

# Constitution Development Engagement Report: Membership and Citizenship



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# Introduction

For the last 20 years, Gitga'at First Nation has been negotiating with the Provincial and Federal governments to gradually reassert jurisdiction over our lands, waters – and our people. Under the Indian Act, being recognized as “Indian” in Canada is legal classification rather than a reflection of cultural identity. The federal government has historically determined who qualifies as a member of our Nation, shaping Gitga'at membership through policies designed to assimilate First nations peoples out of existence. These colonial policies have fractured our families, disrupted governance, and imposed external authority over our community. Today, we are reclaiming this authority.

Through the Reconciliation Agreement, we have the opportunity to define Gitga'at citizenship based on our own values, our relationships, community, geography, language and culture. The ability to determine who belongs to our Nation and who our government serves is fundamental to self-governance. This is more than an administrative process; it is a statement of our sovereignty and self-determination.

As part of the negotiation process, Gitga'at Chief and Council established a Reconciliation Advisory Committee (RAC) in 2022. The RAC directs community engagement around reconciliation negotiations and developing a constitution since 2022. The RAC includes all elected and hereditary leaders of the nation, as well as representatives from Hartley Bay and off-reserve, youth and elder representatives, and others who expressed interest in being part of the committee.

Beginning in 2023, the RAC has overseen community engagement to explore how Gitga'at may develop a constitution and an independent government agreement. A written constitution is an essential step in Gitga'at's reclaiming of jurisdiction; it signals to other governments – both Crown and First Nations – how Gitga'at will make decisions, and ensures that there is mutual transparency and accountability to those decisions.

This report marks the third update on our progress and ongoing engagement with Gitga'at membership as we shape our Nation's future. The first, the





Constitution Survey Report, detailed the results of a preliminary survey of 113 Gitga'at members on top level issues we need to address when developing a constitution. The second report details the results on hereditary system, traditional laws and values incorporated and expressed into the constitution. These reports can be found on the Gitga'at Reconciliation Negotiations website.<sup>1</sup> This report details the results of community meetings, in-depth interviews, and talking circles with 40 Gitga'at members. The following pages detail their views on:

- How Gitga'at should determine citizenship requirements
- If citizenship should be categorized with benefit access
- Qualifications for adoption to become Gitga'at citizenship
- How should enrolment procedure determine citizenship
- Should citizens hold commitments to Nation

Participants expressed a wide range of opinions on these issues. A few key themes include:

- General concern to be cautious related to benefit access.
- Culture and knowledge are important aspect of becoming Gitga'at by adoption.
- Enrolment procedure should be conducted according to criteria to ensure no corruption or bias in decision making.

This report is meant to inform Gitga'at membership, leadership, and negotiators about some of these issues, and ultimately to ensure that they are addressed in a written constitution.

If you have any questions about the content of the report, or how it was developed, please contact:

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<sup>1</sup> <https://www.gitgaatnation.ca/reconciliation>



# Methodology

This section details the process taken in order to collect information about three key themes that came out of the constitution survey (report available on the Gitga'at Reconciliation Negotiations website):

- How should citizens be determined by Gitga'at Nation
- Who should be included moving past *Indian act* policy exclusions
- How the enrolment procedure should be structured

## Engagement streams

The engagement with Gitga'at members on Reconciliation Negotiations, a Constitution, and Independent Government have been ongoing since early 2022. This report draws on an initial survey launched in Fall 2023, and engagement via community meetings, talking circles, and interviews between Fall 2023 and Fall 2024. These engagement streams are described below and summarized in Table 1.

**Survey:** Starting with a broad-based approach, input was invited from all Gitga'at members through an online and paper survey. A total of 113 people responded to the survey, which was open from October 2023 to January 2024.

The survey consisted of 16 questions in four broad areas:

- Government Responsibilities
- Judicial System and Dispute Resolution
- Elections and Governing Bodies
- Membership

The survey questions are at the end of this report, in Appendix A. Results of the survey were analyzed and discussed in the Gitga'at First Nation Constitution Survey Report (March 2024). These findings informed the other two streams of member engagement.





**Community meetings:** To reach additional members and foster a two-way dialogue on priority topics identified in the survey findings, community meetings open to all Gitga'at members were held in Hartley Bay, Prince Rupert, and online.

These meetings included an update on the reconciliation negotiation and constitution engagement processes; an overview of the constitution survey results; and a discussion activity that focused on membership inclusion according to Gitga'at understanding of belonging.

- **Interviews and Talking Circles:** To hear from elders, matriarchs, knowledge holders, and youth identified by the RAC, individual and group interviews were carried out in Hartley Bay, Prince Rupert, and online.

These in-depth discussions focused on three core areas that came out of the survey:

**Table 1: Summary of Preliminary Member Engagement for Constitution Development**

Engagement Stream	Date Range	Number of Participants
Survey	October 2023 - January 2024	113
Community Meetings	Spring to Fall 2024	20
Interviews and Talking Circles	Spring to Fall 2024	20
Total number of participants (includes some overlap of participants between surveys and interviews)		153



## Data Analysis Methods

Following the completion of member engagement, we implemented a multi-phased methodology to carry out content analysis, identify key themes, summarize findings, and develop potential avenues for incorporating the findings into membership/citizenship sections of the Constitution and Gitga'at's Membership Code. These steps are summarized in Figure 1.

**First**, we used an online transcription service, Rev.com, to transcribe 12 audio recordings from member engagement – consisting of 9 individual interviews and 3 talking circles (Data Extraction). These transcripts were then input into Taguette, a qualitative coding software.

**Second**, we labelled the qualitative data in Taguette, using tags (codes) to identify different themes/topics and the relationships between them (Coding). We applied an initial set of deductive (pre-established) codes that focused on three key themes:

- Membership Criteria
- Membership contexts to inclusion
- Enrolment Procedure

As we progressed through the transcripts, we generated a more fine-grained set of inductive sub-codes, focusing on relevant topics that emerged in each of the three key areas. In total, 22 codes and sub-codes were generated by our qualitative data analysis, including minor changes made during Summarizing. A comprehensive list of all the codes is in Appendix B.

