



SPECIAL ISSUE

People Working Together to Make It Right

Gud ad T'alang HIGang.gulxa TII Yahda • TII yá'adee Gii gud ahl t'álang hIGángulaang
and the GayGahlda/Kwah.hlahl.dáyaa (Changing Tide) Framework for Reconciliation

HAIDA LAAS

News from the Council of the Haida Nation

Spring 2023



SUPERNATURAL CLOUD

Puppet made for the play *Sinxii Gangu*
by Gwaai Edenshaw



HAIDA LAAS

NEWS from the COUNCIL of the HAIDA NATION

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Communications & Culture Director
Jutkenjus Laverne Hamilton

Communications Executive Assistant
Lisa Shoop

Social Media/Website Coordinator
Isaiah Washington

Secretariat of the Haida Nation
- Administration -
415 Frog St., Box 589
Gaw Tlagée, Haida Gwaii
VOT 1M0

250 626 5252 • 1 888 638 7778
chn.masset@haidanation.com

Council of the Haida Nation
- President -
1 Reservoir Road, Box 98
Daajing Giids, Haida Gwaii
250 559 4468 • 1 877 559 4468
info@haidanation.com

> haidanation.com <

Special Issue
Spring 2023

Excerpt from Haida Laas Journal: Indian Affairs, 1913 published by the Council of the Haida Nation, September 2010

The following is an excerpt from the Royal Commission on Indian Affairs that took place in Gaw Tlagée, September 9, 1913. The Commission held hearings throughout the province from 1913 to June 1916 to examine the size of reserves.



Alfred Adams speaking to the Royal Commission

Gentlemen: ... On these Islands our forefathers lived and died, and here we also expect to make our home until called away to join then in the great Beyond. Here we are raising our families, and all we have in this world, with the traditions and associations, lands and household goods are bound up on the Islands that once were our own; but are now becoming the homes of others. [...] With sixty years of so-called civilization, we may not be up to the standard set for us; but the marks of advancement will show most favorably with those of any country where the people were in bondage but a half-a-century ago. Against the twenty centuries of Christian teaching, place our sixty years, and our advancement has astonished those who see no hope [for] the Indians. We have reached a stage where our ambition and hopes call for further advancement, where our grievances have been brought before those in charge of us, and we look forward for redress. [...] Without any treaty; without being conquered; we have quietly submitted to any laws made for our government, and this we intend to be our course. With other Indians, who claim to have to have the same grievances, we asked that our claims be taken before to Privy Council of the Nation; to be finally settled there, once and for all time. •



Xaayda 'láas - From there, to here, to there ...

The Council of the Haida Nation was formed in 1974 to organize citizens into one political entity. Part of the vision was a clear mandate to settle the land question with Canada, without compromise to our inherent title passed down from our ancestors.

From those beginnings and over the past 50 years or so the CHN has been addressing the land question, and has become a national government enacting legislation and policy affecting many aspects of life on Haida Gwaii. The consolidation of the CHN as a national government has worked hand-in-hand with collective action that Haida have taken to protect culture and ensure that our way of living continues. All of this is entrenched within the Constitution of the Haida Nation which was formally adopted in 2003. The Constitution mandates the CHN to settle the issue of

From the canoe we can finally see land after a long journey of paddling through adverse conditions.

Title and Rights and ensure that the Haida relationship with land continues in perpetuity.

Earlier attempts to address the land question with Canada came up short as Canada never had a proper mandate to negotiate based on full recognition of Haida Title to all of the land or proper recognition of our governance. Crown processes had been based

on only acknowledging Title to Indian Reserves, partial territory, and extinguishments of inherent rights, in exchange for crown granted rights and continued assimilation, instead of recognizing our own governance and law-making over our entire territory.

These failed attempts to negotiate led the Haida Nation to file the Haida Title Case in November 2002. In the Case, we brought forward pleadings related to our continued assertion of our governing authority, under Haida law over Haida Gwaii, our Title to the lands, waters and airspace, our Rights related to the lands and waters, and the remedy for damage of past infringements upon our Rights as a result of assumed Crown jurisdiction. Over the last 20 years we have continued to prepare for trial and disclose some of our evidence, which has only increased our leverage in negotiation, as Crown arguments against us have become dated, and our strength of claim is evident to them and the public.

Thanks to the efforts of the Haida Nation, other Indigenous Nations and good Canadians, the legal and political landscape has shifted dramatically over the decades and has created conditions where Canada and BC have adopted the *United Nations Declaration of Indigenous People* (UNDRIP) and have moved their policy positions to negotiate based on recognition of Inherent Title and Rights.

In August 2021, the Haida Nation seized this moment by signing the *GayGahlda / Kwah.hlahl.dáyaa* “*Changing Tide*” Framework Agreement. The framework sets principles and processes for negotiation of the issues the Haida Title Case laid out, in a way that allows for the Title Case to continue at the same time as negotiations. The goal is to resolve as much as we can through negotiation and to use the Title Case to resolve issues we can’t reach agreement on.

One of the biggest hinderances to settling land Title has been the lack of formal recognition by Crown governments of the CHN as the governing body of the Haida Nation. And, the *Constitution of the Haida Nation* as the guiding force that bestows governing authority to elected council. We are now on the brink of achieving this formal recognition, which lays a foundation for proper peaceful co-existence between governments as we continue to develop our laws and implement Haida jurisdiction.


The *Nang K’uula / Nang K’uulaas* “*Recognition Agreement*” is an important milestone we should all celebrate and is a successful outcome of our

self-determination and a pillar to build upon as we confront our future as a Nation.

With the recognition of our governance achieved we turn back to land title and continue to paddle forward seeking a *Haida Title Land Agreement*, which we believe will be achieved by the end of 2023. With this Agreement, we seek a broad recognition of Title throughout all of the land of Haida Gwaii and set out the terms of how we will govern and manage these lands based on Haida ways of being, but also consider areas where we will work with other governments. Our first priority for putting in place Haida jurisdiction over the land are the Protected Areas and other lands we have acquired.

To support this process of taking back our proper place in governing and managing ourselves and the lands is the work of Haida Law. Together with our legal team and Haida citizens we are embarking on a three-year journey to take the lessons from our ancestors and supernatural beings to build those teachings into everything that we do in decolonizing ourselves. It will be imperative that in this process we re-learn and do things in a Haida way and not be swept up further in assimilative ways of thinking and being.

The canoe is an analogy for our current situation. From the canoe we can finally see land after a long journey of paddling through adverse conditions. The waters are beginning to calm and we are in sight of where we will set up a new village, under our jurisdiction and begin to rebuild again. Although we may be near the end of the long paddling journey and getting close to land, we know the work of building a new village is going to be difficult and take even greater cooperation and perseverance. New house pits must be dug, timbers gathered and raised and of course, new frontal poles carved and erected. Although we can begin to see our future, we still must finish this leg of journey with a great push as many aboard our canoe are weary from a lifetime of paddling against the currents. The next couple years will hopefully see us land on the point, to begin our next chapter of life on Haida Gwaii. •



From Beneath the Shadows of the Glaciers

Through ‘Waahl’ahl *Potlatch*, Haida leadership upholds its responsibility to the human, natural, and supernatural realms. Throughout Haida history ‘Waahl’ahl has empowered our Nation to make strong decisions and secure intergenerational social stability. In this way, ‘Waahl’ahl continues to be a primary source of Haida sovereignty, governance, Title, and Rights.

In 2013, Kilsaay *Gaanga Hereditary Leaders* came together and collectively endorsed the Haida Accord. This agreement empowers the *Constitution of the Haida Nation* and Council of the Haida Nation’s democratic structures further illustrating that Haida authority still rests within ‘Waahl’ahl.

