

# FIRST NATIONS LEADERSHIP COUNCIL

## News Release

May 3, 2021

### **FNLC Remembers Thomas Berger and Honours his Legacy as a Prominent Indigenous Title and Rights Advocate**

(Xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish) and səliwətał (Tsleil-Waututh)/Vancouver, B.C.) The First Nations Leadership Council (FNLC) remembers and honours prominent civil and Indigenous rights advocate Thomas Berger. The former B.C. Supreme Court judge, politician, and lawyer devoted his life's work to addressing injustice. Berger's landmark achievements transformed Canadian law and Aboriginal rights and title, paving the way for several legal victories for First Nations within and beyond his lifetime.

"The legacy of Thomas Berger's trail-blazing career continues to benefit First Nations in B.C. and across the country," said BC Assembly of First Nations Regional Chief Terry Teegee. "Berger was a man of great principle, compassion, and courage. He fought for Indigenous rights and title in a way that most non-Indigenous Canadians didn't support at the time. I wish to extend my deepest condolences to his family and friends. First Nations will always be grateful for Berger's steadfast dedication to defending our rights and title."

In an era when prioritizing Indigenous title over resource development was almost unheard of, Berger championed our peoples and rights. He represented the Nisga'a Nation in the ground-breaking Calder v. British Columbia case, leading to the Supreme Court of Canada's 1973 decision to acknowledge that Aboriginal title to land existed before colonization.

Berger also led an unprecedented public consultation process as part of the Mackenzie Valley Pipeline Inquiry. Alongside former Dene National Chief Bill Erasmus, Berger visited dozens of communities in the Northwest Territories and Yukon. His report was able to successfully halt the Mackenzie Valley pipeline project, thus protecting Dene peoples and land.

On Justice Berger's life, UBCIC President Grand Chief Stewart Phillip stated "I congratulate Justice Berger on a life well lived and give thanks for him doing what was just versus what was politically expedient. Justice Berger's work ushered in the re-recognition of First Nations' Title and Rights in this country. Justice Berger took time to listen and learn from Indigenous peoples, in a time when our voices were stifled. Today, one sees the fruits of that labour; a future where the human rights of Indigenous peoples are being recognized."



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“Tom Berger will definitely be remembered first and foremost for his long, impactful and esteemed career fighting for the recognition of Indigenous Title and Rights, representing disadvantaged workers, as well as for his advocacy on environmental issues. He was truly a legal giant,” said Lydia Hwitsum of the First Nations Summit. “Mr. Berger’s work as lead counsel in the Calder case, was instrumental to having the Canadian Justice system acknowledge the existence of Aboriginal title in BC. He was a true a trailblazer and champion for First Nations, not only in BC but across Canada. We are truly saddened to lose such an incredible friend and advocate.”

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*The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC).*

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