

# GitxsanSeasons

Dim lipgyathl huwilphl Gitxsan.

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## The Glass Wall<sup>1</sup> Is Broken

*After years of 'holding the line', are the Gitxsan dawning a new plateau of breakthroughs in the campaign for the formal recognition and implementation of Gitxsan Rights? The aboriginal rights glass wall is broken. When will the Gitxsan cross over?*  
by Gali Skalun

Since November 11, 1977, Kispiox, BC, when the Gitxsan formally delivered their Territorial Map and Declaration to Canada, the Gitxsan were compelled to adopt a 'hold the line' posture where Gitxsan Rights and land base are not diminished. And since 1995, in response to the BC Treaty Process, the Gitxsan cadence to the Crown has always been "We own and have jurisdiction over Gitxsan Territories. We want a new relationship with the Crown, but we reject the pre-condition of the extinguishment of Gitxsan Rights and the Land Selection Model."

The December 11, 1997 Supreme Court of Canada's decision in *Delgamuukw et al v. The Queen* pronounced and confirmed that **aboriginal rights and title exist**, protected under Section 35 of the Canadian Constitution of 1982, and are **unextinguished**. And although the SCC bench ordered retrial to hear the arguments of the Gitxsan in support of their request for a declaration of ownership and jurisdiction, the Gitxsan have not acted on the order. As well, the bench ordered the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown. And further, amongst other pronouncements, the SCC declared that aboriginal rights is not just use and occupancy but rather a *sui generis* aboriginal property right, albeit different from mainstream Canada's. Another significant pronouncement from the SCC is that there is a clear modern economic component to those aboriginal rights but bringing it to fruition has been frustrating.

But in spite of the land-mark *Delgamuukw et al Decision*, apparently the

Crown and its apparatus callously opted to continue to implement its policy of denial and business as usual, ignoring the Gitxsan, and other tribes, appeal to the Crown to begin implementing the *Delgamuukw et al Decision* in good faith and in a substantive manner.

Although retrial is available, the Gitxsan opted to negotiate through the BC Treaty Process, in the spirit of the SCC's order to reconcile the pre-existence of aboriginal societies with the sovereignty of the Crown. But, it appears, the treaty process will fail miserably, at considerable expense to Canadian tax-payers, investors, and the Gitxsan, unless the Crown muster up the political-will to finally recognize aboriginal rights as supported by the emerging number legal decisions in favour of the aboriginals.

Although it remains to be seen whether they will be implemented, the aboriginal agenda espoused boldly in the recent throne-speeches of both Canada and British Columbia are encouraging. On the heels of the controversial treaty referendum, Honourable Geoff Plante, BC's Minister Responsible For Treaties, delivered, in a televised cabinet meeting, a new mandate to his treaty negotiators. But the Gitxsan and other tribes await the interpretation of that mandate. For "*The Canada We Want Speech From The Throne To Open the Second Session of the Thirty-Seventh Parliament of Canada*", see [http://www.sft-ddt.gc.ca/hnav/hnav07\\_e.htm](http://www.sft-ddt.gc.ca/hnav/hnav07_e.htm). For "*Throne Speech Details Vision to Open Up B.C. - Fourth Session of the 37th Parliament of British Columbia*", see <http://www.gov.bc.ca/>.

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We are now online.  
[http://  
www.gitxsan.com](http://www.gitxsan.com)  
News, Events, Chat,  
Who We Are.  
Updates.



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Catherine Blackstock

## Message from the Executive Director

What is self-government? Treaty? To me it means “Gitxsan working together for our own best interests, making decisions and planning for the future.” These interests are over the resources, fish, land, wildlife, plants, water, health, education, justice and most importantly our language and culture.

If we plan to once again manage our territories we better plan on working together despite our differences. At a death feast we come together for a purpose of supporting the family and wilp and taking care of business. We need to practice our protocol of trust, honour and respect in everyday living.

The Gitxsan are well-known for being the fighters, standing up for our rights. Having rights means we have a responsibility. To ensure we can protect our rights we need to as individuals, huwilp and a Nation begin to take responsibility to record our traditional knowledge and build our capacity.

Let’s put our heads and hearts together for the benefit of future Gitxsan.

