

WENTAQQO'TI

WJIT

SAMQWAQN-IKTUK

Ikana'tu'n Msit Wiaqa'tasik Mi'kmaq, Wolastoqiyik a aqq Peskotomuhkati
Rights-Based Fisheries

Knuwa'tike aqq Kama'si wjit Senate Wjit
Fisheries aqq Apaqt

Muyuwalut Fabian Manning, Chair
Muyuwalut Bev Busson, Deputy Chair



PESKEWIKU'S, 2022

WENTAQO'TI WJIT SAMQWAQN-IKTUK:
Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries



SENATE | SÉNAT
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Wjit me koqowey

Wejiaq email: POFO@sen.parl.gc.ca

Wejiaq email : Ta'n Kaqamit Senate Wjit Fisheries aqq Apatk Senate,
Ottawa Ontario, Kanata, K1A 0A4

Ula Keknuwa'tikek ta'n kisi mnwi'kasitew wjit: www.sencanada.ca

Ula Senate na naspit Twitter: @SenateCA

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Ta'n Naspultijik Mawilukutijik

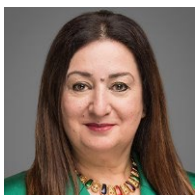


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Fabian Manning
Chair

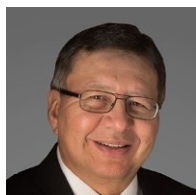


Ta'n
Muyuwalujik
Bev Busson
Deputy Chair

Ta'n Muyuwalut Senatoraq



Salma Ataullahjan



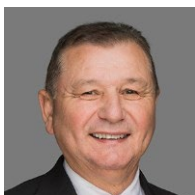
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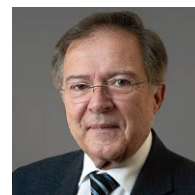
Brian Francis



Stan Kutcher



Marilou McPhedran



Jim Quinn



Mohamed-Iqbal Ravalia

Ex-officio ta'n naspultijik mawi lukutijik:

Ta'n Muyuwalujik Senator Marc Gold, P.C. (kisna Raymonde Gagné)

Ta'n Muyuwalujik Senator Donald Neil Plett (kisna Yonah Martin)

Piluwey Senatora q ta'n ki's wejjet ula kisi kina'masit:

Ta'n muyuwalut Senatora q Campbell, McCallum and Ringuette

Parliamentary koqowey, Kina'masuti, aqq Kwiluwasi k koqowey, Library wjit Parliament:

Daniele Lafrance, Analyst Thai Nguyen, Analyst

Senate ta'n Mawi lukutijik Ikana'tu'tij:

François Michaud, Clerk wjit mawi lukutijik Elda Donnelly, Ikna'toq nuji apoqnmuwet

Senate Nuji tlowistoq Ikana'toq:

Ben Silverman, Nuji tlowitoq Officer, Nuji mawtita'jik

Ta'n telamkitek wjit ta'n wejiaq

Ketaqa'te'n wejiaq Journals wjit Senate wjit Ne'wewey, Apiknajik 10, 2022:

Ta'n Muiywalut Senator Manning aja'sit, wjit Muiywalut Senator Busson, ta'puewey wejiaq Muiywalut Senator Plett:

Ta'n Kaqamik Senate Mawi Lukutijik wjit Fisheries aqq apqatk ankot'tasik wjit ankaptminew wiaqa'tasik wjit L'nu'k tplutaqn-koqowey fisheries pemiaq Kanata, elt ma'wt wiaqa'tasik ula asite'tasik wjit l'nu'k aqq Maliseet wutann Atlantic Kanata wjit kwitamen wjit mimajuwaqn;

Ta'n wutann mawi lukutijik ekina'masultijik ta'n l'nu'k tplutaqn-wjit Fisheries wiaqa'tew wejiaq federal Kaplno'l teli knek, aqq ta'n mali apatsik nemitu'tij nike' msit tepaqtek aqq wela'sik koqowey wjit nemitu'tij aqq wiaqa'taq wjit l'nu'k tplutaqn-koqowey fisheries siawa'sik;

Ula wi'katikn aqq ta'm kejitaik aqq wesuwa'toq aqq kisa'toq koqowey wejiaq ta'n Kaqamik Senate mawi lukutijik wjit Fisheries aqq Apaqt ta'n tujiw Ta'puewey koqowey teliaq wjit na'niska'q jel sis't wjit ta'n koqowey o'pla'sik wjit kisa'toq tewa'toq kutey subsection tplutaqn 12-7, ankaptasik wjit mawi lukutijik; aqq

Ula ta'n mawi lukutijik keknuwa'tiket wjit Senate mu naji pije'nuk aqq Kesikewiku's 31, 2022, aqq ta'n mawi lukutijik naqa'toq ta'n nita'q tuwa'tasin ta'n we'jitoq wjit 180 na'kwekl kaqiaq ta'n kaqikisa'tikek koqowey keknuwa'tiken.

Ta'n pipanikesik ika'tasik ta'n aja'sik, na tujiw wesuwa'tasikip.

Interim Clerk wjit ula Senate

Gérald Lafrenière

Ikana'toq Mawa'toq ta'n teliaq

Ta'n kaqamik Senate mawi lukutijik wjit Fisheries aqq Apqat (ula mawi lukutijik) ta'n wesuwa'toq ekina'masultijik wjit L'nu'k tplutaqn-koqowey fisheries, kutey ala ika'tasik ual 1999 *Ma'sl* kisite'tasik. Ula mawi lukutijik kisi kina'masultijik ta'n Tplutaqn-kowoey fisheries ta'n ika'tasik ula *Ma'sl* kisite'tasik ta'n mena'q wiaqa'tasinuk wejiaq Kaplno'lowey wjit Kanata aqq ta'n mu pukwelknuk wiaqa'tasik ta'n kisa'toq wenaqa'sik mawa'sik aqq elt jel matnaqatimk.

Pemiaq ta'n koqowey wen nemittoq, ta'n mawi lukutijik nutma'tijik ta'n tela'sik Tplutaqn-koqowey fisheries na ke's o Plsuwa'tasik. Mawi lukutijik na welta'sultijik wjit wen toqolukwat ta'n kisa'toq aqq ta'n wejiet apoqnmowan wasoqa'toq ula fisheries, ta'n wiaqa'tasik tele''k aqq avenues ta'n tel kisa'toq wla'sin wjit koqowey siwawa'sin. Ta'n mawi lukutijik nutma'tijik wejiaq Lnuwe'kati ika'na'tu'tij aqq lukowinu'k, commercial fisheries lukowinu'k, ekina'masultijik aqq Knplno'l elukutijik. Ninen wela'lusiek wjit mist koqowey aqq wjit ta'n kejitoq koqowey kisi knuwa'tiket.

