



## Special Issue

The **GayGahlda** *Changing Tide* Framework Agreement

# HAIDA LAAS

News from the Council of the Haida Nation

OCTOBER 2021



> Within the GayGahlda Framework Agreement, Canada and BC finally acknowledge that the Haida Nation has title to Haida Gwaii.

Photo: Jalen Edenshaw



# HAIDA LAAS

NEWS of the COUNCIL OF THE HAIDA NATION

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**Taanuud | Cháanuud**  
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## Xaayda 'Láas,

In this special issue we describe the **GayGahlda** *Changing Tide* Framework Agreement and provide the context in which our Nation's negotiating team has been working.

The Haida Nation has never signed a treaty or anything approaching a 'final agreement' with the Crown. This is because Canada and BC have always insisted on trading a treaty for Haida title, which has never been acceptable to our people. And so we continue to hold our position and assert our inherent title over our territory.

For over a hundred years our people were without political influence as colonial powers had their way with our lands and waters. Licenses for **xawin** *fishing*, **kaajuu** *hunting* and **k'yuudang** *clam digging* were imposed on our people but we resisted these policies, and rejected any attempt to 'licence' or 'permit' our inherent rights.

We all care for the land and hold duties as the true caretakers of Haida Gwaii and over the years, we have successfully fought to reduce logging and have protected more than half of Haida Gwaii. It is our responsibility to so and now we have a legacy for future generations to build upon.

Rather than seeing our greatest river – **Yaguun Gandlaay** *Yakoun River* – contaminated, our people stopped the Cinola goldmine. We worked with others to end the threat of offshore drilling and successfully opposed a \$40B pipeline project that would have seen an increase in tanker traffic through Haida territories. In the 'Haida Case' we took one of the largest forest companies in North America to court and won a landmark decision. The ruling was precedent-setting for Aboriginal Rights and continues to be the most cited case in Indigenous law. These efforts along with many others have contributed to re-establishing the Haida Nation as the authority on these islands.

In addition, when we filed our title case in 2002, we created a situation that gave us great leverage when negotiating with the Crown. We led a land use planning process and worked to restore Haida place names, creating a path now followed by many other Indigenous Nations. In recent decades, the effort to revive our language is some of the most important and positive work accomplished by individuals, the community, and the Nation.

All of this work has been done under the watchful eyes of our legal team to ensure that whatever we do does not compromise our inherent Haida Title or title case. The culmination of our efforts has brought us to this moment which brings together our litigation and negotiations and moves us closer to resolving our long-standing differences with the Crown.

GayGahlda, by design, advances our position and strengthens the work done by leaders who have come before us. Within the framework, Canada and BC finally acknowledge that the Haida Nation has title to Haida Gwaii.

And, it is with that fact we can begin anew to determine the responsible use of these islands today and in the future. Before us is the opportunity of a generation. We are able to determine our destiny and set up our Nation to emerge from this pandemic equipped to tackle the challenges before us. Together we will face the future, thrive as a Nation, and work with the Islands' communities to make life better for all.

With respect,

Gaagwiis,  
President of the Haida Nation

# GayGahlda: A Short Overview

## THE AGREEMENT SETS THE AGENDA AND TERMS TO NEGOTIATE WITH THE CROWN.

- It outlines principles, including recognition of Haida Title by BC and Canada throughout Haida Gwaii;
- It includes Good Faith Measures to meet the terms required by the Haida Nation to participate in negotiations;
- The document identifies priority topics and long-term topics for negotiation;
- It is **not** a treaty or land claim;
- It does not compromise Haida Rights and Title;
- Any issues that cannot be resolved in negotiations can be referred to the Courts.

## 1. GOOD FAITH MEASURES

### THE AGREEMENT INCLUDES RESOURCES TO SUPPORT:

- The transfer of forested lands to Haida (e.g., TFL 60, BCTS);
- The acquisition of other forest tenures, privately managed forest lands, lands of economic importance to the Haida Nation, or specific existing commercial enterprises on the principle of a willing-seller willing-buyer;
- Resources to build the capacity of Haida governance;
- Resources for social and cultural measures, such as longhouses, infrastructure and language;
- Prioritize business opportunities, including socio-economic development planning;
- Keeping the sea cucumber fishery *closed* until a management plan is developed which includes Haida access and other fisheries and marine issues.