Nearer the beginning, *SGaanuwee Supernatural Beings* began to express the principles of the cosmos through ‘Waahl’ahl. One of the earliest ‘Waahl’ahl recorded in K’iygang *the Haida canon of oral histories* concerns the adoption of Nang Kilsdlaas Hll.nga *Supernatural Raven*. A *SGaan* who dwells in the sea named King.gii *Looking into the Water* arrives at HlGayxa to formally adopt Nang Kilsdlaas Hll.nga as his son. There King.gii demonstrates that the principles of ‘Waahl’ahl derive from the supernatural world.

To ensure plenty of guests attend, another of the *SGaanuwee*, *SGuuhlGuu Kuuna Great Foam Drifting Ashore* summons up witnesses from the earth from the four corners of his house. A drummer precedes each of the four groups, leading these beings into existence. They emerge from the ground as people singing songs. After the ceremony, they disperse throughout the coast to become the Tlingit, Tsimshian, Haida, and Kwakwaka’wakw nations. Therefore, these Nations originate out of ‘Waahl’ahl.¹

Nang Kilsdlaas later affirms ‘Waahl’ahl on the shores of Xiina Gwaay.yaay *Ramsay Island*, where they provide nasal piercings and regalia that distinguish the great variety of birds.² This shows that ‘Waahl’ahl legal rites complement both supernatural and natural worlds. Through the power of this legal institution, various matrilineages meet at K’aasda Siiwaay *Skidegate Lake* to determine laws rooted in *Yahguudang Respect*. These laws are affirmed and reaffirmed every time Haida join together in ‘Waahl’ahl.

Haida occupation of these Islands continued beneath the shadows of the glaciers. According to K’iygang, Haida flourished on the Islands before the arrival of trees. Ts’ahl *Lodgepole pine* was the first tree to arrive at *SGuuluu Jaads Saahlwaay*, the easternmost of the Swan Islands. Archaeological findings affirm ts’ahl’s arrival in that area some 14,500 years before present. Ts’uu *Western Red cedar* arrived some 6,500 years before present, transforming Haida society. At this time Gaay, a *SGaanuwee* with four faces, teaches Kuuniisii *ancestors* how to fashion canoes and houses from ts’uu.

Haida law is rooted in Haida interconnections with the land, sea, and supernatural worlds that comprise Haida Gwaii. This system uplifts all participants of ‘Waahl’ahl, and ensures that all members of society have what is needed to flourish.

Haida Title is inherent, meaning that other governments, organizations or companies, cannot grant that which is already interwoven within Haida territory and ways-of-being; these entities can only recognise the realities of Haida Title. •

¹ Swanton, 1905, pp 122-123 / ² Swanton, 1905, pp 127-128

.....

A TIMELINE RELATED to TITLE, RIGHTS and NEGOTIATING COEXISTENCE

The content in the timeline reflects a continual affirmation of Haida governance and authority over Haida Gwaii and also illustrates a progression in the relationship between the Crown and the Haida Nation. Not all events are included, particularly in relation to Haida marine territory. Negotiation and litigation work continues to advance recognition throughout both marine and terrestrial territory.

1763: The Royal Proclamation recognizes Aboriginal Rights and Title.

1774: Spanish explorer, Juan Perez and crew are found floating in Haida waters off K’iis Gwaay aboard the *SV Santiago*.

1876: Canada consolidates all laws relating to “Indians” into the Indian Act.

5



Eyes Wide Open: Recognizing Haida Title and Governance

Following the signing of the *GayGahlda / Kwah.hlahl.dáyaa* (Changing Tide) Framework for Reconciliation, the Nation has been working to implement key pieces of the framework, and with each step move closer to fulfilling the vision and mandate of the Haida Nation and CHN.

The process of *Gud ad T'alang HIGang.gulxa TII Yahda / TII yá'adee Gii gud ahl t'álang hIGángulaang* *People Working Together to Make It Right*, or *reconciliation*, is a long path.

We begin by working on pieces of *GayGahlda / Kwah.hlahl.dáyaa* that can be moved from the non-legally binding 'framework' into legally binding 'agreements' between governments.

These priorities have been identified by CHN for the coming year's work:

1. Legal recognition by Canada and BC of Haida Title throughout terrestrial Haida Gwaii. Recognition of our Title will occur through provincial and federal legislation. Once that is done, we will affirm Title recognition through a series of agreements addressing Haida governance and jurisdiction on Haida Gwaii.
2. A further step in crafting a government-to-government relationship is recognition by Canada and BC of CHN as the governing body of the Haida Nation (in accordance with the *Constitution of the Haida Nation*).
3. Negotiation of governance agreements, including fiscal arrangements, to support implementation of the Haida Title Lands Agreement.

These items are part of a Letter of Understanding (LOU) to be signed by Canada, BC and the Haida Nation.

As outlined in the LOU, the first piece of work is to develop a *Recognition Agreement*. This will be a legally binding agreement between Canada, BC and the Haida Nation that provides for Crown recognition of the CHN as the governing body of the Haida Nation, consistent with our Constitution.

Legal recognition by the Crown means that, as a government, the CHN can hold property and assets, participate in legal proceedings and manage commerce and the financial matters of the Nation. Previously we needed a Haida citizen to be named in all court documents "on behalf of the Haida Nation" and the Secretariat of the Haida Nation (SHN) had to operate as a "society" under provincial law.

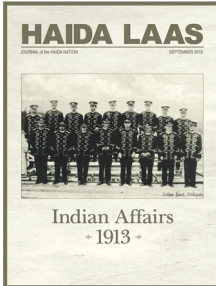
This will change. The CHN will be able to represent the Haida Nation in court, and the SHN will no longer need to be registered under the BC Societies Act. The SHN will continue to be our financial/administrative body (as described in the Constitution) but will function under Haida authority.

The agreement itself will be signed by all three parties. BC and Canada will then take the last step to ratify CHN legal status and liability and accountabilities in Crown legislation. Provincial recognition law is expected to be passed in their legislative session in Spring 2023, with federal legislation to follow at the Fall 2023 parliamentary session. It is not necessary for the Haida Nation to pass any new law related to this process as the contents of the agreement are consistent with our Constitution. •



1884: The Indian Act is amended to ban the Potlatch, making Indigenous legal, social and economic systems of the Northwest Coast illegal in the eyes of Canada

1892: Canada and the Church enter into a formal partnership to create the Residential School system.



1913: Canada's McKenna-McBride Royal Commission hear from Haida who stand firm on the Nation's Rights and Title to Haida Gwaii.

1974: Council of the Haida Nation is formed.

T'aanuu *Nathan Young* and *Guujaaw* along with the Islands Protection Society take



Negotiating with representatives of the Crown, circa 1980's. Percy Williams, Jerry Williams, Chief Chee Xial Miles Richardson Sr., President of the Haida Nation Kilsli Kaji Sting Miles Richardson Jr., Ernie Collison, Pansy Collison, Robin Brown and Charles Wesley. Standing (R), Charlie Bellis.

The Recognition Agreement is *not* ...

The Recognition Agreement is *not* a treaty. It does not grant us rights – our rights are inherent – the Agreement simply recognizes the Haida Nation's inherent right to governance and self-determination.

- It does *not* change the relationship of OMVC or SBC Band members with Indigenous Services Canada.
- It does *not* replace or cancel the Title Case in

any way. At this time, in the Title Case proceedings, Canada and BC still dispute the existence of the Haida Nation. The *GayGahlda/Kwah.hlahl.dáyaa* "Changing Tide" Framework for Reconciliation and subsequent agreements have been, and continue to be, developed with our legal team with the intent to streamline and strengthen our case.