**Third**, we extracted all codes and linked data excerpts from Taguette and summarized the findings for each interview (Summarizing). These narrative summaries focused on what participants in each interview said about membership criteria, factoring contexts, and enrolment procedure. During this step, we identified additional topics of note and relationships between them, and as a result reorganized some of our sub-codes and generated a few new ones.

**Fourth**, we examined the results of the Coding and Summarizing steps to break down the results of our four key thematic areas into a spectrum of responses and a





*weighted distribution of codes (Analysis).*

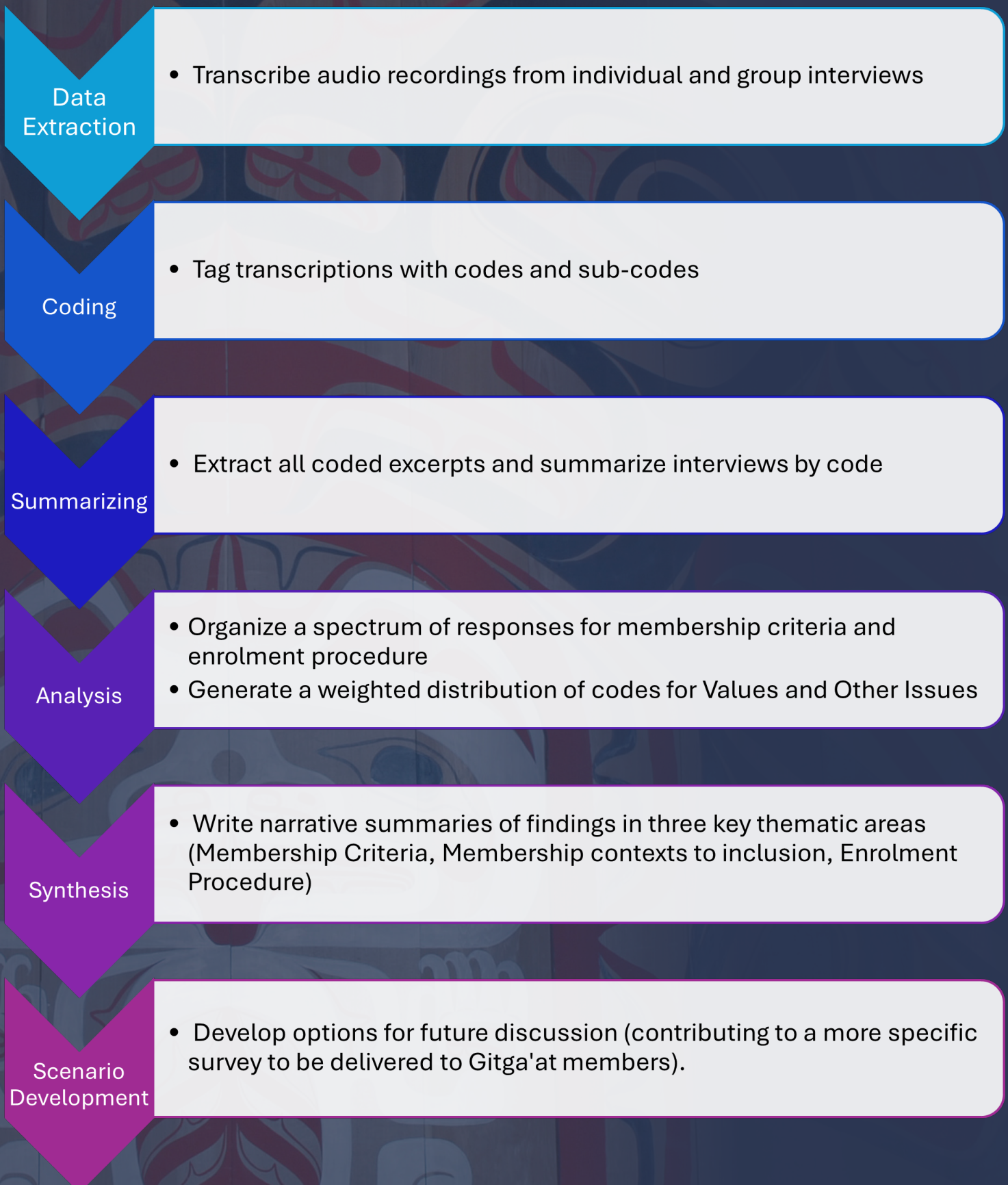
For the themes of membership criteria, we organized findings from interviews across a spectrum of responses. In this method, individual responses were placed along one continuum of possible scenarios for what Criteria Structure could look like, and along another continuum for what Enrolment Incorporation could look like in the Gitga'at Constitution.

**Finally**, we combined the results of the Coding, Summarizing, and Analysis steps into overarching findings for each of the two key thematic areas: Membership Criteria, and enrolment procedure (Synthesis). This focused on narrative summaries of the overall range of responses and the frequency of specific topics across the interviews.





# Figure 1: Summary of Data Analysis Methodology







# Key Concepts

## Indian status or Membership

Currently, Gitga'at First Nation membership is defined as Indian status as determined by the Indian Act. Even though Gitga'at has its own Membership Code, Indian status, and therefore who may be a member of the Gitga'at First Nation, is ultimately defined by the Indian Act. Because Indian status is such a strong part of how Gitga'at has had to define who belongs to the community for so long, many people see Gitga'at membership as requiring Indian status. In this report, we use the term “membership” to refer to someone who has Indian status and is a member of the Gitga'at First Nation.

It is important to note that:


- Status does not reflect Gitga'at Nation's Cultural understanding and process related to claiming and belonging.
- It is possible for an individual to gain status without having membership to a particular First Nation.

