



Statement by Nova Scotia Senator Dan Christmas on DFO's "New path for First Nations to fish in pursuit of a moderate livelihood"

(Membertou, Nova Scotia, March 4, 2021) Yesterday afternoon Federal DFO Minister Jordan issued a statement regarding what she terms "new path for First Nations to fish in pursuit of a moderate livelihood". If this is the government's new path, I must express my profound concern that it is a map for a journey now headed completely in the wrong direction.

Minister Jordan's statement is based in the false assessment that conservation is a key issue with the moderate livelihood fishery. This is just not so, and DFO's own numbers attest to this. There are currently 12,047 commercial licenses in DFO's Maritimes Region, compared to only 472 licenses held by First Nations. It's difficult to conceive how such a "David and Goliath" situation poses any sort of threat to conservation.

Today's statement asserts that the moderate livelihood fishery is a threat to conservation. This mistaken position forms the basis for the department's unjustified and provocative infringement upon Section 35 constitutionally-protected Aboriginal and Treaty rights.

This new regime signals a continuation of a colonial, top-down, prescriptive approach to the relationship with Maritime Indigenous Peoples and Canada. One would think that such postures had ended – yet, here we are dealing with new shades of governance reminiscent of the *Indian Act*.

It dismisses the pursuit of a Nation-to-Nation, treaty relationship; it abrogates and derogates the constitutionally-protected right of self-governance; it completely disrespects the Mi'kmaw traditional law of *Netukulimk* – and it totally abandons the duty to consult, as there was absolutely no consultation with the Assembly of Nova Scotia Mi'kmaw Chiefs on this policy statement.

Consequently, it's not an overstatement to suggest that this undertaking constitutes an abject failure to uphold the Honour of the Crown.

What makes it all the more troubling is that the Mi'kmaw parliamentarians, myself, PEI Senator Brian Francis and Cape Breton MP Jaime Battiste, had been providing advice and guidance to DFO and the Minister in an attempt to avoid regressive actions as this.

To this end, we wrote to the government in later September making a number of recommendations, which sadly appeared to have fallen upon deaf ears. As Minister Jordan stated, we believe we had been working together, towards a peaceful and productive resolution.

If only DFO would listen and what's more, "hear": from the Courts; from Moderate Livelihood First Nations fishers; and from the communities who support them. Until it does, we remain in rough waters – the same rough waters that the *Marshall* decision sought to quell over two decades ago. And that's difficult to reconcile.

Senator Dan Christmas, Membertou, Nova Scotia

Dan Christmas is Canada's first Mi'kmaw Senator and was named to the Upper Chamber in 2016.

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