

Native-rights ruling ready

By Suzanne Fournier
Staff Reporter

Finding may spark talks

Five judges today will hand down two weighty volumes of law on eight native-rights cases.

And the decision could bring both sides back to the negotiating table.

"The courts might choose in their decision to steer both parties to the negotiating table by leaving aboriginal rights fairly undefined," said Herb George, the Wet'Suwet'en hereditary chief Satsan.

"And for us that would be a good thing," said George, who has spent a decade pursuing the Delgamuukw case in the courts. "We declare ownership and jurisdiction but the whole reason for the court case was to bring about negotiations."

Today First Nations leaders, chiefs and elders will gather at the Vancouver Art Gallery for a noon rally, waiting for the eight court decisions to be released at 1:40 p.m.

A unique panel of five judges of the B.C. Court of Appeal has spent the past two years hearing evidence

in the Delgamuukw land-claims case as well as five cases on aboriginal fishing rights and two aboriginal-hunting issues.

The case with the highest profile is Delgamuukw, in which the Gitksan and Wet'Suwet'en nations seek ownership of public property plus forestry, fishing and mining rights in 57,000 square kilometres in northwestern B.C.

Allan McEachern, then the B.C. Supreme Court's chief justice, first ruled on that claim in March 1991, after 300 days of hearings stretched over eight years. He ruled, among other things, that aboriginal title was extinguished before 1871.

The appeal court could discard that ruling. But it may not give the Gitksan and Wet'Suwet'en the absolute ownership they seek, either.