



**Office Of The Hereditary Chiefs
Of The Gitksan And Wet'suwet'en People**



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DELGAM UUKW APPEAL COURT CASE

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FOR IMMEDIATE RELEASE

EXTINGUISHMENT OVERRULED

VANCOUVER -- A special five-member panel of the B.C. Court of Appeal ruled today that the federal government's policy of extinguishment is against the law.

All five members ruled that aboriginal rights were not extinguished before or after confederation and that they are protected by the Constitution.

"People said we didn't exist but we've taken it a long way since then," said Herb George, speaker for the Office of the Wet'suwet'en Hereditary Chiefs.

In defining the scope of rights, the panel ruled 3-2 in favor of Justice Alan McEachern's, March 8, 1991 decision outlining narrow rights of use and occupation.

In a very strong dissenting opinion, Justice Lambert affirmed the right of self-government for Gitksan and Wet'suwet'en peoples. It's the first time a judge of this level has supported self-government.

"Justice Lambert gave a strong and extensive dissenting judgment supporting your rights to the fullest," said Stuart Rush, legal counsel for the Gitksan and Wet'suwet'en in a debriefing after the decision.

The decision marks a new day in the negotiation of land claims. The federal government is now compelled to negotiate in a respectful way with the Gitksan and Wet'suwet'en peoples on the foundation that our rights were never extinguished.

"You can now look federal negotiators in the eye and tell them that their policy requiring extinguishment is against the law," said Louise Mandell, counsel for the plaintiffs, at the post-decision briefing.

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