Rayonier and Minister of Forests to court. The action is a *judicial review* with an application to stop the renewal of the TFL. The petition is denied by the Supreme Court of BC on a technicality – the Forest Minister had not made a decision and the license had yet to be renewed.

1978: Rayonier's Tree Farm license expires. Chief T'aanuu and *Guujaaw* take Rayonier and the Minister of Forests to court over renewal

of the TFL. The petition is denied by the Supreme Court of BC as the Forest Minister had not made a decision and the license had not yet been renewed. Haida return to court and are again denied their application as the Forest Minister said he had met Haida concerns and had made changes in the renewed license. Next day the agreed-to changes had been dropped from the renewal notice. Another appeal is sought at the Supreme Court of Canada to show the court's sharp dealing but the application was denied because it is a "provincial matter."



STEPPING TOWARD CROWN RECOGNITION OF HAIDA TITLE

GAYGAHLDA / KWAH.HLAHL.DÁYAA (CHANGING TIDE) FRAMEWORK for RECONCILIATION

The framework agreement sets the agenda and terms for the Haida and the Crown (BC / Canada) to negotiate.

LETTER OF UNDERSTANDING (LOU)

The Letter of Understanding sets out key political commitments to begin implementation of the GayGahlda / Kwah.hlahl.dáyaa Framework for Reconciliation.

THE FIRST AGREEMENTS WE ARE NEGOTIATING

NANG K'UULA / NANG K'ÚULAAS GOVERNANCE AGREEMENT

The purpose of the Nang K'uula / Nang K'úulaas Governance Agreement is to further the goals and principles of GayGahlda / Kwah.hlahl.dáyaa and Reconciliation, and specifically for Canada and British Columbia to recognize the:

- (a) Haida Nation as the holder of Haida Title and Rights;
- (b) inherent rights of governance and self-determination of the Haida Nation; and
- (c) Council of the Haida Nation as the governing body of the Haida Nation as authorized by the Haida Nation.

HAIDA TITLE LANDS AGREEMENT

A Haida Title Lands Agreement will be legally binding and includes recognition by the Crown of Haida Title to the land throughout Haida Gwaii.

This agreement will set out an incremental process that:

- First, recognizes Haida Title to the land in provincial and federal legislation; and,
- Second, affirms Haida Title through a series of non-legislated (but legally binding) agreements that describe how governance and jurisdiction will work for different land considerations (eg, protected areas etc).

Additional agreements to advance Haida governance, including fiscal arrangements.

MAKING IT LAW

BC to legislate legal recognition of the CHN as the governing body of the Haida Nation Spring 2023.

Canada to legislate Fall 2023.

New Haida Law is not required because the Agreement and Crown legislation aligns with the Constitution of the Haida Nation.

GOVERNANCE

With legal recognition of CHN as the governing body of the Haida Nation, the Secretariat of the Haida Nation (SHN) will now operate under Haida authority rather than the BC Societies Act.

BC intends to legislate recognition of Haida Title in Fall 2023.

Canada intends to legislate recognition of Haida Title in Fall 2023.

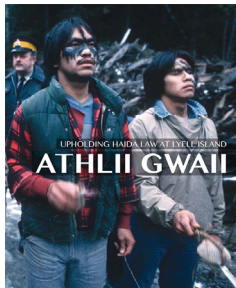
Haida Law development is ongoing and includes Protected Areas law, Stewardship law, etc.

The Haida Nation and Crown will draft legally binding agreements that affirm Haida governance and jurisdiction, starting with Protected Areas and Haida Title lands free of third-party interests.

1980: The HN files its comprehensive land claim with Canada and Canada acknowledges receipt of the claim.

1981: The CHN designates Duu Guusd Tribal Park and petitions the province to defer development plans within the area.

1983: A feast is held at Naden Harbour declaring Duu Guusd.



1985: Athlii Gwaii action – January through December. The HN declares Gwaii Haanas a Haida Heritage Site.

1993: HN and Canada sign the *Gwaii Haanas Agreement* in a commitment to protect the region's natural, cultural, and marine treasures.

1997: The *Haida Accord* is signed by CHN, Hereditary Leaders, Old Massett Village Council and the Skidegate Band Council.



SGaan Kinghlas (1997) declared a Haida Marine Protected Area.

Talking Together

With so many advancements in Haida Title and Rights this year, XaaydaGa ‘waadluxan *Haida citizens have a lot to celebrate and discuss. CHN brought citizens together to discuss important matters including Haida Title; Good Faith Measures; the Reconciliation Agreement; and Haida Child and Family Services.*

Dinners were hosted in T’agwan *Vancouver*, Kxeen *Prince Rupert*, Gaw Tlagée *Old Massett*, and HIGaagilda *Skidegate* on March 6, 7, 8, and 9 with over 150 people attending.

Much of discussion centered around the allocation of Good Faith Measures monies received from Canada and BC as part of the GayGahlda / Kwah.hlahl. dáyaa “*Changing Tide*” Framework for Reconciliation.

- 75% of the monies will be used to purchase land back for conservation, long-term cultural stewardship, and future community development
- 20% for social and cultural amenities in HIGaagilda and Gaw Tlagée
- 5% for language programing, with intent to seek matching funds and form a language trust

Overall, citizens indicated that they are largely in agreement that the Nation should use funding to support language initiatives, mental health, and social and cultural projects. Common themes raised included healing, harvesting, and homes. Acquiring land is understood to be part of being able to deliver on these priorities.

Healing

As the Nation advances Haida Title, citizens urged greater attention for acquiring lands that can be used for language revitalization and healing. Citizens pointed out that, as we are tied so deeply to the land, as the land heals, so too does our culture and families.



Verna Williams, Marlene Ankerman, Terri Russ, Lois Rullin, Geri Williams and Irvin Samuels share their knowledge at the T'agwan gathering.

Harvesting

Citizens also agreed that CHN should continue to prioritise acquisition of harvesting areas. In many cases, our lands have been damaged over the past 150 years. Citizens want to see these areas restored to their historic abundance, and to enjoy renewed access to harvesting areas with fish, forests, and traditional foods.

Homes

Citizens were eager to see support for expanding communities and providing more living spaces for families. It was especially important to those living in cities to prioritise lands that would enable them to return home to Haida Gwaii. Several participants recommended acquiring properties where family shelters and affordable housing could be built.

The Haida Nation negotiated Good Faith Measures monies from Canada and BC to advance Haida Title and to actively support community priorities through the negotiations process. This work, along with drafting agreements in which Canada and BC recognize Haida Title, is ongoing and led by Haida Reconciliation of Title Team, supported by the Negotiation Support Team. Staff working in our land and marine stewardship programs are also providing support. •



2002: The HN files a *Writ of Summons* and *Statement of Claim* with the Supreme Court of BC.

2003: BC and Canada respond with a *Statement of Defense*

2004: The Haida / Taku Decision: A unanimous Supreme Court of Canada agreed that there is a duty to consult First Nations. The duty to consult arises when the Crown has knowledge of the potential existence of Aboriginal Rights or Title and considers conduct that might affect those Rights or Title.

Who is Negotiating *and* How it Works

Negotiating with other governments is nation-building work. It's work that's for the Nation and by the Nation. Today, the majority of negotiating is done by elected representatives.

