

OPINION

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The Gitksan cause's indispensable tool

It's a can opener. It all started with a judge's "tin ear." Now the rest of B.C. is due to hear the song the tool's presence heralds.

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... a communications officer with the Gitksan in Hazelton

It's June 9, 1987 and Gitksan hereditary chief Antgulilix is on the stand in a courtroom in Smithers. The landmark Delgam Uukw court action, where the Gitksan and Wet'suwet'en are battling for ownership, jurisdiction and self-government over 56,000 square kilometres of territory in B.C.'s northwest, is entering its fifth week in B.C. Supreme Court in front of Chief Justice Allan McEachern. Lawyers for the Gitksan want Antgulilix to sing an oral history of her house. But the chief justice is refusing, telling the lawyers "this is a trial, not a performance." Besides, says the judge, "I have a tin ear . . . so it's not going to do any good to sing it to me . . ." Eventually the judge relents and the song is sung. But the Gitksan are left with a memorable story repeated often in the years since and an image immortalized in a political cartoon of Antgulilix working on the chief justice's ear with a can opener so the song can get through. The "tin ear" becomes an analogy for the inability of the Canadian judicial system to understand the Gitksan world view.

Fast forward almost nine years to Feb. 1, 1996. The Gitksan receive a letter from the aboriginal affairs minister, John Cashore, stating B.C. is walking away from treaty negotiations because of a lack of progress at the table. Once again the Gitksan are reminded that after 18 months of treaty negotiations their points are falling on tin ears.

This time it's political tin ears and the implications for all residents of B.C. are foreboding.

Those close to Gitksan treaty negotiations know Cashore's assertion of lack of progress at the table is a ruse. If anything, it is a lack of mandate for the provincial negotiating team and lack of political will at the cabinet level which has slowed progress. Says Gitksan chief negotiator Mas Gak (Don Ryan):

"They want to look good in the polls so they can say they're being tough on



Indians. They are using this as another spin to see if they can get a few more points."

The Gitksan are in the fourth stage of the B.C. Treaty Commission's six-stage process towards negotiating and implementing a treaty. They are leading the pack in terms of First Nations in B.C. who are part of the treaty commission process. To get to this point, Gitksan negotiators have had to consistently pull B.C. and Canada along the treaty path.

Gitksan negotiators had more than a decade of preparation, through the Delgam Uukw court case, when they joined the treaty table in September, 1994. They were ready immediately for tackling the hard issues. B.C. was not. It was common for the Gitksan to wait months for a reply to a simple interest paper. It took the B.C. cabinet four months to sign the treaty framework agreement after all three chief negotiators initialled the document last

March. But nothing serious has been addressed in the six months since the framework agreement signing. Says Mas Gak:

"There's been nothing on the table of any substance. We've only had preliminary discussions on our joint visions. The three parties have to be able to look at an offer from B.C., and then a counter from us, before the province can even contemplate such a decision as to walk from the table."

A backlash has already started among non-Gitksan residents of the northwest. Hazelton mayor Alice Maitland thinks the province has miscalculated in sensing the mood of locals. "The provincial government don't seem to have picked up from the people that we want this settled one way or another and to do it quickly. The move by the province takes away any certainty we had."

Even those who think the province did the right thing in walking from the

table, such as logging-truck-owner Dave Webster, are concerned about the repercussions.

"I agree the Gitksan are entitled to something but I can't swallow management and control of the whole country," said Webster, who is the mayor of New Hazelton. He sees the possibility of a return to direct action on the land by the Gitksan and is concerned about the way the province will deal with that.

"The decision to pull out of treaty talks is definitely going to cause difficulties. I'm afraid it's going to cause a lot of hardships."

The signal the province is delivering is something all British Columbians should be concerned about, Mas Gak said. "They've now shown their hand to the First

Nations in B.C. If you don't tow the line and accept the provincial position, then they'll walk from the table. They'll be using this decision to pressure the Nisga'a on an agreement-in-principle," he said. "The province is changing their position from negotiation to litigation — everyone should know this. That is a fundamental change in terms of the NDP policy. Do they think they are going to get elected just by doing this?"

Gitksan chiefs decided at a meeting this week to try to lead the NDP back to the negotiating table rather than proceed immediately with litigation. The chiefs have always favored negotiation since their first encounters with Europeans. They will encourage the province to take up an offer from the treaty commission to mediate a solution that brings B.C. back to the table. If a mediation meeting occurs, the Gitksan will be sure to bring a new can opener for those tin ears at the table. □