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**GITISAN AND WET'SUWETEN
SELF-GOVERNMENT PROJECT**

**FRAMEWORK AGREEMENT
PACKAGE**

**DIAND
DECEMBER, 1989**

TABLE OF CONTENTS:

	SECTION
AGREEMENT ON AN AGENDA AND PROCESS	1
APPENDICES	
A Evidence of Community Support and Ratification	
B Gitksan and Wet'suwet'en Proposal: Discussion Paper	
C Parameters for Self-Government Negotiations	
D Agenda and Timeframes for Negotiation	
E Budget for Negotiations	
COMMUNITY PROFILE	2
EXISTING SITUATION	3

FRAMEWORK AGREEMENT PACKAGE

SECTION 1

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT-IN-PRINCIPLE
ON INDIAN GOVERNMENT ARRANGEMENTS**

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF
AN AGREEMENT-IN-PRINCIPLE
ON INDIAN GOVERNMENT ARRANGEMENTS**

BETWEEN

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA
AS REPRESENTED BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN
DEVELOPMENT, HEREINAFTER REFERRED TO AS
"THE MINISTER"**

OF THE FIRST PART

AND

**THE OFFICE OF THE HEREDITARY CHIEFS OF THE GITKSAN AND
WET'SUWET'EN PEOPLE,
HEREINAFTER REFERRED TO AS
"THE GITKSAN AND WET'SUWET'EN"**

OF THE SECOND PART

WHEREAS

The negotiation of Indian government arrangements for Indian communities without prejudice to existing aboriginal and treaty rights is consistent with the policy of the federal government and the mandate of the Minister;

AND WHEREAS

The Gitksan and Wet'suwet'en provided to the Minister a proposal for the further development and negotiation of Indian government arrangements;

AND WHEREAS

The Gitksan and Wet'suwet'en have provided the Minister with evidence of support for the proposal and this Agreement, as set out in the attached document (Appendix A);

AND WHEREAS

The Minister has obtained the consent of Cabinet to enter into the further development and negotiation of Indian government arrangements based on the Gitksan and Wet'suwet'en proposal, as summarized in the Discussion Paper (Appendix B);

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT-IN-PRINCIPLE
ON INDIAN GOVERNMENT ARRANGEMENTS**

AND WHEREAS

The General Parameters for Self-Government Negotiations as set out by the federal government (Appendix C), will govern the further development and negotiation of Indian government arrangements under this agreement;

AND WHEREAS

The Gitksan and Wet'suwet'en and/or the federal government may, in accordance with the provisions of this Agreement, further develop or change the proposals and/or responses summarized in the Discussion Paper (Appendix B).

NOW THEREFORE the parties agree as follows:

1 PURPOSE AND OBJECTIVES

- 1.1 The parties agree to pursue the further development and negotiation of Indian government arrangements based upon the subject matter of the Discussion Paper and within the General Parameters in the manner herein provided with the object of arriving at an agreement-in-principle for Indian government. For greater clarification, the subject matters set out in Appendix B are not exclusive but are in fact the areas for discussion presently identified by the Gitksan and Wet'suwet'en and the Minister;
- 1.2 The agreement-in-principle reached pursuant hereto shall have no force or effect until it has been ratified in accordance with section 7.

2 CLASSES OF MATTERS TO BE NEGOTIATED

- 2.1 The parties agree to the further development and negotiation of Indian government arrangements under the following classes of matters as set out in the Discussion Paper and within the General Parameters:
 - a) Legal Status and Capacity
 - b) Structures and Procedures of Government
 - c) Financial Arrangements
 - d) Membership
 - e) Lands and Land Management
 - f) Natural Resources
 - g) Application of the Indian Act
 - h) Application of Federal and Provincial Laws
 - i) Implementation Plan

Other matters, as set out in the Discussion Paper (Appendix B), may be included as might be determined to be necessary through the course of negotiations.

3 AGENDA AND TIMEFRAMES

- 3.1** The further development and negotiation of the classes of matters set out in section 2 shall be in accordance with the agenda and timeframes set out in Appendix D.

4 ESSENTIAL ELEMENTS

- 4.1** An agreement-in-principle for Indian government will not be recommended by the Minister to the Cabinet unless it includes arrangements under classes of matters (a) - (i) as referred to in section 2. While arrangements on the above-noted classes of matters are essential, the specifics thereunder, as summarized in the Discussion Paper, may be altered in accordance with paragraph 6.4.

5 PARTIES

- 5.1** Each party shall appoint a negotiator to conduct negotiations.
- 5.2** The Gitksan and Wet'suwet'en shall provide to the Minister written notice of the appointment of their Negotiator.
- 5.3** The Minister shall provide to the Gitksan and Wet'suwet'en written notice of the appointment of a Federal Negotiator.
- 5.4** Where the negotiation of a matter may require the cooperation of the Province or any other party, the Province or such other party shall, with the mutual consent of the parties, be invited to attend the negotiating sessions.
- 5.5** With the agreement of the Negotiator for the Gitksan and Wet'suwet'en and the Federal Negotiator, parties identified in the Discussion Paper, or any other party, may be invited to attend the negotiating session.

6 Process

- 6.1** The parties hereto agree to work cooperatively toward the development of agreed positions regarding Indian government arrangements.
- 6.2** The parties agree to exchange proposed positions in writing, and when requested, to respond in writing to proposed positions submitted by the other party.
- 6.3** The Negotiator for the Gitksan and Wet'suwet'en and the Federal Negotiator shall be responsible for the arrangement and conduct of all negotiating sessions.
- 6.4** The parties may, by agreement in writing, extend, modify or delete any of the classes of matters to be negotiated other than those referred to in section 4 of this Agreement; alter the order in which the negotiations shall be conducted, extend the timeframe referred to in Appendix D and/or amend the funding support referred to in Appendix E for the negotiations of any class of matters; except no such extension, modification, deletion or alteration shall contravene the limitations set out in the General Parameters for Self-Government Negotiations as set out in Appendix C.

7 RATIFICATION OF THE AGREEMENT-IN-PRINCIPLE

- 7.1** Any agreement-in-principle reached between the negotiators shall be of no force and effect unless and until the same has been ratified:
 - 7.1.1** by the Gitksan and Wet'suwet'en through the process of witnessing and validation through the institution of the Feast as described in Appendix A.
 - 7.1.2** upon fulfilment of paragraph 7.1.1, by the Minister seeking the concurrence of Cabinet for the agreement-in-principle and the authority to carry out such further steps as may be required to accommodate the agreement-in-principle.
 - 7.1.3** Notwithstanding paragraph 7.1.1, in the event that the Gitksan and Wet'suwet'en and the Minister mutually agree to an alternate manner of ratification for the agreement-in-principle, such manner of ratification shall supersede paragraph 7.1.1.

8 FUNDING

8.1 The Minister shall provide funding to the Gitksan and Wet'suwet'en in accordance with Appendix E to support the negotiation process pursuant to this Agreement.

9 TERMINATION

9.1 Either party may terminate or suspend this Agreement without cause by providing to the other party written notice of intention to terminate or suspend at least sixty (60) days prior to the intended date of termination.

**SIGNED IN DUPLICATE FOR
AND ON BEHALF OF HER
MAJESTY THE QUEEN
IN RIGHT OF CANADA AS
REPRESENTED BY THE MINISTER
OF INDIAN AFFAIRS AND
NORTHERN DEVELOPMENT**

**SIGNED IN DUPLICATE FOR
AND ON BEHALF OF THE
GITKSAN AND WET'SUWET'EN
PEOPLE AS REPRESENTED BY
THE OFFICE OF THE HEREDITARY
CHIEFS**

THE MINISTER

DATE

DON RYAN, SPEAKER **DATE**
OFFICE OF THE HEREDITARY
CHIEFS OF THE GITKSAN AND
WET'SUWET'EN PEOPLE

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT-IN-PRINCIPLE
ON INDIAN GOVERNMENT ARRANGEMENTS**

APPENDICES

Evidence of Community Support and Ratification A

**Gitksan and Wet'suwet'en Self-Government Proposal
Discussion Paper B**

Parameters for Self-Government Negotiations C

Agenda and Timeframes for Negotiation D

Negotiations Budget E

APPENDIX A
EVIDENCE OF COMMUNITY SUPPORT AND RATIFICATION

**AGREEMENT ON AN AMBIA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT IN PRINCIPLE
ON BIRAN GOVERNMENT ARRANGEMENTS**



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OUR FILE:

STATEMENT OF RATIFICATION OF THE GITKSAN AND WET'SUWET'EN SELF-GOVERNMENT INITIATIVE

WHEREAS the hereditary chiefs of the Gitksan and Wet'suwet'en people and their House members have constantly sought the formal recognition by the Government of Canada of the indigenous principles and structures of their government;

AND WHEREAS the Gitksan and Wet'suwet'en Self-Government Initiative, through the negotiation of enabling legislation can accomplish this directive;

AND WHEREAS The Office of the Hereditary Chiefs of the Gitksan and Wet'suwet'en People is the legitimate representative office for the Chiefs and Houses;

AND WHEREAS this Office has been given a mandate by the Gitksan and Wet'suwet'en people to proceed with the negotiation of suitable enabling legislation to achieve this goal;

AND WHEREAS the (the) agreement on an agenda and process for the negotiation of an Agreement-in-Principle on Indian Government Arrangements has been ratified by the Chiefs and Houses according to indigenous practice;

NOW THEREFORE it is confirmed and ratified, under the authority of the hereditary chiefs that:

1. The Agreement on an Agenda and Process for the negotiation of an Agreement-in-Principle on Indian Government Arrangements, including the discussion paper, workplan, timeframes and federal parameters is approved;

2. The Office of the Hereditary Chiefs of the Gitksan and Wet'suwet'en People is hereby given the mandate to negotiate a mutually acceptable agreement with the federal government leading to enabling legislation in regard to this process;

3. The Agreement on Agenda and Process for the negotiation of an Agreement-in-Principle on Indian Government Arrangements, having been ratified, will be validated within the Institution of the Feast;

4. The signator, on behalf of the Chiefs and Houses will be Don Ryan, Speaker of the Office of the Hereditary Chiefs of the Gitksan and Wet'suwet'en People and that Don Ryan will act, if required by the process, as chief negotiator for the Gitksan and Wet'suwet'en people;

5. The Office of the Hereditary Chiefs of the Gitksan and Wet'suwet'en People may make changes or amendments to the subject areas or process, as provided for within the terms of the Agreement on an Agenda and Process for the Negotiation of an Agreement-in-Principle on Indian Government Arrangements to expedite the process of achieving the above stated goals.

