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Recognizing the Public Interest in Nation to Nation Fishery Negotiations

Vancouver, BC—“Reconciliation isn’t just about negotiations between First Nations and the Crown, it has to directly involve those whose livelihoods might be affected in keeping with previous Supreme Court of Canada decisions,” said Gary Wharton, legal counsel and spokesperson for the intervenors representing the BC Seafood Alliance and the BC Wildlife Federation.

“The BC Supreme Court decision requires that the delineation of Indigenous fishing rights must include consideration of the rights and interests of all stakeholders,” he added, noting that both the Supreme Court of Canada and the judge are clear that Crown is in a fundamental conflict of interest between its fiduciary responsibilities to First Nations and its duty to represent other interests in fishery matters. “Reconciliation must now explicitly include consideration of these interests.”

“That’s why we intervened,” said Christina Burridge for the BC Seafood Alliance and Alan Martin for the BC Wildlife Federation. “It’s a very complex case, going back almost a decade,” they said, “but we intervened to make sure that the Supreme Court of Canada requirement that delineating Indigenous rights required consideration of other rights and interests did indeed take place. We represent the common property right that goes back to Magna Carta.”

They added, “the judge’s decision is complex, but we are always ready to engage in constructive discussions over how we manage our fisheries to ensure conservation of the resource, enjoyment of eating or catching seafood and economic benefits to all Canadians.”

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