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News Release

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BC SUPREME COURT RULES THAT NUU-CHAH-NULTH PEOPLES HAVE A CONSTITUTIONALLY PROTECTED ABORIGINAL RIGHT TO FISH FOR COMMERCIAL PURPOSES

Coast Salish Territory (Vancouver, BC) - The political executives of the First Nations Summit, Union of BC Indian Chiefs and the BC Assembly of First Nations applaud the British Columbia Supreme Court's decision in *Ahousaht Indian Band and Nation v. Canada (Attorney General)*. In her decision Madam Justice Garson ruled that the Nuu-chah-nulth peoples have an Aboriginal right to fish for any species of fish in their territories and to sell fish. Madam Justice Garson further ruled that the *Fisheries Act* and regulations made pursuant to the *Act* infringe the aboriginal right of the Nuu-chah-nulth peoples to fish and to sell fish.

"Full and effective implementation of our Aboriginal rights is an essential prerequisite for eliminating poverty in our communities and building thriving and sustainable economies" said BC Regional Chief Jody Wilson-Raybould. "By affirming their right to fish commercially in their traditional waters, this ruling will provide the Nuu-chah-nulth peoples with a solid foundation on which to rebuild and strengthen their economies. This ruling is a huge victory for the Nuu-chah-nulth and we will continue to build on this success for all First Nations."

"Today's decision marks a true measure of justice for the Nuu-chah-nulth people", said Grand Chief Edward John of the First Nations Summit Political Executive. "We 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 over the past six years.

"In the past, the federal Department of Fisheries and Oceans (DFO) has worked quickly to implement courts decisions that suited their own policies. We fully expect that federal and provincial officials will now heed the directive of the court to immediately sit down with Nuu-chah-nulth leaders to discuss and negotiate implementation of the decision. We also strongly urge the BC and Canada to abandon any thought of appealing today's important decision, added Grand Chief Doug Kelly of the First Nations Summit Political Executive.

Brought to the courts by the Ehattesaht, Mowachaht/Muchalaht, Hesquiaht, Ahousaht and Tla-o-quiaht First Nations, in this action the plaintiffs sought a declaration that they have an aboriginal right to fish on a commercial basis. A total of 49 witnesses testified over 111 days of trial.

The BC Supreme Court directed the parties to consult and negotiate the manner in which the plaintiff's aboriginal rights to fish and sell fish can be accommodated and exercised, and added that in the event that consultations and negotiations are unsuccessful after a period of two years, then Canada has leave to apply at a subsequent trial to tender further evidence on the issue of justification.

"Congratulations to the Nuu-chah-nulth, this is a tremendous and historic victory" said Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs. "This decision further bolsters and reaffirms our constitutionally-protected Aboriginal Rights for all Indigenous Peoples. Rather than appeal such a progressive court decision, we encourage the federal government to enjoin with the Nuu-chah-nulth Tribal Council to enter into good-faith negotiations to implement this profound decision."

First Nations will now be taking time to review and discuss the implications of this decision.

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