Ta'n keknuwa'tikek wesku'tasik ta'n pukwelkl koqowe'l aqq ika'toq 10 ta'n menuwaqtasik wjit pukwelkl kisi wesku'tasin. Ta'n kenuwa'tikek tmk ankaptk ta'n origin wjit tplutaqn-koqowey fisheries teluwek wjit *Ma'sl* kisite'tasik aqq ika'toq wjit ewikasik. Ula tplutaqn-koqowey fisheries kisa'lajik t 35 Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati L'nu'k wjit New Brunswick, Epekwitk, Nova Scotia, aqq ula Gaspé Region wjit Quebec. Ta'n keknuwa'tikek ewikasik ta'n te'sikl Kaplno'l wjit Kanata nemittoq ta'n *Ma'sl* kisite'tasik aqq teluwejik koqowey tela'sik tplutaqn-koqowey tela'sik, aqq ta'n wesku'tasik me' koqowey mu pekije'nuk kisa'matultijik ta'n pekisitoq koqowey te's l'nuwe'kati.

Ula keknuwa'tikek ula te's Kaplno'lowey wjit Kanata nemittoq ta'n tplutaqn-koqowey fisheries nuta'q iknuksin te's asite'tasik-koqowey fisheries, ula mu tela'tikek Fisheries aqq apaqtk Kanata. Kati msit, mawi lukutijik kaqi wesku'tij msit ta'n Kaplno'lowey Kanata mena'q ika'tuk ula tplutaqn-koqowey fisheries aqq ika'toq ne'sikl wije'tikl ta'n tla'sitew wjit siawa'sik ta'n kisa'tew wiaqa'lujik (Telimujik 1).

Ta'n mawi lukutijik nutmi'tij wjit systemic piluwo'tasiltijik wejiaq Kaplno'l Kanata departments, policies aqq regulations. Aqq ankuwa'sik, nemitu'tij teliwek net l'nu'k ta'n ekwitamtijik na sespite'tmi'tij wjit wlo'ti aqq teli amko'tmi'tij koqowey ta'n tujiw netuklij wjit ekwitamej, ta'n mawi lukutijik we'jitoq tepaqtek. Ta'n mawi lukutijik kisa'toq ta'n nuta'q apoqnmuksinew wjit teluwekjik systemic teli pipluwo'tasultijik (menuwaqtasik 4), wiaqa'tn L'nuwey Tplutaqn, principle, aqq akaptn wjit kisita'sij-eltoq telipijiaq (menuwaqtasik 5) aqq ika'toq siawa'sik ekinu'tmasit aqq tli'suti (menuwaqtasik 8 aqq 9), msit ta'n apoqnmut teluwet systemic piluwo'tasit aqq ta'n kelo't koqowey ankite'k.

Klapis, ta'n mawi lukutijik we'jitu'tij ta'n fisheries aqq Apaqt mena'q tepaqa'sinuk wesku'tk wjit ta'n wiaqa'toq ta'n tplutaqn-koqowey fisheries. Katu tujiw, ta'n mawi lukutijik nuta'q ta'n

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Crown-L'nu'k t Relations aqq Northern Affairs Kanata ikana'toq fisheries-koqowey wesku'tasik, wjit Fisheries aqq Apaqtuk Kanata telitutk wjit keknuwa'tikek te'sik (menuwaqtasik 7).

Ta'n mawi lukutijik ketlamsitik ta'n piley siawa'toq nuta'q; newte' ta'n wjit tepaqa'q toqa'tu'tij aqq ta'n toqilukwatu'tij wjit kisita'sultijik-eltu'tij framework. Wjit mimajuwaqn ketantasik fisheries na tplutaqn-koqowey aqq ika'toq tplutaqn kelni'tij wjit ta'n mim'ej aqq metuwi'sketu'tij ta'n wete'mi'tij wjit mimajuwaqn aqq wjit toqa'tn kaplno'l aqq toqi-maliaptn ula fisheries. Ta'n asite'tasik kelni'tij mu nuta'nuk skman teli pije'k wjit koqowey tepaqa'sin wjit menaqaj wiaqa'tasik.

Ta'n menuwaqtasik

Teli menuwaqtasik 1

Wjit siawa'sin ta'n msit wiaqa'tasik Mi'kmaq Wolastoqiyik, and Peskotomuhkati tplutasun koqowey fisheries, ta'n mawi-lukwatu'tij menuwaqtasik wije'min ne'sikl-keknuwa'tikekl teliatew:

- a) Ankmayu, mawi lukutijik nut'aq ta'n kaplno'lowey wjit Kanata suwa'tn pemiaq, wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, wjit ankaptn, aqq suwa'tn kiswa piluwa'tn ta'n nuta'q tplutaqn-koqowey fisheries wjit asite'tmin msit pemuije'tikl wjit Kanata domestic aqq international nut'aq, elt ma'wt *Constitution Act, 1982 aqq ula United Nations Declaration wjit Tplutaqn L'nu'k*.
- b) Ta'n etek interim, ta'n mawi lukutijik nuta'q ta'n Minister wjit Fisheries, Apaqt aqq Kanata Coast Nujo'tk wejiaq section 4.1 wjit Fisheries act wjit wesku'tmin teliaq aqq piskwa'tn wutan misoqo wutan ta'n kisa'matultijik Mi'kmaq, Wolastoqiyik, and Peskotomuhkati ta'n kisa'tew teliaq ta'n naskwa'tatimk wjit kisata'sultinew.
- c) Wjit apji suwa'tasik, ta'n mawi lukutijik wjit Kaplno'l wjit Kanata piskwa'tew piley legislation wjit Parliament, wjit wela'sik Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, piley legislative framework ta'n asite'tk weju'waq wiaqa'tasik tplutaqn-koqowey fisheries.

Teli menuwaqtasik 2

Wjit l'n me' koqowey kitk L'nuwey fisheries aqq mu l'nu'k fisheries, ankaptasin ta'n nuta'q tplutaqn-koqowey fisheries, aqq wjit wasoqa'sik ta'n mu wela'sinuk nike' "apaji-poqatelasik" tela'tmk, ta'n mawi lukutijik nuta'q, wjit wiaqa'tn tplutaqn-koqowey fisheries, Kaplno'l wjit Kanata suwa'tn se'k ika'tn, katu elt ta'n nike' "apaji poqate'lmin" tla'sin. Ula piley tela'sik na kisa'tew pukwelk nastesk, kiswa ta'n te'sik asite'tasik nemitasik wjit mu l'nui'k ekwitamtite'wk, aqq ta'n kisi suwa'toq wen kisi ika'tasitew wjit l'nuiktuk, Wolastoqiyik, and Peskotomuhkati.

Teli menuwaqtasik 3

Ula mawi lukutijik nuta'q Kanata kelusa'sit wjit United Nations ta'n mawi lukutijik ta'n Ejikla'toq ta'n teli piluwo'tasultijik teliankamujik (wjit kelsusa'sit wjit: CERD/EWUAP/103rd Session/2021/MJ/CS/ks) nike' eltasik ta'n msit.

Teli menuwaqtasik 4

Ta'n mawi lukutijik nuta'q msit federal Kaplno'l ta'n telukwet aqq lukowinu'k amkmayu tela'tiket wjit knuwa'tiken aqq jikla'tn koqowey instritution aqq systematic piluwo'tasultijik wjit tplutaqn, ta'n nuta'q tla'sin, policies, aqq practices.