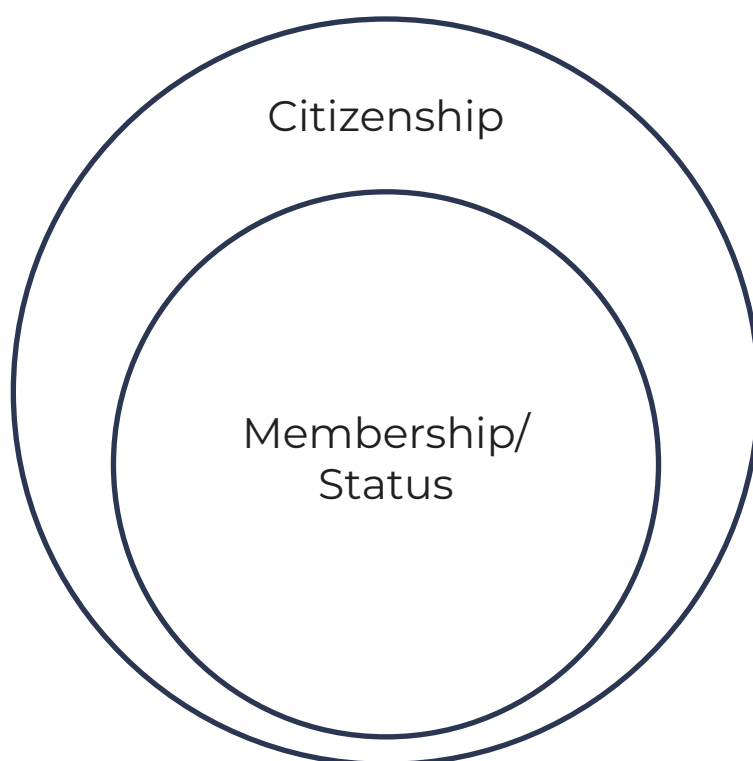
## Citizenship

Many participants in this research pointed out the problem of the Indian Act's second-generation cut-off in removing children of Gitga'at members from belonging to the community. Based on these concerns, we have introduced the concept of “citizenship” to enable the Nation to expand its concept of belonging beyond Indian status. In this report, the concept of citizenship is meant to broaden belonging to the Gitga'at Nation. However, this also means that certain benefits – such as extended health care or education or services on-reserve provided through Indigenous Services Canada funding – would not be available to Gitga'at citizens who do not have Indian Status. The Venn diagram below illustrates the overlapping concepts of membership and citizenship.

A few things to note about the concept of citizenship:

- As a concept, citizenship is a formal belonging to a recognized Nation.

- 
- Citizenship could allow a person to belong to the Nation without Indian status.
  - The concept of citizenship may not be necessary for Gitga'at to consider in the near future as Indigenous Services Canada recognizes the problem of the second generation cutoff and 6(2) status, and is currently requesting potential solutions.



## Clan

While it is clear that clan membership is an important and defining feature of Gitga'at culture, and many people in both the community meetings and individual interviews mentioned clan, in further discussion about the data and the limits of the self-government project, the RAC made the decision to focus on citizenship and membership definitions in this report. Clan business is a difficult subject to broach in this kind of document, particularly since clans are not meant to discuss each other's processes. It is also not the purview of the Gitga'at First Nation's elected government to make any decisions about how Clans might conduct their business. Therefore, the authors of this report have been guided by the RAC to avoid discussing the results from interviews of how Clans would interact with citizenship or membership.





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## Results



# Lineage

Lineage is crucial to understanding family history and cultural practices in Gitga'at. Culturally, Gitga'at First Nation follows a matrilineal line, in contrast to the Western patrilineal and patriarchal practice. However, the Canadian government has disrupted this practice through the child welfare system and the Sixties Scoop; children have been removed from Gitga'at, and all First Nations families, and placed with non-Indigenous foster parents for decades, disrupting cultural knowledge transfer and making it difficult to trace lineage.

Furthermore, the colonial implementation of blood quantum to determine Indigenous heritage. The blood quantum topic is one of the main discussions points that the interviewees have expanded on.

## How it works now: Lineage

While the Canadian government claims that blood quantum is not part of how they define Indian status, there are specific ways that lineage can grant or deny a person access to Indian status. The changes to Indian status between its inception in the 1876 *Indian Act* through to today are too numerous to mention here. In relation to lineage, we are most concerned with the second-generation cut-off that persists through two kinds of Indian status: 6(1) and 6(2), named for the sections of the *Indian Act*.

In 1985, Bill C-31 amended the *Indian Act* to allow women who had lost their Indian status by marrying a non-status man after 1951. However, it continued to discriminate against their children by creating the “second generation cutoff” problem, and two separate classes of status: 6(1) and 6(2). Some issues with gender discrimination not addressed in C-31 were remedied with Bill C-3 in 2011 and Bill S-3 in 2022. However, this second-generation cutoff still persists – and continues to mean that children of status Indians can be denied status based on arcane bureaucratic rules that amount to blood quantum.

The following graphics demonstrate how 6(1) and 6(2) Indian status works, and how 6(2) status Indians are unable to pass on their status – and therefore their membership in their home community – to their offspring.





**6(1)  
Parent**



**6(1)  
Parent**



**6(1)  
Child**



**6(2)  
Parent**



**6(2)  
Parent**



**6(1)  
Child**



**Non-Status  
Parent**



**6(1)  
Parent**



**6(2)  
Child**



**Non-Status  
Parent**



**6(2)  
Parent**



**Non-Status  
Child**





## Lineage and Gitga'at Membership

100% of members agree that lineage is important, if not essential, to defining who is a member of Gitga'at First Nation.

*"Usually, they ask who your parents are and who your grandparents are, and beyond your grandparents. Great-grandparents and the family name, their last name."*

Participants strongly emphasize lineage as the basis for determining membership within the community. 100% of members agree that the connection to the community is rooted in bloodline, typically through parents or grandparents. This is seen as maintaining integrity and commitment to the community, focusing on family ties and a deeper connection to the land and its people. Those without a clear lineage are generally not accepted, and there is a focus on ensuring the person is genuinely tied to the community rather than seeking status without genuine affiliation.

The required level of ancestral lineage for community membership varied among participants, with some feeling it should be limited to grandparents or great-grandparents. For other participants, if a person can trace their ancestry to individuals on the community's band list, then they are considered eligible for membership, regardless of how many generations back this lineage extends.

*"Right away I'd say if your parents or grandparents have ever been on the band list, you should probably be able to be a Gitga'at citizen. And I'm not sure how it would work if you were to go farther back than that."*

*"Who have sort of stepped out of the blood quantum range for whatever reason, um, but are a part of the hereditary system because [Gitga'at member name] is actively participating in so many ways and making sure that the children are a part of that and are a part of their house."*





Verification of lineage is seen as an essential part of the application process, and while the use of blood quantum is largely rejected, family ties are crucial for proving the connection. Applicants should be able to trace their family roots and, ideally, have a community member confirm their ties. However, this can be challenging for individuals who are distantly removed or affected by historical events like the Sixties Scoop, where family records may be unclear. Ultimately, the focus is on having a tangible connection to the community through known family relationships, even if those connections are difficult to trace.

