

Gitksan, Wet'suwet'en suspend suit in favor of treaty negotiations

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It was an historic occasion full of hope and promise.

In a traditional ceremony on June 13, 1994, at Tse Kya Hall on the Hagwilget Reserve, Gitksan and Wet'suwet'en chiefs signed an agreement to suspend their land title court action for one year and negotiate with the B.C. government.

Six months later the new relationship heralded by B.C. Premier Mike Harcourt when he signed the Accord of Recognition and Respect has yet to surface. Discussions have bogged down because the federal and provincial sides are unable—or unwilling—to get their house in order.

Mas Gak (Don Ryan), chief negotiator for the Gitksan, characterized the talks so far as "the usual" where federal and provincial negotiators take their time in making any progress.

"There's reluctance on the part of the Crown until a third party consultation process is set up, so we'll probably have to sit around and wait for that," said Mas Gak. "They will do what they can to make sure they're declared not ready by the B.C. Treaty Commission. I don't think people should tolerate that process."

The B.C. Treaty Commission was established to oversee the multitude of treaty processes getting under way in the province. They set out a six-stage process for negotiating a treaty where the final stage is implementation. Real negotiations don't begin until after the three parties are declared ready to negotiate by the BCTC in stage two.

To pass this stage each of the parties must submit to the BCTC items to show that they are "ready", such as a list of their major issues, the ratification procedures for their side for the final treaty and how third party consultation will take place.

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On Sept. 28 the BCTC declared both the Gitksan and Wet'suwet'en sides ready to negotiate.

A half-a-year after the Accord was signed the province finally got enough information in place to pass stage two.

The federal side still hasn't submitted enough documentation to the BCTC to be declared ready.

Because the provincial and federal sides are slow off the mark, the discussions so far are only talks about talks, not negotiations.

As a result of the work which went into the Delgam Uukw court case and other self-government initiatives during the last two decades, the Gitksan and Wet'suwet'en Nations are well prepared for negotiations and are constantly trying to move the process along.

"We are doing a lot of things ahead of the process," said Mas Gak. "I find it frustrating."

In the Accord the Gitksan and the Wet'suwet'en agreed to put off their court action for 12 months with a possible extension of another six months if "significant progress" is taking place.

The two First Nations had been granted a leave to appeal the Delgam Uukw case to the Supreme Court of Canada.

With the signing of the Accord the Gitksan and Wet'suwet'en decided they would negotiate separately on the treaty process. The Wet'suwet'en chief negotiator is Satsun (Herb George).

Despite the delaying tactics by the government sides the Gitksan have made progress as-

sembling a high-powered negotiating team, establishing an administrative office and working on several interim agreements.

In a series of meetings during the summer the Gitksan chose five negotiators along with Mas Gak. The five who round out the team are Wii Elasst (Jim Angus), Yoobx (Elmer Derrick), Niis Noolth (Ray Jones), Madeegam Gyamk (Neil John Stritt) and Skanu'u (Ardythe Wilson).

On Sept. 1 the Gitksan Treaty Office opened. It is set up to administer the treaty process and has a communications department, library, archives, staff and negotiator's offices. The GTO is in the former tribal council office in Hazelton.

The Gitksan team have proceeded with trilateral public education exercises through open houses and forums within the Gitksan territories. They also have unilaterally developed and implemented an extensive public information and education campaign locally and externally.

Another step taken is the work toward the signing of the Significant Progress Agreement. The SPA is the bilateral agreement between the province and the Gitksan which sets dates for completion of certain products.

These include three points of reference: the treaty framework agreement to be completed by Dec. 31, 1994; the treaty agreement-in-principle by July 1995 and the treaty signing by Dec. 31, 1997.

Included in the bilateral talks are forest resource management agreement discussions between the Gitksan and the Min-

istry of Forests.

The FRMA is meant to be a tool for the Gitksan Nation to protect resources on their territories while a treaty is negotiated. The Gitksan face a business-as-usual attitude by forest companies and the Ministry of Forests despite the B.C. Court of Appeal ruling on June 25, 1994, that Aboriginal rights were never extinguished in B.C. and that consultation must take place before activities affecting these rights, such as logging, take place.

Several "hotspots" have erupted since treaty negotiations began.

In late August, northern Gitksan chiefs took direct action in the Bear Lake region to protect the delicate ecosystem from clearcut plans by the Takla Track and Timber, based in Prince George, B.C.

The area was described by Gitksan as a prime traditional berry picking location and the Sustat and Bear Rivers as prime producers of steelhead and Chinook salmon.

In October, in the Fiddler Creek watershed in the western Gitksan territories, the Ministry of Forests granted a controversial road-building permit to Skeena Cellulose Inc., based in Terrace, B.C.

Lax Skiik (Eagle clan) members, who had protected the watershed for the last eight years, reached the site in mid-October to stop further action. Regardless of the direct action and attempts to negotiate since 1993, the watershed is still endangered.

In his address at the 17th annual Gitksan convention on Nov. 18, 1994, Mas Gak summarized the events to date in the negotiations and made several strong recommendations.

"I am recommending that an Agreement-In-Principle, and B.C. honoring their own tests, be the benchmark for significant progress. I am also recommending that we go back to the Supreme Court of Canada if we are not close to an Agreement-In-Principle by next November," he said.

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