Hami’ya! **Catherine Blackstock**, Executive Director, [cblackstock@gitxsan.com](mailto:cblackstock@gitxsan.com)

“Glass Wall”, Continued from page 1

After the dismal failure of the BC treaty process, with not one signed treaty since its onset, the BC Treaty Commission is taking measures to invigorate and support ‘negotiations’ as the preferred method of resolving treaty-related matters, opposed to litigation and civil disobedience. See <http://www.bctreaty.net>.

Justice Tysoe of the Supreme Court of BC, in his December 10, 2002 Yal et al v. MOF decision pronounced that the Gitxsan have **strong prima facie evidence for their aboriginal rights to the trees**. He also determined that *there was no consultation with the Gitxsan in the transfer of control of Skeena Cellulose Inc to Northwest BC Timbre and Pulp*. Subsequently he ordered that negotiations between the Gitxsan and BC ensue for a consultation process that is *not mere consultation* and for the accommodation of Gitxsan interest in the trees. And if the Gitxsan are not satisfied with the end result of the negotiations, Tysoe prescribed that the Gitxsan apply to his court to have the transfer quashed. For *Gitxsan v. British Columbia (Minister of Forests)*, see <http://www.canlii.org/bc/cas/bcsc/>; keyword “Gitxsan”.

Since then, BC has appointed special negotiator Bob Friesen to negotiate on behalf of BC a consultation process with the Gitxsan and the accommodation of Gitxsan interest in the trees. As well, both the Gitxsan and the Gitanyow are considering a protocol for joint effort to implement the findings of Justice Tysoe.

The recent shutting down of the access road to West Kitsuns cut block 175 on Wilps Gwagl’lo’s territory situated in the Gitsegukla watershed was important enough for Daniel Veniez, President and Chief Financial Officer of Northwest BC Timbre & Pulp, to personally attend the February 26, 2003 meeting with Simogyet

Gwagl’lo to begin negotiations. At the meeting, Veniez concurred with Elmer Derrick’s analysis of the current poor state of the ‘fibre basket’ and subsequent argument for a sustainable forest in Gitxsan territory. In response to the expression of interest in the acquisition of the Carnaby saw mill and attached tree farm licences, Veniez responded “...without hesitation, I’m prepared to sell Carnaby for a dollar” and urged that the deal be papered post haste. Veniez also appealed to the Gitxsan, “With respect to (aboriginal) title, I want to be your partner. I’ve been true to that view for two years ... We need to get treaties done in BC ... (because) financial markets hate uncertainty and inertia.” How will the Gitxsan respond to the signals from Veniez?

At the week of March 10, 2003 First Nations Summit meeting, Mike de Jong, Minister of Forests, announced that the province is weeks away, not months, from taking back six million cubic metres of timbre from existing tenures and redistributing to the aboriginals. How will the Gitxsan respond to these signals?

Miles Richardson, Chief Commissioner of the BC Treaty Commission, recently commented that treaties are “imminent” citing the treaty environment has shifted in favour of BC aboriginals.

The Gitxsan through the Gitxsan Treaty Society are positioned for treaty-related breakthroughs in the next two years. It is time to move off the ‘hold the line’ mode and shift into full reconciliation mode as enunciated in the December 11, 1997 Supreme Court of Canada Delgamuukxw et al v. Queen Decision: The pre-existence of aboriginal societies must be reconciled with the sovereignty of the crown. And until recently, the Crown was in full

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## LIPGYET UPDATE

*Submitted by: Pat Douse, Lipgyet Researcher*

### ***Gitxsan Common Interest:***

To promote, support and strengthen the authority, relationships and ability of the Wilp to care for its members, according to the Gitxsan Ayookw.

Subsequent to the interests of the Gitxsan, the most *recent LIPGYET TEAM ACTIVITIES* include:

**CAREGIVER WORKING GROUP:** Further to our *Talking Through Change, Discussion Paper*<sup>1</sup>, we have been working towards developing a model and tools that will help us engage in real and authentic conversations with each other. It is our belief that : **the real methodology for system change begins and ends with ongoing, authentic conversations about important questions.** During the month of April, we will pilot this model and engage people in a process to talk about lipgyet topics that are important to our Huwilp and Nation.

