Constitution Development Engagement Report

Decision-Making Structures, Hereditary Incorporation, and Values

Gitga'at First Nation

JUNE 2024

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Introduction

Gitga'at First Nation's long struggle to reassert jurisdiction over our lands and waters is beginning to bear fruit. We are successfully negotiating a Reconciliation Agreement that will recognize our title, and provide us with the resources to build a truly independent government. An important part of this is the development of a constitution. The last 150 years of colonization have posed extreme challenges to our ways of being; but we have been resilient. Our ayaawx and adaawx are still strong – but we now have new ways of making decisions that, while originally forced on us by the Indian Act, are now part of our own ways of doing things. The constitution we develop will need to carefully weave these two threads together – the hereditary and the elected – in order to express our values, and provide the foundation for durable, legitimate decision-making.

A written constitution is also essential for our nation to be clear about how our decisions are being made to both all of our membership, and to other levels of gobernment. We are now in a web of complex and overlapping jurisdictions with many other governments. We have always recognized the decision-making right of our neighbouring First Nations – and they have recognized our own decision-making. Now we need the colonial state – including both the Province and the Federal Government – to recognize our decision-making processes after so many years of trying to undermine our authority. This is not an easy process, and will not end here —but drafting a written constitution is an important step towards this recognition.

As part of the Gitga'at First Nation's longstanding goal of independent government, the Reconciliation Advisory Committee (RAC) has been directing community engagement around reconciliation negotiations and developing a constitution since 2022. The RAC is a committee struck by Chief and Council, containing all elected and hereditary leaders of the nation, as well as representatives from Hartley Bay and off-reserve, youth and elder representatives, and others who expressed interest when the committee was struck. This document is the second report on engagement with Gitga'at membership on how to develop our written constitution. The first, the Constitution Survey Report, detailed the results of a preliminary survey of 113 Gitga'at members on top level issues we need to address when developing a constitution. It can be found on the Gitga'at Reconciliation Negotiations website.1 This report details the results of in-depth interviews and talking circles with 28 Gitga'at members. The following pages detail their views on:

▷ How the elected and hereditary system should work together in a written constitution;
▷ How the hereditary system and traditional laws should be incorporated into a written constitution (if at all);
▷ The values the Gitga'at Nation should express in a written constitution;
▷ And other topics that were brought up independently.

Participants expressed a wide range of opinions on these issues. A few key themes include:

▷ The importance of including hereditary leadership in decisions – particularly when it comes to questions of lands and waters, and culture.
▷ A general concern about losing Gitga'at's traditions, and the need to assist the current clan processes in transmitting this knowledge to future generations.
▷ The value of sagayt k'üülm goot – of one heart – that points to the whole community working, thinking, and acting together.

This report is meant to inform Gitga'at membership, leadership, and negotiators about some of these issues, and ultimately to ensure that they are addressed in a written constitution.

If you have any questions about the content of the report, or how it was developed, please contact Eric Anderson, Treaty Supervisor at ericanderson@gitgaat.ca.

Methodology

This section details the process taken in order to collect information about three key themes that came out of the constitution survey (report available on the Gitga'at Reconciliation Negotiations website):

▷ How the elected and hereditary system should work together in a written constitution;
▷ How the hereditary system and traditional laws should be incorporated into a written constitution (if at all);
▷ The values the Gitga'at Nation should express in a written constitution;
▷ And other topics that were brought up independently.

Engagement Streams

Three streams of member engagement were carried out between Fall 2023 and Spring 2024. These engagement streams are described below and summarized in Table 1.

Survey: Starting with a broad-based approach, input was invited from all Gitga'at members through an online and paper survey. A total of 113 people responded to the survey, which was open from October 2023 to January 2024.

The survey consisted of 16 questions in four broad areas:
▷ Government Responsibilities
▷ Judicial System and Dispute Resolution
▷ Elections and Governing Bodies
▷ Membership

The survey questions are at the end of this report, in Appendix A. Results of the survey were analyzed and discussed in the Gitga'at First Nation Constitution Survey Report (March 2024). These findings informed the other two streams of member engagement.

Community Meetings: To reach additional members and foster a two-way dialogue on priority topics identified in the survey findings, community meetings open to all Gitga'at members were held in Hartley Bay, Prince Rupert, and online. Ten people participated in the meetings, held throughout March 2024.

These meetings included an update on the reconciliation negotiation and constitution engagement processes; an overview of the constitution survey results; and a discussion activity that focused on two core questions that came out of the survey:

▷ Values you want to see reflected in the Constitution
▷ How Hereditary and Elected systems should work together

Interviews: To hear from elders, matriarchs, knowledge holders, and youth identified by the RAC, individual and group interviews were were carried out in Hartley Bay and Prince Rupert. Twenty people participated in the interviews throughout March 2024.

These in-depth discussions focused on three core areas that came out of the survey:
▷ Responsibilities of Hereditary and Elected systems
▷ Incorporation of the Hereditary system into the Constitution
▷ Values that should be incorporated into the Constitution

The interview guide questions are at the end of this report, in Appendix B.

Table 1: Summary of preliminary member engagement for Constitution development

Engagement Stream	Date Range	Number of Participants
Survey	October 2023 - January 2024	113
Interviews & Talking Circles	March 2024	28
Total Number of Participants (Includes some overlap of participants between surveys & interviews)		**141**

Data Analysis Methods

Following the completion of member engagement, we implemented a multi-phased methodology to carry out content analysis, identify key themes, summarize findings, and develop scenarios for key areas of the Gitga'at Constitution. These steps are summarized in Figure 1.

