ANNUAL GENERAL ASSEMBLY
JULY 20, 21 & 22, 2010, WINNIPEG, MB

Resolution no. 47/2010

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| TITLE: | Support for Nuu-chah-nulth Fishing Rights |
| SUBJECT: | Fisheries |
| MOVED BY: | Cliff Atleo, Proxy, Tseshaht, BC |
| SECONDED BY: | Chief Bob Chamberlin, Kwicksutaineauk Ah-kwa-mish First Nation, BC |
| DECISION: | Passed by the AFN Executive Committee |

WHEREAS:

A. Since time immemorial, the Nuu-chah-nulth have built their societies, economies, and culture around fishing and have been stewards of their ocean resources.

B. After more than a decade of attempted negotiations and legal preparations, *Ahousaht Indian Band and Nation et al v. Canada* was brought to the courts by eleven Nuu-chah-nulth Nations in 2006.

C. On November 3rd , 2009, Nuu-chah-nulth Nations won a major legal victory in the British Columbia Supreme Court in the fight to have a constitutionally protected Aboriginal Right to fish for commercial purposes recognized. In *Ahousaht Indian Band and Nation et al v. Canada*, Madam Justice Garson ruled that the Nuu-chah-nulth Nations have an Aboriginal Right to fish for any species of fish in their territories and to sell fish. Further, Madam Justice Garson ruled that the *Fisheries Act* and regulations made pursuant to the Act infringe upon the Aboriginal Rights of the Nuu-chah-nulth to fish and to sell fish.

D. The B.C. Supreme Court directed Canada and Nuu-chah-nulth Nations to negotiate the manner in which the Nations' Aboriginal Rights to fish and sell fish will be exercised. The Court also directed that if negotiations are not successful within two years, Canada has leave to apply at a subsequent trial to tender further evidence to justify Canada's infringement of Nuu-chah-nulth fishing rights.

Certified copy of a resolution adopted on the 28th day of July, 2010 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

E. Canada has chosen to appeal the November 3rd, 2009 decision of the British Columbia Supreme Court that established economic rights-based fisheries for the Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht Nations.

F. These Nuu-chah-nulth Nations need the financial and moral support of all First Nations in Canada in order to secure victory through the B.C. Court of Appeal.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Fully support the Nuu-chah-nulth Nations and Nuu-chah-nulth Tribal Council in their ongoing legal battle with Canada to firmly establish First Nation Rights to a commercial fishery.

2. Direct the AFN to work with the First Nations Summit, BC Assembly of First Nations, and like-minded organizations, to seek the needed financial support for the Nuu-chah-nulth in their ongoing legal battle.

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SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF