



GITKSAN TREATY SOCIETY

FOR IMMEDIATE RELEASE

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Judge turns Treaty Society membership issue back to Gitksan to resolve

Smithers BC – On March 27, 2012, the BC Supreme Court issued a decision in response to the Gitksan Treaty Society (“GTS”) petition for an order under the *Society Act*.

The GTS sought the Court’s assistance to correct a technical defect in the GTS’s bylaws, relating to the method of appointing GTS directors. GTS asked the court to recognize all interested Gitksan Simgiigyets (Hereditary Chiefs) as GTS members so they may appoint the GTS board of directors in a way that conforms to Gitksan Ayookim (traditional law) and the provincial *Society Act*.

Justice McEwen decided to adjourn the petition, retaining jurisdiction to make further orders if necessary. In so doing, he stated it was “important that GTS continue.” He added further that “Continuance of the GTS is also the best means to protect the interests of the Treaty Commission and the Government respondents as well.”

In the end, he granted neither the order sought by the GTS nor the result favoured by the Spookw plaintiffs. Instead, he adjourned the petition on the basis that he expected a better model for open participation and membership to be developed. In essence, he turned the matter back to the Gitksan to resolve.

In response, Gitksan Negotiator Beverly Clifton Percival said: “We agree with the court’s sentiment that it is important for the Gitksan people to work together, and the GTS is committed to using the Gitksan’s long-standing laws and hereditary system of governance to do so. We think a Gitksan-made solution will better serve the Gitksan people, so welcome this opportunity, granted by the court.”

The GTS recognizes that all Gitksan people have an interest in treaty negotiations, particularly the younger generations. The GTS also respects the will of the Gitksan Simgiigyets, expressed at a January 17, 2012 Gimlitxwit, at which a strong majority of the Simgiigyets affirmed their support for the GTS, and voted in favour of becoming GTS members with the right to control the society.

The GTS emphasised that the Simgiigyets are leaders of the Gitksan Nation, responsible for and to the Gitksan people. It is the Simgiigyets who represent the Gitksan in treaty negotiations. The Treaty Society was formed in response to the Crown’s requirement that the Gitksan Simgiigyets incorporate a society before the Simgiigyets could be eligible for treaty funding. This treaty funding allows the Simgiigyets to participate in negotiations with the goal of reconciling the Gitksan’s pre-existing aboriginal rights, including title, with that of the Crown.

For further comment please contact:

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