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# Appeal court ruling means Indians no longer have to beg, leaders say

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Vancouver Sun

B.C.'s Indians no longer have to beg for crumbs when they enter into treaty negotiations with government, Gitksan and Wet'suwet'en leaders said Friday.

"If you take a bucket of water out of the Skeena River, the river keeps on flowing. Our rights still flow and they will flow forever," said Earl Muldoe, whose Gitksan title is Delgam Uukw, to a standing ovation from about 400 aboriginals and supporters at the Hotel Vancouver.

The people had gathered for a press conference about 90 minutes after the B.C. Court of Appeal handed down its decisions in eight cases involving aboriginal rights, including the Gitksan and Wet'suwet'en case that began in 1984.

A panel of five judges ruled 3-2 against the Indians claim to unqualified title to 57,000 kilometres of traditional territory.

But Gitksan and Wet'suwet'en speaker Herb George and other Indian leaders described the B.C. Appeal Court decision as a victory because all five judges ruled that aboriginal rights not only exist, such rights are protected by the Constitution.

In doing so the judges overturned B.C. Supreme Court Chief Justice Allan McEachern's 1991 ruling that such rights have long since expired.

George said the ruling means that Indians no longer need to depend on government largesse when it comes time to negotiate treaties with provincial and federal governments.

The provincial government had



**VICTORY CLAIMED: leaders Herb George (left) and Don Ryan after decision**

IAN LINDSAY/Vancouver Sun

steadfastly refused to enter into treaty negotiations when the Indians launched their case.

The government has since changed its position and the court's ruling is expected to give the Indians more bargaining power in treaty negotiations that will eventually cost the provincial and federal governments more than a billion dollars.

"The governments said, the courts said, that our rights in the land were extinguished and therefore we have

to continue to rely on handouts, crumbs falling from the table from the two levels of government for our existence," George said.

"The policies of today still reflect that racist notion of extinguishment.

"I'm very honored to stand here today on behalf of the Gitksan and Wet'suwet'en chiefs and people to say that we've been successful in pushing back McEachern's decision at trial."

The governments have traditionally insisted that Indians surrender

any further claims to their territory — their so-called aboriginal title — when they sign treaties. But it now appears that so-called aboriginal title can't be bargained out of existence.

"McEachern was wrong. We were right," said Muldoe, who is the third person to hold the title of Delgam Uukw since the case began in 1984.

"When I realized today was the birthday of the late Delgam Uukw, my late brother Earl Muldoe, I knew his spirit would be with us."