## 2. PRIORITY TOPICS

### PRIORITY TOPICS FOR IMMEDIATE NEGOTIATION, INCLUDE:

- Governance, including recognition of the Haida Nation as a distinct order of government;
- Developing a collaborative approach for planning and managing the Protected Areas;
- Defining responsibilities, jurisdiction and the management of Haida Gwaii;
- Fisheries and marine matters, including habitat restoration and enhancement, and applying principles of stewardship and respect to fisheries management;
- Redress and compensation;
- A fiscal framework for negotiation and delivery of schedules/agreements;
- Reconciling provincial, federal and Haida Law.

## 3. LONG-TERM TOPICS

- Environmental issues, including climate change, carbon sequestration, fish enhancement, fish and wildlife habitat restoration, migratory birds;
- Social and community health and well-being, including education, health, amenities, and culture & language;
- Economic wellbeing, including commercial fisheries, food security, renewable and non-renewable resources, economic investment and opportunities, carbon credits and gaming.



**Please Note: During negotiations, subjects can be added to the agenda at any time.**

## The Fisheries Resources Reconciliation Agreement and GayGahlda

Today there are ongoing negotiations between the Haida Nation and Canada under the Fisheries Resources Reconciliation Agreement (FRRA).

The FRRA is an agreement between Coastal First Nations and Canada based on the recognition of rights, respect, cooperation and partnership. The agreement provides funding for access to commercial fishing opportunities, establishes a collaborative governance structure and process, and provides for the development of community-based fisheries.

The eight members of the CFN participating in the agreement are the Haida Nation, Heiltsuk, Kitasoo/Xai'xais, Metlakatla, Nuxalk, Wuikinuxv, Gitga'at, and

Gitxaala Nations. Outcomes resulting from the FRRA may be integrated into and built upon in the Haida Nation-Canada negotiation process described in the GayGahlda agreement. And, any items that hit a roadblock in FRRA negotiations can be handed to the GayGahlda table for further discussion.

GayGahlda also commits Canada and the Haida Nation to cooperatively apply principles of stewardship and respect to fisheries management on Haida Gwaii, including reviewing and identifying ways to strengthen existing policies or measures through the implementation of the FRRA.

# The Context for Reconciliation

Haida Gwaii is a geography of spirit – a world where life’s natural forces are intertwined with the **Nang SGáanuwee** *Supernatural Beings* nurturing the whole. Haida have lived on Haida Gwaii for tens of thousands of years as evident in our oral histories and archaeological records. Our culture evolved over millennia and is reflected in our art and language, which is a linguistic isolate.

As we are responsible for taking care of Haida Gwaii, successive generations continue to steward the lands and waters, governing the relationships between people and carrying out our responsibilities to each other, and to Haida Gwaii. Long-held legal traditions embody our values and beliefs and are expressed in our stories, songs, ceremonies, art, and practices.

The Haida Nation was the sole occupant of Haida Gwaii, well before and during the time that the British Crown claimed sovereignty, and well before “Canada” existed, our people engaged in international trade and commerce.

After 90% of our population was decimated by smallpox and other diseases, the Crown initiated many colonial devices, including incentives for settlers to populate and extract resources from Haida Gwaii. And although we were never conquered — nor did we surrender, sell, or transfer our authority to the British, to Canada, or to any other foreign entity — the Crown claimed title to Haida Gwaii.

Following the onset of colonization in the late 1800s, the Haida Nation sought a fair process to resolve the title dispute and offered reconciliation as early as the 1913 Royal Commission. The Crown responded by making it illegal for Indigenous Peoples to gather or to retain lawyers to pursue legal remedies. Families were pulled apart

and our people were denied access to justice and to the material resources necessary for our day-to-day existence.

