

June 13, 1994
Negotiate

FOR IMMEDIATE RELEASE
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GITKSAN AND WET'SUWET'EN TO NEGOTIATE

The Gitksan and Wet'suwet'en signed an agreement today to adjourn the Delgam Uukw land title action in the Supreme Court of Canada for up to 18 months in order to negotiate with the B.C. provincial government on the matters of jurisdiction, ownership and self-government on our traditional territories.

In front of a crowd of more than 200 at Tse Kya Hall on the Hagwilget Reserve near New Hazelton, Gitksan hereditary chief Delgam Uukw and Wet'suwet'en hereditary chief Gisdaywa signed the agreement and witnessed as B.C. Premier Mike Harcourt and four provincial ministers did the same.

The agreement, called an accord of recognition and respect, could mean an end to the longest running and most significant land title action court case in the country.

Provincial and Gitksan and Wet'suwet'en negotiators have only one year, with the possibility of a six month extension, to come to an agreement, otherwise the Supreme Court action will recommence.

"We gave the provincial government an opportunity to get their act together after being elected," said Gitksan hereditary chief Maas Gaak (Don Ryan). "We decided they have the resources and are organized enough now to negotiate with us. But they must go beyond the rhetoric. We are not going to tolerate the attitude the province has displayed in other land title negotiations. It is not acceptable for the province to make offers to us about a reduced land base."

Speaker for the Office of Wet'suwet'en Hereditary Chiefs, Sat'san (Herb George), explained that an important precondition regarding the land base was imposed before negotiations begin.

"A major concession by the provincial government on their offer is that they're prepared to negotiate with us based on our territories as they are defined by our hereditary chiefs," said Sat'san.

Sat'san was referring to the fact that the judge's decision in the original trial used racist logic to arbitrarily and incorrectly limit the more than 57,000 square kilometre of Gitksan and Wet'suwet'en territories by one-third.

Our most recent attempt to regain self-government on Gitksan and Wet'suwet'en lands began in the mid-1970s. From the outset we were in favor of negotiation rather than legal action. We conducted land title action research and at a Nov. 7, 1977 meeting invited the provincial and federal governments to proceed with negotiations. They refused. From the beginning successive federal and provincial governments blocked our attempts to bargain in good faith.

This lack of respect caused us to file a claim against Canada and B.C. in 1984 for ownership and jurisdiction over more than 57,000 square kilometres of territory in northwestern B.C. Delgam Uukw, Gisdaywa and 47 other Gitksan and Wet'suwet'en hereditary chiefs were named as litigants.

Almost a decade later the case was on its way to the Supreme Court of Canada until the belated provincial government offer to negotiate was accepted by the Gitksan and Wet'suwet'en. During those 10 years the Gitksan and Wet'suwet'en have persevered: we conducted a unique court case where hereditary chiefs were the expert witnesses; we listened in disbelief to Chief Justice Allan McEachern's judgment which was later condemned as "ethnocentric" by the U.N. Commission on Human Rights; we watched as the B.C. Court of Appeal backed McEachern in a narrow 3-2 decision; we gained leave to appeal to the Supreme Court; and we saw many of the original litigants die and their hereditary names, along with the battle for justice, be carried on by others.

The objective is to gain jurisdiction, ownership and self-government over our traditional territories. We have never lost sight of this objective. We never will.

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