

In Conversation with the Gwich'in Tribal Council: Modern Treaties, Northern Self-Government & "Rights Recognition"

featuring Bobbie Jo Greenland-Morgn, Grand Chief, Gwich'in Tribal Council and Jordan Peterson, Deputy Chief, Gwich'in Tribal Council

The Gwich'in Tribal Council (GTC) is a political organization advocating for Gwich'in rights relating to lands, waters and resources in the Gwich'in treaty settlement area as well as Treaty #11. The GTC also works to promote Gwich'in language and culture, economic self-sufficiency, and to realize Gwich'in self-government.

Since the signing of the 1992 Gwich'in Comprehensive Land Claim Agreement and based on your work with those who came before you, do you think the process to self-government has unfolded as anticipated?

BOBBIE JO: Based on my time in office and based on the personal and professional relationships I have had and still have with those holding office at the Gwich'in Tribal Council (GTC) before me, I do see and believe that the process of self-government has certainly not unfolded as anticipated.

There is still some ongoing legacy issues and challenges, but as always, we still hope to work together to achieve self government in a process that is open, transparent and driven by the people.

JORDAN: The Agreement has allowed us to create land management systems, built relationships and driven so many ideas to reality. But it has also brought negativity, confusion and sometimes tension in our communities.

We didn't think we would face implementation problems with the land claim, and yet we have, due primarily to fiscal restraints and the realities of having to spend own source revenues to implement our land claim.

Another challenge is that we didn't negotiate a self-government agreement at the same time as the land claim. It'll be 25-50 years from now before we see how these processes work together and are fully implemented. I believe that each of our negotiators, past leaders, and all involved with negotiations wanted the best agreement for our people, as do I.

Can you speak to some more of the challenges you've encountered relating to self-government specifically? While self-government via modern treaty is held up as a model for future Indigenous-state relationships, there is also a lot of criticism, from extinguishment clauses to ongoing implementation challenges.

BOBBIE JO: I find one of the biggest issues relating to self-government for the GTC is the fact that membership are not fully aware of what the modern treaty says or how it has impacted the historic Treaty #11. This is clear when it comes to leadership challenges. We have too many elected bodies for a small group of people. We have the Gwich'in Tribal Council at the regional level and then in each of the four communities in the Gwich'in Settlement Area, we have two elected bodies. One Chief and Council (Indian Act Bands) and one President and Council (for the designated Gwich'in organization under the land claim agreement). It is not entirely clear to the membership who their representatives are.

I also find the extinguishment clauses, and the negative divide they cause among the people, challenging.

No government should ever even think or ask a First Nation to cease and surrender, give up or exchange, any Aboriginal or treaty rights whatsoever. However the clauses in some modern treaties do include this and it is a problem for sure. Like most Gwich'in, I know we have the inherent right to self-government as we were self-governing in a different structure and society prior to contact. So I would like to start working towards a collective vision and goal for self government that is driven and supported by the people. This makes perfect sense, but is not always the case.

JORDAN: For me, the biggest challenge that we have faced is the unwillingness to change. I sometimes get questions or statements around being ready for taking on the powers and responsibilities of self-government. When I look at the fact that we have been implementing our land claim for 26 years and self-governing for thousands of years before that; when I look closely at our communities and the fact that we are the ones running them; the educated people in high level government positions, that should all be sufficient to demonstrate that we are ready.

I have faith in our people because of how strong and resilient we have been for the hundreds of years of assimilation and colonialism. The fact that we thrived in one of the harshest environments in the world for millennia with a population of thousands before contact, that's how powerful our Gwich'in Nation was and is.

Yes, we have to improve our relationships with each other at the political level and at the neighbour level as well, this comes with pride in who you are as a Indigenous person, a Gwich'in. We need to move forward, we need to control our own programs and services and these agreements should not be held up by any province or territory. Building relationships is integral for the public and our communities.

Some of this discussion has hinted at divisions through these processes, with the Gwich'in Nation now separated and isolated by imposed international (US/ Canada) and domestic (Yukon/NWT) borders and colonial jurisdictions, and subject to various consensual and non-consensual arrangements with those jurisdictions (Indian Act, Gwich'in Comprehensive Land Claim Agreement, Vuntut Gwitchin Final Agreement and Self-Government Agreement, Alaska Native Claims Settlement Act). Given this situation, what could Gwich'in "rights recognition" possibly mean?

