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NUU-CHAH-NULTH CELEBRATE FISHERIES DECISION

VANCOUVER – Aboriginal groups are celebrating a major legal victory after BC Supreme Court Justice Nicole Garson ruled the Nuu-chah-nulth First Nations have an Aboriginal right to harvest and sell all species of fish found within their territories.

“At contact, the Nuu-chah-nulth were overwhelmingly a fishing people,” wrote Mme Justice Garson in her 307-page judgement. “They depended almost entirely on their harvest of the resources of the ocean and rivers to sustain themselves,” she wrote, adding Nuu-chah-nulth people were able to prove a long history of trading and selling fisheries resources.

After more than a decade of legal preparations and 123 days in court, the Nuu-chah-nulth Nations involved in the case against Canada and British Columbia are pleased with the outcome.

“Today this decision confirms what we’ve known all along. We have been stewards of our ocean resources for hundreds of generations, and the Government of Canada was wrong to push us aside in their attempts to prohibit our access to the sea resources our people depend upon,” said NTC President Cliff Atleo Sr.

Since time immemorial, Nuu-chah-nulth people have built their societies, economies, and culture around fishing. After Confederation, Canada encouraged the Nuu-chah-nulth to remain fishing people by allocating small fishing stations as reserves while denying the larger land claims of the Nuu-chah-nulth. Over one hundred years of regulations by Canada have diminished Nuu-chah-nulth participation in the West Coast fishery.

Attempts to reach negotiated settlements through the treaty process produced few results. In June of 2003, Nuu-chah-nulth plaintiff Nations filed a Writ of Summons against Canada and British Columbia seeking reconciliation.

The claims of the Nations are based on Aboriginal rights to harvest and sell sea resources, Aboriginal title to fishing territories and fishing sites, and the unique obligations of the Crown arising through the reserve-creation process.

“First the government said we didn’t need much land because we were ocean-going peoples, then they took away our access to those ocean resources,” said Atleo. “Today we hope we can move forward with this decision, and trust the government will work with us for the benefit of all west coast communities,” he said.

Nuu-chah-nulth leaders and community members were joined by other Nations and supporters on the steps of the Vancouver Law Courts on Tuesday to celebrate the ruling.

While Mme Justice Garson’s decision is a clear victory for Nuuchah-nulth, she was clear in her ruling the Aboriginal right to harvest and sell fish is not an unrestricted commercial right, and implementation will require negotiations with the governments of British Columbia and Canada. Nuuchah-nulth are eager to begin positive discussions with the governments on today’s BC Supreme Court decision.

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For more information about the trial or to schedule an interview with NTC President Cliff Atleo Sr. or NTC Vice President Priscilla Sabbas-Watts, please contact David Wiwchar at (250) 731-0668, or e-mail wiwcharmedia@gmail.com

For more information on the trial, visit www.uuathluk.ca/litigation.