

PRESS RELEASE

For Immediate Release

B.C. Supreme Court Approves non democratic structure for treaty talks representative over Gitksan people's objection

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Hazelton, B.C.

In a decision released May 31, 2013, Judge McEwan granted Gitksan Treaty Society's (GTS) request for the Court to give its approval of a process to fix the Society's invalid legal status due to the Society having no members as well as a flawed process for electing directors. The Spookw Plaintiffs, including five Gitksan Hereditary Chiefs, four Gixsan Bands and the Gitksan Government Commission, say that the effect of Judge McEwan's decision is to ignore basic human and citizens rights and deprives the Gitksan people of the right to voice their opposition to treaty negotiations. At the same time the Decision protects the GTS - BC treaty process and the \$22 million treaty negotiation debt owed to the federal and provincial governments.

Judge McEwan found that, because the Spookw plaintiffs and other Hereditary Chiefs did not participate in, or refused to take out membership in GTS's flawed membership process held in July 2012, the Bands and Chiefs did not even have standing to speak to the Court on GTS' application. He rejected the Spookw Plaintiffs arguments that GTS's membership process had numerous problems and flawed processes that flouted both Gitksan and western law, including most seriously, the exclusion of a large number of Gitksan people who according to GTS, cannot participate in Gitksan government. Instead Justice McEwan accepted GTS' argument, that the Society did not have to be structured on democratic principles of one person one vote.

McEwan directed the Society to hold an extra-ordinary meeting within 30 days to appoint directors. Only the 37 members who took out membership in GTS's flawed membership process will be able to vote. He rejected the Plaintiffs assertions that only 24 houses, that is less than 1/3 of all Gitksan Houses had agreed to take out membership with the Society and according to Gitksan law, these individuals cannot speak for the approximately 40 who declined to become members. Neither would they have authority to speak on matters which impacted Gitksan bands or their members.

This Decision is received with disappointment and resolve by the Spookw plaintiff Hereditary Chiefs, Commission and Gitksan Bands who say that despite Judge McEwan's ruling, GTS continues to be an invalid Society with no mandate to conduct treaty or other negotiations on behalf of the Gitksan people. The evidence of GTS's lack of mandate is undeniable. In December 2011, GTS had formally notified by Gitksan Chiefs that the organization cannot represent them. This continues to be the

case as notice was given to BCTC and the Crowns that GTS will not receive a mandate from the vast majority of Gitksan. The Gitksan people also demonstrated their rejection of GTS by holding a six month peaceful protest following the announcement that GTS staff entered into an unauthorized agreement to support the Enbridge pipeline. As well, in a referendum vote was held in February 2012, 749 of 830 eligible Gitksan voters rejected treaty negotiations and GTS. More recently, GTS submitted to an audit investigation that disclosed unacceptable conduct of its financial affairs and an RCMP investigation continues. Legal action, including the main litigation, B.C.S.C. File No. 15150, Spookw et al v. Gitksan Treaty Society et al also continues.

The Spookw Plaintiffs and their legal counsel are considering their position and path forward, including an appeal to the B.C. Court of Appeal, and seeking a trial date for the oppression case against GTS. The Spookw Plaintiffs also continue their legal action against B.C. and Canada for breach of fiduciary duty due to their continuing to fund and negotiate with GTS on Gitksan title and rights while being aware GTS is a sham society with no mandate from Gitksan people.

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