**EDUCATION FORUMS** were held in both the Gyeets and Gigyeeenix. The purpose was to engage Wilp members in thought and discussion about traditional and western education. The goal was to initiate action for participants to build their own capacity as teachers and learners rather than waiting for others to take the lead. *Reports are available.*

**GITXSAN HEALTH INTEREST PAPER:** Focus of this document is to identify the complex barriers that continue to interfere with our ability to be healthy Gitxsan citizens. This document will guide our negotiations with BC and Canada.

**TRANSITIONING GITXSAN WOMEN OUT OF POVERTY:** Following the 1<sup>st</sup> Annual Gitxsan Women's Day, a sub-committee was formed to examine options that will promote social and cultural development and which will assist us in reclaiming our roles and responsibilities within our Huwilp. We are at the very initial stage of planning for a feasibility study to examine if Fairhaven Farm is a viable option to meet this need.

Bev Clifton-Percival, Audrey Lundquest or Pat Douse welcomes calls at Toll Free 1-866-842-6780 for more information about any of the Lipgyet activities.

**(Footnotes)**

**"Breakthrough"**, Continued from page 2

denial mode and contain Delgamuukxw mode. The sustained Gitxsan lobby effort together with the emerging legal victories in favour of the aboriginals are beginning to pay dividends. The political winds seem to be shifting in favour of the reconciliation of Gitxsan Rights, including Title, with Crown Rights.

But alas the Wilphl Gitxsan as the fundamental entity in Gitxsan Society are not collaborating. Rather, each is manifesting its Daxgyat individually and in accordance to its particular agenda. Although it is correct for the wilphl Gitxsan to be independent and autonomous, clearly the wilphl Gitxsan must coalesce, cluster, and collaborate (the 3C's) to move the national Gitxsan agenda forward, to make explicit what reconciliation means to the Gitxsan, to give substance to the anticipated new relationship between the crown and the Gitxsan, to begin assembling the building

blocks towards "Dim lipgyathl huwilphl Gitxsan", to finally generate wealth. Clearly, if the Gitxsan are not manifesting the 3C's prior to treaty, it may be ten fold more difficult come post-treaty.

"Walk on ... walk on ... the Breath of Our Grandmothers and Grand fathers through the aboriginal rights glass wall."

(Footnotes)

<sup>1</sup> The Aboriginal Rights Glass Wall was coined by Don Ryan, then the Gitxsan Chief Negotiator, during the Gitxsan Treaty One Process. At the time, he implored the treaty team to break through the glass wall: "Whose going to win the prize of breaking through the glass wall?"



# THE STORY OF GYEDIM GAN, WILPS HANAMUXW

Contributed by Gwaans

On October 18, 1991 Wilps Hanamuxw raised their totempoles in the village of Gitsegukla on our Lax yip. The first pole was re-erected as it was taken down by the Band Council during the time of Hanamuxw Jeffery Johnson, this pole was from the turn of the century and was raised in 1945, at this time it was refurbished due to relocation from the old gal tsup to the new one. The second pole was new and carved by Earl Muldon the present Delgamuukxw and it represented the experience of the current Hanamuxw Joan Ryan. It was a tremendous experience and as I reflect on this process, it was a profound life experience that gave me as a wilp member my daxgyet and teachings that would light the path of my life.

When I returned from university to live with my maternal family in 1987, my grandmother who was Gwaans began to prepare our family for the raising of our Gyedim Gan. I learned about our adaawx and names within the house. It was exciting and so different than what the university had taught me. She was very articulate in teaching me in ways that I would understand and remember. She had endless patience and kindness. We would have tea and discuss what was important in preparation for pole raising activities. Each part of the process had to be marked and witnessed by our niidihl, niyee, and father as well. We prepared by learning the nax noxs of the Wilp and practicing them. Skawookxw (sleeps in the way) would become a trade mark for me in this process.

Pictures of the nax noxs performed at the pole raising, the people involved in raising the poles, dancing, and celebration of the event are powerful



pieces of our history. We had a new historical item created that day in the use of McEachern in one of our nax noxs. It should be noted that our Wilp has held strong beliefs and offered strong support in the Land Question. Both Gwaans (Olive Ryan) our historian and Maas Gak (Don Ryan) our warrior led the preparation and implementation of the case itself. Hanamuxw lent her voice to this process and all our lineage lent their support in many ways. The three lead plaintiffs were Gyulogyet, Antguilibix and Gwaans, strong matriarchs that set forth a strong and determined path for people of our generation to walk on. Their strength and leadership gave the Gitxsan legal position our daxgyet, manifested the responsibilities of a matrilineal system and in many respects was a safety net for those whose testimony would follow. Even upon the passing of Olive Ryan her legacy of \$10,000 from her lilit went towards the costs of the Supreme court. These events weave for us a gwiis gan mala of daxgyet, & courage. Our wilp's history is one of strength, determination and from time to time resistance to negative forces as needed.