Still, we adapted, building an economy through art, fishing, and boat building. Boatbuilding ended when tree farm licences were issued by the Provincial Crown in the 1960s and Crown regulations attempted to limit our access to timber. Commercial fishing opportunities slipped away as various Crown legislative and regulatory schemes led to the concentration of licences in corporate hands.

At the same time, Indigenous Peoples fought for the protection and recognition of our inherent rights through negotiations and litigation. In the 1970s, Canada’s Supreme Court recognized that Aboriginal Title does exist in Canadian law. The Court held that Aboriginal Title is an inherent right arising from pre-existing occupation of territories – it does not come from the Crown nor does it depend on Crown recognition.

Despite this initial acknowledgement, Crown and corporate exploitation of lands and waters accelerated beginning in the 1970s and continues today. Logging companies systematically clearcut watersheds leading to the spoiling of lands and waterways. And as commercial fishing increased, we witnessed the depletion of **gálgahlyáan** *abalone*, **iinaang** *herring* and **tsiin** *salmon* and, later, groundfish and other marine species.

Confrontations over title and rights on Haida Gwaii occurred regularly on the land and waters. This led to numerous court cases, most often with Haida as the defendants, charged for exercising our rights under Haida Law but also for initiating litigation to protect forests and herring.

In Ottawa, Canada’s response was

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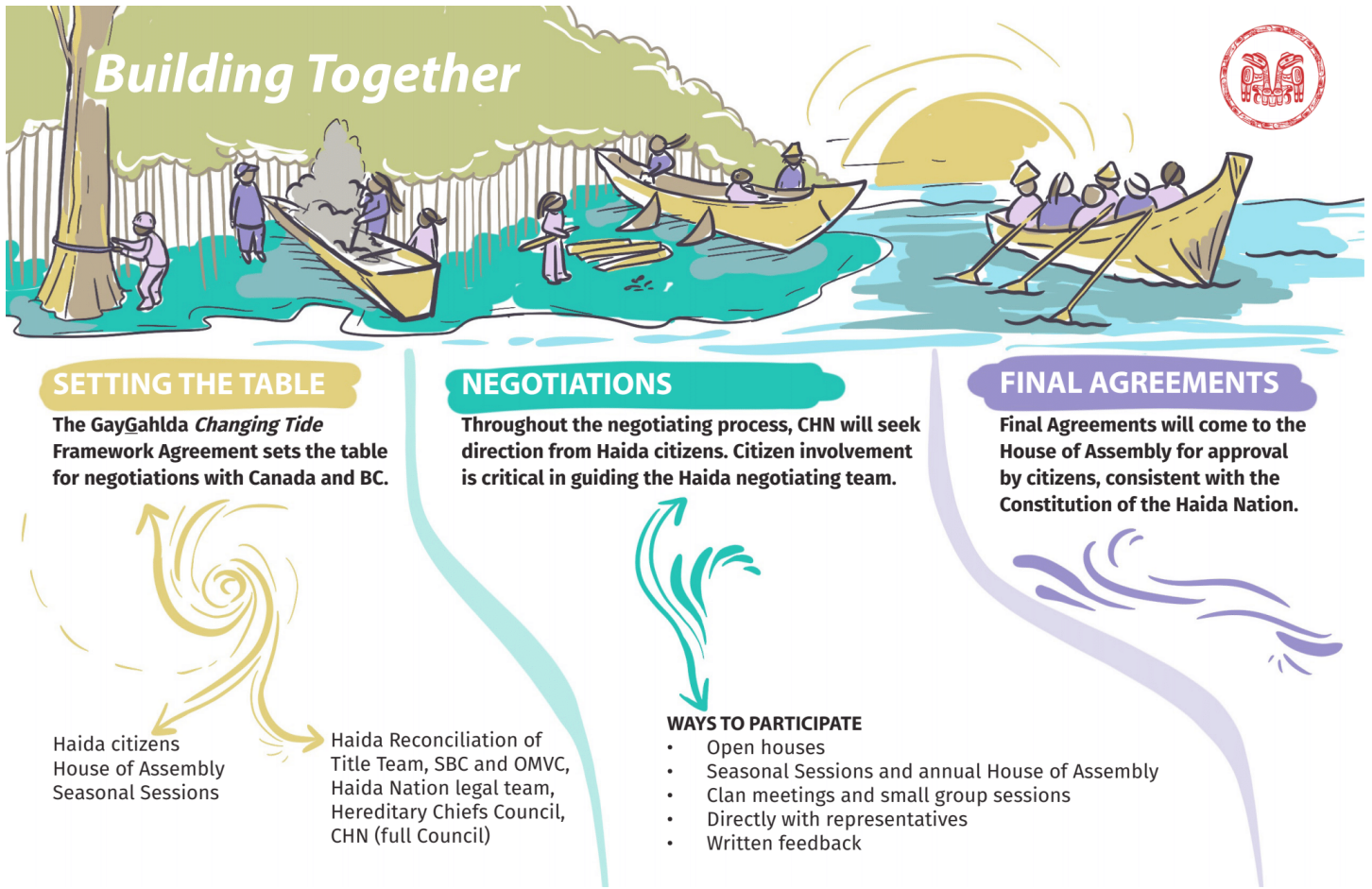
In Ottawa, Canada’s response was the Comprehensive Claims Policy. The policy was an attempt to legitimize Canada’s claims and provide “certainty” of third-party interests.