Signed and Dated this 2nd day of November, 1989

OFFICE OF THE HEREDITARY CHIEFS
OF THE GITKSAN AND WET'SUWET'EN PEOPLE


Don Ryan
Speaker

APPENDIX B
GITKSAN AND WET'SUWET'EN SELF-GOVERNMENT PROPOSAL
DISCUSSION PAPER

AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT IN PRINCIPLE
ON INDIAN GOVERNMENT ARRANGEMENTS

GITKSAN AND WET'SUWET'EN SELF-GOVERNMENT PROPOSAL **DISCUSSION PAPER**

INTRODUCTION

This paper outlines the self-government objectives of the Gitksan and Wet'suwet'en people, and sets forth the key provisions of their self-government proposal, the federal response identifying matters which must be addressed in the course of negotiations, and the appropriate parties to the negotiations. Its purpose is to arrive at a mutually acceptable definition of what will be on the agenda for research, development and substantive negotiations.

As part of the Agreement on the Agenda and Process for Indian Government Negotiations, it establishes a common starting point and outlines what the process is intended to achieve.

GENERAL DESCRIPTION OF THE PROPOSAL

The Office of the Hereditary Chiefs on behalf of the Gitksan and Wet'suwet'en people submitted a framework proposal on June 9, 1989, setting out the areas in which the Gitksan and Wet'suwet'en people seek to exercise self-government powers. Since June, 1989, the community's proposal has been further clarified and developed, resulting in the present discussion paper. It is proposed that, over nine months, negotiations will focus on the essential subject matters, specifically, legal status and capacity, structures and procedures of government, membership, lands and land management, natural resources, implementation and financial arrangements. The application of provincial and federal laws (including the Indian Act) is an issue to be dealt with throughout substantive negotiations. The immediate objective of the Gitksan and Wet'suwet'en and the federal government is to arrive at an agreement-in-principle on these subject areas. The Gitksan and Wet'suwet'en have also proposed a range of optional items for discussion and negotiation. These include:

- ◆ community infrastructure and services
- ◆ education
- ◆ social services
- ◆ administration of justice
- ◆ licensing of businesses
- ◆ taxation
- ◆ protection and management of the environment
- ◆ health
- ◆ domesticates

These matters may be raised for discussion through the course of negotiations subject to the provisions of paragraph 6.4 of the Agreement on an Agenda and

Process. In addition, the community seeks a bilateral agreement on financial arrangements for proposed new self-government arrangements. The Gitksan and Wet'suwet'en also seek capitalization, control and responsibility for the operation of an Aboriginal Capital Corporation which would be owned in common by the 76 + 13 Houses. This matter will be negotiated in a separate process.

The general aim of the Gitksan and Wet'suwet'en people is to have their traditional form of government recognized in Canadian legislation. The Gitksan and Wet'suwet'en envisage enactment of federal enabling legislation which would provide a statutory base for the authorities to be exercised by their government. Specifically, they propose that enabling self-government legislation be passed within 365 days of the signing of the self-government agreement-in-principle. However, the federal government cannot guarantee that enabling legislation will be passed within a specific time period as Parliament cannot be bound in this manner.

While it is proposed that suitable enabling legislation replace the Indian Act for the Gitksan and Wet'suwet'en, it will be necessary to clearly and precisely identify which provisions of the Act will or will not continue to apply. The Gitksan and Wet'suwet'en propose that enabling legislation contain within it clauses of sufficient scope to ensure that they will have flexibility in considering amendments to Gitksan and Wet'suwet'en laws passed pursuant to the self-government legislation.

The Gitksan and Wet'suwet'en see the full establishment and functioning of the House system of government as an extended process, to take place over a number of years. Implementation negotiations will establish a mechanism for the transition from the Indian Act to federal legislation recognizing a new Gitksan Wet'suwet'en government.

The successful negotiation of self-government arrangements through the community negotiations process is an integral part of the community's much broader vision of Gitksan and Wet'suwet'en self-government which includes settlement of the comprehensive land claim and recognition of aboriginal title and rights.¹ While they recognize that the community-based self-government negotiations process is a limited initiative, the Gitksan and Wet'suwet'en are

¹ The Department of Indian Affairs and Northern Development has accepted for negotiation two comprehensive land claims from the Gitksan and Wet'suwet'en community; one involves the Kitwano Band consisting of 13 Houses and the other involves the Office of the Hereditary Chiefs on behalf of the remaining 76 Houses. While the two claims are distinct, Kitwano is represented in the self-government negotiations by the Office of the Hereditary Chiefs. The reference to "76 + 13 Houses" in the discussion paper draws attention to this distinction.

willing to negotiate with the federal government. The community has reaffirmed its commitment to work within the federal policy and process and to proceed without prejudice to their land claim and aboriginal rights.

The federal government and the Gitksan and Wet'suwet'en will make every effort to negotiate an agreement-in-principle within the time frames proposed. However, it must be understood that the federal government has rigorous internal approval mechanisms which must be met.

Negotiations are intended to lead to creation of a new relationship by way of legislation. Each party may not necessarily accept the legal interpretation advanced by the other in developing the terms of the proposal.

ESSENTIAL ELEMENTS

The following outlines the key elements of the Gitksan and Wet'suwet'en self-government proposal to be dealt with in self-government negotiations:

1 LEGAL STATUS AND CAPACITY

COMMUNITY PROPOSAL

- 1.1 The Gitksan and Wet'suwet'en propose that each of the 76 Houses (plus the 13 Houses of Kitwancool) acquire the legal status and capacity of a natural person including all its rights, powers and privileges.

FEDERAL RESPONSE

Legal status and capacity is considered to be an essential element of self-government negotiations. It will be included in the framework as a matter for negotiation with the federal government.

Any other body or bodies upon which some form of legal status and capacity would be conferred must be identified.

2 STRUCTURE AND PROCEDURES OF GOVERNMENT

COMMUNITY PROPOSAL

- 2.1 The Gitksan and Wet'suwet'en propose to replace the existing system of band government with a system that is based on extant and traditional institutions and principles. The central political unit is the House, which consists of matrilineally-related members and hereditary chiefs who represent the House and are accountable to its members. The House is integral to the functions of government including the development of laws, policies, regulations and resolutions.

The House would be accountable to its membership for financial expenditures. The underlying indigenous principle entails full public

disclosure of financial activity at intra and inter-House levels, primarily through written ledgers. This system would be adapted to the requirements of a decentralized fiscal management system consistent with the House as the basic unit of governmental authority.

Decision-making and the formal ratification of all policies and acts of the Indian government would take place at the "Feast". The Feast is a major public/political institution that requires the participation and consensus of all chiefs for the validation and legitimation of decisions which affect all Houses. It also provides a forum in which the rights of redress of "citizens" (House members) would be recognized and the removal of hereditary chiefs from office could be exercised.

A centralized agency (the Gitksan and Wet'suwet'en Government Office) would receive its mandate from all Houses to deliver programs and services and to interface with other Indian and non-Indian governments.

In the transition from band government to a decentralized, House-based system of government, representatives would be appointed to sit on a village council. Other government bodies, including commissions, boards, etc., would consist of appointed "speakers" who would represent the various regions within the community. Speakers and village councillors would be accountable to the hereditary chiefs and through them, to the Houses.

- 2.2** The Gitksan and Wet'suwet'en propose that traditional laws of the Gitksan and Wet'suwet'en people apply in self-governing areas to the extent that they are not inconsistent with the Constitution Act, 1982 and fall within the ambit of the powers granted under legislation. All required regulations or statutes would be agreed to by consensus of the Houses and ratified in the traditional manner in the Feast House.

FEDERAL RESPONSE

Structure and procedures of government is considered to be an essential element of self-government negotiations. It will be included in the framework as a matter for negotiation with the federal government.

In general the community's proposal is complex and in areas unclear. During the course of negotiations the following will be provided:

Discussion Paper
Gitksan and Wet'suwet'en
Self-Government Proposal
Updated December 12, 1988

- ◆ a clear identification and description of the proposed institutions of government, their legal status and their interrelationships; (Houses, Gitksan and Wet'suwet'en Government Office, Feast, Commissions, Council)
- ◆ a clear description of the powers and functions of each institution, their accountability and redress mechanisms;
- ◆ rules and procedures for selecting and removing leaders, appointing speakers, etc.;
- ◆ provisions for amending the structures and procedures of government and appeal mechanisms;
- ◆ structure and procedures over the transition period;
- ◆ a clear identification of which traditional laws are to apply and to whom.

Clarification of the transition from band government to the interim structure of village and regional representation is unclear and will be detailed during the course of negotiations. Clarification of the hereditary system will also be provided.