JORDAN: I'll refer back to the July 2016 Gwich'in Gathering Declaration. The Ni'inlii Declaration that states, "Gwich'in recognize the division that the US/Canadian border has created among our nation and will work to strengthen relations and collaboration across

our nation”. This statement comes from our youth who were present. When we listen to our future leaders, when we respect and are advised by our elders, we are fighting the hundreds of years of our people being assimilated into the settler society and being divided by jurisdictions that should mean nothing to us. We live in a time and world where we have to adapt to ensure we assert our rights and that Canada and the territories within our lands hear us.

To answer what rights recognition means to me as an individual Gwich'in, I'll refer again to the Ni'inlii declaration "The Gwich'in assert our inherent right to govern ourselves as a Nation and to bring forward the teachings and ways of our people to secure the longevity through our youth."

BOBBIE JO: Gwich'in rights recognition to me means that our inherent rights as Gwich'in First Nations is recognized, honoured and upheld by any other nation, regardless of where we are geographically situated, regardless of which border and government we find ourselves living within. I see Gwich'in rights recognition to be that which deserves constitutional protection and as a nation, we should not allow boundaries to separate us when it comes to critical issues, like the protection of the Porcupine Caribou calving grounds in Alaska, for instance.

For the Gwich'in Nation, it is important that we strengthen our ancestral ties and our unity, as this is what should rightfully drive Gwich'in rights recognition, which overall, means a great deal to me as a Gwich'in leader, a Gwich'in woman and a mother. Gwich'in rights recognition means a great deal to our future.

Part of “rights recognition” for the Trudeau government includes new legislation. It will impact modern treaty and self-governing First Nations less. But Trudeau has committed to overhauling the self-governing First Nation financing formulas as well as better implementation for modern treaties generally. Have you seen any of these changes and what else needs to be done?

BOBBIE JO: When I look back at the history of relationships between the Government of Canada and First Nations people across the country, including the Gwich'in, I do see a major shift in the mentality. I see changes in how Government recognizes the Duty to Consult and I see change in the willingness to listen and to work with First Nations. We still have many challenges, but not like our leaders in the earlier days, pre-land claims, were up against. So yes, I do see change. While the talk and statements are shifting, there is also the need for real actions, to see real negotiation. For instance, taking away the extinguishment clause from our agreements, something that Canada talks so much about. I believe it is just a matter of time but I hope it's not too long before we see it.

JORDAN: I'll talk about financing specifically. Funding for implementation has been the biggest issue in properly being able to implement our land claim in its nearly 30 year existence.

The Collaborative Fiscal discussions are a step in a positive direction. We need to ensure that these agreements are being funded to the levels that are actually needed. Our Modern Treaties are not a divorce, they are not just a Gwich'in thing, they belong to Canada as well, and they have as much obligation to get this right as we do.

We have been developing our own approach to dealing with the implementation funding gaps and have finalized a costing analysis on what it'll take to get implementation right. We are working with the Government of Canada on finding a fix to this issue that would also create space for GTC to focus on economic development and education and initiatives that will prove beneficial to Gwich'in.

There are some positive signs then. So in your two years in office you've both had experience trying to bring Gwich'in together, working with other First Nations, as well as territorial and federal governments. What have you learned about Gwich'in diplomacy and how it is expressed in the era of modern treaties and self-government?

JORDAN: We have built relationships that weren't there before and have strengthened others. We must extend a welcome and respect for everyone else's rights. We live in a time that our communities and governments must band together to make the biggest impact. Our cultures and values need to be at the forefront nation-building as they will teach us to be welcoming and help us teach those who aren't how to be. What I try to preach to our team, to governments and to those many youth that look up to me is that you have to be solutions-based. We cannot complain and expect someone else to do the work to fix our issues, we have to identify them and find a fix.

BOBBIE JO: Personally I believe that Gwich'in diplomacy should always be based on Gwich'in traditional values.

I believe that when we follow those values, they naturally provide us as leaders with direction, while building good relationships with others that will then result in progress on our various issues.

I have learned that when traditional values were not practiced or not in the forefront, it meant relationships breaking down and further division. When this happens it then takes work and effort to rebuild, repair the damaged relationships, and to regain the respect and trust and willingness to work together again.

However, I find it challenging at times as not everyone agrees or sees it this way. Even among our own people we need to encourage and empower each other to embrace traditional values and beliefs. We need to ensure they are being expressed in today's age as we work with modern treaties and self-government. We need to hold fast to our roots as a foundation for us moving forward.

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Questions by Hayden King with support from Gwich'in citizens and Yellowhead collaborators, Crystal Fraser and Kris Statnyk.