

Frequently Asked Questions

Question: Is Band program monies being used to pay for this legal action?

Answer: Band program monies are not being used to pay for this action. As part of the multi-funding agreement between Indian Affairs and the Gitksan Government Commission interest is earned on revenues received for the Bands. Interest monies are being used to cover the legal costs. Band programs and services will not be impacted by this legal action.

Question: How can the Bands take legal action against the Hereditary Chiefs?

Answer: The Plaintiffs are not taking the Hereditary Chiefs to court. The Gitksan Treaty Society is being brought to court. The Society is a provincial entity created under the B.C. Society Act with a Board of Directors and only 26 members, not all of them being hereditary chiefs.

Question: Can this governance model be implemented without my say?

Answer: The treaty ratification (approval) process is one of the issues that is being negotiated at each treaty table. For treaties that have been concluded the First Nations involved negotiated a requirement that a referendum must be held to ratify (approve) the treaty. In those treaties, for a treaty to be approved a majority of the voters need to approve. By contrast, the Gitksan Treaty Society has been negotiating to have the treaty approved by only the hereditary chiefs, not by referendum of all Gitksan.

Question: What is wrong with getting rid of the Indian Act?

Answer: The Indian Act most certainly has its downfalls. The Act however does provide the band members with protection for their reserve lands and rights. The Act also creates a fiduciary relationship between the status members and the Crown. During recent years Bands across Canada have been working with the government to amend sections of the Indian Act. Some of the most obstructive sections of the act are being changed, thereby making development of reserve lands more feasible.

It is the opinion of many that there is not a need to completely wipe out the Indian Act to advance the socio-economic conditions of our people. Nothing in the Act prevents the Hereditary Chiefs from negotiating accommodations and revenue/resource sharing agreements with industry and government for the non-reserve lands and resources.

Question: What will happen to my rights and entitlements, under the Indian Act if this Gitxsan Alternative Governance Model is passed?

Answer: In the information publicized by the Gitxsan Treaty Society the office announced that BC can take on responsibility for delivery of services and programs to the community members, just as it has responsibility for all other residents of the province. B.C. does not however have the legal fiduciary obligations that Indian Affairs has under the Indian Act. These fiduciary responsibilities are the basis for the funding for education, health, social development and housing programs which will no longer be available from your Bands. Tax exemptions (purchase taxes and income taxes) will become payable on reserve lands. Indian Reserve lands will no longer exist and lands held by certificate of possession likely will be replaced by fee simple type interests, where property taxes likely will be payable.

Question: What is the White Paper and what does assimilation mean?

Answer: In the late 1960's Jean Chretien, the then Minister for Indian Affairs released a discussion paper called the White Paper. This paper proposed that Indian rights be done away with and Indians have the same rights as other Canadians have. The White Paper was rejected by First Nations across the country, and was never implemented. However if the White Paper had been implemented the Gitxsan people (and all other aboriginal groups) would have then been absorbed in to the larger Canadian Society. With assimilation, the Gitxsan culture would be changed so that it is no different from the non-aboriginal Canadian culture. Many view the GTS' Alternative Governance Model as a buy in to the White Paper and the assimilation goals held by the governments.

It is worth noting that an opinion prevails that it is the Indian Reserves which resulted in a concentration of the community populations, which has helped the Gitxsan culture survive.

Question: What can I do to help stop the Gitxsan Alternative Governance Model from becoming a reality?

Answer: To help stop this model you can:

- Get educated on what is being proposed.
- Ask questions and demand detailed answers.
- Speak to your Hereditary Chiefs and speak about your concerns.
- Speak to your families and friends about the model.
- Sign the petition and declaration and get your friends and family to sign.
- Above all, do not wait for others to protect your, and your children's rights, as silence is viewed as acceptance.