

31 March 2021

MSVUFA Statement in Support of the Mi'kmaq Treaty Fishery

As members of the Mount Saint Vincent University Faculty Association (MSVUFA), we write today to express our solidarity with the Mi'kmaq Treaty Fishery. We are troubled by the continuing attempts on the part of the Department of Fisheries and Oceans (DFO) and RCMP to infringe on the operation and self-regulation of the Mi'kmaq Treaty Fishery. The right to fish, hunt, and trade was established in the *Peace and Friendship Treaties* (1752, 1760-1761) signed between the British Crown and the Mi'kmaq Nation, reaffirmed by the Supreme Court of Canada in the Marshall Decision (1999), and is protected by Section 35 of the Constitution. Treaties are nation-to-nation agreements, not subject to unilateral modification by one party. The Canadian government cannot simply pick and choose which Indigenous rights it agrees to recognize or set arbitrary limits on the exercising of such rights.

Under the guise of “conservation,” the Government of Canada continues to act in bad faith as a treaty partner by delaying, deferring, and denying the Mi'kmaq Nation's right to sustain itself through a self-regulated fishery. Canada's enduring colonial domination of the Mi'kmaq and other Indigenous Nations also contradicts its role as signatory to the *United Nations Declaration on the Rights of Indigenous Peoples* (2007). Specifically, the Canadian Government's interference with the Mi'kmaq Treaty Fishery stands in violation of *UNDRIP* Articles: 3 (self-determination); 4 (autonomy); 19 (free, prior, informed consent); 20 (development); 21 (economic and social improvement); 23 (development priorities and strategies); 26 (traditional territories and resources); 27 (fair, independent, impartial, open, and transparent rights adjudication process); 37 (treaty rights); and 40 (prompt and just resolution of disputes).

Since fall 2020 and the beginning of the Treaty Fishery, both the DFO and the RCMP have acted in ways that directly contravene justice and reconciliation with the Mi'kmaq Nation. If settlers are to achieve justice and reconciliation with the first inhabitants of these territories, we must first live up to our responsibilities as treaty people. We call on all levels of government, but particularly the DFO and the federal government, to recognize Indigenous jurisdiction and regulation of the Treaty Fishery. This can only begin by affirming the rights to autonomy and self-determination that the Mi'kmaq Nation has never ceded. We call on the RCMP and other law enforcement agencies to seriously address the racist violence faced by Mi'kmaq fishers and communities and to refuse their historical and ongoing role as the armed enforcers of settler-colonialism. Settler-colonial law and property relations cannot trump Indigenous rights to autonomy, self-determination, and

development. This is an historic moment where settlers can either double-down on a broken, bankrupt, and unsustainable relation with Indigenous peoples based on domination or embark on a path toward collective liberation by living up to our responsibilities as treaty people. We urge the federal government to make the right choice, lead the way, and demonstrate that true reconciliation begins with justice.

In solidarity,

Mount Saint Vincent University Faculty Association (MSVUFA)

MSVU is in K'jipuktuk, part of Mi'kma'ki, the unceded and ancestral territory of the Mi'kmaq.

We stand in solidarity with Black Lives Matter and all those acting to oppose and dismantle systemic racism of all forms. We denounce police brutality and violence, especially that which targets Black and Indigenous peoples.