Blood quantum is not aligned with Gitga'at's understanding of belonging to culture and community.

*"You're feeling lost because we have always, um, had the bloodline showing where you come from. So, when the government has put in place, uh, through Bill C 31, that second generation cutoff, that means to me that means genocide. They want to stop the bloodline of the First Nations peoples"*

For the Gitga'at, participants' identity and connection to the community are deeply rooted in family lineage and ancestry, not in a percentage of "Indian blood." The reality is that blood quantum is part of defining Indian status, particularly through the second-generation cut-off (as mentioned above). Participants often saw this as a form of cultural erasure, aiming to sever First Nations' bloodlines. Instead, belonging is determined through family ties and active participation in community and hereditary systems, particularly through matrilineal lines, where even individuals who might fall outside the blood quantum range can still claim membership and citizenship. This approach places greater value on cultural and familial connections rather than subjective measurements of ancestry.

Participants have reflected on the cultural shift in how community membership is understood in relation to lineage. Culturally, Gitga'at follows the matrilineal structure in the clan system, and some participants mentioned the potential for membership to be strictly matrilineal. In the past, if you were connected to your mother's family, you were automatically considered a community member. However, in modern times, belonging and citizenship within the community have become more flexible. Membership now depends not only on ancestry but also on individual choice and meeting the community's qualifications. Individuals may need to prove their lineage through family ties, often going back to grandparents



or great-grandparents, and provide confirmation from existing community members who can verify these connections.

*"[Member name]'s actively participating in so many ways and making sure that the children are a part of that and are a part of their house. And through matrilineal line they have a right there. And so, I don't really, I think that's one example where if that's the case, um, they could make an application to citizenship and it would be fairly easy for them to get bumped into full citizenship, I would think and be given full benefits associated with that citizenship."*

Generally, there was a caution for people applying with ancestry extending past great-grandparents who may apply purely to receive the benefits of citizenship.

The process of proving lineage was often highlighted by participants. Applicants are expected to trace their family back, but they must also verify those connections with the community, such as through confirmation by a living family member. This proposed approach aims to ensure that members truly have a relationship with the community, not just distant or speculative blood ties. There was also caution expressed about those who might try to manipulate their ancestral claims—for example, individuals with no meaningful connection to the community who could use distant family lines to gain membership. The need for verification becomes critical in this context to protect the integrity of the community and prevent non-genuine applicants from accessing the benefits of membership.

Participants expressed how the Sixties Scoop and the impacts of the child welfare system may complicate someone's ability to know their genealogy. In cases where individuals are trying to reintegrate into their communities after being separated from their families, it is recognized that not knowing one's genealogy can be a challenge. However, these situations can be supported through community records and oral histories, allowing individuals to trace their family connections even if they were disconnected during that time. It was emphasized that these should be considered on a case-by-case basis, with flexibility to accommodate the unique circumstances of those impacted by historical trauma like the Sixties Scoop. Through community knowledge and records, the process of reconnecting to one's ancestral roots can be facilitated.





## Gaining Membership Through Marriage

Participants generally agreed that marriage to a spouse with status should qualify the spouse for transfer to Gitga'at provided they relinquish their original membership. When it comes to citizenship for non-status spouses and step-children however, there was a variety of responses.

### Citizenship for Non-Status Spouses and Step-Children

As mentioned above, because of the second-generation cut-off issue, we introduced the concept of citizenship as part of research into Gitga'at independent government. Citizenship would be a way to indicate belonging to Gitga'at without having Indian status. When it came to discussing a Gitga'at member with status marrying a non-status person, there were a variety of responses.

One participant highlighted Gitga'at citizenship could be separate from status and therefore gain Gitga'at citizenship and have no status.

*"She'll become a spouse if it's mine. [...], well, they get citizenship, but they don't get status."*

Another participant believed that while the non-status spouse should be entitled to citizenship, the step-children should not.

*"If you married somebody who's not native and they've got kids, they don't get the membership, the partner would get the membership."*

A third participant expressed that only spouses with status should be able to access Gitga'at citizenship

*"I'd say if you're non-status, I don't think you should ever be able to become a Gitga'at citizen, but maybe if you already are status, I could see there being a pathway to becoming a Gitga'at citizen."*



Discussion on Marriage acceptance of partners included the recognition of different types of families including stepchildren. There was spectrum of responses from acceptance to disagreement on the acceptance of stepchildren. Differing contexts of parent's relationship length, community connection were factors highlighted.

*"I think it depends on like if they have kind of built to that connection to community. Again, like if they were married for a certain amount of time and the children were living in community and identified as Gitga'at members, they might kind of case-by-case basis."*

*"I would say no right off the bat, that would just be my instinct. But again, there could be some cases."*

## **Non-Status Stepchildren**

Among the discussion on stepchildren in the context of status stepchildren participants disagreed to citizenship for access to benefits afforded to Gitga'at citizens. But there was acceptance for stepchildren to participate in family life which includes cultural activities.

*"I would say that they should have a right to live with their family and do as many family cultural things as they can. I would be hesitant to say they deserve education funding because I think that tips the scale too far in one direction of opening the door for all the non-indigenous stepchildren to have access to these."*







## Benefits

The benefits of Gitga'at membership were an important topic for participants. There was not a consensus on what benefits should be available to Gitga'at citizens or members without direct lineage and/or without status – i.e. non Gitga'at spouses and stepchildren, children without status, and adopted children. However, there was general consensus that Gitga'at members with status and lineage should have access to all benefits, and these should be equally applied. As one participant put it:

*"We should all have the same."*

Another participant highlighted the challenges associated with equal access to benefits based on living away from Hartley Bay:

*"I definitely face those challenges with like how we support, [...] the off-reserve members when everything is like supposed to happen in the Bay, which is great, and we could take care of our people in the Bay. [...] trying to find the balance in on, in how do we support these people without overwhelming the capacity that we have in community. [...] So, it's complicated when it comes to that, but I do think, yeah, if you're a citizen, you get the same benefits as you would as a member."*

In the context of discussing membership, benefits often blurred into rights held by Aboriginal peoples under Section 35 of the *Constitution Act*. The right to harvest in the territory, and who should have access to this right whether or not they hold status, was a particularly important one when it came to who should have access to the right.

