



GITKSAN CHIEFS' OFFICE

January 8, 2013

Anita Boscarol
Director General
Treaties and Aboriginal Government
600 - 1138 Melville Street
Vancouver, BC, V6E 4S3

RE: Gitksan Hereditary Chiefs Tripartite Treaty Negotiations

Dear Ms. Boscarol,

Thank you for meeting with the Gitksan Treaty Society on November 14th and for your December 11th letter concerning Canada's new, "results-based" approach to treaty negotiations.

Your letter asked if we were 1) prepared to negotiate a treaty based on the core elements of this new approach you discussed with us, and 2) if we had any reservations or saw any challenges in the approach and its components.

First, we appreciate that Canada wants to "accelerate progress" and "conclude agreements in a timely way." So do we.

We also agree that we should consider options outside the treaty process to enhance economic development and self-sufficiency. (We have established and empowered Gitksan Development Corporation to seek out and assess economic development opportunities in our 33,000 sq km territory and we are seeing early results of this effort. GDC would be very keen to explore with Aboriginal Affairs and Northern Development Canada (AANDC) what your department can do to speed up the bringing of economic benefits to the Gitksan people.)

We are concerned, however, that the changes AANDC is considering in its treaty approach may retard progress we have made under the 1995 Framework Agreement and slow down what we believe to be important momentum:

- Agreements on Forestry (2003,2006) and Fishing (1985) are in place. We believe that these agreements include elements that have proven effective for the Crown and Gitksan, and we would look to include such elements in a final agreement.
- We are prepared to reach agreement on land and resource issues. Our proposals here (date submitted) are with you for review and consideration. We have proposed/advanced a Gitksan Resource Management Authority to oversee with land and resource development. It would be responsible to GDC and create the type of predictable decision-making process for resource issues that project proponents want to see.

- We anticipate, based on progress to date, reaching an Agreement in Principle with Canada and BC by the end of this year.
- This timeline would take us to a final agreement in 2015.

Given this view from our side of the table you can appreciate that we are reluctant to see Canada embark on any new “engagement process” with us in place of continuing negotiations under the clear and current mandate of the Framework Agreement which is producing meaningful and practical progress.

Let us also emphasize that we do not wish to be a government. In 2012 we again, after considerable discussion and review, concluded that we are Canadians of Gitxsan descent and we wish to be governed as Canadians--participating in the economy, paying taxes, owning property (including the collective rights and title recognized in Delgamuukw) just like yourself and other citizens.

Continuing along the path we have established with you in good faith at the current treaty table seems to us to offer Canada considerable advantages over the new engagement described in your presentation. Indeed our 2008 proposal to transition out of Indian Act programs and services would, we believe, facilitate our transition to full and equal participation in Canadian society, stimulate economic development, provide for the escape of a great aboriginal nation from the Indian Act, and correspondingly reduce federal expenditures and fiduciary responsibilities.

In the spirit of “accelerating progress” and “concluding agreements in a timely way” we ask that the process and mandate established in the Framework Agreement and that both yourselves and the Gitxsan have come to know and work with be maintained.

We look forward to continuing our good work with your officials as we move ahead.

Yours truly,



Beverley Clifton Percival, Negotiator
Gitxsan Hereditary Chiefs

c.c Ida Chong, Minister of Aboriginal Relations and Reconciliation
John Duncan, Minister of Aboriginal Affairs and Northern Development Canada