Consideration will be given as to whether such an hereditary system can be codified in legislation given Charter considerations.

It is administratively impractical for there to be a direct relationship between the 76 + 13 Houses and the federal government. It is unclear whether the Gitksan and Wet'suwet'en intend that the Gitksan and Wet'suwet'en Government Office serve as a centralized body through which the government will interact with other governments. If there is to be such a body, it should be described in the legislation and the relationships between it and the Houses delineated.

3 FINANCIAL ARRANGEMENTS

COMMUNITY PROPOSAL

- 3.1** The Gitksan and Wet'suwet'en require that a new system of government be supported by a financial structure that provides at least as much money as is now coming into the communities.
- 3.2** The community also proposes to include components of a financial arrangement in the enabling self-government legislation. For all financial arrangements, the population of the self-governing areas would be the aggregate of all 76 + 13 Houses. A corresponding list is to be provided during substantive negotiations.

Discussion Paper
Gitksan and Wet'suwet'en
Self-Government Proposal
Updated December 12, 1990

3.3 Fiscal support from the province of British Columbia would be in the form of a transfer payment covering the costs of services and other governmental responsibilities transferred from the province to the Houses under self-government arrangements.

FEDERAL RESPONSE

Financial arrangements are considered to be an essential element of self-government negotiations. This topic will be included in the framework as a matter for negotiation with the federal government. Negotiations on financial arrangements will be guided by the existing federal guidelines for self-government arrangements and will be held in parallel with the negotiation of essential elements.

Arrangements for provincial transfer payments remain entirely within provincial jurisdiction.

Areas to be addressed during substantive negotiations include:

- ◆ financial powers
- ◆ accountability measures
- ◆ cost sharing
- ◆ renewal processes

In addition to transfer payments, negotiations will also address the transfer of existing band capital and revenue monies from ministerial control to the community. Matters such as accountability, disclosure to community members and residual ministerial responsibility, will also be dealt with.

Where funding includes consideration of population, the population base will be defined as Status Indians living on reserve.

4 MEMBERSHIP

COMMUNITY PROPOSAL

4.1 "Citizenship" (membership) would continue to be determined by indigenous principles which are common to all Houses. All people who have membership in a Gitksan or Wet'suwet'en House are "citizens" (members);

**Discussion Paper
Gitksan and Wet'suwet'en
Self-Government Proposal
Updated December 12, 1990**

all "citizens" (members) have membership in a House. House membership is hereditary or determined through formal adoption. All persons claiming Gitksan or Wet'suwet'en ancestry who can be identified through genealogy, and all persons normalized through adoption, regardless of their current status, membership, or C-31 application status, would be "citizens" (members).

FEDERAL RESPONSE

Membership is considered to be an essential element of self-government. It will be included in the framework as a matter for negotiation with the federal government. Indian status will continue to be defined by the Indian Act

Membership provisions must ensure that principles of natural justice and the Charter of Rights be adhered to; consideration will have to be given to the protection of persons with acquired rights.

Negotiations will lead to further clarification. Specifically, the following areas will be addressed:

- ◆ membership rules
- ◆ provisions for reinstatement
- ◆ management and updating of membership lists
- ◆ appeal mechanisms
- ◆ amendment provisions
- ◆ dispute resolution mechanisms

5 LANDS AND LAND MANAGEMENT

COMMUNITY PROPOSAL

- 5.1** The Gitksan and Wet'suwet'en propose that lands be held in fee simple by Houses, following an indigenously based allocation and corporate holding model, i.e. following territorial boundaries and according to traditional law. Alienability of lands would only be possible through consensual decisions reached by Houses and ratified in the traditional manner in the Feast House.

APPENDIX C

PARAMETERS FOR SELF-GOVERNMENT NEGOTIATIONS

**AGREEMENT ON AN AMBIDA AND PROCESS
FOR THE RESOLUTION OF AN AGREEMENT IN PRINCIPLE
ON DEAN GOVERNMENT ARRANGEMENTS**

GUIDELINES FOR COMMUNITY-BASED SELF-GOVERNMENT NEGOTIATIONS

PART I: GENERAL PARAMETERS

1. Negotiations are conducted without prejudice to treaty and aboriginal rights, existing or potential land claims or to future constitutional developments. The process is not intended to define, redefine or renegotiate aboriginal or treaty rights.
2. Community self-government arrangements will continue the special relationship between Indian people and the federal government.
3. Community self-government negotiations and/or arrangements will not alter the division of powers between the federal and provincial governments and will, through practical measures, attempt to accommodate Indian governments within the existing constitutional framework.
4. The negotiation of community self-government arrangements in areas which extend beyond the present reserve base and/or in which provincial legislation, regulations or standards are currently applicable, will require the cooperation and involvement of the provincial government concerned.
5. Community self-government arrangements must be compatible with the established principles, jurisdictions and institutions of government in Canada. For example, they must:
 - i) conform with the Charter of Rights and Freedoms;
 - ii) ensure political and financial accountability by the Indian government to the general community membership and;
 - iii) recognize the rights of redress of citizens.
6. Financial arrangements will be within the resource levels available to the department and consistent with the historical levels of funding provided to that community.
7. Agreements-in-principle and new self-government arrangements must be formally ratified by the community membership and the federal Cabinet.
8. Federal laws of general application will continue to apply under new community self-government arrangements except to the extent that these

laws are inconsistent with the provisions of any legislation giving effect to the self-government arrangements.

9. Provincial laws of general application will continue to apply except to the extent that those laws are inconsistent with the terms of any treaty, the provisions of any legislation giving effect to the self-government arrangements, any other Act of the Parliament of Canada or a law of the community.
10. The negotiation of new community self-government arrangements will be conducted with Indian communities that occupy lands that are recognized as lands reserved for Indians or that hold blocks of land pursuant to comprehensive claims settlement. The population and geographical area over which the Indian government will exercise authority will be defined in the negotiation.

PART II: SUBJECT MATTERS FOR NEGOTIATION

The following items are considered to be essential to Indian government arrangements, and therefore must be dealt with in community self-government negotiations:

1. Legal Status and Capacity

How a community proposes to become a legal entity, separate and apart from its individual members, and the legal capacity of the new entity must be defined. The body (or bodies) through which the community will exercise its powers and carry out its duties must also be defined.

2. Structure and Procedures of Government

The structure and procedures of community government must be defined and must include:

- ◆ a clear description of the proposed institutions of government, including customary or traditional structures;
- ◆ a clear description of the functions and responsibilities of each institution;
- ◆ provisions for making government accountable, for communicating decisions to members and, where appropriate, for an appeal system;

- ♦ written rules and procedures for selecting and removing leaders;
- ♦ provisions for enforcement of laws passed by the community government; and
- ♦ provisions for amending the structures and procedures of government.

3. Membership

Communities may be empowered to define their own membership. However, community self-government arrangements must include written rules and procedures describing how membership may be confirmed or relinquished.

4. Management of Lands and Resources

Title to the community's reserve lands may remain with the Crown or be transferred to the community. If the community wishes, any lands now designated as lands reserved for Indians will continue to be recognized as such even if title is transferred to the community.

Land management powers now held by the Minister under the Indian Act may be transferred to the community. Before assuming these powers, the community must develop appropriate administrative mechanisms as well as rules and procedures for land management. If the community wishes the federal government to retain a role in land management, the federal role and responsibility must be clearly defined.

New arrangements as to the ownership or management of natural resources may require the involvement of the provincial government.

There must be provisions for disposing of reserve lands and natural resources. If the community wishes to have the federal government involved in such dispositions, the federal role and responsibilities must be clearly defined.

New arrangements may provide the Indian government with expropriation powers over community land.

5. Financial Arrangements

The financial powers (such as the power to tax, hold funds, enter into contracts) of the Indian government must be clearly spelled out. There

must be a financial agreement between the community and the federal government and written provisions for financial accountability to the community members and the federal government.

Monies held by the federal government pursuant to the provisions of the Indian Act for the use and benefit of Indian bands may be transferred to an Indian community provided appropriate accountability provisions have been developed.

(For more details in this area see Guidelines for Financial Arrangements)

6. Application of the Indian Act

Provisions of the Indian Act, (modified as circumstances may require) will continue to apply except where they are inconsistent with the agreed self-government arrangements.

The Indian Act will continue to apply for the purposes of determining which members of the community are "Indians" within the meaning of that Act.

7. Implementation Plan

A plan for implementing an agreement on community self-government arrangements will be prepared, specifying the responsibilities, financial obligations and procedures to which the parties have agreed.

Community self-government arrangements may also be negotiated for the subject matters listed below. The nature and extent of authority of the Indian government over these matters will be subject to the general parameters set out in Part I.

- community infrastructure and public works;
- education;
- social and welfare services, including custody and placement of children;
- justice;
- licensing, regulation and operation of business;
- taxation for local purposes;
- public order and safety;
- health and hygiene;
- wildlife management;
- management of Indian monies;
- agriculture;

- protection and management of the environment;
- succession;
- culture;
- traffic and transportation; and
- access to and residence on reserve.

Issues that affect the responsibilities of other federal departments will require the cooperation and involvement of those departments.

Any negotiation of taxation powers other than municipal type property taxes will require prior agreement by the Department of Finance.

PART III: PROCESS

1. Agreements on the terms of reference or framework for each negotiation will be submitted to an interdepartmental steering committee for approval before detailed negotiations begin.
2. The steering committee will coordinate interdepartmental participation in developing negotiating mandates for subject areas which affect each department's responsibilities. It will also identify any major issues requiring further Cabinet direction.
3. Any items not covered under the subject matter headings in Part II will not be negotiable without explicit Cabinet direction.
4. Agreements-in-principle and final agreements will be referred to Cabinet for approval and must be ratified by the community membership.