Other rights that were also discussed as benefits included:

- Right to live in the territory of the Nation;
- Right to live on a reserve of the Nation;
- Right to be buried on a reserve of the Nation;
- Right to vote;
- Right to hold leadership positions of the Nation.



## How it works now: Benefits

The benefits accorded a Gitga'at member currently come from a variety of sources. Some benefits are directly related to being a status Indian, some are only available to status Indians living on-reserve, and some are accorded to Gitga'at members through programs developed by the Nation. Given how membership in Gitga'at currently works, all such benefits are reserved for status Indians who are enrolled in the Gitga'at membership list.

A benefit that all Gitga'at members have available to them is the extended benefits for corrective lenses and dental services that are funded through Indigenous Services Canada. Another example (subject to the Nation's own rules and administration) is funding for post-secondary education.

Some other benefits are only available to Gitga'at members who are resident in Hartley Bay. An obvious example of this benefit is housing.

Finally, there are benefits that Gitga'at provides to members via its own revenue or resources. Programs developed through economic development partnerships are one example of this. The annual fish distribution is another example.

## Benefits and Membership versus Citizenship

The distinction between membership and citizenship was important in determining how to allocate rights, benefits, or commitments to Gitga'at. Note that this distinction was also sometimes referred to as "tiered membership" or "tiered citizenship." Some people wanted rights and benefits of the two categories to be identical.

*"There isn't much change if you're a Gitga'at if you're a non-status holder, but you become a Gitga'at citizen down the road. [...] I see them interchangeably because I feel like the people who we are accepting as citizens are, our own people. So, it's like, I don't think there should be a difference."*





One participant saw citizenship as something that could potentially grant even voting rights.

*"Could they qualify for like to be a voting member?[...] [Name] for example? Yes, because he was, you know, married to a First Nations person, correct? Yeah and was in the community supported community did community things. Yes, I would agree."*

Another participant agreed citizens that have been longstanding members of the community, but without status, should get benefits including monetary payments.

*"Like the full members get the benefits and get the, the payment and like the one-time payments that come through. Um, but there are, there are people that have been community there, community members for a good portion of their lives that have gotten those payments and stuff as well. Like exceptions are made for people."*

However, it is important to note that not all participants saw the need for a separate concept of non-status citizens.

*"I do think non-status people should be able to become Gitga'at citizens."*





## Benefits for Non-Status Spouses

As for non-status citizens by marriage there was conflicting views on access to benefits. A participant voiced caution to non-First Nation's people marrying into Nation for access to privilege.

*"Very, very adamant of non-First Nations, marrying a First Nations for privilege."*

On the other hand, some participants believed that non-status citizens by marriage should have access to all same benefits of Gitga'at lineage spouse.

*"So, things that would be conferred to the status person may apply to their spouse as well, essentially."*

The topic of harvest rights came up in relation to non-status Indian spouses. Currently, in Canada it is not legal for a non-status Indian to participate in harvest that is allowed under Section 35. However, status Indians are allowed to share their harvest with non-status members of their families, and non-status people can support the harvest in a variety of ways so long as they are not actually doing the harvesting (shooting an animal, catching a fish, digging for shellfish etc.).

For non-status spouses there was discussion on types of benefits associated such as harvest access. Many participants wanted to be able to extend harvest rights to their spouses since these activities are often a family activity.

*"That's one of the things that came to mind right away when you started asking that was the ability to go and harvest. Yeah. Like even if you're not sitting with somebody, as long as you got that paper that says you're married, you can go and get your food."*

*"I want to find ways to make people feel that they're part of our community cause even my wife, she's non-First Nations, but she [should be able to] pick, and dry seaweed and dig cockles and do all of that stuff."*





*"Ideally for me, I would want it set up. So, if she's harvesting for me with me or with my kids, then she should be allowed those same rights and privileges."*


## **Benefits for Non-Status Children of Gitga'at Members**

Participants discussed the problems of the second-generation cut-off frequently, and this related directly to the question of benefits. This category of person – the non-status children of Gitga'at Members – was the main reason that the concept of the Gitga'at citizen was introduced in this report. There was a great deal of interest in determining a way to extend benefits, whether all of those afforded to status members, or only those that the Nation is responsible for.

*"You're essentially saying that the children, uh, like the children under those circumstances would be eligible for citizenship even if they're not eligible for status. Which then, if we feed that into the last question, the benefits that they might be given would be those children maybe could harvest in the territory. Mm-Hmm."*

A participant took this a step further and suggested Gitga'at citizenship should provide benefits to non-status citizens who are typically ineligible for status benefits due to issues like second generation cut-off.





*"I don't think you would need to be status to become a Gitga'at citizen.[...] I was kind of seeing as if you became a citizen, you essentially got those benefits of being like status. Cause it's how I was seeing if you are awarded as a Gitga'at citizen, your kind of getting everything, like I kind of saw it as not maybe like a shift away from being status, but again, for those people who are having a hard time for being not status, then at least they'll get the benefits of being with the Gitga'at Nation."*

## **Probation**

The topic of access to benefits was identified protect Gitga'at Nation. Sharing past policy related to monetary distribution payments be subject to probationary times to deter people from transferring to solely access these benefits. Participant suggested similar policy to ensure commitment to Nation and deter these monetary driven applications.

*"Yeah, they had to do, they had to do stuff like that because after they started making those, or payments we get at Christmas time, there was a whole bunch of People and the elder one for 10,000. When you turn 65, there was a bunch of people that tried to transfer back who had transferred out. [...] So, they had to say if you transfer back, you don't get, you don't get payments for so many years. [...] before it happens. So, we basically guarantee that you're in good standing and you're not just showing up for the money and not gonna come and do anything with the community."*

Discussion on benefits afforded to tiered citizens could be subject to probationary periods to gain access to prove good will. Even the benefit of voting in community is discussed as possible within this type of designation.





