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Statement by Abegweit First Nation Chief Junior Gould and Lennox Island First Nation Chief Darlene Bernard in response to Member of Parliament Wayne Easter's comments on a moderate livelihood fishery

We would like to speak to the implementation of a moderate livelihood fishery here in Epekwitk and to recent personal comments made by Member of Parliament Wayne Easter concerning conservation issues and his feelings as to implementing such a fishery.

In September 1999, in the Donald Marshall case, the Supreme Court of Canada held that a series of Treaties signed in 1760-61 by Mi'kmaq and the British Crown are still valid.

Known as the Peace and Friendship Treaties, they provide the Mi'kmaq with the right to sell, trade or barter items that are hunted, fished or gathered to generate a "moderate livelihood" in order to secure "necessaries".

This Treaty right is entrenched in section 35 of the *Constitution Act, 1982*.

Twenty-one years ago, MP Wayne Easter was chair of a Fisheries Committee following the Marshall decision.

"No one was better positioned or should have been more aware of the responsibilities and obligations of the federal government in response to the Marshall decision to ensure that the existing Fisheries law in Canada was revised to respect the constitutional right affirmed by the Supreme Court of Canada. Why has there been no action on the part of government over these two decades to truly work with us in good faith as a willing partner? In his comments, MP Easter acknowledged a lack of leadership at DFO and with subsequent governments. We can attest to that, but we are also questioning where Mr. Easter's leadership has been on the issue," said Chief Darlene Bernard.

MP Easter mentioned that he felt it is critical that any moderate livelihood fishery take place within the commercial fishing season to maintain fish stocks and ensure conservation of resources, stating that this is managed by the federal government as it has overall responsibility.

"Mr. Easter should remember that as a member of parliament, he has a duty to speak for all and not just the commercial fishers in his riding. Having been deeply involved in the matter as a representative of the Crown since the decision was released, Mr. Easter should also be well versed in the limits of the federal government on regulation of our Treaty fishery. Specifically, the moderate livelihood fishery can only be regulated for purposes such as conservation or public safety, but it must be the minimum infringement necessary to meet those objectives. Any such infringement would need to be justified as having the most minimal impact on the Right. They need to demonstrate that the limitation they are proposing is the only way they can meet those objectives. It's been 21 years and the federal government has allowed a regulatory system with unconstitutional provisions go without amendment. Mr. Easter has been a sitting member of Parliament for those entire 21 years and has not remedied this issue," said Chief Gould.

To this end, in late September, according to Dalhousie University researchers, there are currently no conservation concerns. The Chiefs pointed out, however, that if there were to be any issues regarding conservation, the commercial fishery would be the first place where limitations would need to be explored.

“Our people have lived here for 12,000 years and our priority for the resources has always been and always will be inherently based on conservation. We are not looking to exploit the fisheries. For centuries we have existed in accordance with the principle of “Netukulimk” – taking what you need and leaving the rest for the next generations. We have respect and gratitude for our resources. It is insulting to have a representative of the Crown, one of our PEI representatives, imply that conservation and protection of the resource is anything but our priority,” added Chief Gould.

“Now, 21 years later, there is once again a federal committee looking into the same issues and having the same discussions. At this point we are not here to debate what it means to earn a moderate livelihood or if we can exercise our right. We have been open in saying that we are developing our own management plans and will launch our own livelihood fishery in the spring. Will it take place outside of the commercial season? At this time, we don’t know. We do know that it will cause no harm to conservation and pose no threat to the commercial fishery. We are the original stewards of the resource and we will always fight to protect it,” said Chief Bernard.

We look further to future dialogue which supports a moderate livelihood fishery here in Epekwitk. We are looking for recognition of our rights and we will exercise our rights in a responsible way. Of this, we are certain.

- 30 -

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L'nuey is an initiative focused on protecting, preserving, and implementing the constitutionally entrenched rights of Mi'kmaq of Province Edward Island.