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# FIRST NATIONS LEADERSHIP COUNCIL

## Statement

**For Immediate Release**  
**March 30, 2015**

### **First Nations Leadership Council Expresses Support for Heiltsuk First Nation**

COAST SALISH TRADITIONAL TERRITORY (VANCOUVER) – The BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs are expressing full support for the Heiltsuk First Nation in their complete opposition to a commercial roe herring fishery in 2015 due to ongoing conservation concerns for herring in their territory.

A group of some 50 Heiltsuk band members, including Chief Councillor Marilyn Slett, has placed DFO's central coast office near Bella Bella on lockdown since 5:30 Sunday evening in defiance of a planned herring gillnet fishery in their territory.

The Heiltsuk, along with the Haida and Nuu-chah-nulth Nations, have repeatedly expressed concerns to the Department of Fisheries and Oceans (DFO) as well as the fishing industry, regarding proceeding with commercial roe herring fisheries in their territories (Haida Gwaii, Central Coast and the West Coast of Vancouver Island/WCVI) as herring stocks in these three areas are just starting to rebuild. The First Nations Summit and Union of BC Indian Chiefs have recently passed resolutions expressing complete and unwavering opposition to commercial roe herring fisheries on the Central Coast, Haida Gwaii and West Coast of Vancouver Island in 2015 due to conservation concerns. BC Assembly of First Nations anticipates passing a similar resolution in support at the upcoming Annual General Meeting in June.

There is clearly enough scientific evidence that shows a commercial roe herring fishery could threaten the future of the resource including the fact that only half of the 32,000 tons of herring DFO predicted for this year have been detected, DFO remains intent on opening the Central Coast fishery. First Nations have cautioned DFO against continuing with the December 2014 decision to allow commercial roe herring fisheries in Haida Gwaii, the Central Coast, and the West Coast of Vancouver Island in 2015.

First Nations must be consulted and accommodated in regard to their Treaty, Inherent and constitutionally protected Aboriginal Rights under Section 35(1) of the Constitution Act, 1982. Further, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides that:

- a. Article 26: "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use..."
- b. Article 29: that "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources..."

As well, the Supreme Court of Canada decision in *Tsilhqot'in* marked a watershed in the history of British Columbia and Canada, issuing the first declaration of Aboriginal title for the Tsilhqot'in Nation. The Court was clear that Aboriginal title means that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained First Nations for generations, with the rights to decide our futures, to govern

our territories, and to manage and benefit from our lands. The *Tsilhqot'in* judgment confirms that the status quo is not acceptable, and that the federal and provincial governments have a positive legal duty to negotiate in good faith, based on reconciliation and not on competing interests. Further, in *Tsilhqot'in*, the Supreme Court used the term "consent" in 9 paragraphs and the "right to control" the land in 11 paragraphs. The Court added that the "right to control" means "consent" must be obtained from Aboriginal titleholders. Canada cannot disregard the rulings of its highest Court.

These important international standards and the current legal reality with respect to consent and consultation with BC First Nations must be heeded and DFO immediately cancel any plans for herring fisheries in the areas of concern.

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