GUIDELINES FOR FINANCIAL ARRANGEMENTS

Negotiations of financial arrangements for communities under self-government legislation will be guided by the following:

1. GENERAL PRINCIPLES

Under self-government arrangements, the primary accountability of communities for the allocation and expenditure of funds is to community members. There will also be very general oversight by Parliament and the Minister as set forth in legislation and agreements.

Appropriate institutions and mechanisms for responsible financial administration will be established through legislation and self-government agreements.

The federal government will maintain its financial support of programs and services for these communities. Funding will be provided through multi-year comprehensive funding agreements which recognize the principles of cost-sharing between the two governments. This will provide predictable and stable funding for communities operating under self-government legislation.

Indian communities will have certain fiscal powers and jurisdiction to raise revenue and manage their affairs.

2. COMMUNITY RESPONSIBILITY AND ACCOUNTABILITY

Funding may be provided as a grant which may include both operating and capital funding. The objective is to permit communities to allocate resources according to locally determined priorities. Services covered by multi-year funding arrangements must meet applicable minimal national, provincial or other specified standards.

Financial arrangements established under self-government agreements must include financial accountability provisions that are consistent with Canadian democratic traditions.

3. TRANSFER ARRANGEMENTS

Multi-year comprehensive funding agreements (up to five years) may incorporate the full range of programs or services for which the community is assuming responsibility. The funds will be provided through an annual appropriation by Parliament.

Grants may be adjusted annually to take into account changes in price and volume, revenue generating capacity, and incentives to support economic self-sufficiency. Where formula funding is based on population, the population base will be defined as status Indians living on community lands.

Initial base year funding will be based on current funding available to the community with permissible adjustments to average out variable expenditure items. Some minor increase in funding may be considered to support higher operating costs that communities may incur because of assuming administrative responsibility for current programs. Short-term financial support may be available to defray some of the costs of establishing the legal and administrative framework needed for self-government.

Payments to self-government communities may be made on the same basis as approved for Alternative Funding Arrangements or other arrangements that may be negotiated and are consistent with the government's and the department's cash management policy.

Communities will continue to have access to services or programs not included in the multi-year comprehensive funding transfer agreement in accordance with established terms, conditions and reporting requirements.

The funding arrangement may be adjusted during the term of the comprehensive funding agreement when the department has introduced a major new program or improved a program in an area covered by the agreement. Financial assistance for contingencies will continue to be available in the event of fire, flood or natural disasters.

4. FINANCIAL POWERS

Financial powers will be related to the governing powers agreed to in each particular self-government arrangement. They will include the authority to enter into contracts, borrow money, sue or be sued and to carry out commercial functions. They may also provide access to revenue sources now available to communities under the Indian Act or those powers normally assumed by local governing bodies including:

**Guidelines for Community-Based
Self-Government Negotiations**

- sale of goods and services (to community members and non-members);
- user fees;
- investments;
- taxation (community members and non-members) of interests in reserve lands and other related local taxes (including flat rate taxes);
- sale of licences and permits (to community members and non-members);
- raising money from community members to support community projects;
- natural resource royalties (within the framework of applicable federal and provincial legislation); and
- transfer arrangements with other governments.

5. COST-SHARING

During the first funding agreement, any augmented revenues generated by an Indian government under its self-government legislation will not affect the level of the federal contribution.

When the funding agreement is renegotiated, keeping in mind the principle of cost-sharing and the objective of providing a positive incentive to community revenue generation, the Indian government and the department will review the cost-sharing arrangements.

Self-governing communities will be expected to use community revenue sources to contribute to the cost of local government and community services. The economic situation, the communities' revenue generating capacity and the historical funding pattern of communities will be considered in determining the Government of Canada's level of funding.

6. RELATIONS WITH THE GOVERNMENT

Communities will be required to submit an audited consolidated financial statement to the Minister within three months following the end of each fiscal year.

Legislation and financial agreements will establish ministerial responsibilities for financial oversight and describe the course of action to be followed in the event of financial breakdown. They will include the following:

- authority of the Minister to inspect the financial records of an Indian government;
- authority to appoint an auditor in the event an Indian government fails to do so;
- authority to appoint an administrator if the Indian government's financial affairs are in serious disorder.

7. PROCESS

Negotiations to establish the financial arrangements between the federal government and the self-governing community will be held in parallel with the overall self-government negotiations. A financial transfer agreement must be reached with the community before the new Indian government may be proclaimed.

This financial transfer agreement will be subject to approval by Treasury Board.

NOVEMBER 1989

DOC426

APPENDIX D

AGENDA AND TIMEFRAMES FOR NEGOTIATIONS

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT IN PRINCIPLE
ON JUDICIAL GOVERNMENT ARRANGEMENTS**

NEGOTIATION SCHEDULE AND MILESTONES

ROUND	DATE 1990	TOPICS
Round 1	January 8 to February 20	A: Membership B: Legal Status and Capacity
Round 2	February 21 to April 5	C: Lands/ Land Management
Round 3	April 6 to May 21	D: Structures of Government
Round 4	May 22 to July 5	E: Natural Resources
Round 5	July 6 to August 7	F: Financial Arrangements
Round 6	August 9 to September 19	G: Application of Laws
Round 7	September 20 to November 1	H: Implementation I: Application of the <u>Indian Act</u>

Agreement in Principle by November, 1990.

MILESTONES FOR FISCAL YEAR 1989-90

January 8, 1990	Begin Round 1 Negotiations
February 5, 1990	Consultation, working groups completed; federal response presented
February 19-20, 1990	Provisional Agreement on Membership and Legal Status and Capacity
February 21, 1990	Begin Round 2 Negotiations
March 21, 1990	Consultation, working groups completed; federal response presented
March 31, 1990	Provisional agreement on Lands and Land Management
April 1, 1990	Begin Round 3 Negotiations

DESCRIPTION OF NEGOTIATION ACTIVITIES

Seven rounds of negotiations are planned during which one or two subject matters will be dealt with. Each round consists of seven activities defined below. Duration for each of these activities is approximate as some topics will be more complex than others. A schedule of the rounds of is presented graphically on the following pages. Three weeks per round have been allowed for consultation and preparation of the federal response. Thus, an average round of negotiations is estimated to last a total of 30 days.

		DAYS	PARTICIP
N1:	Table Documents - tabling of Gitksan and Wet'suwet'en positions, clarification and discussion of areas; identification of problem areas; setting up working groups to deal with these problem areas.	3 days	Core team IGL/N
N2:	Working Groups/Consultations - detailed consideration of problem areas; departmental consultation and preparation of federal response; GW consideration of federal response.	3 days plus 15 days elapsed time	Full team IGL/N Technical group Lawyer
N3:	Redrafting of documents - redrafting of GW positions if necessary, circulation to relevant parties.	2 days	Core team Technical group IGL/N
N4:	Re-negotiation of areas and provisional agreement on specific topics.	2 days	Full team IGL/N Lawyer
F1:	OHC team meetings - review of responses, adoption of documents as revised; progress review and debriefing.	2 days	Full team IGL/N
F2:	Community input/meetings - meetings or other form of consultation with each community to review revisions, and for input, clarification, etc.	1 day per com- munity	Reps IGL/N
F3:	GW approval - following community review and review by OHC, to approve for tabling at next round.	2 days	Full team IGL/N Technical group Lawyer
		<hr style="width: 100px; margin: 0 auto;"/> 30 days	

OHC = Office of the Hereditary Chiefs
IGL/N = Intergovernmental Liaison/Negotiator

Activities related to implementation would take place following each provisional agreement. The development of an implementation plan *per se* will take place during round 7 (see H on

Gitksan and Wet'suwet'en Self-Government Project
 Agenda and Timelines for Negotiations
 Updated November 1, 1999

the workplan).

Chronologically, N4 would be the last activity in each round of negotiations.

GITKSAN AND MET'SUMET'EN SELF-GOVERNMENT PROJECT NEGOTIATIONS WORKPLAN

FEBRUARY 1990

JANUARY 1990

	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31							
<ul style="list-style-type: none"> M1 - Table Documents M2 - Work Groups/ Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement - Implementation work 																																					

MARCH 1990

	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23										
<ul style="list-style-type: none"> M1 - Table Documents M2 - Work Groups/Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement - Implementation work 																																																					

APRIL 1990

	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13 ^a	14 ^b	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	1	2	3	4																
<ul style="list-style-type: none"> M1 - Table Documents M2 - Work Groups/Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement - Implementation work 																																																							

- = Negotiations, working groups or CU meetings
- = Elapsed time for consultation
- = Provisional agreement
- = Implementation work

- A = Membership
- B = Legal Status and Capacity
- C = Lands and Land Management

GITKSAN AND MET'SUMET'EN SELF-GOVERNMENT PROJECT NEGOTIATIONS WORKPLAN

MAY 1990

JUNE 1990

	7	8	9	10	11	14	15	16	17	18	21*	22	23	24	25	28*	29	30	31	1	4	5	6	7	8	11	12	13	14	15	
M1 - Table Documents																															
M2 - Work Groups/Consultation																															
M3 - Redraft Material																															
F1 - GI Meeting																															
F2 - Community Meetings																															
F3 - Final Draft/ Approval																															
M4 - Provisional Agreement																															
- Implementation work																															