The President and Vice-president of the CHN are the Lead and Second Negotiators and they are supported by the Haida Reconciliation of Title Team (HRTT). In addition to the President and Vice-president, the HRTT includes two other CHN representatives, two Hereditary Chiefs, and the Chief Councillors of Old Massett Village Council and Skidegate Band Council, and it's the HRTT that makes recommendations to the CHN on all negotiation and litigation matters.

The Negotiation Support Team (NST) provides day-to-day support to the CHN and HRTT on all negotiation matters. The NST includes two Haida advisors, a strategic advisor (and Haida mentee, working with the strategic advisor), a negotiations director and an executive assistant. The NST also works closely with the CHN Legal Team to align negotiations work with planning and preparation for the Title Case.

Within the CHN there are checks and balances – HRTT recommendations move from the HRTT to CHN Full Council. Depending on the nature of the decision, Full Council may also seek direction from the Hereditary Chiefs Council. For matters related to land acquisition, HRTT decisions are forwarded to the SHN to complete the deal.

All Leaders – which includes, Full Council, Hereditary Chiefs, and both Band Councils – are brought together at key points to discuss strategic and political issues related to negotiations and litigation, as well to review the content of agreements being negotiated with Canada and BC.

It is critical that citizens talk with leadership about negotiations. This is our future, and the work today

is a big step toward strengthening our governance of Haida Gwaii and fulfilling the vision of the Haida Nation.

Regular updates and the discussion of issues are part of our Seasonal Sessions and House of Assembly, and negotiation matters will be top of the agenda at the Spring Session in April 2023.

In September/October 2022 and early March 2023 we hosted community dinners in HIGaagilda, Gaw Tlagée, T’agwan, and Kxeen. In the coming months we are planning for more open houses and discussions, including a feast to mark milestones and conduct business in the Haida way. We want to see you there! Watch for posters and announcements on < haidanation.ca > and social media streams. •

The Haida Reconciliation of Title Team

Hereditary Chiefs Council

- **Stithlda Frank Collison**
- **Gaahlaay Lonnie Young**

Council of the Haida Nation

- **Gaagwiis Jason Alsop**
- **Ginn wadluu un uula isdaa ayaagang Trevor Russ**
- **Gidin Jaad Erica Reid**
- **Laanas Tamara Davidson**

Old Massett Village Council

- **Donald (Duffy) Edgars**

Skidegate Band Council

- **William (Billy) Yovanovich**



2005: The HN and Islands' residents oppose logging practices on Haida Gwaii, resulting in the Islands Spirit Rising stand. Negotiations between the HN and BC begin.



A protocol agreement is signed between the CHN and Masset and Port Clements.

2006: A protocol agreement is signed between the CHN and the Skeena-Queen Charlotte Regional District Electoral Area D, and CHN and Daajing Giids (Queen Charlotte).

WHO IS NEGOTIATING *and* HOW IT WORKS

The majority of the negotiating work is done by elected representatives. The President and Vice-president of the CHN are the Lead and Second Negotiators for the Haida Nation, supported by the Haida Reconciliation of Title Team (HRTT). The HRTT includes four CHN representatives, two Hereditary Chiefs, and the Chief Councillors of OMVC and SBC. It is the body that makes recommendations to the CHN on all negotiation and litigation matters.

HAIDA NATION NEGOTIATORS

HAIDA RECONCILIATION OF TITLE TEAM (HRTT)
This team includes:
Council of the Haida Nation representatives

- Lead Negotiator, Gaagwiis Jason Alsop
- Second Negotiator, Ginn wadluu un uula isdaa ayaagang Trevor Russ
- Gidin Jaad Erica Reid
- Laanas Tamara Davidson

Hereditary Chiefs Council (HCC)

- Stithlda Frank Collison
- Gaahlaay Lonnie Young

Skidegate Band Council (SBC)

- Chief Counselor, William (Billy) Yovanovich

Old Massett Village Council (OMVC)

- Chief Counselor, Donald (Duffy) Edgars

The HAIDA RECONCILIATION OF TITLE TEAM are supported on a day-to-day basis by the **NEGOTIATION SUPPORT TEAM**, which includes two Haida advisors, a strategic advisor (and a Haida mentee) a negotiations director and an executive assistant.

The **NEGOTIATION SUPPORT TEAM** works closely with the CHN Legal Team to align negotiations work with planning and preparation for the Title case.

The NST is:

- Haida Advisor: Guujaaw
- Haida Advisor: Wilson Brown
- Strategic Advisor: Garry Wouters
- Strategic Advisor mentee: Tamara Davidson
- Negotiations Director: Catherine Rigg
- Negotiations Executive Assistant: Kat Sanderson

2007: HN, BC sign the *Haida Gwaii Strategic Land Use Agreement*.

The *SGaan Kinghlas* MoU between the HN and Canada is signed.

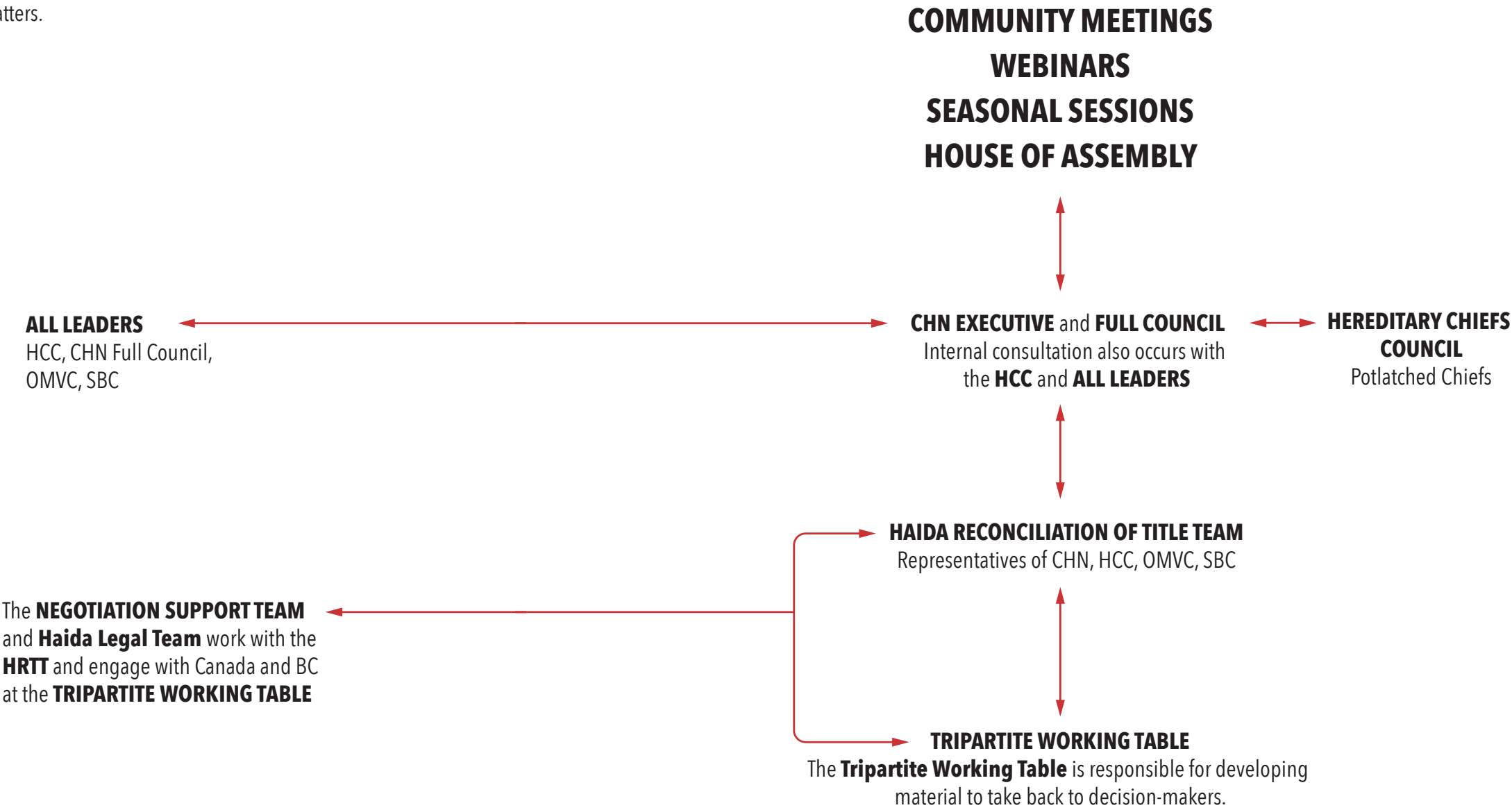
The HN, Canada and BC agree, in principle, to a develop a reconciliation framework agreement. HN, Canada and BC sign a partial abeyance agreement, putting the Title Case on hold while a framework is developed and negotiations begin.