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the *Comprehensive Claims Policy*. The policy was an attempt to legitimize Canada’s claims and provide “certainty” to third-party interests. The process required Indigenous Peoples to extinguish title and rights to most of their lands in return for a treaty and cash settlement. The interests of tenure holders – who had been granted rights by the Crown – remained the priority. The Haida Nation showed its willingness to negotiate by filing under this process but the action did not result in any agreements.

In the 1990s, the Haida Nation initiated negotiations with the Crown under the BC treaty process but extinguishment of title and maintaining the status quo clearly remained the Crown’s intent.

The Haida Nation and other Indigenous Peoples also pursued justice through Canada’s courts. As a matter of the highest constitutional principle, the courts confirmed that Aboriginal Title has not been extinguished in BC and, further, that the Province has no power to do so. The federal and provincial Crowns were not successful arguing that



extinguishment occurred by granting interests in land, including fee simple. In the *Delgamuuk* case they argued that fee simple was incompatible with the continuation of Aboriginal Title. In addition, the Supreme Court of Canada found that BC has been taking the benefit of lands and resources, contrary to provisions of the Canadian Constitution, and held that Section 109 of the *British North America Act* makes lands, mines, minerals, and royalties “available to [BC] as a source of revenue only when the estate of the Crown is disencumbered of the Indian title.” This has never happened on Haida Gwaii.

Despite Supreme Court rulings, the Province continued to allocate and exploit the forests of Haida Gwaii, leading to the Haida Nation’s successful challenge of the Crown

grant of TFL 69 to Weyerhaeuser. In the 2004 Haida Nation case, BC argued that “until the Haida People formally prove their claim, they have no legal right to be consulted or have their needs and interests accommodated.” Once again, the Court rejected BC’s position. And as a result of the case, the Court imposed restraints and obligations on Crown governments directing them to “determine, recognize and respect Aboriginal Title.” The Court said that this obligation was of the utmost importance, as “Honour of the Crown was at stake”.

A decade later in 2014, in *Tsilhqot’in Nation v British Columbia* case, the Crown argued that Indigenous Nations had the onus to prove Aboriginal Title.

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“  
 As a matter of the highest constitutional principle, the courts confirmed that Aboriginal Title has not been extinguished in BC and, further, that the Province has no power to do so.  
 ”

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BC put forward a theory – developed in their defence of the TFL 39 case – that the only lands where this onus could be met were small areas of exclusive and continuous use. The Supreme Court again rejected this argument and held that Aboriginal Title is territorial and includes both land rights and governmental authority, which arise from an Indigenous Nation’s sovereignty and jurisdiction.