First, we used an online transcription service, Rev.com, to transcribe 11 audio recordings from member engagement – consisting of 8 individual interviews and 3 group interviews (**Data Extraction**). These transcripts were then input into Taguette, a qualitative coding software.

Second, we labelled the qualitative data in Taguette, using tags (codes) to identify different themes/topics and the relationships between them (**Coding**). We applied an initial set of deductive (pre-established) codes that focused on four key themes:

▷ Governance Structure
▷ Hereditary Incorporation
▷ Values
▷ Other Issues

As we progressed through the transcripts, we generated a more fine-grained set of inductive sub-codes, focusing on relevant topics that emerged in each of the four key areas. In total, 63 codes and sub-codes were generated by our qualitative data analysis, including minor changes made during Summarizing. A comprehensive list of all the codes is in Appendix C.

Third, we extracted all codes and linked data excerpts from Taguette and summarized the findings for each interview (**Summarizing**). These narrative summaries focused on what participants in each interview said about Governance Structure, Hereditary Incorporation, Values, and Other Issues. During this step, we identified additional topics of note and relationships between them, and as a result reorganized some of our sub-codes and generated a few new ones.

Fourth, we examined the results of the Coding and Summarizing steps to break down the results of our four key thematic areas into a *spectrum of responses* and a *weighted distribution of codes* (**Analysis**).
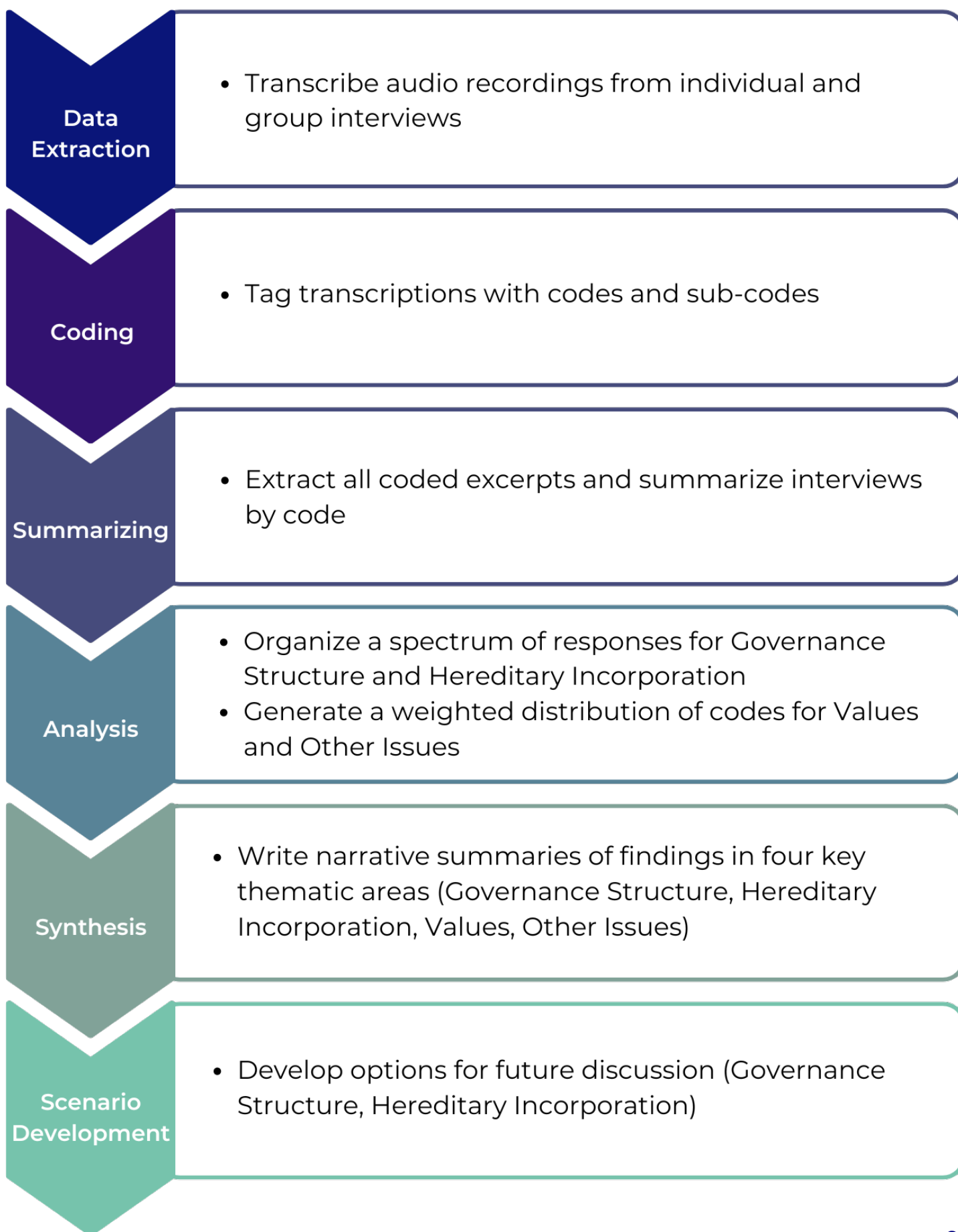
For the themes of Governance Structure and Hereditary Incorporation, we organized findings from interviews across a *spectrum of responses.* In this method, individual responses were placed along one continuum of possible scenarios for what Governance Structure could look like, and along another continuum for what Hereditary Incorporation could look like in the Gitga'at Constitution.

For the themes of Values and Other Issues, we generated a *weighted distribution of codes* across interviews. This method focused on the number of interviews that included discussion of specific topics (sub-codes) in these two thematic areas. This allowed us to compare topics that came up in many or most interviews with topics that came up in only one or a few.

