

B.C. native band has no right to a commercial fishery: Supreme Court

By: The Canadian Press

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OTTAWA - The Supreme Court of Canada has rejected a British Columbia native band's claim that it has a constitutional right to run a commercial fishery. In a unanimous 7-0 decision, the court has dismissed an appeal from the Lax Kw'alaams band from the Prince Rupert region.

The band claimed it had a constitutionally protected aboriginal right to catch halibut, herring, crabs and other species for commercial use, based on its traditional lifestyle before European contact.

The British Columbia Supreme Court and Court of Appeal rejected the claim.

The Supreme Court followed suit.

The band has a right to fish for food, social and ceremonial purposes, but not to a commercial fishery.