Testimony of Elders and preparation of expert reports continue.

2008: The HN, Canada and BC agree, in principle, to a develop a reconciliation framework agreement.

HN and Canada sign a partial abeyance agreement, putting the title case on hold while a framework is developed and negotiations occur.

GUD AD T'ALANG HLGANG.GULXA TLL YAHDA People Working Together to Make Things Right TLL YÁ'ADEE GII GUD AHL T'ÁLANG HLGÁNGULAANG



HN tables the *Haida Discussion Paper: Haida Interests for Reconciliation – Negotiation of a Reconciliation Agreement for Haida Gwaii: An Alternative Model*.

Canada pulls out of talks as their representatives have no mandate to negotiate.

HN provides notice that if Canada does not receive a mandate for HN

Testimony of Elders and preparation of expert reports continues.

2009: The *Kunst'aa Guu–Kunst'aayah Reconciliation Protocol* between the Haida Nation and BC is signed.

HN, 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*.

Land Back Today

Opening up the Good Faith Measures Agreement

Today and for thousands of years, the supernatural sisters Nang Xyaahlgwangs and SGaalang Gaa.nga have provided for Haida songwriters. During walks through rainforests, medicine bogs, alpine berry fields, and along rocky shorelines; as we traverse lakes, rivers, and oceans; the rhythm of the Islands inspires us. Haida song comes from our lands and waters, and is a testimony to our interconnections with the Islands’ natural and supernatural worlds.

When we come together in ‘Waahl’ahl *Potlatch*, these songs are the beating heart of our legal proceedings. Through song, we take names. Through our names we uphold our responsibility to watch over Haida Gwaii. Haida song is an affirmation of intergenerational relationships with our homeland. Therefore, as we travel through Haida Gwaii and find its rhythm, our experiences become daily affirmations of Haida Title.

Since the colonial appropriation of our territory, Haida have sought recognition of our inherent Title and Rights. For over 150 years colonists have sold and allocated “ownership” and rights to land, marine areas, and resources with little consideration of our Title. Disastrous consequences have often accompanied this exploitation. However, our most recent

negotiations with Canada and BC recognise and seek to make right a part of these Title violations.

After years of negotiations the Haida Nation, Canada, and BC came together to create the *GayGahlda / Kwah.hlahl.dáyaa* "Changing Tide" Framework for Reconciliation in August 2021. In the Agreement, Canada and BC formally recognize that the Haida Nation holds inherent Title and Rights throughout Haida Gwaii’s land-base. This includes the inherent Right of governance and self-determination. All three parties also affirm their commitment to address Haida Title and Rights through negotiation. At the same time our Title Case continues, with the understanding that if we negotiate items, those issues could be removed from trial proceedings. This approach is intended to reduce time, cost, and risk in the courts.

The Agreement also commits to the provision of Good Faith Measures by Canada and BC. As part of these measures, Canada and BC are funding the buying back of land from willing sellers, supporting language initiatives, and Village projects.

This past September CHN Full Council approved a Good Faith Measures Allocation Plan. The plan includes monies allocated to the purchase of “private” land from willing sellers. Upon acquisition the CHN will return land to Haida stewardship and over-

BUYING AND SELLING

The Nation always agreed to approach fee-simple properties on a willing-seller/willing-buyer basis. Fee-simple lands are usually lands held by residents, with a few exceptions. These lands amount to 1.7% of the total Haida Gwaii land base.

This will be further reduced to 0.7% if we acquire Mosaic/ Island Timberlands private lands.

Importantly, we are not using Haida Nation money to buy our land back – these purchases are done with monies provided by BC and Canada. Buying land back is one way to achieve control and jurisdiction over Haida territory and once Haida Title is legally recognized by the Crown, these lands become Haida Title lands. •

HN provides notice that if Canada does not receive a mandate for negotiations that the 2008 abeyance agreement will end.

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

The 2008 abeyance agreement expires

Canada responds to the HN proposed process expressing an interest in reconciliation negotiations that could resume in late fall, 2012.

2010: HN, Canada and BC sign a frame-work agreement to negotiate reconciliation, rather than using a comprehensive treaty model.

HN and Canada sign *Gwaii Haanas Marine Agreement*.

see, care for, manage, and in some cases, restore. Acquisitions are made by direction from the Haida Reconciliation of Title Team (HRTT), supported by the Negotiation Support Team.

First, the HRTT submits a list of potential priority properties to CHN Full Council prior to compiling information on individual properties. The HRTT and CHN will prioritise the acquisition of properties that align with House of Assembly resolutions, fulfil constitutional mandates and benefit communities. This approach will favour properties nearer to communities and areas with unique cultural and ecological values that could be added to Protected Areas.

Additionally, properties are considered if they have commercial, business, or tourism value and could be used for local economic development. At the same time, acquisition of lands can also prevent or slow disruptive and destructive practices, such as clear-cut forestry and short-sighted commercial developments.

Once information has been compiled on individual properties the HRTT reviews an acquisition report and decides whether to make an offer. This includes setting an offer amount based on consideration of asking price, market conditions, and priority. If a price is agreed to with a willing seller, the purchase is administered and lands are transferred to the CHN. Through negotiations with BC and Canada, these lands will ultimately become Haida Title Lands, removing the “private” or “fee-simple” Crown designation.

Sadly, in recent years, Haida Title territories have been swept up in a global market that rewards speculation. By strategically targeting specific properties the CHN aims to slow speculation and limit profits for speculators. Additionally, the CHN may also use property acquisition to end disrespectful practices of those who disregard Haida cultural values. By restoring properties to Haida stewardship, we can guarantee ecological and cultural values are conserved

2011: Canada pulls out of talks due to their representatives receiving no mandate to negotiate.

2012: The 2008 abeyance agreement expires. Canada responds to the HN proposed process expressing an interest in reconciliation negotiations.



Gwaay k'yah (HLG)
Gwaayk'aa (GT)

in honour of id Kuuniisii our ancestors and future generations.

In addition to our work to get our land back, Good Faith Measures monies are also allocated to social and cultural amenities in our communities through OMVC and SBC, as well as to support our *Xaayda Kil* and *Xaad Kil* language programs. In this way we build a future together based on land and Haida culture.