Fifth, we combined the results of the Coding, Summarizing, and Analysis steps into overarching findings for each of the four key thematic areas: Governance Structure, Hereditary Incorporation, Values, and Other Issues (**Synthesis**). This focused on narrative summaries of the overall range of responses and the frequency of specific topics across the interviews.

Finally, we developed a range of scenarios for the two key areas of Governance Structure and Hereditary Incorporation (**Scenario Development**). In this step, narrative summaries of four possible scenarios were written for Governance Structure, and three scenarios were written for Hereditary Incorporation. These scenarios are grounded in the range of responses we heard regarding these two key areas through the member engagement process. The scenarios are intended to be presented for further discussion in future engagements around constitutional development.

Figure 1: Summary of data analysis methodology

Data Extraction
- Transcribe audio recordings from individual and group interviews

Coding
- Tag transcriptions with codes and sub-codes

Summarizing
- Extract all coded excerpts and summarize interviews by code

Analysis
- Organize a spectrum of responses for Governance Structure and Hereditary Incorporation
- Generate a weighted distribution of codes for Values and Other Issues

Synthesis
- Write narrative summaries of findings in four key thematic areas (Governance Structure, Hereditary Incorporation, Values, Other Issues)

Scenario Development
- Develop options for future discussion (Governance Structure, Hereditary Incorporation)

Governing Bodies

The first question asked of participants was how they would want to see elected and hereditary systems work together. This question followed from the survey question which asked whether and how the elected and hereditary systems should be responsible for different areas of decision-making.

From the interview participants a spectrum of options emerged, with various ways of operationalizing each option expressed during the interviews and talking circles. This spectrum is detailed in Table 2 below.

Table 2: Governance Structure Spectrum

Complete Separation	Hereditary Advisory Board	Joint Decision-Making Body
▷ Hereditary and Elected systems are completely separate ▷ Each with a separate and defined jurisdiction and decision-making authority (no overlap) ▷ There is no mechanism for consultation or advice from one system to another ▷ There is no obligation for Hereditary and Elected representatives to reach agreement on anything	▷ Hereditary and Elected systems each have their own defined scope of jurisdiction (and can independently make decisions within their jurisdiction) ▷ Certain types of decisions trigger an obligation for the Elected representatives to consult and seek the advice of Hereditary representatives (e.g. anything about territory) ▷ There is a mechanism for consultation or advice from the Hereditary system to the Elected system, but implementation of the advice is voluntary (Elected representatives may take it or leave it)	▷ Hereditary and Elected systems still have their own defined scope of jurisdiction (and can independently make decisions that are outside of the trigger for joint decision-making) ▷ Hereditary and Elected systems come together for joint decision-making only on those topics triggered by defined topics (e.g. anything about territory) ▷ On these decisions, consensus (or another collaborative decision-making threshold) needs to be reached between Hereditary and Elected representatives

Based on the content of the interviews and talking circles, the distribution across this spectrum was very even. There was also quite a bit of "bleed" between adjacent categories. For example, even if some people may have mostly endorsed total separation of hereditary and elected systems, they may have included an example where hereditary should influence the elected system or vice-versa. Thus while the way the chart below categorizes the responses is a good snapshot of people's general sentiments, the reality is much more nuanced. We have captured some of this nuance in the discussion of each category below.

Figure 2: Governance Structure Endorsement
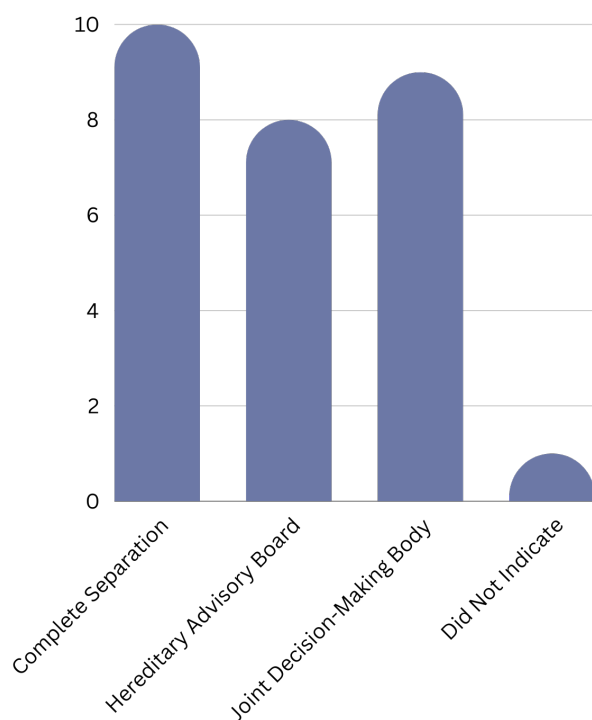
Discussion: Complete Separation

For those participants who advocated for a complete separation of the hereditary and elected systems, the main concern was with hereditary leadership reclaiming the importance of their role. In general, those who endorsed complete separation saw the Chief and Council as responsible for the everyday running of the infrastructure on-reserve – much like a municipal government is responsible for water, sewer, and roads. They saw the hereditary system as needing to take responsibility for decision-making over Gitga'at's lands and waters.

Many people who endorsed complete separation also focused on the need for hereditary leadership to be directly involved with passing on Gitga'at culture to the next generation:

> "First off, there's two different things. Like they're [hereditary leadership] responsible for teaching us our ways and mainly our clan system. And then you're talking about [elected] leadership that looks after the in-house things."

