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Hunting rights renewed

By Christine van Reeuwijk
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First Nations fishing and hunting rights may be rejuvenated after a decade-long court battle. Wayne (Ivan) Morris and Carl Olsen, members of the Tsartlip First Nation,

were convicted of an offence under section 27(1)(d) of the Wildlife Act for hunting during prohibited hours and hunting with lights (night hunting).

Recently, the Supreme Court of Canada decided in a narrow 4-3 vote that the Tsartlip had been granted the right to hunt at night under the North Saanich treaty that was signed in 1852, commonly called one of the Douglas treaties.

"Here it is, years and years of thinking of our rights and waiting for justice and we won," said Morris during a press conference in Vancouver. "It is a victory not only for the present generations but for our future generations as well."

"The decision not only upholds our treaty rights, it protects our traditional way of life," said Carl Olsen.

"It has great bearing on the Douglas treaties because of the hunting right. It's something that has been ongoing for a lot of years," said Tsartlip Chief Chris Tom.

"When you go out you don't have to be looking over your shoulder all the time," he added.

The Douglas treaties allow the right to fish and hunt as formerly.

"This not only affects Tsartlip First Nation but 14 other communities and the rest of Canada," said Tsartlip Chief

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Chris Tom. "I imagine it will affect further court cases related to other hunting issues."

He felt the pair challenging the court was the only course of action they as a people could take.

"It was something that had to be done," Tom said. "It doesn't only affect them, it affects all members that area a part of the Douglas Treaty."

"They felt that the provincial government decision was infringing on their Douglas treaty rights," added Tsartlip councillor Don Tom. "They felt this would go on a long time."

The Tsartlip community stood behind Morris and Olsen throughout the battle.

"They went to the community to see if the community would finance their action to court," Don Tom said. "From there it's taken well over 10 years to get an answer on this one."

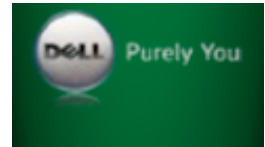
Chief Tom also showed gratitude toward the legal counsel that stood by and fought for the hunters, and the rights of all First Nations.

"Those members have to be really recognized," he said.

"With this decision, the Province of BC can't sit in their offices in Victoria and draft laws saying 'you can't do this, you can't do that'," said co-counsel for Morris and Olsen Ardith Walkem during a press conference. "It is clear that BC has to engage First Nation communities about their rights."

"The ramifications of this decision will be felt right across Canada," said Grand Chief Stewart Phillip of the Union of BC Indian Chiefs. "Treaty rights are affirmed and they must be respected. As courts affirm our respective rights, there will be increased pressure to protect those rights."

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