CHN is mandated to achieve recognition of inherent Haida Title and Rights to Haida territories. This is the latest step to strengthen Haida Title. *GayGahlda / Kwah.hlahl.dáyaa* joins a growing suite of agreements as the CHN works to restore Haida Title and Rights, including the *Gwaii Haanas Agreement* (1993), the *Kunst'aa Guu / Kunst'aayah Reconciliation Protocol* (2009), the *Gwaii Haanas Marine Agreement* (2010), and the *SGaan Kinghlas Memorandum of Understanding* (2019).

This legacy is the path upon which we do the hard work of clearing trail towards full restoration of Haida Title and Rights. While the Haida Nation works toward a new relationship with the Crown, citizens remain rooted within the Islands’ lands and waters, singing the songs of id Kuuniisii *our ancestors*. •



2013: *Haida Accord* signed again with newly potlatched Chiefs. The HN's proposed negotiating structure (July 2011) is adopted by Canada.

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

Haida Title Lands Agreement

We have been on two paths trying to resolve our differences with Canada and BC – negotiation and litigation. Recently we’ve taken significant steps in our negotiations with the signing of the *GayGahlda / Kwah.hlahl.dáyaa* "Changing Tide" Framework for Reconciliation. In that document BC and Canada finally recognise inherent Haida Title on Haida Gwaii lands and although the framework agreement is not legally binding, this is a big step and sets the stage for all negotiations going forward.

In parallel with our negotiations we are also pursuing recognition of Haida Title through the courts and we are looking to set a trial date for Spring 2026. We are keeping the Title Case moving forward as we know that there may be issues that are unlikely to be resolved through negotiations that will need to go to litigation. In this regard, the political commitment to our Title Case is stronger than ever as we work to meet legal timelines in the courts.

Recognition of Title to the land has also been written into a Letter of Understanding (LOU) that sets out key political commitments to implement *GayGahlda / Kwah.hlahl.dáyaa*. Once the LOU is signed off by all parties, similar to the Recognition Agreement, we will draft a Haida Title Lands Agreement that will be legally binding. This agreement, and following legislation, would finally remove the question of Haida Title to the land from the litigation process, simplifying and streamlining our Title Case.

In principle, this should be easy. Haida Title exists, and Canada and BC have acknowledged that in principle. But we also know that the devil is in the details, and we need to figure out how governance and jurisdiction will work in a political and operational sense before removing the issue of Haida Title from litigation. We will do this in an orderly and incremental way

that provides for the continuing delivery of services, and respects everyone living on Haida Gwaii.

To achieve this, the LOU makes the distinction between *recognition* and *affirmation*. This is a new interpretation of the concept of Aboriginal Rights being *recognized* and *affirmed* in Crown law. To date, these terms have been used interchangeably.

We are now proposing to achieve *recognition* first, with *affirmation* occurring when matters of governance and jurisdiction are settled so that it is clear to everyone how lands will be managed and how laws will be applied. The *affirmation* step that follows recognition is envisioned to be achieved through a non-legislated process, which means that subsequent agreements we make with Canada and BC can be passed without the need to seek legislation each time. For example, they can be negotiated as we decide on the management and jurisdiction for each type of land category (eg, Protected Areas, forestry and commercial lands etc).

We have also agreed that this incremental work will begin with Protected Areas. Options have been scoped out for integrating Protected Areas management on Haida Gwaii, moving towards Haida authority, and working with Canada and BC to create a plan about how to get from where we are to where we want to go. This will require the development of Haida Protected Area law and planning for resources and capacity to manage Protected Areas now and in the future. •



Haida Title in the Ocean?
Go to page 18

HN tables a draft *Haida-Canada Reconciliation Protocol* with Canada.

HN meets with Canada to discuss Canada’s lack of mandate to participate in negotiations.

2015: HN and Canada speak regarding mandates and expectations for negotiations. Canada requests a term sheet. HN tables a draft with Canada to start negotiations on fisheries and marine matters.

2016: Without confirmation of Crown mandate to negotiate, the HN applies to BC Supreme Court to initiate case planning and the assigning of a trial judge.

2017: Canada confirms they have a mandate for a reconciliation protocol on fisheries and oceans management and limited commercial access. Canada’s participation is contingent on the abeyance of the HN’s Title Case litigation. *Timeline – Continued page 18*

THE LAY OF THE LAND

Haida Title is inherent. Crown recognition of Haida Title is a profound political shift. If we think of Haida Title as a bentwood box, Title is the box, and that box is filled with

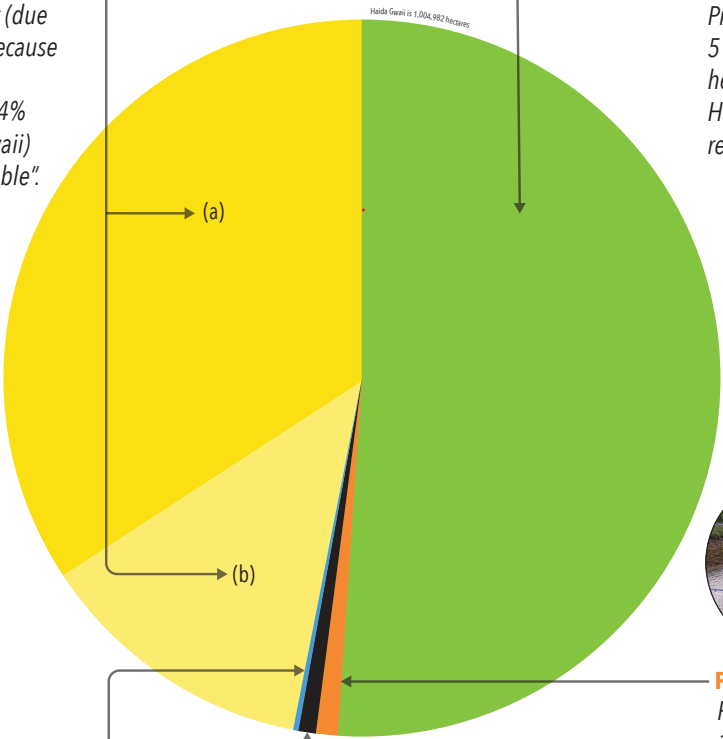
all that Title holds: lands, oceans, governance, culture/language, community wellbeing and so on. How we apply Title to all of these items is the work ahead of us.



FORESTED LANDS
Forested Lands are approximately 45.5% of Haida Gwaii / 457,455 hectares. Of those 457,455 hectares, approximately (a) 69% is not available for harvest (due to land use order protections, or because it is deemed "non-forest"); and (b) approximately 31% of this land (14% of the total land base on Haida Gwaii) is considered potentially "harvestable".



PROTECTED AREAS
Protected Areas are approximately 51% of Haida Gwaii / 515,468 hectares. This number includes Haida Heritage Sites, ecological reserves and cedar stewardship areas.



IRs
Reserves make up approximately 0.2% of Haida Gwaii / 1,541 hectares



PRIVATE LANDS
Private Lands make up approximately 1.7% of Haida Gwaii / 17,300 hectares.



PUBLIC LANDS
These lands make up approximately 1.3% of Haida Gwaii / 13,218 hectares. This includes roads, military/DND lands, airports and lands within municipal boundaries (excluding fee simple/private lands).

Source: Numbers related to land use are from the Timber Supply Review Technical Working Group report (2019) for the Haida Gwaii Management Council.



What about Haida Title in the Ocean?

The CHN mandate is clear: we must steward the lands and waters of Haida territory and addressing Haida Title in the oceans is a critical part of that mandate.

Some of that work has already been done – there is clear direction from citizens on offshore oil and gas development and management of specific fisheries. We completed a Haida Gwaii Marine Plan with BC, developed a *SGaan Kinghlas / Bowie Seamount Management Plan* with Canada, and implemented marine zoning in Gwaii Haanas. We are working to advance Haida development of a management plan for *Giinuu Sea cucumber* and we continue to work with other First Nations on issues related to fisheries management, marine protection and transportation. And if we find that we are not achieving what we want or need through these processes, then we bring these issues to our negotiations process with Canada and BC.

We know, however, that there are few legal precedents related to Marine Title and that we are creating

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

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 HN. HN seeks the direction of the Court to divide the Title Case into two phases.

a new path again. It may be that some of the issues of Marine Title will have to be resolved in court. In this way, our negotiations and Title Case can work hand-in-hand to achieve our mandate. •

The Haida Title Case and Negotiations

We know that Haida Title can be established in court, however recognition by Canada and BC is just the beginning.

We've learned from other Nations' experiences (Tsilhqot'in, Wet'suwet'en) that "Title" means very little if our plans for law, jurisdiction and management are not well understood and ready to implement. That is why negotiations and litigation go hand-in-hand, so that at the end of the legal road, we don't find ourselves back at the beginning working on what Title *means* in practice. We also expect that there may be issues that we cannot resolve through negotiations, in which case we have the option to go to court. •

2018: Trial judge rules in favour of dividing the case proposed by the HN 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 related to the representative interests to phase two of the trial.

Achieving Haida Title

The Haida Nation has worked for decades to achieve the vision of our ancestors and Haida visionaries, such as Alfred Adams, Peter Kelly, Amos Russ, and Godfrey Kelly.

In 1976, shortly after the CHN was formed, Godfrey Kelly set out a vision for the Haida Nation to have Haida Title recognized and put into law and said that we must "have the vision to lead and the humility to listen to the people. For it is our great grandchildren who will ask one day what we were doing now". As CHN approaches 50 years old, this vision is within reach as we move forward in three areas of law.

The Haida Laws Project

Canadian and Western legal systems have sought to displace the Indigenous and Haida worldviews and laws. As with other Indigenous Peoples, we face challenges of presenting Haida laws in Canadian courts and exercising Haida laws in a colonial legal landscape. The CHN, through White Raven Law has undertaken a project to support the restoration and revitalization of Haida laws.

The Haida word for law, kil yahda, means 'saying it right, or with truth'. Our laws arise directly from Haida Gwaii and its Supernatural Beings and is intimately connected with the land and waters. Yet, Indigenous legal traditions are often not seen as "laws" in Western society and require interpretation to "draw out" their meaning. The Haida Law Project confronts this challenge by documenting Haida laws and applying them to contemporary legal issues facing our Nation.

In collaboration with its legal team, the CHN will work over the next three years with our leaders, knowledge-holders, community members, and youth to document and articulate Haida laws. Discussions

HN appeals to the BC Court of Appeal the portion of the trial judge's decision related to Aboriginal Rights.

Canada and BC agree, in principle, to negotiate a reconciliation agreement with the HN based on the recognition of Haida Title. The BC Court of Appeal dismisses the portion of the severance appeal brought forward by the Haida Nation.

about protocols, values, stories, language, and culture will take place on the lands and waters of Haida Gwaii, revitalizing and engaging our law, and our cultural practices will serve as the foundation for this work.

White Raven Law will analyze historical and ethnographic documents, oral recordings, and testimony of knowledge-holders, and contemporary governance documents, to synthesize our laws as they have been expressed for generations. This information will be shared with our communities for discussion and revision, resulting in an articulation of our law which will then serve as the foundation for Haida legislation and a judicial process. This work will be done in coordination with the *GayGahlda / Kwah.hlahl.dáyaa Agreement* of 2021.

This project builds on work undertaken in 2022 to develop protocols to guide Haida research. Funded by the First Peoples' Cultural Council Braided Knowledge grant, participants collect spruce roots and



Celebrating the 25th Anniversary of Athlii Gwaii

Reconciliation Framework Agreement for Bioregional Oceans Management and Protection signed by HN, Coastal First Nations, Canada and BC.

2019: The HN affirms the decision to pursue legal (within Canadian courts) and negotiated outcomes in parallel and coordinated processes. CHN draft the terms for a negotiation process.

attend a pole-raising while discussing the ‘right way’ to share cultural knowledge and ask questions of Elders. Two virtual fire ceremonies were held to reflect on these experiences and review a draft document titled *A Haida Research Ceremony*, which is a guide to doing Haida research. The principles articulated in the document will serve as the foundation for communities to explore Haida laws together.

The Haida Laws Project is unique in that it will honour and make visible Haida Law, the Haida Supernatural worldview, and will employ methodologies rooted in Haida Gwaii. Terri-Lynn Williams-Davidson, CHN’s General Counsel, will guide and contribute to this project – her Doctoral degree being undertaken at the University of British Columbia. Her Master’s thesis titled *Ts’uu JaasGalang hlGaajuu: cedar sisters framework* also provides a framework to analyze Haida laws.



1. Governing authority under Haida Law over Haida Gwaii;
2. Aboriginal Title to the lands, waters, and air-space of Haida Gwaii;
3. Aboriginal Rights, including rights related to fisheries and forestry; and
4. Damages for past infringements, such as the Crown granting property and commercial interests to third parties without the consent of the Haida Nation.

Preparing for a trial of this size is an epic task, and the Nation has made significant progress. For example, it has completed the deposition of fifteen Haida Elders, commissioned six expert reports with more underway, and has disclosed a total of 131,792 documents that provide evidence of Haida Title.

Setting a Trial Date

The Nation is now in the process of moving Phase I of the Haida Title Case to trial. Phase I covers Haida Title to the lands and waters of Haida Gwaii and specific rights within Haida Gwaii. Past damages throughout Haida Gwaii will be addressed in Phase II.

In January, CHN instructed the Legal Team to set a trial date at a judicial management conference; legal counsel for the Haida Nation, Canada, and BC requested that a 300-day trial be scheduled, beginning in spring of 2026. We are now preparing a schedule of key dates leading up to the trial and the trial judge will review the schedule before formally confirming the trial date.

CHN intends is to advance Haida Title and Rights through negotiations and litigation simultaneously. The *GayGahlda / Kwah.hlahl.dáyaa Agreement* notes

The Haida Title Case – 20 Years of Preparation

The Council of the Haida Nation filed its statement of claim in 2002 to start the Haida Title Case, seeking a court declaration of Aboriginal Rights and Title to the lands and waters of Haida Gwaii. The pleadings are complex, but generally assert that we have the following rights:

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- The HN Negotiation Support Team (NST) is established to provide strategic and technical support for HN negotiators.
- 2020:** Canada and BC agree, in principle, to negotiate a reconciliation agreement with the HN based on the recognition of Haida Title.
- HN tables draft of the *GayGahlda / Kwah.hlahl.dáyaa "Changing Tide" Framework for Reconciliation* with Canada and BC.



Amos Setso, Terri-Lynn Williams-Davidson, Nika Collison walking the Statement of Claim to file at the Supreme Court of BC, 2002.

that as issues are settled through negotiation, the Parties may remove the negotiated items from litigation.

At least one year before trial, the Parties will assess the status of negotiations and agreements reached, and will decide whether to proceed to trial with the outstanding issues, or to delay parts of the trial to permit further negotiations. In this way, negotiations will serve to reduce the litigation; even if it is unlikely that negotiations will completely eliminate the Haida Title Case. Setting a trial date provides a real and concrete timeframe to resolve these matters one way or another.