JUNE 1990

JULY 1990

	18	19	20	21	22	25	26	27	28	29	2*	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27	
M1 - Table Documents																															
M2 - Work Groups/Consultation																															
M3 - Redraft Material																															
F1 - GI Meeting																															
F2 - Community Meetings																															
F3 - Final Draft/ Approval																															
M4 - Provisional Agreement																															
- Implementation work																															

AUGUST 1990

SEPTEMBER 1990

	30	31	1	2	3	6	7	8	9	10	13	14	15	16	17	20	21	22	23	24	26	27	28	29	30	31	3*	4	5	6	7	
M1 - Table Documents																																
M2 - Work Groups/Consultation																																
M3 - Redraft Material																																
F1 - GI Meeting																																
F2 - Community Meetings																																
F3 - Final Draft/ Approval																																
M4 - Provisional Agreement																																
- Implementation work																																

■ = Negotiations, working groups or GI meetings
 ■ = Elapsed time for consultation
 ■ = Provisional agreement
 ■ = Implementation work

D = Structures of Government
 E = Natural Resources
 F = Financial Arrangements
 G = Application of Laws

**GITKSAN AND MET'SUMET'EN SELF-GOVERNMENT PROJECT
NEGOTIATIONS WORKPLAN**

SEPTEMBER 1990

		10	11	12	13	14	17	18	19	20	21	24	25	26	27	28	1	2	3	4	5	6*	9	10	11	12	15	16	17	18	19						
M1 - Table Documents M2 - Work Groups/Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement - Implementation work																																					

OCTOBER 1990

OCTOBER 1990

		22	23	24	25	26	29	30	31	1	2	5	6	7	8	9	12	13	14	15	16	19	20	21	22	23	26	27	28	29	30								
M1 - Table Documents M2 - Work Groups/Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement - Implementation work																																							

NOVEMBER 1990

DECEMBER 1990

M1 - Table Documents M2 - Work Groups/Consultation M3 - Redraft Material F1 - CU Meeting F2 - Community Meetings F3 - Final Draft/ Approval M4 - Provisional Agreement																																								

- = Negotiations, working groups or CU meetings
 - = Elapsed time for consultation
 - = Provisional agreement
 - = Implementation work
- G = Application of Law
 M = Implementation Plan
 I = Application of the Indian Act

APPENDIX E
NEGOTIATIONS BUDGET

ANNEXURE A

**AGREEMENT ON AN AGENDA AND PROCESS
FOR THE NEGOTIATION OF AN AGREEMENT IN PRINCIPLES
ON BROAD GOVERNMENT ARRANGEMENTS**

FRAMEWORK AGREEMENT PACKAGE

SECTION 2

COMMUNITY PROFILE

**GITKSAAN AND WET'SUWET'EN
BUDGET FOR SUBSTANTIVE NEGOTIATIONS**

Funding support for the Gitksan and Wet'suwet'en negotiations has been approved for the maximum possible under current guidelines: \$624,000. A contribution agreement for this amount will be drawn up for fiscal years 1989-1990 and 1990-91 to cover substantive negotiations costs. Disbursement of funds will be contingent upon completion of milestones such as those in Appendix D. A total of \$124,000 will be flowed to the Gitksan and Wet'suwet'en in 1989-90 and the remainder in 1990-91. The cash flow schedule is outlined below.

Cash Flow Schedule

1989-90:

January 8, 1989	advance to enable Gitksan and Wet'suwet'en to cover initial costs: \$64,000.
February 19, 1990	upon tabling of final draft documents on Membership and Legal Status and Capacity: \$60,000

1990-91:

April 1, 1990	upon tabling of final draft documents on Lands and Land Management: \$83,000
May 21, 1990	upon tabling of final draft documents on Structures of Government: \$83,000
July 4, 1990	upon tabling of final draft documents on Management of Natural Resources: \$83,000
August 7, 1990	upon tabling of final draft documents on Financial Arrangements: \$83,000
September 19, 1990	upon tabling of final draft documents on the Application of Federal and Provincial Laws: \$83,000
November 1, 1990	upon tabling of a provisional Implementation Plan: \$85,000.

**GITK'AN AND WET'SUWET'EN
BUDGET FOR SUBSTANTIVE NEGOTIATIONS**

BUDGET SUMMARY

1989-90 COSTS

Per round	\$64,000		
Estimated 2 rounds	<u>X 2</u>		
Fixed costs	\$15,000 per month	\$128,000	
January to March	<u>X 3 months</u>		
Total for 1989-90		\$45,000	
	\$128,000		
	<u>+\$ 45,000</u>		<u>\$173,000</u>

1990-91 COSTS

Estimated 4 rounds Hazelton	\$64,000 X 4	\$256,000	
Estimated 1 round Ottawa	<u>\$75,000 X 1</u>	<u>\$ 75,000</u>	
			<u>\$331,000</u>
Fixed costs	\$15,000 per month		
April to November	<u>X 8 months</u>		
		\$ 120,000	
Total for 1990-91			
	\$331,000		
	<u>\$120,000</u>		<u>\$451,000</u>

GRAND TOTAL

Total for 1989-90	\$174,000		
Total for 1990-91	<u>\$451,000</u>		
			<u>\$624,000</u>

COMMUNITY DESCRIPTION

The Office of Hereditary Chiefs of the Gitksan and Wet'suwet'en People represents 9 Indian Bands and 6042 registered Indians located in communities along the Skeena, Bulkley and Kispiox rivers in northwestern British Columbia.

Address, Telephone and Fax:

P.O. Box 229
Hazelton, BC
V0J 1Y0

(604) 842-6511
Fax: (604) 842-6828

Linguistic Characteristics:

Gitksan and Wet'suwet'en

Member of Parliament:

James R. Fulton

Riding:

Skeena

Member of B.C. Legislature:

Hon. David Parker

INTRODUCTION:

The Gitksan and Wet'suwet'en hereditary Chiefs represent "two societies whose peoples, while speaking different languages, share many common elements in their social organization and institutions" (Gitksan and Wet'suwet'en Address, Appendix A).

The essential units of Gitksan and Wet'suwet'en society are the Houses and Clans. There are four Gitksan Clans: Wolf, Eagle, Fireweed, and Frog; and five Wet'suwet'en Clans: Wolf, Frog, Small Frog, Fireweed, and Beaver. Within the Clans there are a number of related Houses, and the House is the basic unit of government. These relationships are closely linked through the mother.

There is a commitment by the Gitksan and Wet'suwet'en community to move towards a form of government which reflects traditional values, history, culture, philosophy and economics of the Gitksan and Wet'suwet'en people. For purposes of education and public relations the office of Hereditary Chiefs has agreed to present a seminar on Gitksan and Wet'suwet'en Institutions and Structures of Government September 18 - 19, 1989 to the Inter-departmental Steering Committee and the Policy Review Committee.

With the emergence of the Office of Hereditary Chiefs, based upon the House system of governance, change is occurring in the community. The Band-system and the present community institutions and structures are temporary and are considered an interim phase in the transition process to achieve a Gitksan and Wet'suwet'en form of government.

There are three senior Gitksan Wet'suwet'en organizations:

- i) Tribal Council, President, Don Ryan
- ii) Education Society, Coordinator, Val Napoleon
- iii) Government Commission, Executive Director, Matt Vickers.

The executive member of each organization (Committee of Three) have been instructed by the Gitksan and Wet'suwet'en people to "re-structure the three senior organizations to reflect the authority and responsibilities of the House groups" (Vision Statement, Appendix B) and to develop a corporate plan for the community.

Gitksan Wet'suwet'en Tribal Council has become the Office of Hereditary Chiefs of the Gitksan and Wet'suwet'en People.

- Objective** o to re-investiture of authority and responsibility to the House groups in all spheres of self-determination.
- Mandate** o self-government
 o land claims negotiations
 o justice matters
 o litigating title actions and protecting the natural resources of House territories.
- Structure** o non-incorporated
 o Executive Committee of four (4) elected annually by the House members and reports directly to all Gitksan and Wet'suwet'en Houses and its members

Gitksan Wet'suwet'en Education Society

- Objective** o to promote, facilitate and organize education, training, self-reliance and meaningful employment as well as a commitment to participate in the design and development of universal programs such as education, social services, health and child welfare to reflect the values and principles of the Gitksan and Wet'suwet'en people.
- Mandate** o deliver native teacher education degree program
 o sponsor of the fisheries technician training, program
 o sponsor of the carpentry apprenticeship training program and journeyman qualification tests
 o sponsor of the addictions resource worker training program
 o sponsor of the technologists training program
 o sponsor of the women's job re-entry program

Mandate (con't) o responsibilities for the Alternate School, Hazelton Youth Centre, Child Care Services, traditional medicine, medical and health services community awareness and prevention services (CAPS) and the Employment Services office.

Structure o incorporated society
o 12 member Board of Directors elected annually by the Society's membership with 2 ex-officio members appointed by School District 88 and Northwest Community College

Gitksan Wet'suwet'en Government Commission

Objective o to provide support and services to member band's administration of the Gitksan Wet'suwet'en Tribal Council and to include the band councils in cooperative planning and program development.

Mandate o to manage the INAC district capital budget
o to take over matters of local government
o to lobby for more funds to meet band needs and C-31 impacts
o to ensure bands adhere to a strict village maintenance plan of its community infrastructures
o to coordinate housing needs and costs
o to establish a Gitksan and Wet'suwet'en Economic Development Corporation

Structure o incorporated society (Gitksan Wet'suwet'en Local Services Society)
o membership is open to Gitksan and Wet'suwet'en people
o the Chief Councillor of every member village automatically sits as a Board of Director. Further, the executive is elected by the Directors.

