

# Gitksan Indians claim victory

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Gitksan and Wet'suwet'en Indians claimed a victory for their ancestors and their children Friday after a landmark decision on aboriginal rights in the B.C. Court of Appeal.

In a 3-2 decision, a panel of judges rejected the Indians' claim to absolute title over 57,000 kilometres of traditional territory that they occupied before colonization of B.C.

The land in question includes the salmon-rich rivers, minerals and forestry in the Bulkley, Skeena and Babine river systems.

The Gitksan-Wet'suwet'en were seeking ownership of public property plus forestry, fishing, mining and water rights.

All five judges agreed that aboriginal rights not only exist, such rights are protected by the Constitution.

That ruling is expected to give

Aboriginal rights exist but natives can't have absolute title to land, appeal court rules

Indians across B.C., who are just beginning to enter treaty negotiations with the provincial and federal governments, a much stronger bargaining position.

Aboriginal Affairs Minister Andrew Petter said he was encouraged by the court's assertion that negotiation was the best avenue to resolve the Indian land question.

"This kind of high-stakes game of going in front of the court, on a winner-take-all basis, is simply not the way to resolve these issues," he said.

The Gitksan and Wet'suwet'en case was one of eight considered by

the court, which decided to hear them all together because they involved similar issues.

The court ruled against the Indians in five cases, including a test case for Fraser Valley Indians who argued that it was legal to sell their catch without the assent of the federal fisheries department.

Federal fisheries officials and the commercial fishing industry viewed the decisions with relief.

The provincial government's authority to regulate hunting by Indians was dealt a severe blow in two other cases, with the court acquitting two aboriginal men who were charged with disobeying B.C. hunting regulations.

Those rulings could lead to significant restrictions on hunting by non-natives.

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