> Here "in-house" referred to the day-to-day decisions of Chief and Council that many people (including those who endorsed a hereditary advisory board structure) thought should not be part of hereditary leadership responsibilities.

We should note that many participants advocating for complete separation also indicated that they had concerns with the legitimacy and transparency of the Chief and Council system in general, and had much more trust in the clan system and hereditary leadership. Some of these concerns are noted in the last chapter on other issues.

Discussion: Hereditary Advisory Board

We have termed the middle section of the spectrum the "Hereditary Advisory Board." Most participants who endorsed this idea still maintained a distinct separation between hereditary and elected systems – and they kept decision-making with the elected chief and council. Under this system, hereditary leaders are to be informed of important issues that come before chief and council, or inform chief and council of issues that are coming up through the hereditary system, and advise chief and council on a course of action. This keeps the hereditary leadership considerations and input at a higher level than the "day-to-day" decision-making of the elected Chief and Council.

Participants endorsing this decision-making structure made it clear that the hereditary system must remain responsible for clan decisions, as well as traditionally defined areas of responsibility such as territory and water stewardship.

Chief and Council would still have the authority defined through colonial relationships – such as decisions around infrastructure in Hartley Bay, and maintaining ongoing negotiations with the Crown. But Chief and Council are also responsible for informing the hereditary leaders of any issues that come up through these negotiations, and seek advice for top level issues (again, particularly when it comes to lands and waters).

Participants had a wide range of input when it came to the details of how this advisory function should be developed, and many made it clear that there needed to be systems in place for elected and hereditary to discuss issues of concern to each other, maintaining information flow in both directions.

> "Well, personally myself, I think with council, they're on the, they deal with the day-to-Day business with government to government. The hereditary system looks after the people and then brings the concerns to the local government and they then bring that to the other government. That's the way I see it."

> "Having input from your hereditary, for example, with the territory or if there's disputes on something on a cultural level or if there's something that is done in regards to harvesting and it needs that kind of input."

As noted elsewhere, when discussing the hereditary system, many people had a wide interpretation; it is not only the three named chiefs in Hartley Bay, but often included speakers and matriarchs, and other house leaders based in Prince Rupert.

> "I think there's good involvement to at least have people involved in those discussions, like having chiefs and matriarchs be invited to those discussions for input."

In all three decision-making structures, particpants often made it clear that decision-making on questions of lands and waters must involve hereditary:

> "To me what I would look at as being a triggering thing for council to bring to the hereditary system is when anything in the territory comes up that needs to be dealt with. Because the way our hereditary system stands is that, or it was supposed to be with all the chiefs are the ones that have owned the trap lines in the territory."

Some people who endorsed the Hereditary Advisory Board concept understand that the hereditary system has a distinct role in listening to clan members. These chiefs, matriarchs, and speakers would then be responsible for bringing what they have heard to the elected system, and advising them on a course of action.

> "And when you think about it, when anything that's going to that concerns the people, it'll get out to the people and then it's the chiefs. If it is a big concern to them, then they'll call their clan or call all the people together and have their own little meeting and let you know, okay, this is coming up. It's a concern to us and we may have to bring it to council and we just need more involvement from you to make this a stronger decision making plan to help council out. When it comes to getting that decision across to the other government."

Many participants underscored the sanctity of the hereditary system, and the importance of keeping the hereditary system out of the day-to-day business of council.

> "The hereditary system supersedes [the elected system] in every way, shape or form. We've gotten here because of our hereditary system, the matrilineal society that we're a part of has sustained us for, as we're finding out, if you're looking at the carbon dating that we're picking up, we're approaching 10,000 years."

Others saw that while chiefs should be kept separate from the technical elements, speakers could work actively in committees or other venues to translate the hereditary system's concerns and priorities for the elected system, and vice-versa, acting as a bridge between elected and hereditary. This concept demonstrates the "bleed" between our decision-making structure categories, since this idea could also be termed joint decision-making.

> "Yes, the hereditary leadership needs to be involved, but it should be set up like there are these subcommittees that feed the information to the chiefs because the chiefs, we don't need them to be attending all the meetings and discussing technical elements and that kind of thing. Ideally, you would have a committee set up of their speakers. The [inaudible] have a committee when you need territorial stuff and they can go through and have the discussions among themselves and then bring that to the chiefs and that ensures that you have good connection between elected and hereditary."

A statement from one participant put the expectations of the Hereditary Advisory Board concept very succinctly:

> "As an elected leader, there is no way that I'm going to go and talk to anybody or sign on the dotted line about things that are going to happen within the territory without talking to the leaders or the chiefs that own that territory."

Discussion: Joint Decision Making

We have called the other side of the decision-making spectrum "Joint Decision Making." Many participants saw this system as an extension of the advisory board concept, with rules that trigger decision-making authority for the hereditary system (again, particularly over lands and waters). Others wanted a true joint decision-making system; we often mentioned the Council of the Haida Nation as one example of this kind of system, and some participants saw value in it.

For one participant, this system would bring hereditary leadership directly into decision-making structures in a way that is similar to the intent of the Gitga'at Oceans and Lands Department (GOLD) Memorandum of Understanding, but with more operational detail and heft.

> "So our council right now, when we have both of them, let's say we have the elected council and the hereditary, but we call it leadership council. When we get the two of them together, I believe, and we talk about what's on the table, and it's those big issues like anything that is territory and see GOLD sort of looks at all of those prior to it coming to us and we sort of lean on them to weed out."

Some participants emphasized the if the hereditary and elected have joint decision-making powers, traditional laws and teachings must be incorporated into the constitution for accountability and transparency. We will go into more detail about this in the next section, but it is important to note the linkage between decision-making structures and incorporation of the level of incorporation of ayaawx, hereditary names, etc.