Kutey, ula mawi lukutijik menuweke'tij ta'n Kaplno'l wjit Kanata lukwowan wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, wjit tlaman ta'n newtukwa'lukwet panel wjit ta'n kejitu'tij wjit

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ika'tnew teluwek wjit teltek nuta'q wjit knuwa'tiken prevalence wjit institutional aqq ta'n telo'tasit mita ta'n wetapeksit ta'n Fisheries aqq Apqat Kanata, ula Royal Kanata Mawnti aqq ta'n se'k elukutijik aqq ta'n eykik tela'taqatijik wjit tela'sik wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati tplutaqn-koqowey fisheries aqq wjit knuwa'tiken ta'n telo'tasulttjik mita wjit ta'n wetapeksit nemitasik. Ta'n tela'sik keknuwa'tikek nuta'q ika'tasik pataluti iktuk kitk Wenji'ko'm wjit Parliament mu aji piye'nuk aqq newtipunkek ta'n tujiw kaqiaq ula teli knuwa'tujik aqq iknmut wjit Kaqamik Senate mawi lukutijik Committee wjit Fisheries aqq Apaqt.

Teli menuwaqtasik 5

Mawi lukutijik teluwek ula Kaplno'lowey wjit Kanata pasik, aqq Fisheries aqq Apaqt kutey, kepmite'tasik aqq teliaq ika'toq L'nuey Tplutaqn. Principles, aqq ta'n teli jijitoq wjit piluway scientific teli jijitoq aqq te'sik pija'sik fisheries kisata'sit-eltoq telipijiaq, aqq ma'wt *Netukulimk*, *msit No'kmaq* (Msit telakumkik) aqq *Etuaptmumk* (Tapu'kl-pukikl wetnmiten).

Ta'n mawi lukutijik na'qek ewikasik ta'n te'le'k naqa'tasik mu kisi siawa'sinuk wjit ki'kaja'sit ika'toq. Ula Kaplno'lowey wjit Kanata nut'aq amkmayu ika'tn ta'n teluwek enkatk, wjit teli ika'toq Mi'kmaq, Wolastoqiyik, and Peskotomuhkati aqq kisa'toq ta'n l'nu'k tplutaqn, principles aqq ta'n te's teli jijitasik ikanmwetasik te'sik aqq legitimacy ta'n wiaqa'toq tplutaqn-koqowey fisheries.

Teli menuwaqtasik 6

Ta'n mawi lukutijik nuta'q ta'n Kaplno'l wjit Kanata ika'toq l'nuwey Wolastoqiyik, and Peskotomuhkati wjit te'sik (kutey, suliewey, tplutaqn, policy) ta'n nuta'q wesku'tasin ta'n msit wiaqa'tasin ta'n tplutaqn-koqowey fisheries wjit Kaplno'l Kanata.

Teli menuwaqtasik 7

Ta'n mawi lukwatasik ta'n ketu' wesku'tk ta'n te'sik wiaqa'tasik wjit tplutaqn-koqowey fisheries ika'tasik wejiaq Fisheries aqq Apaqt Kanata wjit Crown-L'nuwey Wejiaq aqq Oqwatnukowey Affairs Kanata. Kutey, Crown-L'nuwey Koqowey aqq Oqwatnukowey Affairs Kanata na kisi ikana'tew wesku'tasik ta'n etek aqq Fisheries aqq Apaqt Kanata tita'sitew tlimuten teluwek tla'tiken. Ta'n mawi lukwatu'tij pipanikesit ula piluwa'sik eltu'tij amkmayu aqq mu naji piye'nuk aqq newte' newtipunkek ta'n tujiw ula ankaptasik.

Teli menuwaqtasik 8

Ula mawi lukutijik menuweke'tij ta'n Kaplno'l Kanata ika'toq aqq msit weiaqa'toq ta'n koqowey kisa'toq aqq nuta'q Federal Lukowinu, Allister Surette's ta'n nuta'q kisi suwa'tn Wiaqa'tasik wjit tplutaqn wjit *kwitamen wjit ika'qn Mimajuwaqn: Apajitasik ta'n ketlamsitmin aqq ika'tmk ta'n constructive siawi pmiaq wutawti*, aqq me' ta'n kuteu, ta'n si'stewey nuta'q ula ankaptasik.

Teli menuwaqtasik 9

Wjit ketu' siawa'sin aqq ankaptmin msit wen melkiknaq nestmin wjit tplutaqn-koqowey fisheries:

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- a) Ta'n mawi lukwasik menuwaqtasik ta'n Crown-L'nu'k Kutey aqq Oqwatnukowey Affairs Kanata, Fisheries aqq Apaqt Kanata aqq Royal Kanata Mounted Police, wjit ta'n toqilukutijik Mi'kmaq, Wolastoqiyik, and Peskotomuhkati, eltu'tij wjit wiaqpin aqq kinu'tmuwan msit wen wjit Tplutaqn-koqowey fisheries, elt ta'n tplutaqn wejiaq, ta'n teli ankaptasik, ta'n telu wiaqa'tasik, aqq ta'n teli pilu'tek wejiaq piluwey fisheries.
- b) Ula mawi lukutijik menuweke'tij ta'n koqoey wejiaq federal aqq ta'n et'l'lukutijik, elt ma'wt Crown-L'nu'k wetakutk aqq Oqwartnukey Affairs Kanata, Fisheries aqq Apqatk Kanata Mounted Police, ika'toq aqq siawa'sik kina'masuti aqq ekinu'tmujik wjit kinu'tmuwan lukuwinu'k ta'n sa'q aqq nike' koqowey ewikasik wjit l'nu'k Kanata. Ula mawi lukutijik nuta'q ta'n elukutijik ankaman wjit lukowi'ku'k kitk ta'n ika'toq aqq wjit weji ika'toq Mi'kmaq, Wolastoqiyik, and Peskotomuhkati elt ika'toq ta'n wela'sik aqq siawa'sin kina'masuti aqq ikinu'tmujik wjit tplutaqn-koqowey wjit fisheries.

Teli menuwaqtasik 10

Wjit kisa'toq ula keknuwa'tikek nuta'q menaqaj msit wiaqa'lunew, ta'n lukwaqn pipanikesit wjit Kaplno'lowey wjit kisa'toq pemi ankaptasik. Ula teli wula'sik ankaptasik ta'n ika'toq keknuwa'tikek ta'n wejiaq aqq wetlukutijik, elt Crown-l'nu'k kutey aqq Oqwatnuk Affairs Kanata, Fisheries aqq Apqatk Kanata aqq ula Espe'k Kanata Mawnti, kisitoq eliaq wjit wiaqa'lunew eltasik wjit mawi lukutinew ula keknuwa'tasik. Ta'n Kaplno'l wjit Kanata nuta'q ika'tn ta'n ankaptasik newtipunkek wjit ta'n te'sik na'n newtipunkekl, aqq ta'n amkwesewey tela'sik nuta'q ankaptasin wjit ika'tasik mu naji pije'nuk aqq newtipunkek ta'n tujiw kaqaiq ula keknuwa'tikek. Msit ta'n ankaptasik nuta'q ika'tasik kitk Wenji'kuo'm wjit Paqrliaament aqq nuta'q ankaptasin Kaqamik senate Mawi lukutijik wjit Fisheries aqq apaqtk. Aqq ankuwa'sik, ula mawi lukutijik ika'toq ta'n aasite'tk pipanikesin ta'n kuteu federal ministers ika'q tmk mawi lukutijik wjit tlowistuwan telipijiaq ankaptasik aqq wjit pipaniman koqowey.