*"That's why I said you're going to need a tier system. So, say I'll use [name]. [Name] just applied for citizenship. He should be entitled to food distribution. He should be allowed those 15 sockeyes, he should be allowed to attend the Christmas party, stuff like that. But should he be allowed the [...] monetary funds that will be distributed? No, wait five years to prove that you're going to stand through the band and not just there for the money."*

One participant expressed that the kinds of benefits allowed to different citizens should be determined by a committee.

*"You set up the committee and it'd be asking a committee. So, it'd be like saying, okay, we're not going to take them in fully, but should we allow them the highest tier system? Should he be allowed to get 15 fish and end it there but not allowed anything beyond that? He can't go hunting, he can't. Or limited hunting, fishing, whatever."*







# Adoption

Adoption is an important way of welcoming children into the Gitga’at community. There were numerous opinions about Clan-based adoption expressed during the interviews. However, the Reconciliation Advisory Committee has concluded that since Gitga’at’s independent governance process and constitution development is very unlikely to have a bearing on how clans conduct their business, a discussion of Clan-based adoption will be left out of this report. This report therefore only deals with family law adoption.

## How it works now: Adoption

The Indian Act currently states that a minor adopted by a person with 6(1) status gains 6(1) Indian Status (if they do not already have status), and can be enrolled in their adoptive parents’ nation.

It is important to note that the Indian Act and case law recognize not only family law (legal) adoption, but also custom or traditional adoption and de facto adoption. The table below defines these three kinds of adoption:

Legal Adoption	Custom Adoption	De Facto Adoption
An adoption under provincial/territorial adoption legislation. This includes private adoptions done through an accredited third party (this may include international adoptions if the agency is recognized by a Canadian authority).	A clear parent-child relationship is established with all the related legal, financial and other benefits and burdens of an adoption. However, this adoption is done through First Nation customary laws. (Note that this does not include honorary clan adoptions of adults).	An adoption where a child has been in the care of the adoptive parent(s) but the legal adoption happens after the adopted person is an adult.

The Gitga’at membership policy currently states that a member who adopts a child must provide written notice of the intention to apply for Gitga’at membership within 120 days of the adoption.





We should note for clarity that any Clan-based adoption is completely separate from adoptions recognized by the Indian Act; Clan adoptions do not confer status, and do not enable the person adopted into the clan to apply for Gitga'at membership.

## Adoption and Gitga'at Membership

The primary concern for participants regarding adoption and membership was the connection of the adopted child to the Gitga'at community, and in some cases specifically Hartley Bay. There was also a lot of discussion of the relationship between Indian status and Gitga'at membership. Some people did not think that a non-status child should be granted membership in Hartley Bay.

*"Our adoption process of becoming a citizen should not apply to non-native unless you have Gitga'at lineage."*


Some people took this one step further, and did not agree with non-status children being granted status when adopted by a person with status. However, most participants believed that it was the connection to Hartley Bay and Gitga'at culture that should be the determining factor for eligibility for status and/or membership.

## Learning the Culture

A number of participants thought that adopted children should be expected to learn the Gitga'at way of life in order to become Gitga'at members or citizens.

For some people this translated to a potential age cut off for Gitga'at membership; older children may not be eligible for Gitga'at membership since they may not be able to learn the Gitga'at culture.

*"I could see if it was from an infant, like newborn baby and you adopt the baby and you raise the baby, but say you already a teenager or something, then someone adopts you. I think it's different."*



*"If they're [...] taught our ways I don't have a problem with it, you're still part of the community. [...] Like that's the same sort of deal as a non-native spouse. They're still part of the family, still going to grow up learning how to do what we do out in the lands and waters. And that should come with protection as well. So, I'm okay with that."*

## **Adoption and Status**

Many participants pointed out a problematic inconsistency with the current adoption process of conferring status: it is possible that people without Gitga'at lineage may have status and Gitga'at membership when people with Gitga'at lineage have neither status nor membership. This arises because of the second-generation cutoff, discussed above. Keep in mind that for status to be gained by an adopted child, one adoptive parent must have 6(1) status. This child is then conferred 6(1) status. This means that their children will have either 6(1) or 6(2) status, depending on the other parent's status. However, as was mentioned numerous times by participants, there are many Gitga'at members whose children do not have status since their parent had 6(2) status.

One participant saw the solution in ensuring that people with Gitga'at lineage were guaranteed status, even while maintaining status for adopted children:

*"Why don't we make it fair and equal? Have the first Nations bloodline get the status and not be cut off. [...] They [an adopted child] were raised, they, they probably know more First Nations laws and, and about territories and lands than the First Nations baby. Because they were raised in the environment. We do not exclude the environment in how a baby will turn out. There's the environment and then what you're born with. So, if we, I go in the equality way and say, okay, you granted that person without the bloodline status, so why not give the person with the bloodline status as well?"*





However, voting was highlighted by participants as a benefit to Gitga'at citizens as well as responsibility and commitment to determine the political body to adequately represent Nation interests. There was emphasis for all citizens to be able to vote and engage with Gitga'at especially due to current 15% voting engagement.

*"There's over 800 of us now and you look at how many people vote in the election. There's [...] at least half of half of the population is in voting age, and we get like the guy that wins the chief gets 120 votes."*

*"I think that voting should be, you here, citizen, you should have the right to vote and the elected officials or for the elected officials."*

## **Responsibilities**

Most of the discussion around responsibilities focused on people who were transferring into the Gitga'at Nation through a variety of ways. Participants expressed that becoming a Gitga'at citizen or member through transfer should involve several key factors. First non-lineage citizens or those without a direct ancestral line to Gitga'at may not automatically be considered for citizenship unless they meet certain ongoing connection criteria, such as cultural engagement or active participation. This would also ensure there is a genuine commitment for applicants compared to those who solely seek benefits. Participants also expressed that the application process criteria should be beyond lineage, but to demonstrate cultural knowledge and connection to community. There was also the question of "good character" -- which most participants would test through a criminal record check. The only responsibility for Gitga'at members or citizens who were not part of an application process that consistently came up was voting; many participants said they would be interested in compulsory voting.



