



Chief Negotiator's Summary



We have undertaken several tasks that have required extraordinary patience.

The Delgamuukw decision that came down from the Supreme Court ten years ago offered the Gitksan some clear paths to regaining the Daxgyet that our nation once had. There are three particular instructions the Supreme Court of Canada gave us that will lead our House groups to re-asserting their authorities.

We were instructed to pursue a re-trial on the matter of our territories. This was undertaken partially when we challenged Minister of Forests in *Yal vs. Queen* in 2002. You will recall that Justice Tysoe ruled the Gitksan had established a strong case for Gitksan title and a good case for Gitksan rights over the lands in dispute. We have used Tysoe's decision in making advances on the Short Term Forestry Agreement as well as other negotiations.

The Supreme Court of Canada also recognized that we can decide to what uses the lands may be put. The House groups have been pursuing the task of doing this through the watershed planning process. Through the comprehensive land use planning that the nine watersheds are trying to undertake, we can enable the House groups to develop a protected area strategy that would help us stay Gitksan forever. We continue to work towards finding the financial resources that would enable all House groups to do their planning.

The Supreme Court of Canada recognized that Gitksan title has an inescapable economic component. The Short Term Forestry Agreement has built upon this recognition. We have a long way to go before we reach our goal in revenue sharing.

The Supreme Court of Canada instructed the Gitksan to reconcile the pre-existence of our society with asserted Crown title (the Crown has yet to prove that its title is better than ours). We had two sessions with retired Court of Appeal Chief Justice Bryan Williams on reconciliation. Our sessions focused on governance. Our sessions got short shrift from Canada as they did not have senior people in attendance. Canada's problem is that the comprehensive claims policy from the 1980s is all that it has to work with. The policy still wants us to be Indians as they define it. The policy does not recognize that we have a civilization and it directs us to select small parcels of land under fee simple. British Columbia took the exercise seriously. I will be knocking on more doors and punching a few more heads to try and make progress on this task.

The Supreme Court of Canada recognized that the Gitksan have mineral rights. Our legal advisers clarified what this means to the Gimlitxwit. What we now have to do is to take action on these rights. We have to do some preliminary exploration of the minerals that are in Gitksan territories. We know through the work undertaken by Geological Surveys of Canada that there are potential pools of oil and gas on the territories. We have partners that want to help pin-point those areas through non-invasive technology.

The Gimlitxwit has met all the challenges that the House groups face so far. There is still a lot of internal work to do, particularly on boundaries.

I am looking forward to doing what we can on implementing Delgamuukw.

Yoobx, Elmer Derrick