Ikana'sik ta'n koowey ketu' su'tmin

Ta'n 10 Apukunajik 2022, ta'n kaqamit Senate Mawi lukutijik wjit Fisheries aqq Apaqtik (ta'n mawi lukutijik) poqjiaq ta'n wiaqa'tu'tij L'nu'k tplutaqn-koqowey fisheries eliaq wjit wije'tik koqowey ajite'tasik mesnmi'tij wejiaq Senate:

Ta'n Kaqamik Senate Mawi Lukutijik wjit Fisheries aqq apaqtik ankot'tasik wjit ankaptminew wiaqa'tasik wjit L'nu'k tplutaqn-koqowey fisheries pemiaq Kanata, elt ma'wt wiaqa'tasik ula asite'tasik wjit L'nu'k aqq Maliseet wutann Atlantic Kanata wjit kwitamen wjit mimajuwaqn;

Ta'n mawi apownmwa'tijik kekina'masultijik ta'n L'nu'k tplutaqn-koqowey fisheries ta'n wiaqa'tasik wejiaq federal Kaplno'l te'sik wejiaq, aqq ta'n mawi lukutijik ankaptminew ta'n te'sik nuta'q aqq ta'n tela'sik wjit menuwekejik ankaptasin aqq wiaqa'tasik wjit L'nu'k tplutan-koqowey fisheries siawa'sin.¹

Ta'n kelusa'sit wjit ilsutak, ta'n mawi lukutijik nuta'q ankaptnew wjit teli wiaqa'tasik tplutaqn-koqowey fisheries asite'tk wejiaq Supreme Court wjit Kanata (SCC) in *R. V. Marshall*, [1999] 3 S.C.R. 456 (ula Ma'sl Kisite'tasik), ta'n telijijitasik ta'n piluwa'sik teli mimajultijik wjit fisheries. Katu, ta'n mawi lukutijik nemitoq ta'n te'sik piluwey tplutaqn-koqowey fishies etek ta'n Kanata aqq ta'n kisi apoqnmtey ta'n telukwek wejiaq courts. Ta'n mawi lukutijik wla'sis wjit ta'n keknuwa'toq ula apoqnmuwek e'wasin eliaq wjit wiaqa'tasik msit tplutaqn-koqowey fisheries Kanata ta'n teluwet te'sik knuwa'tiken ta'n koqowey sespit'ek ta'n pekisitasik ula wasokek. Katu, ula mawi lukutijik ankaptasik ta'n mu eteknuw newte' telki'k ta'n weltesk eliaq wjit wiaqa'tasin wjit tplutaqn-koqowey fisheries aqq wul'tasin ta'n etek siawi wuluwen aqq kina'masin tplutaqn-koqowey fisheries ta'n etek se'k Kanata.

Katu ta'n ankuwa'sik ula kina'masuti ta'n te'sik etek wejiaq koqowey kwijmuk etek ula mawi lukutijik teli amko'tasik (pandemic ta'n teli piluwa'toq, ta'n dissolution wjit Parliament 2021, aqq ta'n kisa'toq ejikla'sik welteskatimk schedule) ula mawi lukutimk mu eykinuk msit wiaqpin wjit akaptu'n ula teluwek. Wjit tela'sik, ta'n nemitoq tmk ula mawi lukutimk teliaq kitk 2nd session wjit 43rd Parliament (wejiaq ta'n mawi lukutimk general menuweket) aqq ula 1st session wjit 44th Parliament. Mawi lukutimk ta'n naqpultijik menuweke'tij ta'n telte'tmi'tij msit ta'n nemitu'tij ta'n wen eyk kiswa'toq kijka' koqowey. Tplutaqn-koqowey wjit fisheries ta'n o'plisuwa'tasik, aqq ta'n tela'sik aqq wjit telte'tk naskwa'tasik wjit ta'n nemitu'tip mawi lukutijik ta'n wli nestitew wjit fisheries, ta'n wiaqa'tasik wjit tele'k, aqq avenues ta'n tela'sik wjit ika'tn me' naq'ek.

¹ Senate wjit Kanata, [Wikatikn wjit Senate](#), 1at Session, 44th Parliament, 10 Apkunajik 2022.

Tplutaqn-koqowey Fisheries aqq Kisa'toq-koqowey Fisheries

Pukwelkl ta'n etekl Kanata, katu msit nisia'tijik ta'n tapu'kl teltekl etekl:

- Tplutaqn-koqowey fisheries; aqq
- Ta'n tmk-koqowey wjit fisheries.

Tplutaqn-koqowey fisheries wejiaq ta'n L'nu'k aqq Ankuko'kowey tplutaqn aqq ankuko'kowey ika'toq wjir sa'q aqq ta'n nike' ankuko'kowey wejiaq ta'n Crown aqq l'nu'k majuinu'k. L'nu'k aqq Ankuko'mkewey tplutaqn ankaptasikl aqq ika'tasik wejiaq section 35 wjit *Constitution Act, 1982* aqq ula tplutaqn elt kisi ankua'tasinuk-aqq ta'n etekl cases teluwek-wejiaq Kanata court system. Mijipjewey, social aqq mawio'mi fisheries aqq mimajuwaqn fisheries na kutey wjit tplutaqn-koqowey fisheries.

Tmk-koqowey fisheries na wejiaq ta'n tmk, ta'n wen wisun teluwet. Fisheries na ilisuwa'toq-katu mu iapju-msit koqowey ta'n etek kisi e'wmn regulator (te's federal, provincial, kiswa territorial) wesuwa'toq majuinu kiswa enterprise ta'n tmk e'wasik. Ula tupltaqn kisi apaja'tasik, mu eteknu ta'n tepaqtek tputaqn, na jijjuwaqa telawtik-kutey, aqq na kisa'toq naqa'sik wejiaq licence nuta'q aqq lesgislative aqq ta'n nuta'q koqowey e'wmink. Commercial aqq recreational (kiswa sport) fisheries na kutey tmk-koqowey fisheries.

Tplutaqn-koqowey fisheries nuta'q wejiaqn ta'n wen sole jurisdiction wjit L'nu'k. Talkis fisheries na ika'tasik aqq iksultk ta'n tela'sik wjit wesku'tasik tplutaqn-koqowey kelnasik aqq Kaplno'lowey wjit Kanata.

Tmk-koqowey fisheries ala'toq tapu'kl jurisdictional components:

- Wjit mu-L'nu fisheries, jurisdiction wejiaq sole ankaptik Kaplno'l wjit, ta'n melkitek ta'n pasik tekn ki's etek provincial kiswa territorial jurisdictional kisa'matultijik.
- Wjit L'nu'k fisheries, jurisdictional ta'n asite'tasik ankaptasik pemiaq wutan-misoqo-wutan wesku'tasik ta'n tplutaqn-kelmnitij aqq Kaplno'l Kanata, ta'n melkitek ta'n ki's provincial kiswa territorial jurisdictional kisa'matultijik. Na Kaplno'l Kanata kisimkntew ta'n te'sik kiswa lukowinu ta'n te's tepaqtek wjit jurisdictional wesku'tasik aqq/kiswa policy aqq pantitek tewa'tasik wjit jurisdictional kisa'matultijik.