The nine village communities:

Gitanmaax
Gitsegukla
Gitwangak
Glen Vowell
Hagwilget
Kispiox
Kitwancool
Morictown
Nee Tahi Buhn

have a total land base of 49 reserves (9,419.8 hectares) which is accessible by road and in the case of Nee Tahi Buhn by ferry across Francois Lake.

GITANMAAX

Location: At end of Highway 62 adjacent to confluence of Skeena and Bulkley Rivers, above Village of Hazelton and 5 kilometres west of New Hazelton.

Language: Gitksan

Demography: a) total registered population - 1,286
b) on-reserve (own Band) - 540
c) on-reserve (other Band) - 39
(Dec. 31, 1988) d) age distribution - 64% under 30 years

Land Base: 5 reserves totalling 2,384 hectares

Band Council: 1 Chief, 12 Councillors

Community Groups:

Native Brotherhood Local	Elders' Society
Education Society	Parent Teacher Advisory
Child Welfare Society	Alcohol and Drug Abuse
Youth Athletic Association	Committee
Social Services Committee	Women's Time Out
Challengers' Youth Group	Women's Home League
Alcoholics Anonymous	Sports Clubs
Hall Committee	

Community Facilities:

Band Office	Maintenance Workhouse
Community Hall	'Ksan Campground
Health Station	Residential House
Nursery/Pre-School	Gitksan-Wet'suwet'en
Salvation Army Church	Commission Office
Kitanmaax School of North-	Northwestern National
west Coast Indian Art	Exhibition Centre
Youth Centre	

Education: Nursery (K4)

Number of On-Reserve Housing Units:

135 (including 17 abandoned or condemned units)

Bylaws:

Under section 81:

By-law 1 - Respecting curfew
By-law 2 - Regulation of water system.
Unnumbered - Regarding preservation, protection and management of fish

Bylaws Disallowed:

Fish by-law disallowed on two occasions.

GITSEGUKLA

Location: On Highway 16 on east bank of the Skeena River, 25 kilometres west of New Hazelton

Language: Gitksan

Demography: a) total registered population - 626
b) on-reserve (own Band) - 436
c) on-reserve (other Band) - 19
(Dec. 31, 1988) d) age distribution - 65% under 30 years

Land Base: 4 reserves totalling 1,913.7 hectares

Band Council: 1 Chief, 5 Councillors

Community Groups:

Child Welfare Committee	Volunteer Fire Department
Sports Clubs	United Church Ladies
Women's Home League	Auxiliary

Community Facilities:

Band Office	Elementary School
Community Hall	Fire Hall
Health Station	Maintenance Building
United Church	Sewage Plant
Salvation Army Church	New School

Education: Elementary (K4 - Gr.7)

Number of On-Reserve Housing Units:

122 (including 9 abandoned or condemned units)

Bylaws:

Under section 81:

By-law 1 - Regulation of traffic

Bylaws Disallowed:

By-law concerning care of children disallowed.

GITWANGAK

Location: At junction of Highways 16 and 37, on northwest bank of Skeena River, 50 kilometres southwest of New Hazelton.

Language: Gitksan

Demography: a) total registered population - 742
b) on-reserve (own Band) - 417
c) on-reserve (other band) - 17
(Dec. 31, 1988) d) age distribution - 63% under 30 years

Land Base: 7 reserves totalling 1,679.2 hectares

Band Council: 1 Chief, 5 Councillors

Community Groups:

Community Development Committee	Child Welfare Committee
Volunteer Police	Education Committee
C-31 Group	Hall Committee
Lions Club	Anglican Church Women
	Volunteer Fire Department

Community Facilities:

Band Office	Church Army
Community Hall	Canteen
Health Station	Band School
Maintenance Building	Anglican Church
Alcohol Treatment Centre	

Education: Nursery/Kindergarten (K4 - Gr.3 and Sp.Education)

Number of On-Reserve Housing Units:

127 (including 11 abandoned or condemned units)

Bylaws:

Under section 81:

By-law 1 - Regulation of activities of boys & girls under 18
By-law 2 - Regulation of activities under 16
Unnumbered - Regarding perservation, protection and management of fish

Under section 83:

Unnumbered - Respecting tobacco tax

Bylaws Disallowed:

Fish by-law disallowed on four occasions.
Control of gaming by-law disallowed.

GLEN VOWELL

Location: On Highway 49 on the west bank of the Skeena River, 12 kilometres north of Hazelton and 4 kilometres south of Kispiox River.

Language: Gitksan

Demography: a) total registered population - 285
b) on-reserve (own Band) - 138
c) on-reserve (other Band) - 5
(Dec. 31, 1988) d) age distribution - 61% under 30 years

Land Base: 1 reserve totalling 512.3 hectares

Band Council: 1 Chief, 2 Councillors

Community Groups:

Hall Committee
Sik-e-dakh Sports Club
Women's Home League

Community Services Club
Child Welfare Committee

Community Facilities:

Band Office
Health Station
Salvation Army Church

Community Hall
Drop-in Centre
Fire Hall

Number of On-Reserve Housing Units:

52 (including 6 abandoned or condemned units)

HAGWILGET

Location: On Highway 62 on east side of the Bulkley Canyon, 2 kilometres north of New Hazelton and 8 kilometres east of Hazelton

Language: Wet'suwet'en

Demography: a) total registered population - 440
b) on-reserve (own Band) - 184
c) on-reserve (other Band) - 12
(Dec. 31, 1988) d) age distribution - 65% under 30 years

Land Base: 2 reserves totalling 168.8 hectares

Band Council: 1 Chief, 3 Councillors

Community Groups:

Cultural Committee	Education Committee
Health Committee	Hall Committee
Volunteer Fire Department	

Community Facilities:

Band Office	Community Hall
Health Station	Nursery School
Mary Magdalene Church	

Education: Nursery (K4)

Number of On-Reserve Housing Units:

47 (including 6 abandoned or condemned units)

Bylaws Disallowed:

Fish by-law disallowed

Control of public games disallowed on two occasions.

KISPLOX

Location: On Highway 49 at the confluence of Skeena and Kisplox Rivers, 16 kilometres north of the Village of Hazelton

Language: Gitksan

Demography: a) total registered population - 970
b) on-reserve (own Band) - 489
c) on-reserve (other Band) - 16
(Dec. 31, 1988) d) age distribution - 64% under 30 years

Membership Code: Approved June, 1987

Land Base: 10 reserves totalling 1,685.9 hectares

Band Council: 1 Chief, 8 Councillors

Community Groups:

Health Committee	Sports Club
Volunteer Fire Department	School Board

Community Facilities:

Band Office	Community Hall
United Church	Fish Hatchery
Two Carving Schools	Pentecostal Church
	Band School

Education: Elementary (K4 - Gr.7)

Number of On-Reserve Housing Units:

122 (including 21 abandoned or condemned units)

Bylaws:

Under section 81:

- By-law 1 - Regulation of traffic
- By-law 2 - To provide for the licensing of businesses, callings, trades and occupations
- By-law 3 - Respecting curfew
- By-law 4 - Regulation of traffic
- By-law 5 - To provide for the regulation of the conduct and activities of hawkers, etc.
- By-law 6 - To provide for destruction and control of noxious weeds
- By-law 8 - To provide for the disposal of garbage and waste
- By-law 9 - To provide for the removal of garbage and waste
- By-law 10 - Raise money to defray cost of street lighting
- By-law 10 - Provide for the perservation, protection and management of fish
- By-law 11 - Maintenance of water system
- Unnumbered - Provide for the perservation, protection and management of fish

By-laws Disallowed:

Fish by-law disallowed

MORICETOWN

Location: On Highway 16, 39 kilometres southeast of Hazelton

Language: Wet'suwet'en

Demography: a) total registered population - 1,090
b) on-reserve (own Band) - 567
c) on-reserve (other Band) - 4
(Dec. 31, 1988) d) age distribution - 68% under 30 years

Land Base: 7 reserves totalling 1,421.1 hectares

Band Council: 1 Chief, 9 Councillors

Community Groups:

Volunteer Fire Department	Alcohol/Drug Treatment
Education Society	Parent/Teacher Assoc'n
Child Welfare Committee	Elder's Society
Recreation Committee	Native Trapping Assoc'n
Social Development Committee	

Community Facilities:

Band Office	Health Station
Maintenance Yard	Old School
Community Hall	Full Gospel Church
Fire Hall	Band School
Recreation Centre	Building Supply
Catholic Church	

Education: Elementary (K4 - Gr.5 and Sp. Education)

Number of On-Reserve Housing Units:

130 (including 23 abandoned or condemned units)

Bylaws:

Under section 81:

- By-law 1 - Provide for the preservation, protection and management of fish and game
- By-law 2 - Regulation of traffic
- Unnumbered - RE: preservation, protection and management of fish

Bylaws Disallowed:

Fish by-laws disallowed on four occasions.

KITWANCOOL

Location: On Highway 37, 24 kilometres north of Gitwangak Indian Village.

