

FIRST NATIONS SUMMIT

NEWS RELEASE

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First Nations Summit Statement re: Supreme Court of Canada decision confirming First Nations rights to sue Rio Tinto Alcan

Coast Salish Traditional Territory (Vancouver) – First Nations Summit Chiefs and leaders congratulate the Stelat'en First Nation and the Saik'uz First Nation following a Supreme Court of Canada decision to dismiss Rio Tinto Alcan's Application for Leave to Appeal from an April 15, 2015 BC Court of Appeal decision.

Yesterday the Supreme Court of Canada rightfully dismissed Alcan's leave application to appeal the BC Court of Appeal's decision. The decision has major implications for First Nations' ongoing discussions and negotiations with the Governments of Canada and British Columbia, as well as industry proponents, particularly those in the resource sector.

The decision affirms, yet again, that First Nations have existing legal rights that must be respected and protected now. The Courts rejected the Company's argument that the Nations' Aboriginal title and rights were merely "asserted", or claimed, and not proven, and therefore too tenuous on which to base their claim. Instead, the Courts are clear that First Nations do not have to first prove their title and rights, or have formal recognition of their title and rights by the Crown, before they can access judicial processes to protect and enforce those rights. Instead, First Nations can rely on their Aboriginal title and rights to sue a private company for damaging lands or interfering with their use and occupancy of lands and rivers.

This decision is yet another clear indication to Industry, Government and all tenure holders in BC that they must deal honourably with First Nations. This decision applies the Supreme Court of Canada's landmark ruling in *Tsilhqot'in*, where the Court made the first judicial declaration of Aboriginal title in Canada and set out the implications of that title: that is, Aboriginal title means First Nations have the right to possess, manage, use and enjoy the land, and to benefit and profit from its economic use.

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The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. Further background information on the Summit may be found at www.fns.bc.ca.

For Further Information contact:
Colin Braker, Communications Director, FNS, 604-926-9903