Tlia L'nuwe'kati, Inuit aqq Metis majuinu'k kisi ala'tu'tij asite'tasik-koqowey wjit fisheries, ula mu kaqianuk ta'n tele'k asite'tasik elt kisi suwa'tn tmk-koqowey wjit fisheries, kutey commercial aqq recreational fisheries.²

Wjit Mimajuwaqn Ekwitam'timk Fisheries

Asite'tasik

Asite'tasik teli tantasik mimajuwaqn fisheries na tplutaqn-koqowey fisheries aqq elt wiaqpit pukwelkl tplutaqn aqq ewikasik, elt ma'wt:

- L'nuwey aqq Ankuko'mkewey tplutaqn;
- *Ula Wantaqo'ti aqq Witaptimkewey Ankuko'mkewey wjit 1760 aqq 1761;*³ aqq
- *Constitution Act, 1982.*⁴

L'nu'k Tplutaqn "telte'tasik, ta'n ketmalsitasik aqq kisitasik ta'n ankaptik te'sik ta'n istu'tek ketlamsitasik te's L'nuwe'kati aqq te's telikutijik tmk wjit European telipekisunultijik."⁵ L'nu'k tputaqa ta'n asite'tasik wejiaq ta'n l'nu'k kisi netukulitew, kwitametew aqq pma'tew ta'n wejiaq mimajuwaqn ta'n wetakumajik maqamikow wejiaq. Ula ta'n wejiaq na kisa'tew pukwelkl wi'katikn aqq ta'n wjit ketlamsitmi'tij te's newte' l'nuwe'kati. Wen-ankaptik aqq wen-Kaplno'lowey ta'n wjit L'nu'k teli asite'tasultijik.

Ankuko'mkewey ta'n teli asite'tasik ula ika'tasik sa'qawey ankuko'mkewey (i.e., ta'n ewikasik wejiaq lukowinu'k British Crown aqq L'nu'k na'tami 1701 aqq 1975) kiswa nika' ankuko'mkewey (i.e., ta'n ewikasik weja'tikemk 1975). "Ankuko'mkewey ewikasik ta'n tplutaqn, wejiaq aqq menuweke'tij ta'n ewikasik ta'n kisa'toq te's ankoko'mkewey wjit ankuko'mkewey."⁶

Ula Wentaqo'ti aqq Witaptultimk Ankuko'mkewey wjit 1760 aqq 1761 na kaqiaqip te's l'nu'k wutann aqq British Crown. Ula Ankuko'mkewey ewi'kmi'tip wejiaq delegation wejiaq British Crown, te's newte' side, aqq ikana'toq wejku'waq wutann, piluwey: ula l'nu'k *Wolastoqiyik* (Maliseet) aqq ula

² Senate, Kaqamit mawi lukutijik wjit Fisheries aqq apqtq (POFO), Ta'n [Kejitasik](#), 1 Nipniku's 2021; aqq POFO, [Kejitasik](#), 15 Nipniku's 2021.

³ Nova Scotia ta'n kelo'tasik, "[Piluwey wjit Authenticated menwi'kasik wjit 'Ankuko'mkewey wjit wentaqo'ti Paul Laurent, Saqamaw wjit La Heve wutan L'nu'k, 1760.](#)" *Mi'kmaq Kel'nik koqowey etek Kisi Ew'asik*, aqq Nova Scotia ta'n etlkl'o'tk, "[Piluwey wjit Authenticated menwi'kasik wjit wejiaq Jonathon Belcher aqq Francis Muis, 1761.](#)" *L'nu kelnik koqowey wejiaq ta'n Koqowey Apoqnk.*

⁴ [Constitution Act, 1982](#), 30 & 31 Victoria, c. 3 (U.K.).

⁵ Kaplno'l wjit Kanata, [L'nu'k Tplutaqnmuwal.](#)

⁶ Kaplno'l Kanata, [Ankuko'mkewey aqq Kisa'matultijik.](#)

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Peskotomuhkati (Passamaquoddy).⁷ Ula wutann etekl nikelu'wisi New Brunswick, Epekwit, Nova Scotia aqq Gaspé' region wjit Quebec.

Ula ankuko'mkewey teluwek L'nu'k wutann ta'n ewi'kmi'tipni wjit tplutaqn wjit netuklimk aqq kwitamen newtipunek wjit territories.⁸ Ula ankuko'mkewey elt nuta'q wi'kmin ta'n kisi mtuwi'sketew koqowey ketantoq, etantik kiswa mawa'toq wjit menmin "koqowey nuta'q."⁹

Section 35 wjit **Constitution Act, 1982**, ankaptoq aqq kisa'toq L'nu'k aqq ankuko'mkewey tplutaqn.¹⁰ Wjit asite'tasik ekwitamen ewikasik wjit wentaqo'ti aqq Witaptultimk wjit 1760 aqq 1761 ankite'tasik kitk L'nu'k aqq ankuto'mkewey asite'tasik.

Asite'tasik ankaptasik kitk L'nu'k wejiaq Supreme Court wjit Kanata.

Ta'n 24 Kisikwekewiku's 1993, Donald Jogn Marshall, Jr.- tley Malipltu' L'nuwe'kati, wejiaq L'nuwe'kati Nova Scotia - ekwitamet wjit kataq kikjuk Pomquet Harbour Country wjit Antigonish, Nova Scotia. Ankite'tkip tuwi'sktn ta'n koqowey wete'k.¹¹ Ta'n tela'sik, nekm pija'lup aqq ikmnp charge wjit majukwatasikl ne'sikl wejiaq ula ewikasikl 78(a) wjit *Fisheries Act*:

- Ekwitamen ketanjik kataq toqo mu weskunmu'n licence;
- Ekwitamen wjit kataq ta'n eltitek-ekwitamenk season aqq ta'n koqowey mu etenuk nuta'q (kataq e'wasijik wjit a'pi e'wt); aqq
- Metuwi'sketu'n kiswa pipanikesin tuki'sketn kataq, mita ula mu weta'wtjik wejiaq ta'n asite'tasik ekitamenk licence.¹²

Ta'n Squjuiku's 1997, Donald John Marshall, Jr eliankaptik case wjit Supreme Court wjit Kanata. Ta'n Supreme Court wjit Kanata kisata'sit wesku'tk ne'sikl ta'n kisi tla'sikip pursuant wjit federal fisheries ta'n asite'tasik ta'n Donald John Marshall, Jr. mesimup wjit aqq apankitip wejiaq Nova Scotia Provincial Court.¹³ Ula Supreme Court wjit Kanata kisata'sip wesku'tk ta'n Donald John Marshall, Jr. kisi tluwet teliaq wjit wete'k aqq metuwi'setoqik kataq toqo mu weskunmuk licence aqq mu wesknmuk koqowey wjit ekitamenk. Ula na o'pltek mita mu Donald John Marshall, Jr. Wete'muk aqq metui'sketuk toqo mu wesknmuk licence, katu ta'n weskunk ankuko'mkewey wjit kisi tla'tiken wjit *Wentaqo'ti aqq Witaptultimk Ankuko'mkewey wjit*

⁷ Crown-L'nu telakutk aqq Oqwatnuk Affairs Kanata (CIRNAC), [*Ta'n teluwek ewikasik wjit Wentaqo'ti aqq Witaptultimk Ankuko'mkewey ula Maritimes aqq Gaspé*](#).

