

# Gitxsan

## Alternative Governance Model



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## At a Glance

The Alternative Governance Model sends a message that we come to the table as Gitxsan and as Canadians. We will pay taxes and contribute to the country, and we expect a provincial and federal commitment to our communities in exchange. We seek no special status or parallel society. We are determined, however, to retain the rights to our land, as well as our Gitxsan values, beliefs, cultural and linguistic identity.

At a glance, here are the basic tenets of the Alternative Governance Model:

### **On the subject of taxes: The Gitxsan are prepared to pay income and sales taxes just as other Canadians.**

- The Gitxsan already pay the same taxes that “non-Indian” citizens pay. We pay all federal taxes. We pay most provincial taxes. Additionally, we pay taxes through Gitxsan feasts into our community.
- The tax exemption on reserves actually places registered Indians at a disadvantage as it provides justification for reduced on-reserve wages, and many businesses inflate their prices to compensate for it.
- The tax exemption we do get legally entitles the province to reduce services to our communities such as health care, education, infrastructure, etc by 35%.

### **On the subject of “parallel society” and “Indian Status”: The Gitxsan are not interested in the “parallel society” concept at the heart of the standard treaty model.**

- Our preference is that the full range of governmental services be delivered to us by the provincial government (some federal) as is the case in most other places in Canada.
- The funds currently sent by Ottawa to various Band offices (Indian Act) could be better used by the provincial government to fund services to our communities and to help guarantee fair and equal service standards.
- We expect a voice in the mode of delivery to the Gitxsan, but we accept the province’s management and infrastructure in place.
- Any agreement must end the application of the Indian Act, including the Band governance structure imposed under law.
- Our collective status and identity as Gitxsan pre-dates the system of Band member numbers imposed by the Indian Act, and we do not and have never required a “Certificate of Indian Status” identity card to affirm and celebrate our identity and hereditary, real “status” as Gitxsan.

### **On the subject of Land and Economic Development: The Gitxsan are not interested in negotiating for “treaty settlement lands.”**

- We maintain a relationship with the entire 33,000 sq. km of traditional territory.
- The economic value of our collective inherited interest (which is neither “fee simple” nor sovereign, but is real, court-ordered and subject to definition) is to be realized through the

process of “accommodation” articulated by the Supreme Court of Canada.

- In practical terms this will be executed through a combination of agreements, including but not limited to, Gitxsan investment, arrangements with external investors, and revenue sharing agreements with governments.
- We have policies in place to manage nine watersheds which encompass the whole of our traditional territory. These policies are based on sustainable planning and are founded on our right to decide on land use within our territories, reconciled with legal objectives posed to us by the Crown.
- We already have several working models in place, which currently employ Gitxsan people and generate revenue for the Gitxsan.
- We have created legal tools to manage revenue.

**On the subject of “Uniqueness”: Ratification requires explicit recognition that the concept of “Bands” and “Gitxsan” are not identical.**

- Ratification, properly done, may pose some complexities, and will require explicit recognition by both the federal the provincial governments that the eight local “Bands” and the concept of “Gitxsan” are not identical ideas.
- Ratification of a settlement should be done by the Gitxsan alone, as we are the title holders to the territories in question, and because the settlement will apply to us alone.
- Some provision will be required for the non-Gitxsan currently under the authority of Band governments. As the architect of the current Band structure, we feel it is appropriate that this be the responsibility of the Federal government.

## **Introduction**

After nearly a century of trying we are closer than ever to seeing a better and more equitable life for the Gitxsan people.

More than a decade of treaty negotiations with the Provincial and Federal Governments and a great deal of money and time invested along the way have brought us success and setbacks, great optimism and discouragement alike. Now is the time to take an honest look at where we've come from, where we want to go, and what it's going to take to get us there.

We believe it is necessary to learn from what has happened in the past. However, we do not feel this should prevent us from moving towards a new, more productive initiative, one that respects our local conditions and culture while answering the need for more creative solutions to the B.C. treaty process. We propose a Gitxsan-specific approach to our future negotiations with the governments of Canada and B.C., the Alternative Governance Model.

## **A Brief History**

Western archaeological evidence has thus far supported more than 10,000 years of occupation by the Gitxsan on our traditional territories, and we have been recognized as an "organized society" since before 1846. The earliest accounts of our history suggest our ancestors were maintaining the land according to ayookw (traditional laws) and overseen by Simgiigyet (House Chiefs), who ensured that their lax yip, Wilp and Huwilp members were treated with respect and balance.

The Gitxsan have an interdependent socio-political and economic relationships that worked to everybody's benefit prior to the application of the Indian Act in 1951. Despite the best efforts of the many Hereditary Chiefs and House members who served on Band Councils over the years, the Band governance structure remains chronically under-funded and inadequate when it comes to providing for the needs of our communities. Since the imposition of that federal legislation on the Gitxsan villages, we have become dependent and impoverished and removed from active economic participation in greater society.