It is reflection on this history that comes from my ancestors that made it possible for me to take my position in our house in November 1998 to receive the tremendous honor of my grandmothers name Gwaan's. In our house we have strong leadership with Mas Gak as our warrior, Niitxws as an advisor, Gwaamats as a historian, Gumsigyaa as a natural resource person, Skamaauxs as a business person and Hanamuxw as an educator and spiritual guide. My role is ever evolving as an educator and person deeply committed to Dim Lipgyethl

Huwilp Gitxsan! Our members are talented and strong we have a: lawyer, heavy equipment operator, travel agent, teachers, educators, flight attendant, computer technician, commercial fishermen, millwright, resident care attendant, carver, rorester, welders, mechanics, cooks, chefs, cannery workers, hospital workers, nortary public, bank employee, supermarket work, marine corp member, RCMP officer, and many more talented wilp members. The Creator has given us a talent group that can balance today's work with our rich and vibrant history and Wilps Hanamuuxw is set to continue on into the new millenia. I thank the creator each day for all that gwalyeinsxw that has been passed on to a fortunate person in Wilp's Hanamuxw.

# Photo Essay

Raising of Gyedim Gan Pole  
 Wilps Hanamuuxw  
 October 18, 1991



GWAANS



SIGIDIM-HAANAK HANAMUUXW



LIM SIM HALYT HANAMUUXW



GWILAS HANAMUUXW



LELTS NAX NOX Eating Jilow



ANDIMHANAK UPSIDE DOWN MAN



McEACHERN



Gyedim Gahlouli



SKAWOOKXW



IN-LAWS COOKING



RETURNING MIXAAX



## Residential Schools Disrupted Gwalx Ye'insxw

The internment of school age children at Canada's Indian Residential School system worked to a high degree on aboriginal societies, including the Gitksan. The premeditated, calculated internment of generations of Gitksan children in Canada's Indian Residential School system disrupted, in some cases, severing gwalx ye'insxwhl Gitksan, the tribal memory and inherency of the Gitksan, typically passed on to succeeding generations in perpetuity to guarantee and insure the preservation and continuity of Gitksan essence.

But thankfully, Gitksan character, permanently stamped into children in their first five years of family life by their parents prior to internment, prevailed. And, although the Gitksan nationally survived Canada's Indian Residential School program and teachings, the costs were high to individual Gitksan, the wilphl Gitksan, and Gali Aks Gitksan. And today, many years since their closure, the Gitksan, individually and collectively, live with, battle, and seek redress to transcend the legacy of maltreatment and abuse by contracted operators, the organized churches, of the Indian Residential School system. ■



Gitksan Seasons

## Edmonton Alternate Dispute Resolution Pilot Project

Contributed by Cindy Joseph, Legal Counsel

Canada and the churches have responded to the large number of claims arising from physical and sexual abuse by seeking to settle claims in a non-adversarial setting. The Hazelton office is one of 12 pilot projects across Canada, and represents 22 Gitksan and 3 Nisga'a in their claims against Canada and the United Church for claims arising from their treatment at Edmonton Indian Residential School. All parties in the ADR process have sought to promote healing and reconciliation in the process.

Under the Framework Agreement signed at Wilp Si' Satxw on August 1, 2002, the claimants are negotiating damages for physical and sexual abuse since the ADR process does not allow for claims arising from loss of language and culture. However, the United Church has signaled their willingness to discuss language and cultural loss with the Hereditary Chiefs office.

*For more information, contact  
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### Anoyam Gan Mootxw

"Tools of Healing"

Education and awareness, support services, community healing workshops, Gitksan Traditional Grief & Loss, Gitksan Traditional Medicines, Impacts & Effects, Vibrational Healing, Letting go of Guilt and Shame, Intuitive and Spiritual Healing.