⁸ CIRNAC, [*Ta'n ewikasik ta'n Wentaqo'ti aqq Witaptultimk ta'n Maritimes aqq Gaspé*](#).

⁹ *R. v. Marshall*, [1999] 3 S.C.R. 533, para. 4. Ewikasik : Ta'n court teluwek "ta'n nuta'q" kuteu "Mijipjewey, tapsun aqq wenji'ko'm, ew'wasik wejiaq amenities."

¹⁰ *Constitution Act, 1982*, 30 & 31 Victoria, c. 3 (U.K.).

¹¹ *R. v. Marshall*, [1996] N.S.J. No. 246.

¹² Ibid.

¹³ *R. v. Marshall*, [1999] 3 S.C.R. 456.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

1760 aqq 1761,¹⁴ ta'n asite'tasik wjit l'nu'k wutann ta'n ewi'kip wjit nekmuk kisi netukulimk aqq kwitamen newtipunkek nekmuk territories aqq tuwi'setn wjit "Ktul wenji'ko'ml" (i.e., ikmwetu'n koqowey wjit piluwey).¹⁵

Ula Nova Scotia court ta'n teluwet ta'n wentaqo'ti aqq Witaptultimk Ankuko'mkewey mu wesuku'tmuk ta'n keska'qip ula wjit iktul wen'ji'ko'ml. Kaqi'sk, ta'n ankaptasik wesku'tasik ta'n ne'wt ula ikmwetow wjit piluwey ta'n keskatesk, katu ta'n asite'tasik wjit suwa'tn piluwey ta'n wen e'wk toqo mu etenuk ula ankuko'mkewe'l.¹⁶ Ta'n kisita'sin, me' ta'n Supreme Court wjit Kanata, eliaq ta'n Justice Binnie, mu welte'tmuk wejiaq Nova Scotia Provincial Court ankaptik ta'n asite'tasik wjit ktul wenji'ko'm provision wjit *Wentaqo'ti aqq Witaptultimk Ankuko'mkewey 1760 aqq 1761*. Ula kisita'sultijik ta'n ewikasik:

[U]la elui'tmasit wjit suwa'tn wjit "Nuta'q" ta'n wesuwa'toq wjit waisisk wjit ta'n weltek ankita'suwaqn, aqq ta'n tepaqa'k wesuwa'tasik, nuta'q me' atelkn me' keskatesk mechanism /[i.e., uktul wenji'ko'm] eltasik wjit koqowey tepaqa'q warrant wjit koqowey kaqi wesku'tk ta'n asite'tk kisa'toq kiksna kisi ankaptik.¹⁷

Ta'n tela'sik, court wesku'tk ta'n keska'ql uktuk wenji'kuo'm, mu ankaptuk ta'n asite'tasik wjit suwa'tn wjit piluwey wasisik mimajuwaqn asite'tasik "Nuta'q" Elt ankuwa'sik, ula Supreme Court wjit Kanata kisite'tk ewikasik:

Ta'n elsu'tmuk ankuko'mkewey na mu pukwelknuk ta'n anko'tk "nuta'q" (ta'n nuta'q ankaptasin nike' wejiaq ewikasik kutey teltek nike' wjit ekitamtimk wjit mimajuwaqn), aqq mu ankuwa'sinuk wjit panta'tn-kaqiaq te'sik weji milesin. Ula eltasik, katu, na ankuko'mkewey asite'tasik ta'n teluwek s.35 wjit Constiution Act, 1982. Ta'n mimajuwaqn e'wasik wjit ankuko'mkewey mu eluwi'tmasik wjit uktulwikuwow, katu ankuko'kewey siwa'sin ta'n nuta'q ta'n pemiaq netukulimk aqq ekwitamemk wejiaq ta'n wesuwa'tu'n koqowey ula wetapeksultijik wjit teli asite'tasij ta'n nemitoq wejiaq Badger test.¹⁸

Ula ankaptasik ta'n asite'tasik wjit 17 Wikemkesiku's 1999, aqq ta'n acquittal ta'n piskwa'q ula ne'sikl charge. Ula Supreme Court wjit Kanata ta'n ankite'tmk eliaq wjit Marshall I aqq wiaqpultijik

¹⁴ Ibid.

¹⁵ Kaplno'l Kanata, *Ta'n ewikasik ta'n Wentaqo'ti aqq Witaptultijik ta'n Maritimes aqq Gaspé*.

¹⁶ *R. v. Marshall*, [1996] N.S.J. No. 246.

¹⁷ *R. v. Marshall*, [1996] 3 S.C.R. 456, para. 54.

¹⁸ Ibid, elt wiaqtek ta'n preamble wjit ankite'tmi'tij.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

“34 Mi'kmaq aqq Maliseet [Wolastoqiyik] L'nu'k New Brunswick, Epekwit, Nova Scotia, aqq Gaspe region wjit Quebec.”¹⁹

The *Badger* test stems wejiaq *R. v. Badger*, 1996 Supreme Court Kanata case. Ta'n wesku'tasik, ula *Badger* test pipanikesik ne'sikl pipanikesimkowe'l wjit ankaptn infringement wjit ankuko'mkewey asite'tasik nemitasik. Pipanikesimkowey na :

1. Ula etekl kelu'kl legislative objective?
2. Ta'n ankaptasik, net ula legislation kiswa tela'sik ankaptik wjit infringement?
3. Net kisi ankaptasik wjit elukwasik newte' ta'n kisa'toq tewiska'sik ankoko'kewey?

Ewikasik : Ula *Badger* test wesku'tasik wjit *R. v. Marshall*, [1999] 3 S.C.R. 533. Koqowey kisi e'wasik: *R. v. Badger*, [1996] 1 S.C.R. 771

R. v. Sparrow na 1990 Supreme Court wjit Kanata ankite'tasik. Ta'n kaqi wesku'tasik, ula *Sparrow* case ankaptasik wjit ta'n kisa'toq L'nu'kwey teli asite'tasik wjit kwitamen ankaptasik. Ula *Sparrow* ankite'tk weiaqtek test wjit ankaptasin ula *prima facie* tela'sik wjit ta'n ki's etek L'nuwey Tplutaqn. Pipanikesimkowey na :

1. Ula etekl kelu'kl legislative objective?
2. Wjit kisite'tasik, ula regulation kisa'toq piluwa'sik telimtu'we'k?
3. Net ula regulation mu asite'tmuk tplutaqn-kelnik ta'n ajite'tk ta'n tela'sik ula tplutaqn?