> "[If] you're going to make a constitution that has both of them, they're going to have to work together a lot more. They're going to have to have something that's a little more solidified, that ayaawx is going to become more blended with the constitution."

The separation of responsibilities also maintained a throughline in many of the interviews and talking circles; many participants endorsing all three kinds of decision-making structures recognized that hereditary leadership must have priority when it comes to decisions made about Gitga'at's lands and waters.

> "The council and the hereditary definitely have to work together and all major decisions on land has to be finalized by the hereditary system."

One participant noted that the inclusion of hereditary leadership in decision-making could be linked to healing and decolonization:

> "Some of the strongest determinants of health … are things like sovereignty, self-determination, and this restoration of culture. So much of the trauma, so much of mental illness, so much of identity, self-esteem, confusion, all of that is related to who we are as a people and how that was taken away, that attempted destruction of all that. Anything that is returning to that cultural knowledge practice, connection to territory, all of that stuff and being self-determining about that restores that identity, that awareness, that living in balance with the environment around us, living in balance with our neighbors, with each other, all of those things which includes the hereditary system, the way clan systems worked, the way how a clan supports its house, its land, its people."

Incorporating Hereditary Governance

The second question we asked participants followed directly from the first: how should the hereditary system and traditional laws be incorporated into the constitution. As discussed above, how the hereditary system is incorporated into the constitution needs to be considered when it comes to developing decision-making in the Gitga'at constitution. We should note here that the ideas expressed here could be equally applicable to a policy or law referenced by the constitution, and some participants mentioned that while the hereditary system might not need to be expressly included in the constitution, it should be referenced somewhere in Gitga'at decision-making documentation.

Again, three broad categories emerged from the interviews and talking circles on the topic of hereditary incorporation, summarized in the table below.

Table 3: Hereditary Incorporation Spectrum

None	General Only	Specific Details
▷ No Ayaaxw will be written down in the Constitution ▷ Participants may have indicated that Ayaawx should be part of other processes, for instance education.	▷ General definitions for key roles and institutions contained in our Ayaaxw will be written down in the Constitution ▷ Policies, but not laws ▷ For example: ▶ Definition of a hereditary chief ▶ Functions of the feast hall	▷ In addition to general definitions, specific rules, protocols, and other details contained in our Ayaawx will be written down in the Constitution ▷ Both policies and laws ▷ For example: ▶ Rules for how names are passed down and conflicts over naming are resolved ▶ A comprehensive list of names and associated roles/responsibilities ▶ Protocols for the feast hall

The majority of participants wanted to see some form of incorporation of the hereditary system and traditional laws in the constitution.

Figure 3: Hereditary Incorporation Endorsement
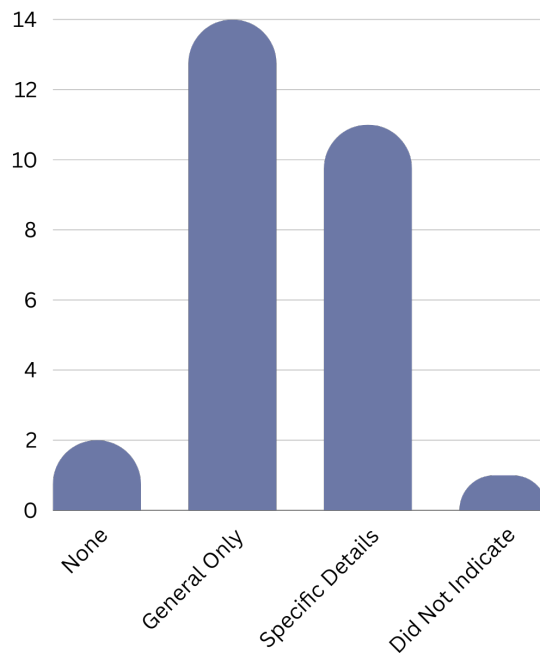
Discussion: No Incorporation

For those participants who did not want to incorporate the hereditary system or traditional laws into the constitution, it often came down to the fact that writing these down was itself against the traditional ways. Nearly everyone we interviewed also made the point (whether they wanted some level of incorporation or not) that each clan's business is its own, and other clans have no right to interfere with that business.

> "We don't need to make it public. And within our own laws, there was ways we dealt with people. It's not like when you go to court, everybody gets to sit in court and listen to all this stuff that's going on in there. In our hereditary system, it was just the people of the community, or it might even be just the clan to be there to have something done, just the clan. Then you go to the rest of the clans to tell 'em what they're going to do."

Others in this category did see the value for some kind of repository of traditional laws or hereditary names, but did not think the constitution was the place for it.

One participant viewed writing down these rules and systems as potentially damaging the community:

> "I think that if you were to write down these cultural processes and systems and how hereditary leadership work and cultures around and practices around things like funeral, whatever, I think that could potentially cause a lot of damage. Actually. I think there's the first thing that comes to my mind is that can cause a lot of attack on certain people, judgment on certain people. It could cause a lot of fear for people that they might lose a name because how they got the name doesn't fit the constitution now... And I also think too that there's things that have been adapted as a result of colonization, as a result of just say the small population."

Another participant saw a risk in writing down these traditions because it could open up interpretation by

the Crown, which has a long history of colonial violence against Gitga'at and all First Nations.

> "The problem is those other levels of government don't understand us, never have and probably never will as long as they're pushing their agenda onto us."

Finally, some saw the importance of dividing cultural decisions from political decisions as a good reason not to incorporate rules around the hereditary system or traditional laws into a written constitution.

