

Court Case Update- October 4, 2011
Gitxsan Hereditary Chiefs and Gitxsan Bands against the Gitxsan Treaty Society,
B.C. Treaty Commission, Canada and B.C.

The Gitxsan Treaty Society (GTS) is one of the defendants in the legal action. This Society was set up mainly to receive funds for treaty negotiations for the Gitxsan people. The Board of Directors for the Society are supposedly appointed by the house groups. Various Gitksan persons have been appointed to the Board over the years. Certain Gitksan appointees have been pushed off the board for asking questions around the incorrect conduct of the Board and staff.

There are 26 members who are recognized by the GTS. The GTS has purposely kept the membership low to lessen the number of persons who can voice disagreement and ask questions. The society **has not invited applications for membership.**

From August 17 -19, 2011, all parties in the litigation participated in a Judicial Settlement Conference. In the process, all parties briefly presented their case to Madam Justice Koenigsberg in the Supreme Court of B.C. in Smithers. Unfortunately, the case has not been settled.

The GTS is also bringing a motion to be let out of the legal action. The **Society argues that the Bands and the Hereditary Chiefs suing the GTS are not “proper persons” of the Society. That is, the Bands, the Band Councils, the Band Members and the Hereditary Chiefs in the Gitksan territory who are not listed as part of the GTS membership (of 26) have no legal right to have input in the activities of the society.** The Society however has borrowed more than 19 million dollars to negotiate your rights. GTS says only the 26 members really have a say in how much they borrow or what they do with the funds. Further, only the 26 members of the Society have a say in what rights will be negotiated for approximately 8,500¹ Gitksan members. A significant number of Gitksan members have already confirmed they do not want what is being negotiated. 4 of 5 Gitksan Bands,(Kispiox, Gitanmaax, Glen Vowell, and Gitwangak) are taking this legal action (representing 5,351 members²). Band members have called for this action through resolutions passed by the members in general meetings. Until

¹ 8500 is the population used in the Gitksan Statement of Intent to Negotiate a treaty.

² 5,351 does not include Gitsegukla Band (population as of September 30, 2011)

the GTS brings home a treaty for you to vote on; you do not have a say in what they are negotiating or how much funds GTS borrows. These are some of the reasons we are in court to stop the GTS.

The GTS says that the Hereditary Chiefs do not have legal standing under the Society Act to direct the activities of the Society. The Society has used Canadian law to do what it wants and internally, smothers disagreements with their activities. Never mind that the Society is impacting on your rights as a status Indian and a Gitksan member with aboriginal rights.

Before going to court we asked the GTS negotiators to stop their treaty negotiations on their Alternative Governance Model. We asked the government including the BC Treaty Commission (BCTC) to stop funding the negotiations until the GTS could confirm that the Gitksan community members (1) agree with going in to treaty negotiations, (2) confirm if they agree that GTS negotiate on their behalf and 3) confirm what would be negotiated. Our calls were ignored, therefore we had no choice but to go to court. To this day the governments and BCTC continues providing funds to the GTS to negotiate. The GTS also continues pushing the Alternative Governance model that will not be accepted by the Gitksan.

As for the court case, the legal team is moving forward in preparation for a January 2012 court date. Work is also being completed to appeal the decision that permitted BC Treaty Commission out of the action. So far, discussion to settle this legal action, has not proved fruitful. We remain hopeful that the Federal, Provincial governments and all Gitksan community members will take action to end the misconduct and injustice of the GTS. The Gitksan Treaty Society's negotiations must stop and address the 3 issues, as it does not represent the wishes of the people.

For more detailed information on this action, please visit the Gitksan Government Commission website at : gitxsangc.com.