Ula *Sparrow* ta'n kisite'tasik elt ankite'tk me' na'qik ankaptn telen kisi piluwa'sin, elt wiaqtek kelnik “muyuwalujik Crown ta'n tela'sik wjit [L'nu'k] majuinu'k”, elt wen “wjit kiska' piluwa'sik teli nuta'q” wjit L'nu'k tplutaqn asite'tasik, elt ta'n wjit apankitunew etek “ta'n *wula'sin wjit expropriation*” wjit tplutaqn, aqq ta'n nuta'q pipanikesin tplutaqn-kelnik wjit kelnmi'tij ankaptasik enkatk.

¹⁹ Kaplno'l wjit Kanata, [Ula Marshall kisite'tasik](#).

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Ewikasik : Ula *Sparrow* ankite'tk wjit wesku'tasik ula *Marshall* kisite'tmi'tij.

Koqowey kisi e'wasik: *R. v. Sparrow*, [1990] 1 S.C.R. 1075 (CanLII).

Wjit 17 Keptekewiku's 1999 - weje'tik ta'n nasiwi'kusin wjit eli-nutmin ta'n kaqiaq - Supreme Court wjit Kanata ika'toq me' ta'n wesku'tk aqq apoqnk koqowey ula wjit *Marshall I* kisite'tasik.²⁰ Ula menaqaj weku'tasik na te's ankaptasik wjit ula *Marshall II*.

Ula *Marshall II*, na Supreme Court wjit Kanata wesku'tk ta'n federal aqq provincial Kaplno'l nuta'q mu msit Ankuko'mewey asite'tasik, kutey ekwitamenk, wjit conservation koqowey teliaq kiswa ankaptnim.²¹ Ta'n koqowey ula te's telia'sik piluway na conservation aqq ta'n tela'sik wjit koqowey e'wasik conservation wejiaq minister telukwet wjit koqowey aqq mu ta'n e'wasik koqowey teliaq.²²

“[E]conomic aqq regional ta'n tela'sik...ankaptasik ta'n sa'q koqowey ta'n, aqq kutey wiaqpin, ta'n fishery wejiaq mu-l'nu ta'n mawi ta'jik” elt ewikasultijik kutey ula “piluway wesuwa'toq aqq substantial public koqowey” elt ewikasik ta'n koqowey asite'tasik kisi ankuwa'sitew wjit L'nu'k fisheries.²³ Ta'n kisite'tasik ewikasik ta'n “L'nu'k na asite'tasijik pipanimunew wjit ta'n teliasite'tasit ta'n tela'tmk ankuko'mkewey aqq [l] nuwey tplutaqn,²⁴ katu mu saya'sinuk wjit ewikasikl kiswa wjit ula consultations nuta'q kiswa kisi tla'sin.

Ta'n tujiw pemi kinu'tmasit, na mawi lukuitik nutmajik wjit ta'n tela'sik mimajuwaqn wjit ekwitamemk fisheries²⁵ kisi wiaqa'tasik wejiaq federal Kaplno'l nika' teliknek, ta'n kaqi wesku'tasik ula nika' kne'k section ula wesku'tasik. Ta'n wesku'tasik ankaptasik kne'k aqq ankaptasik ta'n koqowey kisa'toq siawa'sin ta'n ankaptasik wejiaq ta'n nemitu'tip. Ta'n tett siawa'sik sespite'tasik elt ta'n askwiji kaqapaqta'sik. Katu klapis, ta'n mawita'mk aqq toqi-kaplno'lowey mawa'sik na kisi weskuntaq ikana'tu'tij msit wjit wiaqa'tasik wjit tlputaqn-koqowey fisheries ankaptasik.

²⁰ *R. v. Marshall*, [1999] 3 S.C.R. 533.

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*, para. 41.

²⁴ *Ibid.*, para. 43.

²⁵ Na Klusuwaqn “ketamtink wjit Mimajuwaqn” teluwejik wjit Supreme Court wjit Kanata kisita'sultijik ta'n kutey (kiswa synonym) wjit klusuwaqn “Nuta'q,” ta'n e'wasik wjit *Wantaqo'ti aqq Witaptultijik Ankuko'mkewey wjit 1760 aqq 1761*. Klusuwaqn “katmantmi'tij Mimajuwaqn” net kaqai'sk e'wasik wjit Kaplno'l Kantaa aqq piluway teluwek ta'n tplutaqn-koqowey wjit *Marshall* kisite'tasik. Nemitu'n : *R. v. Marshall*, [1999] 3 S.C.R. 456, para. 7

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Amkwesewey ewikasik 1- Wutann ta'n telas'ik wejiaq ula Marshall Kisite'tasik



Koqowey kisi e'wasik: Map ikaniluwasik wejiaq Library wjit Parliament, Ottawa, 2022, e'wk data wejiaq Kaplno'l Kanata, *Ikana'tasik Wejiaq Ika'tasik Kanata – CanVec Series – Iкана'toq Tela'sik*, 2019; Kaplno'l wjit Kanata, *Qospem, Sipu aqq Glaciers wjit Kanata – CanVec Series – Hydrographic Features*, 2019 aqq Kaplno'l wjit Kanata, Federal Geospatial Platform, *L'nuwe'kati etek*, 2016. Data ta'n wiaqa'tasik wjit apje'jk-tele'k kisa'matultijik toqa'sik wejiaq Library wjit Parliament, 25 Penatmuiku's 2022. Wije'tikl ta'n software e'wasik: Esri, ArcGIS Pro, version 2.9.1. Tetek koqowey wjit Licenced [wejiaq Pantitek Kaplno'l Licence-Kanata](#).

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Atlasie'wiktuk	Mi'kmaq
St. Lawrence River	St. Lawrence Sipu
Micmac de Gespeg	Micmac de Gespeg
Quebec	Quebec
Listuui Mi'gmaq	Listuui Mi'kmaq
Wolastoqiyik Wahsipekuk	Wolastoqiyik Wahsipekuk
Micmacs of Gesgapegiag	L'nu'k wjit Gesgapegiag
Ugpi'Ganjig	Ugpi'Ganjig
Pabineau	Pabineau
New Brunswick	Siknikt
Madawaska Maliseet	Madawaska Maliseet
Natoaganeg	Natoaganeg
Metepenagiag Mi'kmaq Nation	Metepenagiag Mi'kmaq Nation
Saint John River	Saint John River
Neqotkuk	Neqotkuk
Kingsclear	Wulastukw
Woodstock	Wolastoqiyik
Maine	Maine
Gulf of Saint Lawrence	Gulf of Saint Lawrence
Esgenoöpetitj	Esgenoöpetitj
Prince Edward Island	Apitakwit
Lennox Island	Lennox Island
Abegweit	Epekwit
Indian Island	L'nuwey Mniku
Tjipogtotig	Tjipogtotig
Elsipogtog	Elsipogtog
Moncton	Moncton
Fort Folly	Fort Folly
Saint Mary's	Saint Mary's
Welanmukotuk	Welanmukotuk
Saint John	Saint John
Peskotomuhkati Nation at Skutik	Peskotomuhkati Nation at Skutik
Bay of Fundy	Bay of Fundy