Language: Gitksan

Demography: a) total registered population - 447
b) on-reserve (own Band) - 310
c) on-reserve (other Band) - 13
(Dec. 31, 1988) d) age distribution - 68% under 30 years

Land Base: 3 reserves totalling 862.3 hectares

Band Council: 1 Chief, 3 Councillors

Community Groups:

Education Committee
Hall Committee
Housing Committee
Christmas Stocking Fund
Sports Committee

Women's Missionary
Child Welfare Committee
Restoration Committee
Volunteer Fire Dept.
Volunteer Police

Community Facilities:

Band Office
Community Hall
Health Station
Nursery/Pre-School
Fire Hall

Long House
Pentecostal Church
Anglican Church
Cook House
Revival Hall

Education: Elementary/Secondary (K4 - Gr.12)

Number of On-Reserve Housing Units:

81 (including 16 abandoned or condemned units)

Bylaws:

Under section 83:

- By-law 1 - Provide for a garbage disposal annual fee
- By-law 10 - Expenditure of moneys raised under by-law 9

Under section 81:

- By-law 2 - Provide for disposal of garbage and waste
- By-law 3 - Respecting curfew
- By-law 4 - Provide for the licensing of businesses, callings, trades and occupations
- By-law 5 - Erection and control of toilets and privies
- By-law 6 - Destruction and control of noxious weeds
- By-law 7 - Regulation of the use of public wells, cisterns, reservoirs, etc.
- By-law 8 - Regulation of traffic
- By-law 9 - Maintenance of a water system and the provision of a tax.

NEE TAHI BUHN

Location: Approximately 200 kilometres west of Prince George and 60 kilometres south of Burns Lake, accessed by Highway #35 and ferry across Francois Lake.

Language: Wet'suwet'en dialect

Demography: a) total registered population - 156
b) on-reserve (own Band) - 73
c) on-reserve (other Band) - 7
(Dec. 31, 1988) d) age distribution - 62% under 30 years

Land Base: 10 reserves totalling 706.2 hectares

Band Council: 1 Chief, 2 Councillors

Community Groups:

Homemakers Society

Community Facilities:

Band Office	Community Hall
Fisheries Research Station	Woodworking Shop

Number of On-Reserve Housing Units:

18 (including 0 abandoned and 4 condemned units)

FRAMEWORK AGREEMENT PACKAGE

SECTION 3

EXISTING SITUATION

**GITKSAN AND WET'SUWET'EN SELF-GOVERNMENT PROPOSAL
EXISTING SITUATION**

TABLE OF CONTENTS

1.	LEGAL STATUS AND CAPACITY	1
2.	STRUCTURES AND PROCEDURES OF GOVERNMENT	1
	Institutions of Government	1
	Financial Accountability	2
	Elections	2
3.	MEMBERSHIP	3
4.	MANAGEMENT OF LAND AND RESOURCES	3
	Land	3
	Renewable Resources	4
	Non-Renewable Resources	5
	Water Rights	5
	Environment	5
5.	GOVERNMENT FINANCING AND REVENUES	6
	Financial Arrangements	6
	Revenues	6
	Taxation for local Purposes	7
6.	PHYSICAL ENVIRONMENT	7
	Public Works and Community Infrastructure	7
	Transportation	8
7.	SOCIO-CULTURAL MATTERS	8
	Education	8
	Health	8
	Social and Welfare Services	9
	Justice	10
	Police	10
	Culture/Communication	11
8.	ECONOMIC MATTERS	11
	Business	11
	Labour	11

GITKSAAN AND WET'SUWET'EN SELF-GOVERNMENT PROPOSAL EXISTING SITUATION

1. LEGAL STATUS AND CAPACITY

EXISTING SITUATION:

The law in this area is unclear. The Indian Act does not define the status and legal capacity of the band or the band council. Nor does it define the relationship of the band council to the band. Such omissions have resulted in great uncertainty about the status and legal capacity of bands and band councils which, to a large extent, has not been clarified by the courts. This uncertain legal situation is an impediment to band business initiatives. Non-Indian interests have limited assurances that band governments can enter into contracts, bring or defend law suits, and generally act in the name of the band.

2. STRUCTURES AND PROCEDURES OF GOVERNMENT

INSTITUTIONS OF GOVERNMENT

EXISTING SITUATION:

In terms of statute law, the Federal government exercises primary jurisdiction under this heading by way of the provisions of the Indian Act.

Section 2(1) of the Indian Act defines and gives recognition to bands and band councils. The role of a band council and its relationship to the band is suggested in Section 74 where there is reference to the selection of band councils "for the good government of the band". Section 2 (3) prescribes the manner by which a band and band council shall exercise the powers conferred by the Act.

For purposes of administration and delivery of local services and programs in the Gitksaan and Wet'suwet'en community, the following institutions are currently in place:

- ◆ Gitksaan Wet'suwet'en Education Society
- ◆ Gitksaan Wet'suwet'en Government Commission
- ◆ Band-council System

Only the authority of the band-council system is recognized by statute.

Existing Situation
Gitksaan and Wet'suwet'en
Self Government Proposal

FINANCIAL ACCOUNTABILITY

EXISTING SITUATION:

There are two types of financial accountability, internal (to a band) and external (to the federal government). In the case of external accountability, unlike internal, detailed accounting of the expenditures in the form of audited financial statements is most often required.

There are three sources of funds that may be controlled, managed and expended by the band: Indian government revenues, Indian revenue monies, and grants and contributions.

There is no requirement either internally or externally for providing an accounting for the expenditure of band government monies collected by band councils through by-laws passed under Section 83 of the Indian Act. Under the Indian Bands Revenue Monies Regulations passed pursuant to Section 69 of the Indian Act, "... a band is required to engage an auditor and to render an annual report ..." with respect to the expenditure of revenue monies. The report is to be posted on the reserve for examination by band members and to be supplied to the Minister of Indian Affairs and Northern Development.

Accounting for other federal funding in the form of government grants and contributions is to the federal government alone.

ELECTIONS

EXISTING SITUATION:

The Indian Act and the Regulations passed thereunder provides for the election of Chiefs and band councils. The Indian Act recognizes band councils elected either in accordance with the Indian Act or according to the custom of the band. Bands may also revert to band custom, with majority elector support, if they codify their system and it includes appeals and amending provisions and follows the principles of natural justice and the Charter of Rights and Freedoms.

All Gitksan and Wet'suwet'en bands currently use the Indian Act election procedures except Nee Tahi Buhn which has "custom" procedure.

Existing Situation
Gitksan and Wet'suwet'en
Self Government Proposal

3. MEMBERSHIP

EXISTING SITUATION:

Current Indian Act provisions permit bands, with majority elector consent, to enact membership rules and maintain their own band lists. The decision as to who will be accorded Indian status, however, is made by the registrar under the provisions of the Indian Act. Membership in a band does not automatically confer Indian status. Current departmental base level funding is calculated on the basis of the number of status Indians in a community, as defined by the Indian Act. Under the Act, membership rules must not deprive persons of membership by reason of situations existing prior to the enactment of the rules, and they must provide mechanisms for appeal. Membership in bands that do not enact membership rules is governed by the Act.

Kispitox Band is the only band in the Gitksan and Wet'suwet'en community with an approved membership code. (June, 1987)

4. MANAGEMENT OF LAND AND RESOURCES

LAND

EXISTING SITUATION:

Generally speaking, the legal title to reserve land is vested in the Crown for the use and benefit in common of the band. The power to legislate respecting Indians and lands reserved for the Indians is vested in the federal government. The federal government administers reserve lands for the benefit of Indians pursuant to the Indian Act. The powers of the Minister to manage reserve lands are set out in that Act. Presently the band council can pass by-laws on several aspects of land management under the provisions of Section 81; additional powers are available through Section 60.

Generally speaking, provincial legislation in relation to land is inapplicable to lands that are found to be reserved for the Indians. However, once there is an absolute surrender followed by a disposition of lands, such lands cease to be reserve lands and the laws of British Columbia apply to them in the same manner as they apply to other lands in the province. In addition, non-reserve lands, held for band economic development purposes or otherwise, fall within

Existing Situation
Gitksan and Wet'suwet'en
Self Government Proposal

provincial jurisdiction.

Approximately 600 Certificates of Possession of Gitksan and Wet'suwet'en reserve lands have been issued for purposes of granting housing subsidies. There are few leaseholds, primarily for industrial use, commercial enterprises and business operations.

On June 28, 1988, An Act to Amend the Indian Act (Designated Lands) came into effect. This amendment extends band by-law making power as well as Governor-in-Council regulatory power, to all reserve lands, including land formerly identified as conditionally surrendered lands. Section 54 was also amended to permit Indian mortgages of "leasehold interests" on designated lands.

Designated reserve land can be administered by bands with delegated ministerial authority pursuant to Section 53(1) of the Indian Act.

RENEWABLE RESOURCES

EXISTING SITUATION:

The jurisdictional situation with respect to hunting and fishing is complex. Generally speaking, the courts have not applied provincial legislation in relation to hunting, trapping or fishing to Indians on reserves.

The Indian Act provides, under Section 73 and 81 for the making of regulations and by-laws in regard to "furbearing animals, fish and other game" on the reserve. With regard to fisheries, the federal government has enacted the Fisheries Act. The application of the regulations under the Fisheries Act on reserve has not yet been clearly defined by the courts.

Pursuant to the provincial Wildlife Act, Indians are exempt from the licensing requirements governing hunting and trapping. However, band members must register their traplines.

Timber and other resources off-reserve are administered under provincial legislation. Timber on reserve land is subject to the provisions of the Indian Act. The Indian Timber Regulations (c. 961) passed pursuant to Section 57 of the Indian Act apply to the disposal of timber from reserves and surrendered land. Pursuant to the above provisions, the Minister may issue permits to bands and licences to non-Indians.

Existing Situation
Gitksan and Wet'suwet'en
Self Government Proposal

NON-RENEWABLE RESOURCES

EXISTING SITUATION:

Off-reserve mining is under provincial jurisdiction and is administered through a system of licences, permits and royalties. On-reserve, the federal government has provided for the regulation and disposition of minerals pursuant to the Indian Act and Regulations thereunder.

