

# Nisga'a lawsuit to go ahead next month

VICTORIA (CP) — A B.C. Liberal lawsuit challenging the Nisga'a treaty is set to begin in B.C. Supreme Court May 15, the same day the treaty is to be implemented. The Liberals are seeking to have the treaty ruled invalid on the grounds that it is unconstitutional.

"I would say it's an unhappy coincidence," Aboriginal Affairs Minister Dale Lovick said Monday of the timing of the lawsuit.

Although the treaty has been ratified by the Nisga'a people, the B.C. legislature, the House of Commons and the Senate, the final paperwork needed to put it into effect still has to be done. Officials are working toward a May 15 implementation date for the treaty, which will give the Nisga'a people of northwestern B.C.

about 2,000 square kilometres of land, cash and new powers of self-government in a deal worth about \$500 million. That's the same day a two-week trial of the B.C. Liberals' suit is scheduled to begin in Vancouver.

"We can now consider whether it's constitutional," said Liberal MLA Geoff Plant, one of three party members in whose name the suit was launched. "The agreement attempts to create a third order of government."

The courts refused to deal with the Liberal lawsuit until the treaty was officially proclaimed. "Now, if anything, it will ensure the governments won't have an opportunity to ask for another delay," Plant said.

Nisga'a Chief Joe Gosnell rejected

claims that the treaty is an infringement on the Constitution. "We have indicated within the treaty that we are prepared to work within the constitutional framework of the country, not outside of it," Gosnell said Monday.

While Gosnell remained confident the treaty could withstand a constitutional challenge, he said a Liberal victory would have widespread ramifications.

"That's going to create a major controversy in this country," he said. "How do you unravel what has taken place?" Lovick also dismissed the Liberal suit, calling it political posturing. "I think the suit is not supportable," Lovick said. "I think the suit is more mischievous than substantial."

Once the treaty comes into effect, the

real work begins for the Nisga'a. It is expected to take about two years for the treaty to be fully implemented.

As a first step, between 18 and 20 pieces of legislation will be adopted by the new Nisga'a government to address everything from land use and forestry to self-government and financial accountability. Within six months, elections will have to be called for both the central government and the village governments.