For more info, contact  
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### Indian Residential School links

Indian Residential School Survivors Society  
<http://www.prsp.bc.ca/>

Indian Residential Schools Resolution Canada  
<http://www.irsr-rqpi.gc.ca>  
<http://www.irsr-rqpa.gc.ca/english/links.html>

Assembly of First Nations  
<http://www.afn.ca/>



# Gitxsan Watershed Based Fish Sustainability Planning



Contributed by Larry Joseph

Vince Jackson, the Watersheds Coordinator, and Larry Joseph, the GTO Scientific Advisor, have been very busy helping the watershed workgroups. The purpose of this short report is to highlight some of our main activities and accomplishments in the four-stage process to develop sustainable fisheries plans for the Gitxsan.

Stage one documents providing the biophysical profiles of the watersheds have been done in draft form. Proofreading, revisions, and new additions will begin shortly. Hence, the documents will not be ready for use for a while.

In preparation for Stage 2 of the planning process, watershed coordinators, their workgroups and the Gitxsan Treaty Office Watershed Coordinator have engaged in several initiatives to ease watershed planning. For example, the Gitsegukla watershed table has taken Geographic Positioning System (GPS) training for mapping of cultural heritage features like trail systems in their territories. Further to the west, the Kitwangak Watershed Trust workgroup has been emphasizing some of their recent efforts on the Shandilla Creek watershed. Old-growth cedar, pine mushrooms, and cultural heritage sites have been touchy because of the logging about to happen in this watershed. This workgroup has asked for legal and technical support for their work. Moreover, the watershed workgroups have presented proposals to federal and provincial representatives. These proposed projects are meant to support planning, management and economic development on their territories.

Scientific research is urgently needed too for the planning and community-based management efforts of all watershed tables. As a result, the Gitxsan Treaty Society Board of Directors has recently encouraged the Gitxsan Treaty Office to do scientific research that will support watershed sustainability planning. Larry Joseph will work with John Lewis, a doctoral candidate from the Collaborative of Advanced Landscape Planning at the University of British Columbia, to do research to determine Gitxsan indicators of desired forest landscape condition. Indicators are decisive in the development of Gitxsan forest practices standards needed to bring Gitxsan Huwilp values into forestry and fisheries management.

## Quotes

"The history of the wilp and land are inseparable. The land belongs to the Crown: **not so.** It belongs to the simgigyat. ... We have a different vision of where we are going. We may take different paths. As long as we focus in the same area, we will find a way. We have to find a way to a particular point. ... We have to focus on where we come from, where we are, and where we'll go."

*Jim Angus, Chair, Gitxsan Treaty Society, November 14, 2002 Gitxsan Summit, Gitanyow, BC*

"The process of building a new relations or reconciliation (with the Crown) is very very difficult. ... We have to pay attention. The Crown has no will or policy to deal with reconciliation. ... The Crown in right of Canada has no policy to respond to the court case (December 11, 1997 Delgamuukw vs.

A.G., Supreme Court of Canada Decision). ... We have to continue to work together to put together your plans on how the lands should be used. ... We need your formal plans. How will your territory sustain your house groups? Paragraph 169 (of the Delgamuukw Decision) says there is an inescapable economic component to the rights you have. The Crown could share revenues. ... The law says the Crown can infringe on your rights through their legislative objectives. What we can do is point out to the Crown that the Gitxsan have their own legislative objectives. We have to push the Crown's legislative objectives. ... There is nothing in place for the Crown to recognize our rights. ... Short of declaring war, I don't know how to get them to obey the laws of the courts."

*Elmer Derrick, Chief Negotiator, Gitxsan Treaty Office, November 14, 2002 Gitxsan Summit, Gitanyow, BC*

## Gitxsan Care Givers: Shaping Nationhood



The Gitxsan Seasons is a quarterly newsletter. The articles published are the opinions of the authors and may not necessarily reflect the policy of the Gitxsan Treaty Society.

## Future Sigidimhanak & Simgigyet

*Photos From Gitxsan Language & Culture Agreement Setting Aside Ceremony, Dec 11, 2002, Gitwangak, BC*



## Gitxsan Women's Day

*Feb 20, 2003, Kispiox, BC*



*Sigidimhaanak*



*Beehive Hairstyle Contest*



*More Sigidimhaanak*



*Many Sigidimhaanak in Gali Aks Gitxsan*



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