Meanwhile, resource extraction and development have continued unabated on the Gitxsan territories while the aboriginal title court action and treaty negotiations have been underway. While millions of dollars of natural resources leave the territories, unemployment rates on-reserve are between 60-90%. Consider that in the past 80 years, more than 100 million cubic meters of wood has been taken from Gitxsan territories by forests licensees. The rents, stumpages and taxes that have accrued to Canada and B.C. over that time total more than \$4 billion.

# Gitxsan Response to the Standard Treaty & Crown Principles

Our response is as follows:

1. The Gitxsan do not wish to continue to receive taxpayers' money from Ottawa (assuming adequate arrangements can be made based on the local economy), nor do we want to tax persons within Gitxsan territory. We claim only the right of all Canadians to benefit from the services funded by tax revenue that we contribute to.
2. The Gitxsan do not seek the law-making power conferred in the standard treaty model. We have no desire to control the lives of non-Gitxsan individuals residing within our territory and, "it would be inconvenient and costly for the Gitxsan to set up law making structures (like a legislature) only for compliance to laws already made." (Response for Clarification) Canada and British Columbia have adequate laws for the Gitxsan as long as they are interpreted to accommodate our unique situation. Internally, we have a pre-existing governance system, including everything from land tenure to the rights of individuals, which has served us effectively for generations, and which has endured the imposition of the Indian Act among other challenges.
3. Finally, the Gitxsan have no wish to establish (or to continue, if already established) parallel service organizations to deliver services such as health, education, etc. which are normally delivered by the federal and provincial governments, except by agreement and under contract. We feel that to continue existing Band Council services or set up new agencies to provide services already provided to all British Columbians by Canada and B.C. would be both costly and unreasonable (particularly in light of our willingness to pay full taxes like any other citizen of B.C.).

Since, under the Alternative Governance Model, we not seeking any of the additional powers contained in the standard treaty agreement as defined by I.N.A.C. (Indian and Northern Affairs), this perceived "need" for a democratically elected Indian government is diminished, if not eradicated completely.

For us, the purpose of Gitxsan governance is the internal management of our collective Gitxsan assets and the preservation of Gitxsan traditions. Our existing governance system demonstrably does this already, and has since time immemorial.

Our preference is that the Hereditary Chiefs be allowed to carry on as they presently do, continuing in their normal duties with no added powers as a result of any settlement we make with Canada and B.C. We ask for no change in powers and wish no change in responsibility.

As such, we feel there is no longer justification for provincial and federal government concern about these issues of Indian government and therefore the issue of our own internal governance becomes the business of the Gitxsan and no one else's. Under this model, we see no reason why the government of B.C. or Canada shouldn't be able to negotiate with us on our own terms.

If there is still a wish for additional democratic controls, we would be prepared to discuss the creation of an elected group of observers that would oversee our traditional government of Hereditary Chiefs and have full access to information.

# Alternative Governance Model

## **A. TAXES: The Gitxsan are prepared to pay income and sales taxes just as other Canadians.**

The fact is, Gitxsan already pay the same taxes that “non-Indian” citizens pay. We pay taxes to three levels of Government. First, we pay taxes through Gitxsan feasts into our community. Secondly, we pay all federal taxes. Thirdly, we pay most provincial taxes as most of the commercial arrangements we have are in towns like Hazelton, Smithers and Terrace.

We pay taxes every time we purchase goods and services at grocery stores, gas pumps and restaurants outside the reservation. The province of British Columbia uses these tax revenues to fund government programs, health care, education, housing, welfare and other social programs. And although we pay the same taxes as “non-Indians,” we receive 35% less of these services. The tax exemption on reserves actually places registered Indians at a disadvantage as it provides a justification for reduced “on-reserve” wages, and many businesses merely inflate their prices to compensate for the exemption. Furthermore, it is this tax exemption status that legally entitles the province to reduce such things as health and education services to Indians by 35%.

## **B. PARALLEL SOCIETY AND INDIAN STATUS: The Gitxsan are not interested in the “parallel society” concept at the heart of (which drives) the standard treaty model.**

Instead, our preference is that the full range of governmental services be delivered to us by the provincial government (some federal) as is the case in most other places in Canada. The funds currently sent by Ottawa to various Band offices (under the Indian Act) have been proven to be inadequate to fund a “parallel society” and all the services that entails. We believe those funds would be better sent instead to the provincial government to help fund services to our communities and to help guarantee an adequate delivery standard.