## Community Engagement

Participants expressed that community participation is a vital responsibility of Gitga'at citizens, extending beyond those living on the reserve to include off-reserve members as well. Being an active member means engaging with the community through various means, such as attending events, participating in surveys, and joining committees, regardless of physical location. This participation demonstrates a commitment to the community's culture, history, and well-being. Even members living remotely, like in Prince Rupert, can contribute through virtual involvement or completing surveys, helping the community's development. Active participation, whether in-person or remote, is essential to being a responsible and engaged citizen, with systems potentially in place to track and measure involvement.

*"Think this is a great way on how to like sift through those people if they are just trying to take advantage. Or if they do generally genuinely want to be, you know act like a participating citizen of the community and you could still be a participating member of the community from afar. [...] Having them do some responsibilities like that kind of, that's that reciprocal relationship"*

Some participants identified community participation could be a requirement for a variety of kinds of people seeking Gitga'at citizenship or membership, such as older adoptees, spouses, or stepchildren. This commitment could be a way for reciprocal relationships and reduce the possibility of taking advantage of Gitga'at benefits.







## Culture

Participants identified participating in Gitga'at culture as an important responsibility for citizens and members. Learning the ways of knowing and belonging in Gitga'at culture is a significant responsibility to continue to strengthen and uphold the ways of ancestors.

*"So, our job as citizens for Gitga'at Nation is way harder than it was before, just given all of those parameters that are changing. So, looking after the territory, making sure that the transmission and knowledge and culture is being passed down."*

*"Maybe like culture and language, making sure like, um, that you are trying to learn at least."*

*"[...] like upholding the Ayaawx and Adaawx in their life, not just in the, in the cultural sense, but in, in everything that they're doing."*

The participants expressed that people transferring into the Gitga'at nation must respect Gitga'at's ways and accept the responsibility to learn the culture. They are encouraged to contribute to the community, share resources, and pass down knowledge. This includes engaging with cultural practices like hunting and fishing and participating in community activities that uphold the nation's values.

*"They knew they, that they were being brought up here while I was out there fishing, hunting. Yeah. Yeah. Okay. And like everything, pretty much everything I got, I shared with people. Yeah, that's the way I was brought up. Every time I brought something in, my mom would say, go give it to them. Go give it to them."*



Some participants said that new members or citizens should be expected to strive for personal growth in understanding the language and traditions despite challenges, particularly when living away from the community. The role of adoptees is to protect and sustain the community by preserving cultural heritage and adapting to the changing world. Their actions should reflect the values of Ayaaxw and the Gitga'at way of life, in both their personal conduct and community involvement. These responsibilities contribute to the ongoing transmission of culture, ensuring its survival in a rapidly changing environment.

## Good Character

Some participants suggested that some measures should ensure prospective citizens' good character, such as a criminal record check or providing a case-by-case acceptance in these circumstances. This check reviews the type of people applying to become a part of the nation and ensures the safety of citizens.

Participants stressed that to ensure the proper acceptance of new citizens, the Gitga'at community employs key measures to safeguard its membership application process. There were some differences in participant views less flexible suggesting applicants with indictable criminal offences are automatically disqualified.

*"Yeah, remove them. You have that power."*

In addition, the assessment is on a case-by-case basis, particularly in situations involving a gray area and not being clear-cut, which would allow flexibility to assess each situation individually. The review process would be overseen by a committee composed of hereditary leaders, matriarchs, and elders. That process would avoid any conflicts of interest by biased or personal decisions being made. Furthermore, a fair evaluation structured around a committee of trusted members would judge applicants on the same criteria and standard.

*"But I don't think one individual should have that say, I think it should go to a council."*

*"Think you treat one person one way, you treat everybody that way."*





*"I don't know it know. Well, I know there's, that's one of those tough things because you can't commit a crime and then do your time and then get out. There's enough you're gonna have to deal with on that end anyways. If you've done your time and Yeah. Come out a different guy on the other end, then I wouldn't wanna see somebody punished for if they've been able to turn themselves around."*

## Voting

Voting is a way to participate in Nation politics and be accountable citizen to support a better represented political body to represent Nation interests. Many participants agreed to voting as an important citizen responsibility.

*"I think that voting should be, you here, citizen, you should have the right to vote and the elected officials or for the elected officials."*

*"That's an interesting one that people should vote because right away my mind goes to. Yeah, that's a pretty good point because say you're someone who doesn't have capacity to pay for fuel and help harvest and do all these things it's not very hard to be involved that way to vote and to stay informed on things."*

Some participants even took the weight of responsibility further and suggested mandatory voting with potential consequences for not participating. The idea is to encourage engagement, as voting is seen as an important, low-cost way to stay informed and involved in the community, even for those unable to contribute in other ways. The right to vote is an integral part of citizenship, with some suggesting it could be required to maintain one's status as a member of the Gitga'at Nation.



*"I think people should be forced to vote."*

*"Well, that's what we tell 'em. There's no one-time payment unless you vote."*

*"So, if you're not showing up for a band election and you're accepted into citizenship, you don't show up for a band election. You miss that one. Oh, we had another vote. You missed that one. Three strikes, you're out."*







# Enrolment Procedure

The enrolment procedure is when an individual, through either direct application or some other mechanism such as marriage or adoption is either granted or denied Gitga'at citizenship.


## How it works now: Enrolment

The enrolment procedure for new Gitga'at members follows the current membership policy. All applications for enrolment are reviewed by Chief and Council at a meeting held annually. Current policies focus on ensuring that Gitga'at membership is extended to those members who lost their status through previous versions of the Indian Act that have since been found to be discriminatory, such as the double mother rule.

## Membership Committee

The most popular proposal for determining how to incorporate new members or citizens into the Gitga'at First Nation was through a membership committee. Of course, participants expressed many different ways that the committee could be formed, but inclusion of aspects of the hereditary system was a common theme.

