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Epekwitk Assembly of Chiefs Denounces DFO Announcement

The Epekwitk Assembly of Chiefs strongly denounces the Department of Fisheries and Oceans Canada (DFO) statement that they intend to unilaterally regulate our Treaty Protected Fishery (referred to as Moderate Livelihood Fishery) and, in particular, that it can only take place within established commercial seasons.

The Government of Canada has consistently stated its commitment to reconciliation with Indigenous Peoples and respectful nation-to-nation relationships. The Epekwitk Mi'kmaq were not consulted on the regulatory approach announced unilaterally by Minister Jordan yesterday. The Epekwitk Assembly of Councils have confirmed that the Minister's statement purporting to impose regulatory limits on the right would have been rejected if consultation had occurred and is rejected now as both unlawful and disrespectful.

"DFO's continued paternalistic approach to our rights-based fishery goes against the very spirit of reconciliation and many of the principles set out in the Minister's statement are blatantly unconstitutional and in direct conflict with the law," said Chief Junior Gould of Abegweit First Nation. "Such actions purposely mislead the public and call into question the honour of the Crown."

The Treaty Protected Livelihood Fishery is a constitutionally protected Mi'kmaw right. While the Marshall decision allowed for regulation by the Minister, the decision was also clear, the Minister can impose limits on the treaty right through regulation if she justifies that regulation in accordance with a very specific legal text. In this instance, that has not happened. The Mi'kmaw leadership has confirmed that there was no consultation on the Minister's statement and that there has been no other process to try and justify regulation, as required by law. "To imply that this approach is based on conservation purposes is false," said Chief Gould. "We haven't seen any data or evidence to support this."

"It has been over 20 years since the Marshall decision, we have waited long enough, we intend to implement our self-regulated fishery based on right," says Chief Darlene Bernard of the Lennox Island First Nation. "We have been clear that we will be implementing our Treaty Protected Fishery as early as this spring and that it may or may not be within commercial seasons. We are currently engaging with our community members, analyzing the science and data and all other relevant information and developing our management plans."

The Mi'kmaq have survived for thousands of years by embracing a sustainable approach to harvesting resources. For centuries, the Mi'kmaw have lived by the principle of *Netukulimk* – taking what you need and leaving the rest for the next generations.

"In an ideal world, we would not have been denied access to the fishing resources, as guaranteed by the Treaties, and the Epekwitk Mi'kmaq would have 300 years of the social and economic benefits related to this right," said Chief Bernard. "But this is not our reality. Our access to the fishing resource that has been ours by right since the Treaties were signed 300 years ago is so small it barely registers in the industry, which makes the Minister's attempt to unlawfully limit our constitutionally recognized right to take the small step to right this wrong even more insulting."

Chief Bernard took part in a Roundtable discussion on the Blue Economy with Minister Bernadette Jordan on Wednesday, March 3, discussing the moderate livelihood fishery, only to be blindsided by this announcement.

“This is not what nation-to-nation decision-making and respect for self-governance looks like. It’s also very ironic that this government speaks so passionately about respect for the rule of law but has no problem flagrantly violating those principles, as Minister Jordan did yesterday. It is not just a colonial approach to First Nations relations, it does not respect the rule of law. DFO knows that, Minister Jordan knows that, and saying anything else is purposely misleading the citizens of this country. It is a dangerous path for this government to go down,” said Chief Bernard.

The Epekwitk Assembly of Councils joins the Assembly the Nova Scotia Mi’kmaw Chiefs in response to the Department of Fisheries and Oceans Canada’s (DFO) decision as unacceptable. We agree that DFO continues to fail in their constitutional obligation to consult with the Mi’kmaq and we also call on Canada to act in good faith and uphold the honour of the Crown.

Next month, L’nuey will be launching a province-wide education campaign on the Treaty Protected Fishery. Education is key and it is vital for all Islanders to understand treaty rights.

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