> "I think myself, cultural business should be kept separate from political business, just plain as that, because when you think about it, oh, it was when you were talking about how the interest was [in the survey responses] how to remove the chief and all that. And then I started thinking, okay, well, I hope we're not going to be writing down these laws and making it public because it is up to us in our own clans to speak with the people of our clan and say, okay, back in the day, this is how they did it."

Discussion: General Incorporation

The highest number of participants wanted to see some general information about the hereditary system incorporated into the constitution. Many pointed to the basic formula for passing down chief names, and would not go much further than that.

> "I think myself, that we should put in there as simple as we can, how a chief becomes a chief and that's it. We're not going to let no other laws or policies dictate how we're going to make sure that that happens because our own law is doing that already."

One participant just wanted a reference to the clan system indicated in the constitution, which would allow for that system to continue in its traditional (unwritten) way of making decisions.

> "Maybe it's just having that somewhere in the constitution, that they are part of that system, they're part of that clan system. And I think that is something that we've kind of lost in terms of being Christian missionized and colonized and in this patriarchal sort of point of view."

Discussion: Specific Detail Incorporation

There was a lot of support for incorporating specific details of the hereditary system and traditional laws incorporated into the constitution beyond just how names are passed. Participants endorsing this approach indicated their concern for passing down the system to future generations, and therefore wanted to see something more significant and detailed incorporated into the constitution. They also pointed to the need for further transparency and accountability once the hereditary leadership was brought into decision-making beyond the clan system (note again that the integration between this topic and the decision-making structure above – the more decision-making authority taken by the hereditary system in the constitution, the greater the need to write down hereditary processes).

Many participants who wanted to see specific details of how names are passed, or of the ayaawx, incorporated into the constitution saw it as a measure of accountability.

> "Well, we can't go without the culture. It has to be there, but in order to have the leaderships accountable to the people, we do have to have it in writing. We're not used to having things in writing. There is our laws of, and I'd love to see it in writing because it's just kind of how we lived. Everybody knew it by heart, but I don't think we all know every one of them."

Some participants who wanted specific details incorporated into Gitga'at decision-making made it clear that their main concern was that the ways held by knowledge keepers and elders were not being passed to the next generation. For this reason, many participants wanted to see more of an effort to record the ayaawx, names, and dispute resolution processes so that it would not be lost when this generation of elders passes. The specific details of how this would be done often blended into conversations over conflicts of naming protocols (discussed in the other issues section below).

> "If we're trying to get enough information and some of the discrepancies are in regards to names, maybe we should have our elders sit down within their own houses and make lists of that or whatever if they have until ready and asking them how they dealt with discrepancies, how they remember their grandparents dealing with discrepancies, how were they traditionally done, how if we disagreed with something and we probably know a lot of that information, but I think if we're trying to stay true to our roots, we need to hear it from them and have that put down how they remember it being addressed, how they remember it being fixed, how they dealt with things when they were an issue."
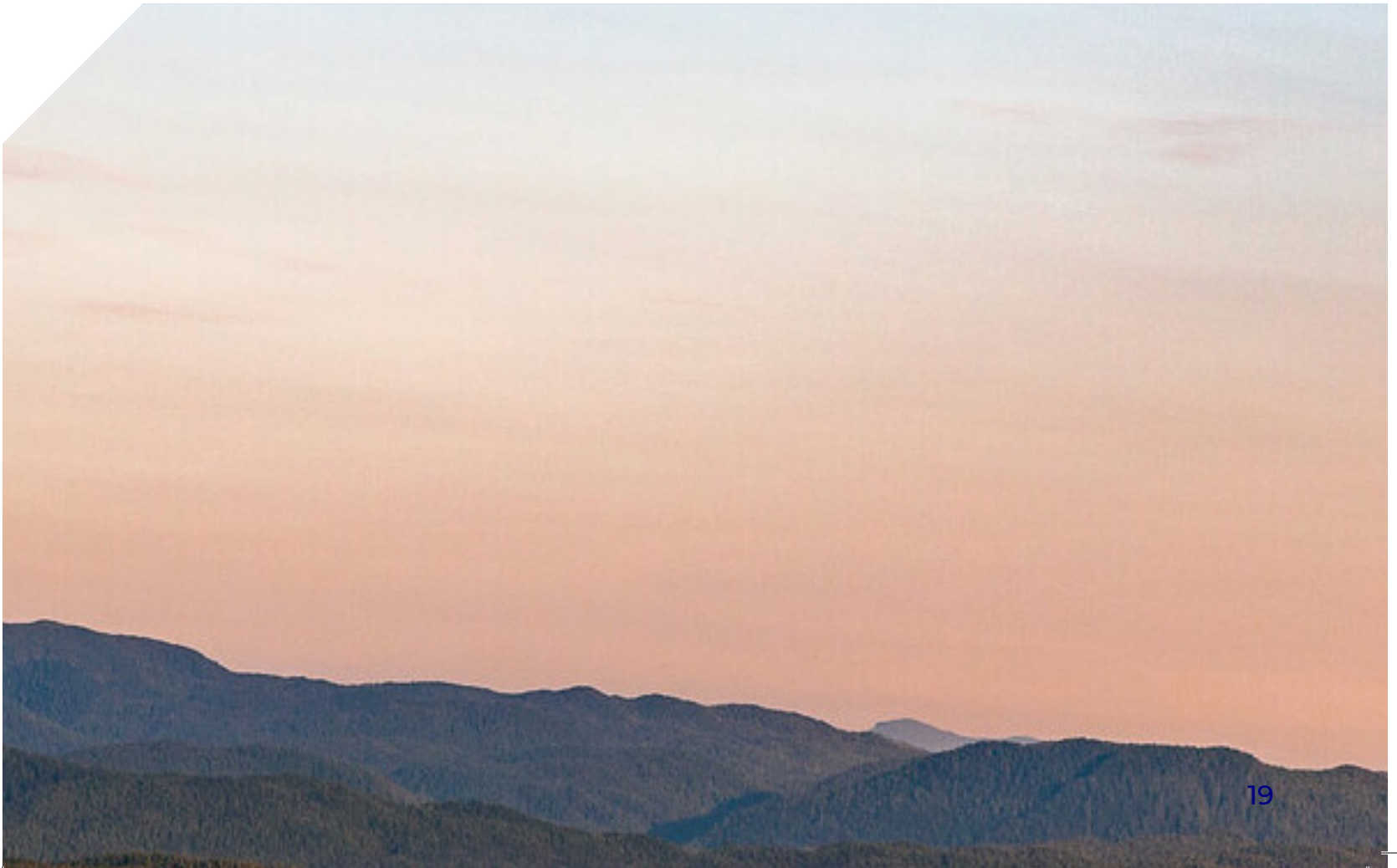
Values

The values within Gitga'at First Nation are deeply intertwined with the community's governance aspirations, reflecting a profound sense of responsibility and respect for the land, culture, and people. There are five broad categories that the participants referenced when asked what values they wanted to see incorporated into the constitution

  ▷ Accountability and Transparency
  ▷ Inclusion
  ▷ Respect for Lands and Waters
  ▷ Sagayt k'üülm goot (*of one heart*)

Accountability and Transparency

Transparency and accountability of leadership was mentioned numerous times by participants. As mentioned, those participants who endorsed total separation between the hereditary and elected system saw accountability as more important to underscore for the elected side, and this was particularly relevant for participants outside of Hartley Bay.

> "Well transparency is huge, especially for our people. We don't see anything, especially us up here in Rupert, we don't know what's going on."

This sentiment was also echoed in the call from some participants to write down protocols and practices to ensure continuity in community initiatives, values, and priorities.

Accountability was also emphasized, particularly regarding resource management and the protection of traditional practices, reflecting a commitment to sustainable stewardship of the Nation's territory (which also links to Respect for Lands and Waters below).

Inclusion

Inclusion emerged as another core value, with a recognition of the varying backgrounds and experiences within the community. There was a strong desire among participants to ensure that all members, regardless of lineage or residency, feel a sense of belonging and are afforded equal opportunities for participation and representation. This sentiment is reflected in discussions about adoption practices and the importance of recognizing the inherent belonging of individuals, irrespective of their familial or residential circumstances.

One participant, in recognizing some of the conflict between Hartley Bay and Prince Rupert, suggested building a feast hall in Prince Rupert to better enable Gitga'at members living there to hold clan meetings and feasts:

> "So you know, maybe what we have to do for this reconciliation is we have to commit to building a feast hall in Rupert, at least there. And these are like you're saying, these are the common laws that we all have to follow when we enter that."

Respect for Lands and Waters

Participants expressed pride in Gitga'at culture that was intertwined with a deep sense of respect for the territory and waters, and the teachings passed down through generations. The desire to preserve these teachings and practices underscores a commitment to self-determination and the assertion of Gitga'at identity in the face of external pressures.

> "There's all kinds of things that get passed down, like harvesting rules about how you have to respect what you're eating and only take what you need and don't waste stuff. And that's honestly things that can get you in trouble with your clan. If you're just harvesting for the sake of harvesting, it ends up with a bunch of wasted fish or animals or whatever you're harvesting."

Overall, these values reflect a profound commitment to community well-being, cultural preservation, and sustainable stewardship of the community's ancestral lands.

> "And you're protecting the territory and what's in it, [and] respecting all the life that's within it, respecting our resources, using them wisely, doing what we need to do to preserve them and promote them and their continuation. I think that's all I can come up with at this moment. I think I'd have to think a little more about any other, but that's just one that comes strongly to me, that we're respecting each other, our environment, the living creatures within it, and this consideration of protecting and preserving that for future generations."

Sagayt k'üülm goot (*of one heart*)

The value of collaboration and unity was expressed by numerous participants, with an acknowledgment of the interconnectedness between different aspects of governance and community life. This ties to both the concept of inclusion, and respect for lands and waters. We heard this expressed in the concept of sagayt k'üülm goot (of one heart). There's a recognition of the importance of maintaining strong connections between traditional and elected governance structures to ensure coherence in decision-making processes.

> "All of one heart. That means that everybody thinks the same. Makes the decision on one thing with the same thing in mind, all from the heart."

Another participant linked the concept of sagayt k'üülm goot to traditional practices, and how Gitga'at ancestors were able to survive and thrive in their territories.

> "I think way back, how the heck did our people survive and that's what it was. They came together, helped each other. They came together."

Other Issues

This section details a number of issues that came up through our conversations with participants that did not fit into the three main questions that we asked during our data collection. Many have relevance to those questions, but we have decided to include them here along with recommendations to address them that may fall outside the constitution development process

Hereditary System and Chief Names

We consistently heard that there was conflict between who should be recognized as a hereditary chief; often this was clearly divided between Prince Rupert wanting more chiefs recognized, and Hartley Bay only recognizing the three named chiefs based there:

▷ WahMoodmx for Gisbutwaada (Killer Whale),
▷ Sinaxe'et for Laxsgiik (Eagle), and
▷ Wii Hai Waas for Ganada (Raven).