*"I thought about, man, you know what we, you've got that hereditary system [...] If all of the groundwork is done between the chiefs, the elders council, the clan system, and the people that are doing the paper pushing, let's start that process. And if everybody thinks that everything's been crossed, bring it to the hereditary leadership. And then they got, and then them, this is what's been done. You guys decide."*



*"We talked about possibly setting up a membership committee where they go through and review all the things and then it could be council that does the sign off. But that is a 10-minute job instead of a three-hour discussion for council going through all the lists. So, if you have that membership committee that's made up of, um, other hereditary leaders or matriarchs in the community who would know who these people are and who they're connected to, then that would be more valuable than Council trying to sit there and figure it out."*

## **Loss of Membership**

All participants agreed that under no circumstances should Gitga'at members or citizens be removed from the nation. Lineage in the nation is permanent.

*"Whether you are a good or a bad person, your blood is your blood. You can't take that out of you. You can't take it, whether you break a law or not, you can't take that away."*

*"You can exclude them from being there. Fine, I get that. But excluding them from being born into a nation that they've always been a part of."*

Participants referred to traditional systems of justice or alternative punishments and practices of accountability instead of losing recognized Gitga'at identity and belonging to nation. The practice of banishment is referred to as acceptable if someone poses a risk to safety of community.

*"The big family in, in Bella. Bella, his son [Name], the lawyer, as a kid he [...] and he did a bunch of haywire shit, and they sent him to an island. And that's like his probationary thing. [...] Go to this island until you figure your own shit out. And they took him back. They had a huge shame feast. They did all this stuff [...] but that's one potential probationary, um, thing to do."*





*"I don't think they need to, but I think it's a conversation worth having because we had banishment traditionally"*

However, for people who had joined via marriage or other means, some participants believed that under certain circumstances, their citizenship or membership should be revoked.

## **Indictable Offences**

In the case of citizens or members without lineage, there was some variation in participant opinions. Some agreed for people applying to transfer in or to gain membership through marriage, a criminal record could be enough to deny the application or even remove them if they were already citizens or members.

*"But if they applied and transferred to our band from another band and committed these acts, you can have them easily taken off and removed from the village"*

*"Somebody who got Gitga'at citizenship through applying and then committed those heinous crimes."*

While others recognized the Canadian justice system criminalizing Indigenous people where more considerations may be required.

*"For crimes, I don't know because I feel like, um, the justice system isn't exactly fair."*

At the other end of the spectrum one participant agreed to keeping citizenship no matter the offence.

*"I think once you're in, you're in and the nations just have to deal with it. They can't just pass the buck and leave somebody."*



## Divorce and Being Widowed

The primary area of concern for some participants was less about citizenship or membership, and more about non-Gitga'at citizens who had married into the Nation and then either divorced or were widowed. Participants provided a spectrum of answers on this subject with a number of factors such as relationship duration related to decision on loss of membership.

At one end of the spectrum one participant voiced:

*"I think in the event of death or divorce they're automatically removed."*

Other participants agreed the circumstances of divorce and widowed citizens is dependent on many factors such as residence, children, relationship timeline, and community connection. Even respect to grief related to widowed circumstances. The many factors and circumstances related to acquired citizens by marriage can be case by case or further explored.

*"It could be case by case or it could be a general process for if someone marries in and then there's a divorce. I think it would have to be a general process. Like there's gotta be a line drawn. Eh, you either in or you're out when you get divorced"*

*"Depending on if they're living there or yeah. There's a lot of things to consider with respect to grief."*

However, many participants agreed that if the relationship was short that could result in loss of citizenship.

*"I think it depends [...] Kind of built to that connection to community. Again, like if they were married for a certain amount of time and the children were living in community and identified as could get members, they might kind of case-by-case basis."*

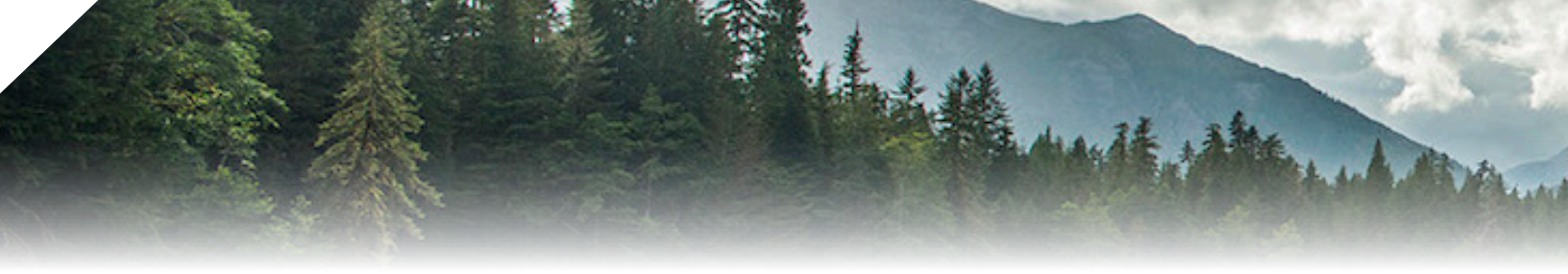




*"I don't think a law should be there, or even traditions to be taken away from a person who's grieving. I just think, um, that just causes more hardship."*







## Appendix A: Interview and Talking Circle Questions

1. What things need to be in place to be a Gitga'at citizen? Consider family claiming, birth, adoption, relationship/connection to land. How far back should connections need to go?
2. What should exclude you from becoming a Gitga'at citizen?
3. Should non-status people be able to become Gitga'at citizens?
4. What kinds of benefits should be associated with citizenship?
5. Should citizenship also include responsibilities? If so, what should they be?

## Appendix B: Codebook

Belonging. Inclusion  
Elders.Definition  
Erasure of Indians.Crown  
Erasure of Indians.Gitgaat  
GFN Citizen.Benefits.  
GFN Citizen.Clan  
GFN Citizen.Criteria  
GFN Citizen.Criteria.Adoption  
GFN Citizen.Criteria.Good Character.  
GFN Citizen.Criteria.Hereditary Leadership  
GFN Citizen.Criteria.Lineage  
GFN Citizen.Criteria.Marriage  
GFN Citizen.Criteria.Story  
GFN Citizen.Criteria.Tier.Membership  
GFN Citizen.Enrolment Procedure  
GFN Citizen.Loss of membership  
GFN Citizen.Responsibility  
GFN.Criteria.Culture  
GFN.Criteria.Status  
Membership Exclusion.Resources  
Name conflict. location





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