Witness Testimony

CHN continues to prepare for trial. It has been a decade since the last depositions of Haida Elders and we want to ensure that the evidence of key Haida witnesses is preserved before trial. For this reason, CHN has prioritized the Legal Team to conduct depositions of Haida Elders and aging expert witnesses, to ensure that their knowledge and evidence is part of the Title Case.

The Haida Nation remains in a strong position in its negotiation, litigation, and revitalization of Haida Law, and hope that the end is in sight for both. •

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- future management of Protected Areas on Haida Gwaii.
- Fisheries Resources Reconciliation Agreement* signed by the HN, Coastal First Nations and Canada confirms commercial fisheries access.
- 2022:** Workshops are held for elected representatives, Hereditary Leaders, and Knowledge Holders to discuss Haida lawmaking and

-
- the relationship between the Haida Title Case and negotiation process.
- Community dinners are held in *HLGaagilda*, *Gaw Tlagée*, *T'agwan* and *Kxeen* to discuss the *GayGahlda / Kwah.hlahl.dáyaa "Changing Tide" Framework for Reconciliation* with Haida citizens.
- A Letter of Understanding is drafted between HN, Canada and BC

Another Way of Saying it

The Haida Nation Is comprised of people of Haida ancestry who collectively hold Title and Rights to Haida Gwaii. The Haida Nation does its political work through the Constitution of the Haida Nation and the House of Assembly and through the Council of the Haida Nation which includes the Village Councils and the Hereditary Chiefs Council. Our Title and Rights are not rights given from someone else, but are “inherent” or natural inherited rights to our lands and our own destiny.

The Council of the Haida Nation

The Constitution of the Haida Nation was worked on for about 10 years before being adopted 2003 House of Assembly. The Constitution identified and formalized the Council of the Haida Nation as the governing body of the Haida Nation, accountable to citizens of the Haida Nation.

At the time, this was the first and only Constitution of its kind, as most other First Nations governance fall under the federal “Indian Act” or are considered as “Treaty Societies” under the BC Societies Act.

The Secretariat of the Haida Nation

The Haida Nation set up the Secretariat of the Haida Nation (SHN) through our Constitution as the administrative arm and treasury for the Nation. The SHN currently serves to administer the staff, contracts and bill payments etc.

Since the CHN is under the authority of the Nation, it became necessary for the SHN to be registered under the BC Societies Act in order to interface financially with other entities. As agreements, contracts and payments were negotiated, the exchange required a “legal entity” to perform transactions. This arrangement has made the SHN not only answerable to the Haida Nation, but also accountable to the BC Societies Act.

As we enact and gain the recognition of our governance and right to self-determination, the CHN will have legal authority, making the BC Societies Act unnecessary. The SHN then becomes accountable only to the Haida Nation, consistent with our Constitution.

What is the difference between Treaty and Reconciliation?

Treaty: A Treaty is a Crown policy that expects surrender of Title in exchange for certain offerings that are part of a Treaty or “land claims settlement”. Treaties can include a defined land area and hunting rights on “Crown” land. The Treaty approach has been long rejected by our people.

Reconciliation: Reconciliation refers to efforts made to address the harms caused by various policies and programs of colonization. In Haida, reconciliation is translated as *Gud ad T’alang HIḠang.gulxa TII Yahda / TII yá’adee Ḡii gud ahl t’álang hIḠángulaang* "People Working Together to Make it Right" and it is based on our inherent Haida Title throughout Haida Gwaii. Negotiated agreement(s) will address economic, social, political and jurisdictional arrangements, spelling out how Haida Gwaii will be stewarded and managed under Haida Title. Negotiations will also include redress and compensation for damages to the land and water, and resources taken. Matters that cannot be negotiated can also go before the courts.

Why not just go straight to court?

Everyone knows that Haida Gwaii is Haida territory and we have more than enough evidence to prove Title, but we also have to consider that we would be taking the issue of our Title to a Canadian court, which would put the decision in the hands of people we don’t know.

of the Haida Nation that can be exercised by the CHN as its government. The agreement will be legislated by Canada and BC.

An outline for a *Haida Title Lands Agreement* is drafted in which Canada and BC recognize Haida Title throughout terrestrial Haida Gwaii.

outlining commitments to implement key components of the *GayGahlda / Kwah.hlahl.dáyaa "Changing Tide" Framework for Reconciliation*, including recognition of the CHN as a distinct government and of Haida Title throughout terrestrial Haida Gwaii.

2023: A Recognition Agreement is drafted in which Canada and BC recognize the inherent rights of governance and self-determination

We also know that in the best-case scenario with a solid win — the Court ruling in favour of our Aboriginal Title and Rights — that we would end up where we are now, negotiating what those Title and Rights are on the ground. With recognition of our Title and Rights we are able to work towards an orderly transition to Haida governance that is on our terms.

The Title Case has been the best leverage for us in negotiations over the years. Through negotiations, the Haida Nation has protected more than half of Haida Gwaii. Negotiating is preferable but only possible when there are two or more parties looking to resolve matters and find solutions.

The Title Case therefore remains our path. The Title Case ensures that Canada and BC continue to negotiate in good faith. We are proceeding to trial with a start date in three years (set at the recommendation of our legal team). At the same time, through negotiations and the *GayGahlda / Kwah.hlahl.dáyaa "Changing Tide" Framework Agreement*, we can come to terms with Canada and BC on items that we can agree upon and we will be prepared to go to court on issues that we are unable to resolve.

What about the Oceans?

The oceans are every bit as important as the land; in fact, in many ways the ocean is more important as it is our main source of food. The greatest threat to our ocean has been wasteful overfishing, supported by the laws and policies of Fisheries and Oceans Canada. Our people have also been excluded from accessing marine resources and conducting ocean-based livelihoods. This has been the fight of the past three generations.

We expect that at least some parts of our Title to ocean spaces may need to be litigated under the Title Case. Meanwhile, we will continue to negotiate what is possible in terms of Marine Title and Rights, including fishing rights and access.



Why should we buy back our own lands?

Since 1913, the Haida Nation has taken the position that we will not deprive any settlers on Haida Gwaii of their homes. The Islands Community lives in an area that is less than 1.7% of Haida Gwaii and, for the most part, the people living here support Haida Title.

There will be no expropriation and acquisition of interests will be through a “willing seller willing buyer” approach. All monies will come from a package specifically for that purpose. This means that we will buy out these interests with Crown money.

“Fee simple” or private lands are mainly along the highway or settlement corridor. These lands were given out as incentives to lure people to Haida Gwaii one hundred years ago. Most private lands have since been logged, subdivided and resold, and in that process have become more difficult to recover.

We want hold strategic pieces within that 1.7%, such as higher ground and access points. We also want to reduce risks associated with lands being owned by foreign interests and developed in ways we don’t want to see on Haida Gwaii. By holding these lands as Haida Title lands they become a part of a future that we control and can benefit from – whether for economic development or for protection of our culture and ecosystems. •



Looking at a 2026 Haida Title trial date

At least one year before trial the Parties will assess the status of negotiations and agreements and decide whether to proceed to trial on the outstanding issues, or to delay parts of the trial to allow for further negotiations. In this way, negotiations can serve to streamline the litigation. Setting a trial date provides a real and concrete timeframe to resolve these matters one way or another – through negotiations or in court. •

Talking Together Always

The Council of the Haida Nation leadership brought citizens together to speak to important matters this past March. Over 150 citizens attended in T'agwan, Kxeen, Gaw Tlagée, and HIGaagilda.

See article page 10.



Gaw Tlagée



Kxeen



T'agwan



HIGaagilda