



T'aaq-wiihak

Implementing Nuu-chah-nulth Fishing Rights

FEDERAL DEPARTMENT OF FISHERIES AND OCEANS STONEWALLS NEGOTIATIONS, THREATENS CHARGES AGAINST THE FIVE NUU-CHAH-NULTH FIRST NATIONS AND THOSE WHO SUPPORT THEM

DFO continues to engage in intimidation tactics despite BC's highest court affirming the Five Nations' inherent right to fish as recently as April 2021

Media Release: August 24th, 2021 - The Five Nuu-chah-nulth First Nations of Ahousaht, Hesquiaht, Ehattesaht/Chinehkint, Mowachaht/Muchalaht, and Tla-o-qui-aht are calling upon the Government of Canada to recognize the authority of its own highest courts and to stop infringing upon the rights of the Five Nations fishers who are trying to feed their communities and support their families.

Thursday, August 19th, marked four months since the latest BC Court of Appeal decision affirming the rights of the Five Nations to economically viable fishing opportunities. Yet, the federal Department of Fisheries and Oceans continues to stonewall negotiations and acts as if it is above the law. The Government of Canada has not taken meaningful steps towards a collaborative negotiation process, instead choosing to run out the clock until after the 2021 election. Our fishers cannot remain tied to the dock without any commitment from the federal government on when they will meet us, ready to work, at the negotiation table.

"Canada has cancelled our negotiation sessions and refuses to work with us towards developing fisheries in line with our right to fish. The highest courts directed our Nations and Canada to work together on our fisheries, yet Canada refuses to come to the table. If the federal government would meet us at the negotiating tables as directed by their own highest courts, our fisheries would no longer be 'unauthorized' in the eyes of the DFO. They are ignoring the direction of their own courts, and now DFO is disrespecting the inherent authority of our Ha'wiih. We don't have a formal agreement with the Government of Canada - we are our own Nations with our own sovereignty. And our leadership is telling us to go out and fish," says Wickaninnish, Cliff Atleo, Ahousaht First Nation's Lead Negotiator.

It has been twelve years since Justice Garson of the BC Supreme Court recognized our inherent Aboriginal right to harvest and sell all species of fish found within our traditional territories and ordered Canada to negotiate with us about how to accommodate our rights. For twelve years, our fishers have been tied to our docks, forced to watch commercial and recreational fishers benefit from the resources of our traditional territories. As a result, our fishers are starving and, due to the lack of action and participation from the Government of Canada, cannot provide for their families and their communities.

"Some Nuu-chah-nulth Ha'wiih (hereditary leadership) met virtually with the federal minister of Fisheries and Oceans Bernadette Jordan a few weeks ago. At that meeting, the Ha'wiih told Minister Jordan that they want the results of the latest court victory implemented immediately and warned her that they are tired of waiting. The Minister did not commit to any course of action or timeline. The struggle of exercising our fishing rights is not isolated to the Five Nations. DFO recently arrested Chief Mike Sack of the Sipekne'katik First Nation, part of the Mi'kmaq, for being 'party to the offence of (an) unauthorized fishery.' The Canadian Government must stop criminalizing First Nations when they are exercising inherent, treaty, and court-affirmed rights. Now is the time for the Government of Canada to demonstrate that the passing of Bill C-15 and the move to adopt UNDRIP's articles into Canadian law are more than just lip service," stated Kekinusuqs, Dr. Judith Sayers, President of the Nuu-chah-nulth Tribal Council.



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On August 5th, the Ha'wiih (hereditary leadership) of the Five Nations issued a declaration to authorize our designated Five Nations' members to exercise their court-affirmed fishing right to harvest in line with allocations as set out in our fishers plans. Since then, the DFO has been threatening fish buyers with charges if they work with our fishers and even went so far as to threaten a third-party monitoring company with charges if they provided landing slips to our fishers.

We have fought in court and won over and over again. We cannot wait any longer for the Government of Canada to recognize our inherent right and negotiate with us in good faith and collaboration. Without that, reconciliation will not be possible.

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For more information, please contact:
Wickaninnish, Cliff Atleo, Lead Negotiator
Ahousaht First Nation
(250) 720 7275
c.atleo71@shaw.ca

Lauren Dean, Communications Specialist
Ha'oom Fisheries Society
(250) 703-3213
lauren@haoom.ca

Photos:

1. Some Ahousaht and Tla-o-qui-aht First Nations' hereditary leadership and members at the 4th Street Dock in Tofino, on August 19th, 2021. Photo credit: Lacey Adams.
2. Muuchinink (Bruce Frank) and Iris Frank at the 4th Street Dock in Tofino, on August 19th, 2021. Photo credit: Lacey Adams
3. Muuchinink (Bruce Frank), Saya Masso, and Hiisquishsinuptshilth (Alex Frank) of Tla-o-qui-aht First Nations at the 4th Street Dock in Tofino, on August 19th, 2021. Photo credit: Lacey Adams