We believe the laws and services currently provided by Indian Act Councils can be better and more efficiently provided by provincial and federal entities, as they are for all other British Columbians. We expect a voice in the mode of delivery to the Gitxsan, but we accept the management and infrastructure in place.

Any agreement must, of course, end the application of the Indian Act, including the Band governance structure imposed under law. “The Gitxsan are yet to accept band councils and reserves...” (April Response for Clarification) Our status and identity as Gitxsan pre-dates the system of Band member numbers imposed by the Federal Government, and we do not require a “Certificate of Indian Status” identity card to affirm and celebrate our identity and “status” as Gitxsan.

## **C. LAND AND ECONOMIC DEVELOPMENT: The Gitxsan are not interested in negotiating for “treaty settlement lands.”**

Rather, we wish to maintain a relationship with the entire 33,000 sq. km of traditional territory. The economic value of our collective inherited interest (which is neither “fee simple” nor sovereign, but is real, court-ordered and subject to definition) is to be realized through the process of “accommodation” articulated by the Supreme Court of Canada. In practical terms this will be executed through a combination of agreements, including but not limited to, Gitxsan investment, arrangements with external investors, and revenue sharing agreements with governments, particularly with the provincial government in the case of natural resources.

We have policies in place to manage nine watersheds which encompass the whole of our traditional territory. These policies are based on sustainable planning and are founded on our right to decide on land use within our territories, reconciled with the legal objectives posed to us by the courts.

We already have several working models in place, which are the result of these policies and the process of “accommodation”: The STFA (Short Term Forest Agreement), the Carbon Credits plan and the GWA (Gitxsan Watershed Authority). These initiatives currently employ Gitxsan people, and continue to operate in a responsible fashion, generating revenue for the Gitxsan.

**D. UNIQUENESS: Ratification requires explicit recognition that the concept of “Bands” and “Gitxsan” are not identical.**

Ratification, properly done, may pose some complexities, and will require explicit recognition by both the federal the provincial governments that the eight local “Bands” and the concept of “Gitxsan” are not identical ideas. Some members of these Bands are non-Gitxsan. As well, some reserve residents are non-Indian.

Since ratification of a settlement should be done by the Gitxsan alone, as we are the title holders (as recognized in Delgamuukw) to the territories in question, and because the settlement will apply to us alone, some provision will be required for the non-Gitxsan currently under the authority of Band governments. As the architect of the current Band structure, we feel it is appropriate that this be the responsibility of the federal government.

## **The Alternative Governance Model at Work**

*“The true engine of job creation for the Gitxsan will be the nine watersheds and the infrastructure that the Simgiigyet are now building.” (G. Sebastian)*

For the purposes of a definitive relationship with government and corporations, and for greater economic development and the creation of more jobs for us, the Simgiigyet (Hereditary Chiefs) have divided the 33,000 sq. km of our hereditary territory into nine watersheds or economic units, and have developed policies on water, fish, forests, minerals, wildlife and other matters to make our interests transparent to the Crown and other potential partners.

There are already signs of improvement as a result of various agreements with private corporations and



the government. There are now Gitksan people who have employment where before there was none. 14 on the Suskwa Watershed, 8 on the Gitwangak Watershed Northwest Transmission Line, 11 on the trail from Gisgaga'as to Bear Lake (Dam Smaex), 20 on Gitsegukla Watershed and 8 who were at the Administration Building in the Gisgega'as Village.

Please contact our office or visit our website for further details about these and other projects and agreements in place

## **Conclusion**

We believe the resulting legal agreement will be far less complex than the standard B.C. treaty. While we have no views on what is right for others, we are confident that the Alternative Governance Model we're suggesting is right for the Gitksan. Not only does it reflect our unique traditional governance structure, but it gives us a chance to benefit from the whole 33,000 sq. km of our territory, rather than a percentage or portion of it.

The Gitksan system is taught continually from birth. Every child learns about their responsibilities to themselves, to family and to community. At a certain age, Gitksan children are expected to exercise free will and they are given the opportunity to assume more responsibility. As they advance in the Gitksan governance system, they learn to place their personal interests behind those of the community. Those who become Chiefs (Simgiigyet) and assume positions that hold title no longer have personal interests. They are charged with the responsibility of maintaining the histories, laws, customs, name, territories, songs, resources of their people, and this becomes their mission in life. The only model that will work for us is one that reflects who we are, and who we have always been. We are Gitksan and we always will be Gitksan.

The Alternative Governance Model was born of our Gitksan way of life.

However, the economic realities the Gitksan currently face must also inform its development and as time goes on it will continue to evolve. This is a living, breathing document and a call for community involvement and unity on the question of governance, ownership and jurisdiction over our hereditary lands and indeed, our future. We see a new path ahead for the Gitksan. It is one we can only reach together.