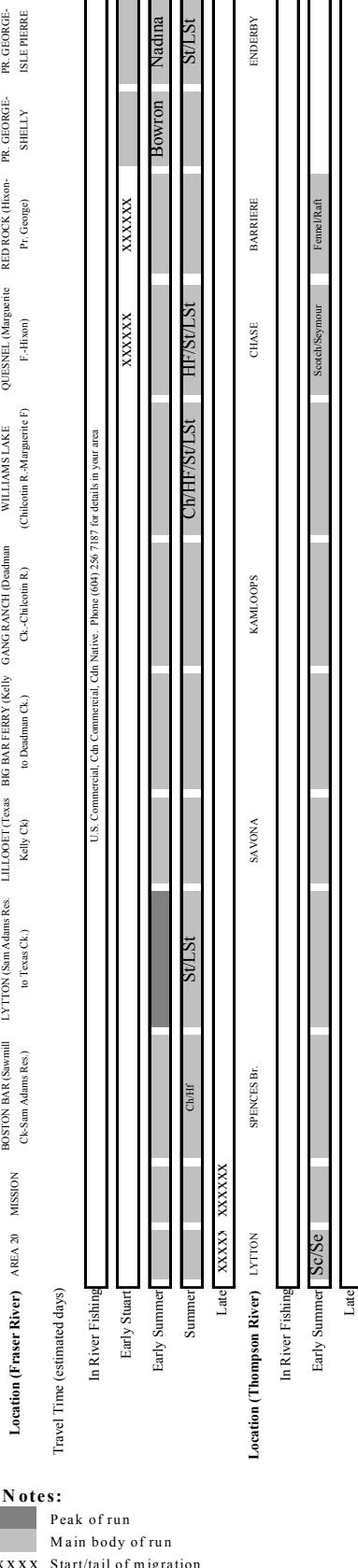


August 8, 2003

Volume VII
Issue 17

Watershed Talk

A weekly Aboriginal fisheries newsletter for
fisheries representatives and their organizations



Fishing for the meaning of the Crown...the Art of Stealing Human Rights

By Roxanna Laviolette

What is the Crown? Is it the one that sits on the Queen's head? Is it the Crown of Thorns? Just what does the Crown stand for in relation to its responsibility to the Indigenous people of this country? Since attending the BCAFC Special Assembly on Friday, August 1, 2003 the two recent Provincial Court decisions handed down by Justice Saunderson *R. v. Anderson et al* and Justice Kitchen *R. V. Kapp et al*; have all but confirmed the "breach of trust" by Fisheries & Oceans Canada on behalf of the Crown. It is an absolute failure of their duty, under the Canadian Constitution, to protect aboriginal rights and title to the fishery resource. I recently read excerpts from a conference on human rights held in August of 1958 on the Tobique Reserve in New Brunswick. One speaker, Gerry Gambill, gave a speech on how to "Burglar-proof your Reserves and your Rights." He provided common techniques on how this society goes about taking away the human rights of

native people. The "Art of Stealing Human Rights" was well underway long before 1958. However, it was interesting to look at aspects of this Human Rights Conference and the textbook tactics recently used. They were never more evident than in July/August 2003. First Nations just experienced the immediate cancellation of the Pilot Sales Program, which amounts to instant "economic marginalization" of a distinct race of people. In my view, we have just experienced the "swiftest action" seen taken by Ottawa, maybe even in the history of Fisheries & Oceans Canada. These are a few of over 20 points Gerry Gambill identified and uses hunting as an example.

- Speak to the common good. Tell the Indian that you can't consider yourselves when there is a whole nation to think of. Tell him that he can't think only of himself. For instance, in regard to hunting rights, tell him we have to think of all the hunters, or the sporting good industry.
- Remove rights so gradually that people don't realize what has



Watershed Talk

A weekly Aboriginal fisheries newsletter for
fisheries representatives and their organizations

happened until it is too late. Again in regards to hunting rights, first restrict the geographical area where hunting is permitted, then cut the season to certain times of the year, then cut the limits down gradually, then insist on licensing and then the Indians will be on the same grounds as white sportsman.

- Set yourself up as the protector of the Indian's human rights, and then you can choose to act only on those violations you wish to act upon. By getting successful on a few minor violations of human rights, you can point to your devotion to his cause. The burglar who is the doorman is the perfect combination.

The AFS Pilot Sales were originally intended to expand and provide economic opportunities to other First Nation communities as well. By virtue of a fishing industry "user group" using the grounds of **s. 15 (1) and (2) Subsection (1) of the Charter of Rights and**

Freedom, these Provincial Court decisions are wrong in law. Clearly human rights were violated when s. 35(1) and s. 25 were not used in defense of First Nations.

Progression of the 2003 Sockeye Season

By Jason Yarmish

Well, things are definitely in full swing in both the offshore and Fraser fisheries. With the majority of the Summer sockeye on approach to the Fraser, marine First Nation, commercial gill netters and seiners have all seen some fishing time. In the Fraser River, too, there have been some limited commercial gillnet openings. What is important to note this week is that the Late Summer Sockeye have started to show up in significant numbers in Area 20 and some are already moving into the Lower Fraser.

With respect to environmental conditions, water levels in the Fraser are very low; at or slightly below 1998 flows. Temperature, on the other hand has dropped in the last week to about 19.5°C but is

expected to climb again through the week. The good news is that the temperatures have not reached the extreme observed in 1998, but are still high enough to cause stress. As to the specific effects on sockeye this year and how fisheries will be shaped around it, remains to be seen. **For further information, contact Mike Staley at (604) 261-7065 or mstaley@mstaley.com**

UPCOMING MEETINGS & TELECONFERENCES

AUG. 14/03: 4:00 PM - FRAFS Technical Fraser Sockeye Update Teleconference. Chair(s): Mike Staley/Ken Wilson.

AUG. 21/03: 4:00 PM - FRAFS Technical Fraser Sockeye Update Teleconference. Chair(s): Mike Staley/Ken Wilson.