**Reconciliation based on Recognition**

In 2008, the Haida Nation designed a process whereby the Haida and the Crown could seek remedies to issues through recognition and reconciliation. Our expectation was that the Haida Nation and the Crown would work together to determine what this would mean for Haida and other people who live on Haida Gwaii, including business entities with Crown-granted interests. An important component of the work was for the parties to determine the respective roles and responsibilities of the Haida Nation, BC and Canada in the governance of Haida Gwaii. After over a decade of discussions and negotiations however, and despite substantive progress between Haida Nation and the BC, Canada failed to provide a mandate to their negotiators.

In an effort to move the negotiations along, in 2011 the Haida Nation tabled another paper with the Crown, emphasizing a co-jurisdictional model. The paper described how Haida and Crown co-existing titles and authorities could work collaboratively throughout Haida Gwaii. The paper proposed the terms of a union between Canada and the Haida Nation that could allow for the legitimate inclusion of Haida Gwaii on a map of Canada.

At the end of 2019, Canada finally gave its negotiators the mandate to seek an agreement based on the

recognition of Haida Title. This gave Canada and BC the opportunity to make things better, or **Til yahda** *make it right*, which allows for the possibility of reconciling our relationship. There is no doubt that achieving reconciliation based on acceptance rather than denial is to the benefit of everyone.

And we have long experience to build upon. The parties have reached agreements over the past 30 years that are key to building the reconciliation of Crown and Haida sovereignty, title and laws. Although we will never forget the challenges, wrongs, and conflicts of the past, through honest and dedicated work we can steady the boat and realize greater potential for moving forward together. GayGahlda – *changing tide*.

<sup>i</sup> *Haida, supra, at para. 25.*

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 . . . we have long experience to build upon. [The Haida Nation, Canada and BC] have reached agreements over the past 30 years that are key to building the reconciliation of Crown and Haida sovereignty, title and laws.  
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> Wiigaaanad and Niisii *Guujaaw* build the fire to heat the rocks for steaming the canoe.



Photo: Jaden Eshkum

# What is the GayGahlda Framework Agreement?

**G**ayGahlda is a framework agreement. A framework agreement sets the agenda and terms for the Haida and the Crown to negotiate. Negotiations with Canada and BC will be a process of Tll Yahda.

A key component of the framework agreement are the principles outlined in Section 3 of the document. These principles create the foundation for the negotiations and include the recognition of Haida Title by Canada and BC throughout the land area of Haida Gwaii. We anticipate negotiating Haida Title in the marine area (using the same Haida territorial boundary filed in the title case), but also continuing with the litigation in all areas until such time as the parties agree to narrow the scope of the litigation.

The framework also commits to ‘Good Faith Measures’ to meet the preconditions of the Haida Nation for the negotiations. The Crown agreed to the Good Faith Measures as a demonstration of their commitment to the process.

Consistent with previous framework agreements and other negotiation tables, the agenda for negotiating is divided into ‘priority topics’ and ‘long-term topics’.

Examples of priority topics include: defining responsibilities, jurisdiction and management on Haida Gwaii; developing a collaborative approach to management of protected areas; fisheries and marine matters such as habitat restoration; and redress and compensation. Consistent with the Haida approach to management of Haida Gwaii, the vision is for a co-jurisdictional

model, meaning all parties will share power to make legal decisions, with the allocation of jurisdiction to be negotiated.

Longer-term topics such as climate change, social and community well-being (e.g., health and education) and economic development (e.g., food security, renewable and non-renewable resources) are also part of negotiations. It is important to note that items can be added to the agenda at any time.

GayGahlda is **not** a treaty or a land claim, nor does it compromise Haida Rights and Title, nor the title case in any way. It is a non-binding framework agreement that sets the stage for engaging the Crown to work towards Tll Yahda based on the recognition of Haida Title to Haida Gwaii.

Significantly – and different from previous negotiations – our title case has not been put into abeyance. The negotiation and litigation processes are occurring at the same time and the parties will set a trial date for the title case. In this way, the Haida and the Crown will negotiate the subject matters for litigation and negotiation. Negotiated agreements may be reflected in the litigation.

***For a copy of the agreement, go to <[haidanation.ca](http://haidanation.ca)>***

## Good Faith Measures

*There are resources to support:*

- The transfer of forested lands to Haida (e.g., TFL 60, BCTS);
- The acquisition of other forest tenures, privately managed forest lands, lands of economic importance to the Haida Nation, or specific existing commercial enterprises, based on the principle of a willing-seller willing-buyer;
- Building Haida governance capacity;
- Social and cultural measures, such as longhouses, infrastructure and language;
- Business opportunities, including socio-economic development planning;
- Canada has also agreed to keep the sea cucumber fishery closed until a cooperative management plan is developed, including addressing Haida access.

## GayGahlda Principles

*The recognition of Haida Title throughout Haida Gwaii, including the right to make laws and manage lands and resources.*

- Sale of public lands within municipalities is subject to approval of the Haida Nation and BC;
- Development of non-renewable resources on Haida Gwaii is subject to agreement between the Haida Nation and BC;
- Reconciliation negotiations and agreements will meet the standards of, and protect all rights of the Haida Nation, as recognized in the UN Declaration on the Rights of Indigenous Peoples;
- A commitment to reconcile interests in Haida marine territory, including laws and the management of resources.

## Purpose and Objectives - *Til yahda*

- To foster a new nation-to-nation relationship based on the recognition of Haida Title and Rights
- To set the agenda and terms for engagement to negotiate with the Crown, including commitment to deliver Good Faith Measures

## Guiding Principles

The agreement includes guiding principles, some of which are:

- Recognition of Haida title throughout Haida Gwaii
- Sale of public lands within municipalities subject to Haida Nation/BC approval
- Development of non-renewable resources subject to Haida Nation/BC agreement
- Agreements to meet the standards of the *UN Declaration on the Rights of Indigenous Peoples* to reconcile interests in Haida marine territory



## Good Faith Measures

The agreement includes Good Faith Measures to be implemented prior to beginning negotiations:

Resources to support:

- Transfer of forested lands to Haida title
- Acquisition on a willing seller-willing buyer basis of other lands
- Haida governance capacity
- Social and cultural measures, such as longhouses, infrastructure and language
- Priority business opportunities
- Commitment to address fisheries and marine matters, including the sea cucumber fishery



# An Overview of the *GayGahlda Changing Tide* Reconciliation Framework

For a copy of the full framework agreement, go to [haidanation.ca](http://haidanation.ca)  
or call the Council of the Haida Nation office at 250.626.5252 or 250.559.4468



## Negotiations

- Resolution of topics will be incremental
- A dispute resolution process will be used to resolve conflicts – if unsuccessful, issues can be brought to court
- As topics are negotiated, the Haida title case can be streamlined

## Priority Topics

The priority topics for negotiation are:

- Strengthening Haida governance
- Developing a collaborative approach for Protected Areas management
- Defining governmental responsibilities, including jurisdiction and management
- Fisheries and marine matters
- Redress and compensation
- Reconciling Haida, federal and provincial laws
- Developing a fiscal framework

## Long Term Agenda

- Environmental issues, including climate change and fish and wildlife habitat restoration
- Social and community health and well-being, including education, health, and culture/language
- Economic wellbeing, including commercial fisheries, food security, and renewable and non-renewable resources



# The Relationship between Reconciliation and Litigation

Reconciliation is about **Til yahda** *making it right*.

By definition, the term reconciliation means the same as *conciliation*:

“the action or process of ending a disagreement, often by discussion between the groups or people involved.” In practice, the goal of reconciliation is to right historical wrongs and establish a foundation that will make things right for Haida citizens.

Haida Title and Rights are inherent. Haida Law is the law of the land and waters arising directly from Haida Gwaii and the **Nang SGáanuwee** *Supernatural Beings* who inhabit it. Litigation, on the other hand, is a relatively modern tool that we are using to advance Haida Title and Rights through the Crown legal system.