The British Columbia Indian Reserves Mineral Resources Act and Agreement (1943) provide that the administration, control, and disposal of precious and base metals on reserve are subject to specified aspects of provincial mining legislation. DIAND requires that a surrender be obtained under the Indian Act before leases are issued. Leases are issued by the province which collects fifty percent of any revenue. It should be noted that the Indian Mining Regulations enacted pursuant to Section 57(c) of the Indian Act do not apply to surrendered mines and minerals underlying lands in reserves situated in the province of British Columbia.

WATER RIGHTS

EXISTING SITUATION:

The federal and provincial governments have overlapping powers regarding water management and development.

ENVIRONMENT

EXISTING SITUATION:

Depending on the matter of environmental concern, the legislative jurisdiction may be exclusively within the power of the federal government, exclusively within the power of the province, or jointly shared by both.

Federal and provincial environmental review processes already exist for certain types of activities.

Provincial Review Agencies are relied upon for advice. Environment Canada has elaborate referral systems which are available to DIAND.

Existing Situation
Githan and Wet'suwet'en
Self Government Proposal

5. GOVERNMENT FINANCING AND REVENUES

FINANCIAL ARRANGEMENTS

EXISTING SITUATION:

Bands administer their monies and federal contribution funds under DIAND policies pursuant to authorities in the Financial Administration Act. They also administer monies from provincial agencies according to the Regulations pertaining to specific agreements. In addition, bands may administer monies they generate themselves. The Department of Indian Affairs currently provides one of the largest portions of government financing to Indian governments. The provision of federal funds requires that the Minister account to Parliament for their disbursement and the Minister in turn requires band councils to account to him. Under current provisions the council's accountability to the community is limited.

Some changes to the situation are now available to eligible bands through the department's Alternative Funding Arrangements policy. Under A.F.A., band councils are primarily accountable to their membership and secondarily to the Minister through an annual audit report, to support the Minister's accountability to Parliament. Councils may modify and redesign federally funded programs as long as minimum program requirements are met. They may also transfer funds between programs, with the exception that capital must be used for capital projects. Councils may also enter into multi-year agreements up to five years, subject to annual appropriations. Alternative Financial Arrangements are "Other Transfer Payments", subject to specific terms and conditions.

REVENUES

EXISTING SITUATION:

All of the Gitksan and Wet'suwet'en band councils except Kitwancool exercise Section 69 authority to control and manage their moneys. With respect to capital moneys, Sections 64 and 65 provide discretionary authority to the Minister to release funds for the use and benefit of a band.

TAXATION FOR LOCAL PURPOSES

EXISTING SITUATION:

Taxation is within both federal and provincial law-making authority. The provinces have more limited taxing powers

Existing Situation
Gitksan and Wet'suwet'en
Self Government Proposal

than the federal government, but they can validly enact legislation taxing income and property in addition to other matters so long as the tax is a direct levy against the person intended to pay. Income tax is within the competence of both levels of Government, but is subject to political arrangements providing for the sharing of common tax fields.

As a result of recent amendments to the Indian Act with respect to taxation, bands have a broad power to tax interests in reserve lands, and, while it is not clear, an apparent power to tax their own members in any form. A by-law power to tax businesses located on reserve exists in Section 83 of the Indian Act. Section 87 of the Indian Act provides certain exemptions from taxation to Indians and Indian bands.

The province of British Columbia has recently passed the Indian Land Tax Cooperation Act. Provincial taxation legislation applies to designated Indian reserve lands and taxes are presently being collected.

6. PHYSICAL ENVIRONMENT

PUBLIC WORKS AND COMMUNITY INFRASTRUCTURE

EXISTING SITUATION:

Community infrastructure entails two components: regulation of standards and delivery of services. The regulation of standards involves, in part, the federal power over reserve lands as contained in the Indian Act Section 81 by-law powers, various ministerial powers and regulations enacted under the Indian Act. The service delivery aspect is determined on the basis of policies which lead to the creation of programs for various services. It is discretionary, being determined from time to time in accordance with current policy guidelines and available funding.

TRANSPORTATION

EXISTING SITUATION:

The Minister can authorize the survey and subdivision of the reserve and determine the location of roads on reserves. The Governor-in-Council generally does not approve expropriations without band consent.

Existing Situation
Githaan and Wet'suwet'en
Self Government Proposal

Certain aspects of transportation (traffic) are covered by the Indian Reserve Traffic Regulations which were enacted pursuant to Section 73(c) of the Indian Act. These Regulations incorporate by reference all provincial laws and regulations in force relating to motor vehicles except where they are inconsistent with the Regulations. However, a recent Supreme Court of Canada decision indicates that provincial highway traffic legislation applies in and of its own force.

7. SOCIO-CULTURAL MATTERS

EDUCATION

EXISTING SITUATION:

Education is generally within the jurisdictional purview of the province. However, the federal government exercises jurisdiction over some aspects of the education of Indian children through the Indian Act, and provides some financing of educational programs through contribution agreements. A Master Tuition Agreement has been signed between the province of British Columbia and the Minister of Indian Affairs and Northern Development.

Current funding authority for elementary/secondary services is restricted to children who live on reserve or Crown land. Authority also exists for off-reserve post-secondary funding.

HEALTH

EXISTING SITUATION:

Health is an area that falls within both provincial and federal jurisdiction.

Within the Indian Act, the federal government has enacted Indian Health Regulations and has provided band councils with certain by-law powers under Section 81(1)(a). The Minister is also authorized under Section 66(3) to spend the band's revenue money on disease prevention and health standards on reserve.

Indian people receive most medical, hospital and hospital related services through provincial health schemes for which the federal contribution is met by Established

Existing Situation
Githen and Wet'suwet'en
Self Government Proposal

Programs Financing transfer payments.

Health and Welfare Canada is responsible for providing community health services to status Indians on reserve and non-insured health benefits to all status Indians and Inuit.

A small number of Indian communities control significant elements of their own health services; more often, communities operate only particular programs such as alcohol and drug prevention and counselling, and Community Health Representatives Program.

Health and Welfare Canada, through Medical Services Branch, is pursuing an initiative to transfer control of Indian health programs to Indian communities. A transfer arrangement can include resources for community health services such as nursing, CHR's, alcohol and drug abuse counselling (NNADAP), environmental health services, and medical/dental advice and assistance. There is also some scope to recognize traditional health practices within a community health program. Non-Insured Health Benefits are not presently eligible for transfer, nor are centralized training courses which do not lend themselves to a community-based transfer. Prerequisites to health program transfer are a Community Health Plan and a mandate from the Chief and council to proceed with transfer. The transfer is effected within existing program expenditure levels on behalf of a community, with additional resources to support ongoing community health management.

SOCIAL AND WELFARE SERVICES

EXISTING SITUATION:

The provincial government has jurisdiction over most social services. The federal government, on a policy rather than statutory basis, may provide the following services: income assistance to all eligible residents on reserves; child welfare services, in accordance with provincial legislation to registered Indians on reserve; adult care to all eligible residents on reserve; community social services; and preventative services.

A social assistance arrangement with the Ministry of Social Services and Housing and the Department of Indian Affairs and Northern Development is in place for the care and

Existing Situation
Githens and Wet'suwet'en
Self Government Proposal

benefit of on and off-reserve persons.

JUSTICE

EXISTING SITUATION:

The federal government has jurisdictional authority for criminal law and criminal procedure. Provincial governments administer the criminal justice system. Matters of a civil nature generally fall under provincial jurisdiction. Within the Indian Act, Section 81 provides that the band council may make by-laws in relation to the observance of law and order (81(c)), and the prevention of disorderly conduct and nuisance (81(d)). Sections 101 and 102 of the Act and other sections relate to offences in relation to provisions under the Act. Section 103 pertains to forfeitures and penalties for offences against various Indian Act sections. Section 107 of the Indian Act gives Justices of the Peace authority over Indian Act offences, including breach of by-laws and certain summary Criminal Code offences. Currently there are only six of these Justices of the Peace in Canada and further appointments under this section have been suspended pending a policy review.

POLICE

EXISTING SITUATION:

The Indian Act provides for the passing of band by-laws for the observance of law and order and the prevention of disorderly conduct and nuisances. Attempts have been made to pass by-laws regarding the establishment of police forces. The Minister has recommended disallowance of such by-laws on the grounds that the by-laws, as presented, exceed the band's authority.

There is no legislation at either the federal or provincial levels that provides for the establishment of a police force on a reserve.

CULTURE/COMMUNICATION

EXISTING SITUATION:

Communications fall primarily under federal jurisdiction and is regulated by the Canadian Radio-television and Telecommunications Commission (CRTC). There are other laws of a provincial origin which impact on this area dealing with such matters as libel and slander. The CRTC

Existing Situation
Citizens and Workers' on
Self Government Proposal

reviews and licenses communications facilities for operation. The CRTC has provisions which could assist bands in achieving certain broadcasting autonomy.

8. ECONOMIC MATTERS

BUSINESS

EXISTING SITUATION:

Under the Indian Act, band councils have the by-law capacity to zone the reserve for different purposes including "... the carrying on of any class of business trade or calling ...". Under Section 83, a band can enact by-laws to raise money by licensing "businesses, callings, trades and occupations" on the reserve.

On a wider plane, given the range of activities that might fall under this heading, it can only be said that both federal and provincial jurisdictions may be involved, particularly the latter, given the wide interpretation given by the courts of the property and civil rights power of the province.

LABOUR

EXISTING SITUATION:

Federal labour laws apply to Indian governments and federal entities on reserve. Provincial labour laws also apply in some cases. The issue of regulating union activity may involve federal and provincial legislation and the Charter of Rights and Freedoms.

Existing Situation
Ottawa and Wet'suwet'en
Self Government Proposal