

Metis fight for hunting rights

BY DAN EBENAL

MORNING STAR STAFF

British Columbia's Metis are in court this week to stake out a claim to the Okanagan as their traditional hunting grounds.

The B.C. Supreme Court in Vernon is hearing an appeal of a provincial court decision which acquitted a Silver Creek man on a charge of hunting without a licence.

Gregory Willison shot a mule deer near Falkland B.C. in November 2000. Following an eight-day trial, Judge Hugh Stansfield found Willison proved his aboriginal right to hunt for food under the Constitution.

The province appealed that decision in May, and that appeal is now being heard in Vernon.

Willison's lawyer Jean Teillet said the case has broad implications for the 45,000 Metis living in B.C.

"Even though this is about hunting a deer, effectively it is also about the recognition of Metis in B.C.," said Teillet, who was the lead counsel in the landmark 2003 Canadian Supreme Court Powley decision, which set out the principles of Metis' rights.

"Aboriginal rights are collective rights. They are not individual rights. What happens to Mr. Willison will affect the collective."

Bruce Dumont, president of the Metis Nation of B.C., is disappointed the province has refused to recognize the provincial court decision giving Constitutionally protected harvesting rights to B.C. Metis.

"We've been here for hundreds of years," said Dumont.

That claim, however, is disputed by the Okanagan Nation Alliance, who have filed for intervention status in the dispute.

"We were never approached by the Metis to ask for permission to hunt in our territory," said Chief Eshien Alexis of the

"If I was to do anything in their territory in Manitoba, everyone would hear about it."

Alexis said the Okanagan band should have been consulted about the infringement on their aboriginal title and rights. He said the decision could open the door to the Metis "setting up shop in the Okanagan."

That is something that the Metis and their lawyers deny.

"No one is saying the Okanagan band doesn't exist and don't have rights. They, on the other hand, do say the Metis don't exist and have no rights," said Jason Madden, a lawyer for the Metis Nation of B.C.

Teillet, who points out 14 judges have upheld the Metis right to hunt, said the issue at hand is about harvesting rights and not aboriginal title.

While Teillet concedes the Okanagan Nation Alliance may see the application as a pre-emptive strike on future claims against their territory, she said that issue won't be dealt with in the near future if at all.

"There's no point shooting your arrow over the bow when you can't even see land," said Teillet.

The 30,000-member B.C. Wildlife Federation has also taken an interest in the case.

"If they establish rights, that validates ours," said Tony Toth, executive director.

Toth describes the BCWF's members as average residents who hunt and fish as a way of accessing food.

"Hunting and fishing are part of our values and part of our longstanding rights just as with aboriginal people."

Toth says extending hunting rights to Metis is

fine as long as it is for sustenance purposes and not commercial, and they don't negatively impact non-aboriginal rights.

"If the Metis get court-sanctioned rights, there must be a containment process. Who will check the number of animals harvested or do the health checks we all go through?" he said.

"Whether it's First Nations, Metis or non-aboriginals, conservation is the primary issue. You can't over-harvest. Everyone must understand the resource must be managed."

Toth is hopeful all interested parties can work together to protect the wildlife resource.

Vernon Morning Star

Wednesday December 14, 2005