



governance toolkit

best practices

Principle: Territorial Integrity
Government: Haida Nation

OPPORTUNITY

Haida Gwaii (formerly known as the Queen Charlotte Islands) is an archipelago on the coast of B.C. Haida Gwaii is the pristine home to some of the world's best remaining stands of cedar, hemlock and Sitka spruce. In 1974, controversy began over logging permits being issued in Haida Gwaii. Haida Nation feared irresponsible logging would deplete the old-growth forests and alter surrounding ecosystems. In 1981, plans to expand logging to Burnaby Island led to the first concerted efforts to protect Gwaii Haanas.

In 1985, Haida Nation designated Gwaii Haanas a "Haida Heritage Site." That same year, elders, hereditary chiefs, matriarchs and Haida members blockaded access for loggers on a road leading to old-growth forests. They were successful in preventing logging of ancient growths of cedars, hemlocks and Sitkas on Lyell Island.

However, logging continued on other Haida Gwaii islands until July 1987 when Canada and B.C. signed the *South Moresby Memorandum of Understanding* which subsequently led to the *South Moresby Agreement* and the commitment to protect Gwaii Haanas through the

NCFNG

is a national, independent, First Nations-controlled organization dedicated to supporting First Nations as they work to implement their inherent right to self-governance. The development of a set of shared principles that clearly articulate our approach to effective governance is one way in which we support that work. This NCFNG Effective Governance Case Study profiles a best practice in the principle "Territorial Integrity".

To learn more about this case study, contact:
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designation of a national park reserve. In 1993, Canada and Haida signed the *Gwaii Haanas Agreement*. This agreement expresses respect for both Canadian and Haida interests and includes a mutual commitment to the protection of Gwaii Haanas.

While the agreement sets aside the question of ownership of the area pending a negotiated settlement, it serves to maintain the integrity of the territory, and establishes common objectives for the care, protection and use of Gwaii Haanas.

PRINCIPLE IN ACTION

The *Gwaii Haanas Agreement* took almost six years to negotiate. It is a significant milestone because it marks the formal recognition of Haida interests in their ancestral lands. This recognition is reflected in agreement for the continuation of Haida cultural activities and traditional resource activities on the lands and non-tidal waters of the area such as gathering traditional foods and plants for medicinal and ceremonial purposes, cutting of selected trees for ceremonial or artistic purposes, conducting, teaching or demonstrating ceremonies of traditional spiritual or religious significance, and the use of shelter and facilities that support the pursuit of the above and other activities.

The agreement is administered through the Gwaii Haanas Archipelago Management Board (AMB) with equal representation from Haida and Parks Canada. The AMB is responsible for all aspects of planning, operation, and management of Gwaii Haanas. The agreement commits \$106 million to the development of a water and land-based national park, compensation of forestry interests, creation of a regional economic development fund, and a forest replacement account. The AMB provides the framework for Haida and Canada to make recommendations on matters such as planning, management and operation. Key outcomes of the work of the AMB are the engagement and employment of the Haida people, and respect for and integration of Haida practices, beliefs and knowledge in AMB activities.

Movement toward realizing these outcomes is seen in the following examples:

- Half of park staff are Haida with responsibility to inform other Haida about park operations and obligations under the agreement
- Over the past 10 years, the AMB has come to agreement through consensus for all decisions
- Traditional knowledge is used to complement scientific research in managing the park
- The Haida Watchman program is an integral part of managing the park and includes encouraging the participation of Haida elders and youth, recording traditional knowledge from elders, and enhancing public safety.

SUCCESS FACTORS

Haida leaders and negotiators employed three key strategies to support their people in the protection of the land and waters of their territory.

Public Participation

- Concern related to the impact of logging practices began to engage people at the grassroots level in the 1970s.
- The Council of the Haida Nation Forest Guardians was established in 1998 to inform all people of the islands of the cultural and environmental issues concerning Haida Gwaii through community-based consultation and activities such as workshops and newsletters

Adaptive Co-Management

- Ongoing respectful relationships have been built between parties involved in the planning and management processes.
- AMB practices are forward thinking; which is a traditional principle of Haida governance.

Respect for First Nation's Cultural Knowledge

- Haida believe that they are part of, not external or separate to, their ecosystem and that environmental survival is integral to cultural survival. AMB

Yah'guudang – our respect for all living things – celebrates the ways our lives and spirits are intertwined and honors the responsibility we hold to future generations
— Haida Land Use Vision

practices incorporate Haida historical and cultural knowledge of the area

CHALLENGES

While significant good work has been done, there remain many outstanding environmental issues to be faced in the Haida Gwaii including old growth logging outside the national parks and in culturally significant areas, fisheries management, and the creation of the Gwaii Haanas National Marine Conservation Area Reserve.

Strategies successful in the negotiation and co-management of the reserve have proved less so when applied to negotiations between the forestry and fisheries industries, government and the Haida Nation regarding resources management. Litigation has ensued and continues. However, in 2004, Haida was successful in an aboriginal title case where the Supreme Court of Canada held that both Canada and B.C. have a legal duty to consult with First Nations when the “Crown has knowledge... of the potential of existence of the aboriginal right or title and contemplates conduct that might adversely affect it”.

NCFNG GOVERNANCE LESSONS LEARNED

Given the irrevocable link between title and governance it is imperative that First Nations organize to illustrate both their historic and present day connections to the Land. *Territorial Integrity* builds from this organization with stewardship planning and the reclamation of responsibility for decision making.

Haida has consistently asserted title over Haida Gwaii through a number of effective strategies. Haida people defended their interests through an organized information and public relations campaign. They negotiated cooperative agreements where possible and followed those actions with a comprehensive legal and political strategy asserting their rights in political arenas and claiming their rights in the courts.

Haida Nation has gained recognition and shared jurisdiction over their traditional territories absent the full recognition of their aboriginal title they continue to work toward.

LINKS AND MORE INFORMATION

The Gwaii Haanas Agreement

www.pc.gc.ca/pn-np/bc/gwaiihaanas/plan/plan2a_E.asp

Gwaii Haanas National Park Reserve & Haida Heritage Site

www.pc.gc.ca/pn-np/bc/gwaiihaanas/index_E.asp