Court decisions that result from litigation usually direct parties to act in a certain way but do not provide details on how to do that. In other words, when Crown courts finally recognize Haida Title and Rights, they will still rely on the Haida Nation, Canada and BC to determine what that means in practice and on the ground. The more we can figure out what Haida Title and Rights looks like in advance, the easier it will be for the Court to understand the impact of their decisions. A positive outcome of this incremental method is that as agreements are made, benefits can be directly provided to Haida citizens and communities.

And that is where reconciliation negotiations and the Haida Title Case intersect.

The **GayGahl**da Framework Agreement lays out the relationship between negotiation and litigation (Section 5). Unlike previous

reconciliation efforts when the Haida Title Case was put into partial abeyance, under the **GayGahl**da framework the Haida Title Case can, and will, continue while negotiations occur.

The process outlined in **GayGahl**da is simple: As negotiated agreements are reached on key topics, the issues to be litigated through the Haida Title Case can be simplified and streamlined. This process is expected to reduce both time and cost while delivering outcomes that advance Haida interests and priorities *and* outside of the courts.

We expect, however, that some topics related to Haida Title and Rights will require legal decisions, especially those that are outside of the mandate of the Crown’s negotiations.

The ability to litigate while we negotiate is our leverage to ensure that Canada and BC negotiate in good faith and in a timely manner. In addition, if or when negotiations fail on discrete negotiation matters, those topics will be brought forward through the Haida Title Case litigation.

Consistent with the *Constitution of the Haida Nation*, Haida approval of final negotiated agreements will be required. There will also be a process to keep citizens updated and engaged as negotiations continue.

Good coordination and communication between citizens, elected representatives, clans, communities and our legal team will



Photo: Jaalen Edenshaw

> The canoe is near complete and ready for paddlers and steersperson.

strengthen our position and result in greater outcomes for the Haida Nation – both at the negotiation table and in the courtroom. Together, we can work toward **Til Yahda**.



# A Few Milestones since 2002

## 2002

The Haida Nation files a Writ of Summons and Statement of Claim with the Supreme Court of BC – now called a Notice of Civil Claim under new Rules of Court.

## 2003

BC and Canada respond to the filing with a Statement of Defense – now called a Response to Civil Claim under new Rules of Court

## 2007 – 2008

**MARCH** • The Haida Nation, Canada and BC agree, in principle, to a develop a reconciliation framework agreement.

**APRIL** • HN and Canada sign S̱Ga̱an Kingẖlas Memorandum of Understanding.

**DECEMBER** • Council of the Haida Nation, Canada and BC sign a partial abeyance agreement, putting the title case on hold while a framework is developed and negotiations occur but preserving preparation of the title case including taking the testimony of Elders and preparation of expert reports.

## 2009 – 2012

Preparation of the Haida Nation's Title Case continues. This includes document production and completing depositions of Elders.

**2009** • Haida Nation and BC sign Kunst'aa Guu – Kunst'aayaah Reconciliation Protocol.

**JANUARY 2010** • Haida Nation, Canada and BC sign a framework agreement to negotiate reconciliation, rather than using a comprehensive treaty model. Haida Nation and Canada sign Gwaii Haanas Marine Agreement.

**JULY 2011** • Haida Nation tables Haida Discussion Paper: Haida Interests for Reconciliation – Negotiation of a Reconciliation Agreement for Haida Gwaii: An Alternative Model.

**DECEMBER** • Canada pulls out of talks due to their representatives receiving no mandate to negotiate.

**FEBRUARY 2012** • Haida Nation provides notice that if Canada does not receive a mandate for reconciliation negotiations that the 2008 abeyance agreement will end.

**MAY** • Haida Nation tables Haida Nation's Reconciliation Negotiations: Negotiations Mandate, Good Faith Measures and Milestones.

