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NISGAANATION.CA

FOR IMMEDIATE RELEASE

Nisga'a Nation Mourns the Loss of Thomas Berger

April 29, 2021 – New Aiyansh, B.C.: Today the Nisga'a Nation joins our fellow British Columbians and Canadians in mourning the loss of Thomas Berger, long-time legal counsel to the Nisga'a Nation and advocate of Aboriginal rights in British Columbia, Canada, and beyond. Nisga'a Lisims Government extends its condolences to Berger's family on behalf of a grateful Nisga'a Nation.

Thomas Berger was one of the preeminent legal figures in the history of British Columbia. Among Berger's many accomplishments is the Calder case, which he took all the way to the Supreme Court of Canada in 1973. Although lost on a technicality, the Calder case (the Nisga'a land claim named for Nisga'a Tribal Council President Frank Calder) resulted in the Supreme Court's recognition of Aboriginal title as a legal right based on occupation of traditional territories. It served as a catalyst for change, not only for the Nisga'a, but for the cause of Aboriginal rights in Canadian law. In 2000, it became the foundation for the landmark Nisga'a Final Agreement, British Columbia's first modern treaty.

"Today we lost a champion, trusted partner, and friend," says Nisga'a President Eva Clayton. "Thomas Berger worked tirelessly to help the Nisga'a make our case and the Nisga'a Nation is eternally grateful. He helped show the world that recognizing Aboriginal title and rights doesn't create divisions but in fact strengthens Canada."

In 1993, Thomas Berger wrote, "Aboriginal rights are simply the rights to which native peoples are entitled because they are the original peoples of Canada... To recognize aboriginal rights is to understand the truth of our own history, while, for the aboriginal peoples, such recognition is the means by which they may achieve a distinct contemporary place in Canadian life. For the Nisga'a, their struggles did not begin with that case (the Calder case) but its outcome was instrumental in fundamentally altering Canada's policy on aboriginal rights..."

"In North and South America there are 50 million native people, almost everywhere dispossessed, everywhere poor, everywhere powerless. In the past they refused to be exterminated; today they will not be assimilated. They insist that we must address

the issues that have pursued us since Columbus set foot in the New World. In Canada this can be achieved through a fair settlement of native claims. The settlement of these claims may, therefore, be important to men and women in many countries, a contribution to the legal and political order of enormous use to humanity, one the Nisga'a will have done much to secure."

"Thomas Berger will be sorely missed," Clayton says, "but the legacy of his work continues to thrive."

In recognition of his service to the Nisga'a Nation, Berger was adopted by the Nisga'a House of Wilps Baḵ'ap and given the Nisga'a name Halaydim Ḷlaawit, which means Shaman of Ḷlaawit—one of the four Saviour Mountains that rescued the Nisga'a during the great flood.

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