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Gitksan\Wet'suwet'en court day B.C. Court of Appeal land decision expected

International legal implications for indigenous peoples around the world

by Dora Wilson

HAZELTON -- The B.C. Court of Appeal announced a delay in its Delgamuukw court case decision from the end of May to the week of June 20.

The Delgamuukw case, concerning land and resources, is one of eight which will have decisions given at the same time regarding First Nations jurisdiction.

The seven other cases include five on fishing and two on hunting. One of the fishing cases stems from an incident in the Bulkley Canyon in Moricetown.

The Gitksan and Wet'suwet'en hereditary chiefs and their House members have been waiting since July 2, 1992 for a ruling on the Delgamuukw appeal case.

The fishing and hunting cases were heard in September and November, 1991, and March, 1992.

The Delgamuukw case was heard May 4 to July 3, 1992.

In their report at the close of the appeal, the Gitksan and Wet'suwet'en legal team said that the message left with the court was clear -- if justice was to be done in the appeal, McEachern's judgment had to be completely reversed and rights established that had concrete meaning to the Gitksan and Wet'suwet'en in their communities and on their land.

The plaintiffs in the case are 35 Gitksan and 13 Wet'suwet'en hereditary chiefs (GWHC). The chiefs claim they and their ancestors have occupied and possessed, from time immemorial, 58,000 square kilometres (22,000 square miles) in Northwest B.C. They are seeking recognition of that ownership and jurisdiction through a legal judgment declaring:

- they have continuing rights of ownership and jurisdiction over their territory;

- these rights include rights to harvest, manage, conserve and transfer the lands and resources in the territory;
- the right of jurisdiction includes the right to govern the territory, themselves and the members of their Houses by Gitksan and Wet'suwet'en laws and institutions;

Please see APPEAL, page 11

