



October 16, 2020

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Delivered via Email: [pm@pm.gc.ca](mailto:pm@pm.gc.ca)

Dear Prime Minister Trudeau:

We are speaking up and speaking out on the unlawful actions being taken against Mi'kmaw fishers and community members in southwest Nova Scotia and are lending our voices to those of the Assembly of Nova Scotia Mi'kmaw Chiefs calling for immediate action from the federal and provincial governments and the RCMP.

Specifically, we are looking to you Mr. Prime Minister to take charge of this situation in order to diffuse the tensions with regard to our Treaty fishery. Your leadership is required to ensure the rule of law is upheld for all.

The time to act is now.

The ongoing delays and inaction are only escalating an already tense and volatile situation for our Mi'kmaw brothers and sisters. There is a real need to intervene in the waters and on the shores to respect our moderate livelihood fishery, protect our communities and uphold the rule of law.

We heard the message from Minister Jordan on Treaty Day when she stated that:

"The recent events surrounding Nova Scotia's fisheries have brought the treaty relationship to the forefront....This is exactly where it needs to be. Many non-Indigenous Canadians now understand that the Mi'kmaq have a constitutionally protected treaty right to fish in pursuit of a moderate livelihood.

...This is not about creating a brand new fishery outside the law. This is about actualizing a fishery that always had a right to exist. This can be a turning point in our treaty relationship....”

These are words we wanted to hear. But do these words ring true? Since Minister Jordan’s statement on October 1, we have seen continued and evolving acts of aggression against Mi’kmaw fishers and no substantive action on the part of the federal government to have all sides come to the table to work towards a peaceful resolution. The Mi’kmaw leadership in Prince Edward Island, like the leadership in Nova Scotia and New Brunswick, have demonstrated our commitment to negotiations since the *Marshall* decision was delivered but it takes true commitment from Canada to make this work.

The time for hollow statements has long since passed.

Mr. Prime Minister, these are certainly critical times in Mi’kma’ki but let’s be clear – these are critical times for Canada. It has been 21 years since the Supreme Court of Canada’s ruling on the *Marshall* decision and there still exists much misunderstanding, ignorance and indecision around our Treaty rights. That responsibility to resolve these issues is not just ours, it is shared with the federal and provincial governments and all Canadians.

The Mi’kmaq, Maliseet and Passamaquoddy Peoples are interested in working together with all of the other interested parties to give life to the Supreme Court’s decision. However, your government must play a leadership role and the non-Indigenous fishers must be willing to cooperate and respect the rule of law. They must understand and acknowledge our priority rights-based access to the resource. They cannot continue to view the entire resource as their personal property, nor can they carry out violent and unlawful acts against Mi’kmaw fishers and their property. We are calling on you and your government to ensure that this message, this truth, is delivered consistently and clearly to those individuals, and that those who take the law into their own hands will be held accountable.

All Canadians need to be reminded that the Supreme Court of Canada did not invent this right, they simply recognized a Treaty right, which has existed for over two centuries.

We should also point out that, following the *Marshall* decision in 1999, the federal government announced both a short-term and a long-term response to the decision.

The short-term response was led by the Department of Fisheries and Oceans (DFO) and involved the negotiation of fishing agreements with First Nations in the region which provided for increased access to the regulated commercial fishery. Indian and Northern Affairs Canada (INAC) now Crown-Indigenous Relations and Northern Affairs (CIRNA) was mandated with the long-term resolution of outstanding Aboriginal and Treaty rights.



DFO has led recent negotiation efforts with regard to Rights implementation. However, despite consistent messages by the Mi'kmaq at the negotiation table, and directly to the Minister's office, that the approach was unacceptable and would lead to our unilateral implementation of our Treaty right fishery, DFO has continued to support a negotiation mandate based on limited access to the existing commercial fishery only and over the last 21 years has failed to consult and accommodate on the infringements to our rights contained in Canada's current regulatory regime. In this regard we can speak only for the Epekwitkewaq, the Prince Edward Island Mi'kmaq, but we are calling on you and your Cabinet to replace DFO with CIRNA, as originally mandated, to lead any future dialogue with the Mi'kmaq on Treaty rights, including the implementation of our moderate livelihood fishery.

In its 1999 decision, the Supreme Court of Canada spoke at length about the honour and integrity of the Crown. Justice Binney said that the treaty right must be recognized because nothing less would uphold the honour and integrity of the Crown in its dealings with the Mi'kmaq people to secure their peace and friendship. It is our hope that the federal government remembers these comments when dealing with this important issue.

Together, we can build a better future for the Mi'kmaq and for all Canadians.

Yours in spirit,



Chief Darlene Bernard  
Lennox Island First Nation



Chief Junior Gould  
Abegweit First Nation

cc. *The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations*  
*The Honourable Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard*  
*The Assembly of Nova Scotia Mi'kmaw Chiefs*