitga'at reconciliation negotiation supervisor
- Chris Picard, Director of Gitga'at Oceans and Lands Department

RECONCILIATION ADVISORY COMMITTEE

- Cameron Hill, Gitga'at member, Elected Councillor and speaker of Gisbutwada (Killer Whale Clan)
- Spencer Greening, Gitga'at member
- Eric Anderson, Gitga'at member and member of Gitga'at negotiating team
- Marven Robinson, Gitga'at member, elected councillor
- Arnold Clifton, Wii Hai Waas, Ganhada (Chief, Raven Clan)
- Charlotte Anderson, Gitga'at elder
- Austin Basso, Gitga'at youth
- Mary Reece, Gitga'at member
- Vanessa Lynn Danes, Gitga'at member
- Albert Clifton, Wahmoodm, Gisbutwada (Chief, Killer Whale Clan)
- Owen Green, Sinaxeet, Laxskiik (Chief, Eagle Clan)

Engagement will begin in the Fall of 2023. The Independent Government Working Group will take the results of the initial engagement and draft a first version of a constitution. This will then be taken for more in-depth review and consideration by our Hereditary leaders, matriarchs, youth, and general membership.

The results of this review will be brought back to the Independent Government Working Group to revise the constitution. This version of the constitution will be reviewed by the clans before it is checked by a lawyer specializing in First Nations constitutions. This process of review and adjustment may take time, needing to be repeated before it captures and addresses what our people have said.

Once a final draft is ready, Gitga'at membership will vote on whether to ratify the constitution. If the constitution passes this ratification, it will then need to be recognized by the Province of BC and the Federal Government, after which it will enable Gitga'at to pass laws that have full authority in our territory and marine environment.



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

If you have additional questions, please contact:
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