



FIRST NATIONS SUMMIT

NEWS RELEASE

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First Nations Summit applauds BC Court of Appeal decision confirming Nuu-chah-nulth rights to fish for commercial purposes

Coast Salish Territory (Vancouver, BC) – Leaders of the First Nations Summit (FNS) are applauding this week's judgment by the BC Court of Appeal (BCCA) re-affirming a previous BCCA decision which recognized the Aboriginal commercial fishing rights of five Nuu-chah-nulth First Nations.

Brought to the courts nearly 10 years ago, in this action the plaintiffs sought a declaration that they have an aboriginal right to fish on a commercial basis. In the 2009 BC Supreme Court decision, the original trial judge found that the Ehattesaht, Mowachaht/Muchalaht, Hesquiaht, Ahousaht and Tla-o-quiaht First Nations have the aboriginal right to harvest and sell all species of fish in their territories. This decision was upheld by the BCCA in 2011.

Last year the Supreme Court of Canada (SCC) rejected Canada's application to appeal the 2011 BCCA decision and instead asked the BCCA to reconsider their earlier decision in light of the 2011 SCC decision in *Lax Kw'alaams v. Canada*.

"The BCCA's reaffirmation of their earlier decision reinforces a true measure of justice for the Nuu-chah-nulth people", said Grand Chief Edward John of the FNS Political Executive. "Our clear expectation is that Canada will honour and immediately take steps to engage with the Nuu-chah-nulth to discuss the best avenues towards the immediate implementation of this strong judgment".

"What is truly shameful in this case is the 4 years of wasted time and untold financial resources that the Nuu-chah-nulth have been forced to invest to have the original 2009 BCSC and subsequent 2011 BCCA decisions upheld, added Cheryl Casimer of the FNS political executive. "We strongly urge Canada to abandon any thought of appealing this important decision, and failing that, would sincerely hope the SCC denies any applications for appeal in this matter".

"After 10 years of perseverance, we must once again hold our hands up to the leaders and citizens of the Nuu-chah-nulth Nation for having the strength and determination to pursue this case which has led to 3 strong victories for their people", said Robert Phillips, also on the FNS political executive. "We will continue to stand with the Nuu-chah-nulth to push for the immediate implementation, or if needed, to support them in the courts".

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The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. The Summit is also a NGO in Special Consultative Status with the Economic and Social Council of the United Nations. Further background information on the Summit may be found at www.fns.bc.ca.

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