> "There's more. There's more. So they only recognize three, but there's actually, there's Alan Robinson, There's the three that are in Hartley Bay. There's Steve Leland, is considered one as well. And then you also have your sub chiefs and your speakers and your women of honor… Matriarchs, matriarchs are women of honor and each house has their own recognition of that system."

Recommendation: Develop a conflict resolution process to bring the two communities together. Whether through the clans, or through the Nation, this process should determine which hereditary chiefs should be recognized for decision-making on the hereditary side.

Sharing information/education on culture

Numerous participants recommended setting up educational systems to help members improve their understanding of Ayaawx and Adaawx, and strengthen connection to the land. This linked directly to the concerns, expressed above, of losing the traditional laws and values as elders pass away.

Recommendation: Ensure that there is a process, likely directed by the clans, to record key teachings for future generations.

Naming

Nearly every interview included a discussion about the ongoing conflict over how names are currently granted and kept track of – in fact, naming rules, conflict around names, and how lists of names are kept were the top three codes in our data analysis. Many want a better more transparent way of granting names to members. Some participants also wanted to see a clear distinction between "made up" names granted as gifts to non-Indigenous people. Some people disagreed with granting names to non-Indigenous people even if they are made up.

Recommendation: As part of the dispute resolution process mentioned above, determine how clan members want to resolve the ongoing concerns around naming.

Transparency

Transparency was a theme often brought up in interviews, and is a value that should be included in the constitution. In some interviews, there were allegations that Chief and Council were politically interfering in things like distribution of fishing licenses. Financial transparency was also brought up.

Recommendation: Make the audited financial statements more readily accessible, and present on them at an annual AGA.

Membership

How membership is defined was an important topic for many participants, and an important topic for the constitution development as well. Who can become a Gitga'at member, how to take ownership of the band list from Indigenous Services Canada, and how to take definition of Indian Status away from ISC (given the ongoing removal of status based on 6(1) and 6(2) status in the Indian Act) were prevalent themes.

> "It should be our right to make those decisions for our people. Because we know our own people. We know our families. We know our people. We know who you are. We know where we come from. And to be told that too bad, it doesn't matter. Just because you know who your mother and your grandmother are, doesn't matter. We don't care. That's disrespectful."

> "How are we going to even build our membership if we have the government cutting us off, cutting our bloodline off? And that's what they've always wanted to do. They've tried to do it and right now they're doing it. So my value is for us to start building who we are, being proud of who we are. And that means passing on to our children and for those."

Recommendation: Continue to explore membership definition at community engagements, and work to get an answer about the concerns of people whose children are losing status.

Appendix A: Interview Guide Questions

Question 1: Responsibilities

Before colonization, Gitga'at governed ourselves through the clan system. And while the Indian Act imposed a Chief and Council on us, the clan system is still important to how we make decisions for our community. It's also true that a lot of people have come to see the Chief and Council system as an important part of how we make decisions.

▷ How do you think the elected system and the hereditary system should work together?
▷ Should responsibilities be divided based on the kinds of decisions being made?
▷ Should the role of the two bodies be different in making decisions?

Question 2: Hereditary Systems in the Constitution

Next I'd like to discuss what can be a kind of controversial topic. Some nations have put their own hereditary systems right into their constitutions. Others have decided that their hereditary systems should be kept as they have always been, as oral traditions. I'd like to hear what you have to say about this.

Do you have any opinions on whether our hereditary system and rules should be incorporated into a written constitution?

Prompts:
▷ Should the Gitga'at constitution specify the amount or frequency of clan meetings?
▷ Should there be a mechanism to remove chiefs from their positions?
▷ Should there be a defined number of feasts required to attain a hereditary title?
▷ Are there other aspects of the hereditary system that should be included in the constitution, or do you have any other comments about how the hereditary system should interact with the elected system?

Question 3:

Finally, I want to ask about the general kinds of values you think need to be incorporated into the constitution. This is an open ended question that you can answer any way you like.

Appendix B: Codebook

Code	Number of Mentions	Code	Number of Mentions
names_rules	53	clan_issues	7
names_conflict_resolution	25	hereditary_define	7
names_list	25	Ayaaxw_details	6
hereditary_decisonmaking	23	value_transparency	6
constitution_code	21	independentgovernment_decisionmaking	5
Ayaaxw_rules	20	membership_bloodquantum	5
roleclarity	18	values_pride	5
dispute_resolution	17	values_selfdetermination	5
Clans_engagement	16	Territory_education	5
education_ayaawx	16	Ayaaxw_write_yes	4
values_workingtogether	16	territory_sovereignty_FNs	4
jurisdiction_hereditary	15	clan_function	4
mistrust	15	Ayaaxw_write_no	3
Clans_accountability	14	Elected_termlimit	3
structure_advice/consultation	13	meeting_purpose	3
values_oneheart	13	role_recorder	3
colonial_cause&effect	13	clan_details	3
leadership_accountability	12	meeting_frequency	2
role_hereditary_chief	12	colonial_cause&effect_divison	2
values_inclusion	12	values_enviroment	2
jurisdiction_elected	11	territory_dispute	2
structure_joint	11	structure_join_learning	2
Ayaaxw_protocols	10	values_connection	2
values_accountability	9	values_futuregenerations	2
Colonial_elected	8	Ayaaxw_definitions	1
leadership_preparation	8	Ayaaxw_write_undecided	1
structure_meld	8	Colonial_funding	1
structure_separate	8	constitionprocess_ratification	1
values_respect	8	independentgovernment_lawmaking	1
Ayaaxw_functions	7	role_speaker	1
conflict_of_interest	7	Honorarium	1
Education	7		

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