



GITXAALA NATION

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April 8, 2025

Chief Councillor Glenn Bennett
Kitselas First Nation
glennbennett@kitselas.com

VIA EMAIL

RE: PROTOCOL NEGOTIATIONS BETWEEN GITXAALA AND KITSELAS

Dear Chief Councillor Bennett:

In response to your March 16th letter, we write to provide you with Gitxaala's perspective on the course of these negotiations, particularly to advise that in our view Kitselas First Nation is negotiating in bad faith with respect to the protocol agreement between our nations in response to the proposed Kitselas Treaty.

Gitxaala, through the Lu Sa Hax Hoyagm Wil'nat'aał, has tried over the past 20 months to engage in substantive discussions with Kitselas about the impacts to Gitxaala Nation's inherent title and rights from the proposed Kitselas Treaty and to reach a protocol agreement to reconcile the exercise of Kitselas Exercisable Section 35 Rights under the Kitselas Treaty within the Kitselas Statement of Intent Area that overlaps with Nłuut'iksgm Laxyuubm Gitxaala.

- On January 18, 2025, Gitxaala provided Kitselas with a draft protocol to discuss.
- Gitxaala and Kitselas met on February 6th. At that meeting, Kitselas committed to reviewing Gitxaala's draft protocol.
- Gitxaala and Kitselas met on February 19th. At that meeting, Łabsks, Elmer Moody, posed a single question to the Kitselas team in attendance: *What parts of the draft protocol agreement that Gitxaala has presented are preventing Kitselas from signing the agreement?*
- On February 24th, Kitselas provided Gitxaala with a different draft protocol agreement for consideration.
- The next day, on February 25th, Gitxaala and Kitselas met again. At that time, Kitselas committed to providing in writing the comments made by Councillor CJ



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Bennett respecting the elements Kitselas would need to see included in a protocol agreement. Kitselas also committed to use Gitxaala's draft protocol as the working document.

- Instead, on March 10th, Kitselas provided Gitxaala with a revised version of Kitselas' February 24th draft protocol. The speaking notes of Councillor Bennett from February 25th were never provided.
- On March 12th, Gitxaala and Kitselas met again. Again, Kitselas committed to providing in writing the elements Kitselas would need to see included in a protocol agreement. Kitselas also committed to Gitxaala to use Gitxaala's draft protocol as the working document.
- In the spirit of that understanding, on March 21st, Gitxaala provided Kitselas with a revised version of Gitxaala's draft protocol, addressing concerns raised by Kitselas as our previous meetings together, as agreed on March 12th. Gitxaala also accepted Kitselas' offer for a small group to meet to finalize the language.
- However, on March 31st, Kitselas provided Gitxaala with a further revised version of Kitselas' March 10th draft protocol rather than any revisions to Gitxaala's March 21st revised draft protocol. Gitxaala inquired whether that was by mistake or in error, in light of the understanding reached at the March 12th meeting.
- On April 2nd, Kitselas confirmed that the further revised version of Kitselas' March 10th draft protocol had not been sent in error and was 'the correct draft'. Kitselas also advised that the small working group could not meet until after the community ratification vote.

We had sincerely hoped each of our nations would approach these negotiations in good faith. However, Kitselas has said one thing at our meetings and then done something else in-between meetings. Not only is this extremely frustrating, it is bad faith negotiation. Kitselas' approach has not resulted to date in the protocol negotiations moving forward in a good way.

Following the practices and principles established by thousands of years of Gitxaala adaawx, ayaawx, and gugwilx'ya'nsk, members of both the Nation's elected and hereditary leadership have sought to discuss the impacts of the Kitselas treaty both on, and from, the perspective our Nation's own legal principles. Your March 16th letter demonstrates a continued lack of understanding of Gitxaala's perspective. For example, the fact that the letter was sent to our elected Chief, and not the Lu Sa Hax Hoyagm Wil'nat'aał, indicates that there is a misunderstanding of the Gitxaala authorities involved in these discussions. Additionally, your



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letter states there is “a million hectares over which you claim exclusivity and from which you can select your own lands”. This demonstrates a misunderstanding of Gitxaala’s inherent title to N̄uut’iksgm Laxyuubm Gitxaala and the Gitxaala legal principles articulated during our discussions. To be clear, Gitxaala is not participating in any Crown-led process that involves “land selection” Further, in regard to harvesting rights, Gitxaala law does not align with the western legal view that these rights are “non-exclusive” within N̄uut’iksgm Laxyuubm Gitxaala, which has also been articulated repeatedly by the Lu Sa Hax Hoyagm Wil’nat’aal during our meetings. The lack of understanding of the Gitxaala Nation’s perspective in these discussions remains a significant point of disagreement and one that requires resolution before the proposed Kitselas treaty is ratified.

Gitxaala reiterates it wishes to conclude a protocol agreement that fairly reconciles the exercise of Kitselas Exercisable Section 35 Rights under the Kitselas Treaty within the Kitselas Statement of Intent Area that overlaps with N̄uut’iksgm Laxyuubm Gitxaala.

We request in the strongest terms possible that you and the leadership of Kitselas instruct your technical people on the Kitselas treaty team to facilitate that objective rather than to block it by exchanging competing drafts that are unresponsive to the understandings reached at our meetings.

Sincerely,

GITXAALA

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Enclosures:

1. Gitxaala's Protocol of March 21, 2025
2. Kitselas Revised Protocol of March 31, 2025

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c/o Rosie Sill, Federal Negotiator Rosie.Sill@canada.ca

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