**JUNE** • The 2008 abeyance agreement expires.

**AUGUST** • Canada responds to the Haida Nation proposed process – May 2012 – expressing an interest in reconciliation negotiations that could resume in late fall, 2012.

## 2013 – 2014

**FEBRUARY** • The Haida Nation's proposed negotiating structure – July 2011 – is adopted by Canada.

**APRIL** • A Reconciliation Working Group and Fisheries and Marine Work Group are established to develop information for negotiations.

**JULY – SEPTEMBER** • The Haida Nation tables a draft Haida-Canada Reconciliation Protocol with Canada. Haida Nation meets with Canada to discuss Canada's lack of mandate to participate in negotiations.

## 2015 – 2016

Haida Nation and Canada correspond regarding mandates and expectations for negotiations. Canada requests a term sheet. Haida Nation tables a draft term sheet with Canada to initiate negotiations on fisheries and marine matters. Haida Nation, BC and Canada file new pleadings under new Canadian Rules of Court.

**JUNE 2016** • Without confirmation of Crown mandates for reconciliation negotiations, the Haida Nation applies to BC Supreme Court to initiate case planning and the assigning of a trial judge.

## 2017

**MAY** • Canada confirms they have a mandate for a Reconciliation Protocol on fisheries and oceans management and limited commercial access. Consistent with previous positions, Canada's participation is contingent on the abeyance of the Haida Nation's Title Case litigation.

**JUNE** • Haida Nation responds to Canada's proposal and sets out next steps and conditions for negotiating.

**JUNE – SEPTEMBER** • BC and Canada seek to have all third party interests that might be affected by the title case served with formal notice. The Court dismisses their application, ruling in favour of the Haida Nation.

**OCTOBER – NOVEMBER** • Haida Nation continues to work on a memorandum of understanding to begin reconciliation discussions on fisheries and oceans management with Canada. Haida Nation seeks the direction of the Court to dividing the title case into two phases. (Details of the severance order can be found in White Raven Law's 2018 report to the HoA.)

## 2018

**FEBRUARY** • Trial judge rules in favour of the severance of the case proposed by the Haida Nation and supported by Canada, but agrees with BC in relation to the Aboriginal Rights portion of the litigation– deferring all Aboriginal Rights except for those in relation to the representative interests to phase two of the trial.

**MARCH** • HN appeals to the BC Court of Appeal the portion of the trial judge's decision in relation to Aboriginal Rights.

**SEPTEMBER** • Canada and BC agree, in principle, to negotiate a reconciliation agreement with the Haida Nation based on the recognition of Haida Title.

**DECEMBER** • The BC Court of Appeal dismisses the portion of the severance appeal brought forward by the Haida Nation.

## 2019

**FEBRUARY** • Haida Nation signs the Indigenous Atmospheric Benefit Agreement with BC. The Nation and its legal team affirm the decision to pursue legal and negotiated outcomes – within Canadian Courts – in parallel and coordinated processes. The Haida Nation and the Haida legal team draft the terms for engagement for a negotiation process. The Haida Nation negotiation support team is established to provide strategic and technical support for Haida Nation negotiators.

## 2020 – 2021

**JANUARY 2020** • Haida Nation, BC and Canada meet to share background documents and identify key work activities for negotiations relating to Haida Title, governance and protected areas.

**JUNE** • Haida Nation tables draft of the GayGahlda Reconciliation Framework Agreement with Canada and BC.

**SEPTEMBER 2020 – AUGUST 2021** • The parties exchange revisions and edits to the draft framework agreement. The Haida Nation negotiation support and legal teams continue to develop papers to support negotiations on topics including Haida Nation governance, protected areas, lawmaking etc.

**AUGUST 13, 2021** • The GayGahlda Framework Agreement is finalized and signed by the Haida Nation, BC and Canada.

**SEPTEMBER – DECEMBER 2021** • Work continues to deliver good faith measures and prepare for substantive negotiations and citizen discussions.





Photo: Royal British Columbia Museum, 7295.

A canoe under sail, c. late 1800s. From the book: Gina Suuda Tl'í Xasii *Came to tell something*.