



## Statement from the Epekwitk Assembly of Councils on the Moderate Livelihood Fishery

September 18, 2020

There has been much in the news recently about a “moderate livelihood” fishery for the Mi’kmaq. In September of 1999, the Supreme Court of Canada released its decision in the *Donald Marshall* case. In that case, the Supreme Court confirmed that the Mi’kmaq (and the Wolastoqiyik and Peskotomuhkati) have a constitutionally protected Treaty Right to harvest and sell fish, wildlife and wild fruit and berries to provide a moderate livelihood. This is different from our other fisheries – the Rights-based food, social and ceremonial fishery; and the commercial fishery, which was a DFO initiative giving the Mi’kmaq First Nations access to the commercial fishery as a way to ensure peace on the water in the wake of the *Marshall* decision. It is important to note that our current commercial fishery is not a Rights-based fishery and it follows DFO limits and rules. Our increased commercial access happened as a result of the *Marshall* decision and it has been very valuable for our community, but it is not the moderate livelihood fishery we have been fighting to have implemented since *Marshall*.

The Supreme Court did not define exactly what a moderate livelihood means. We know that it includes the ability to provide for “necessaries”, such as food, clothing, and housing, but not the accumulation of wealth. It is also important to remember that it is a communal right that is to benefit all of us.

For years we have been fighting with the Federal Government to negotiate with us in good faith to allow our People and Communities access to the moderate livelihood fishery which is guaranteed to us under the Constitution. While we support the negotiation process, it takes two committed parties to make it successful, and 21 years after *Marshall* we are still waiting on Canada to commit to working meaningfully with us on the implementation of our livelihood fishery.

We have communicated this on many occasions, including by way of a letter to the Fisheries Minister last month indicating that we would be preparing to go ahead with our own livelihood fishery if Canada is not willing to help us find solutions to implement our Rights.

We share the frustrations of our people and our brothers and sisters in Nova Scotia right now. We have waited long enough for the good faith process that we have been requesting from Canada for years. It is time for us to take control of our own destiny and to implement and advance our Rights.

As the elected Mi’kmaq leaders in Epekwitk, we want to hear from you and work with our Community members in determining what a moderate livelihood fishery should look like for the Epekwitk Mi’kmaq.

We want to move forward with a fishery that will be conducted under our terms and one that respects our traditions and our approach to make sure that the fishery is sustainable and is still a plentiful resource for our Communities seven generations from now.

We must develop our own rules and create our own management plans. We will define what a livelihood fishery means to us, and then move forward with it, free from harassment and interference imposed by the Federal Government, which still fails to recognize that it continues to prevent us from carrying on the traditions that we were practicing for ten thousand years before colonization.

We are always willing to listen to Canada if they are genuinely prepared to work with us and respect our Rights, and we will continue to demand that they come to the table in good faith.

In the meantime, we need you, our Community members – L’nu. We have started with our Community engagement plans and will be looking for your input and direction as we move forward with protecting our future in a way that respects our past. We will develop guidelines and laws - Mi’kmaq laws – which will be Community driven and stand with strength to other governments and in the courts. This is our priority in the coming months. Together we are strong, together we will pave the path for the next ten thousand years.

On behalf of the Epekwitk Assembly of Councils,

Chief Junior Gould | Chief Darlene Bernard