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Wagmatcook	Waqmitkuk
We'koqma'q	We'koqma'q
Membertou	Membertou
Eskasoni	Eskissoqnik
Potlotek	Potlotek
Paqtnkek	Paqtnkek
Pictou Landing	Piktuk
Nova Scotia	Nova Scotia
Millbrook	Millbrook
Sipekne'katik	Sipekne'katik
Glooscap	Klu'scap
Halifax	Jipukjuk
Annapolis Valley	Kespukwik
Bear River	Listikuj
Acadia	Acadia
Atlantic Ocean	Atlantic Apaqt
First Nations with a right to fish in pursuit of a moderate livelihood	L'nu'k ta'n asite'tasik kwitamen wjit kisa'toq pekwateroq mimajuwaqn
Short-term agreements between Fisheries and Oceans Canada and Mi'kmaq, Wolastoqiyik and Peskotomuhkati First Nations (as of 25 April 2022)	Mu-pekija'tasinuk kisa'matultijik te's Fisheries aqq Oceans Canada aqq Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati L'nuwe'katik (wjit 25 Peskewiku's 2022)
First Nations with Rights Reconciliation Agreements	L'nu'k ta'n weskunmi'tij wjit asite'tasik Apiksitatultinew Kisa'matultijik
First Nations with Moderate Livelihood Fishing Plans	L'nu'k wjit Ta'n wen ketantik wjit Mimajuwaqn Ekwitamet ankite'tk
1:4, 400.000 Canada Lambert Conformal Conic. NAD83 © Library of parliament	1:4, 400.000 Kanata Lambert Conformal Conic. NAD83 © Library of parliament

Kelusa'simk wjit ula Marshall Kisite'tasik - 1999 misoqo Nike' ula Na'kwek

Policy-Koqowey Kelusa'simk

Kaqiaq ula *Marshall* kisite'tasik na wesuwa'tasik wejiaq Supreme Court wjit Kanata, na Kaplno'l Kanata wesuwa'toq policy-koqowey eliaq wjit asite'tasik poqa'tu'tij wejiaq e'wasik tapu'kl wejiaq:

- Na *Marshall* Response Initiative (MRI); aqg
- Ula Atlantic Integrated Commercial Fisheries Initiative (AICFI).

Ta'n tujiw 2000, Fisheries aqg Ocean Kanata (DFO) ika'toqip MRI, ta'n ika'toq wutann ankaptasik wejiaq *Marshall I* "ta'n licences, waipotl aqg koqowey e'wasik wjit wenaqa'toq aqg kisa'toq ta'n teliaq fisheries aqg ika'toq wjiot kisa'tn wela'sik teli tantasik mimajuwaqn."²⁶ Ula MRI na kisa'toq newtipunkek initiative ankuwa'sik ne'sikl tepkistekl te's koqowey teliaq.

Ta'n tujiw ika'tasik na'ku'set wenaqa'sit 2007, kisi ika'toq \$354 kji-pituimtl'naqn aqg apoqnk ta'n poqitelk commercial ekwitamenk licence, walipotl, aqg koqowey ekwitamenk. Aqg elt ta'n ekinu'tmut wjit 32 l'nu'we'kati'l.²⁷

Ta'n 2007, DFO tewa'toqip ula AICFI, ta'n ika'toq apoqnmujik wjit eltu'tij te'sik ewitamitijik wjit *Marshall* wutann.²⁸ AICFI me' etek ta'n eliaq wjit l'tn te'sik wjit commercial fisheries enterprises.²⁹

Ta'n mawi lukutijik nutmajik wejiaq DFO elukutijik me' atel aqg \$550 kji pituimtl'naqn te'sik kisi e'wmi'tij wjit ula MRI aqg AICFI " wjit ekwitamenk licences pemiaq pukwelkl species, walipotl aqg koqowey e'waik ketantmin koqowey, kaplno'lowey, te'sik weltesk ta'n tett, aqg ikinu'tmut wen wjit wenaqa'sik aqg ankaptasik wjit kisa'toq eliaq ketantoq koqowey wejiti mimajuwaqn wjit wen wikma."³⁰

²⁶ Kaplno'l Kanata, "[Kaplno'l Kanata eliaq Federal Special Representative wjit tliman tela'sik te's commercial jakej keleyujik aqg l'nu'k ta'n eykik Atlantic Kanata](#)," *tewiaq*, 23 Wikumkewiku's 2020.

²⁷ Ibid.

²⁸ Ibid.

²⁹ DFO, [Atlantic Wiaqa'tasik Commercial Fisheries Initiative](#).

³⁰ POFO, [Kejitasik](#), 1 March 2022.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aq Peskotomuhkati Rights-Based Fisheries

Katu, ta'n mawi lukutijik nutma'tijik wejiaq L'nuwe'kati ikana'tu'tij aq ta'n elukutijik katu commercial fisheries etek na ika'q wejiaq L'nuwe'kati pemiaq ula ta'n telukutijik, tplutaqn-koqowey wejiaq ta'n mu wiaqa'tasinukl. Kutey ula, Saqamaw Gerorge Ginnish, Eel Ground L'nuwe'kati, teluwet ta'n MRI mu wiaqtenuk ankuko'mkewey-koqowey fisheries aq ta'n tett, etek, kisitasik inequities wjit L'nuwe'kati'l.³¹ Tracey Cutcliffe, Senior Negotiator, L'nuey, teluwet ta'n MRI kisa'matultijik "na msit ta'n mu piluwa'sinuk wjit teli asite'tasik aq na jiptuk wela'sik ta'n teli kaqi wesku'tasik ta'n ika'toq wjit kisi poqatel'min, ta'n nuta'q, wentaqa'ti samqwan iktuk klaman l'nu'k aq Kanata kisi l'ta'taq pataluti iktuk wjit kisa'tnew koqowey ila'sik ta'n sa'q-koqowey tela'sik wjit koqowey o'pla'sik [wjit menaqaj] wiaqa'tn wjit asite'tasultinew."³²

Kutey, ta'n kiska' wesku'tasik wjit mawi lukutijik, Constance MacIntosh, Nuji kina'muet wjit Law, Dalhousie University (majuinu), teluwet ta'n MRI aq AICFI teleywa'tijik " ula L'nu'k ta'n kelnmittij – katu mu wjit ta'n asite'tmittij ta'n ala'toq ta'n constitutionally ikatasik tmk."³³ Ankuwa'sik, Constance MacIntosh ewikasik ta'n "wutann ta'n telimujik eluwi'tmittip DFO ta'n wesku'tmittij ta'n tla'sin mu kisa'tasinuk wjit wiaqa'tasin ula ankuko'mkewey fishery."³⁴

Pukwelkik ta'n nemitu'tij telimujik ta'n mawi lukutijik ta'n DFO elukutijik aq wesku'tmittij kaqa'isk wesku'tk kisa'matultijik tuwa'tn wjit ketantik wen mimajuwaqn fisheries ta'n tujiw welteskatultijik L'nu'k wjit nekmowey. Ta' nestmin, ula na kisa'toq sespeta'simk aq eliaq wjit mu tala'sinuk wesku'tasik sa'q pemiaql newtpunkekl. Regional saqamaw Paul Prosper (Nova Scotia/NTaqmkuk), Assembly of First Nations, wesku'tk ta'n Kaplno'lowey wesku'tasik "kisa'tn ta'n ankaptik kitk jijaqamijl aq ta'n kisa'toq L'nuey ankuko'mkewey aq Marshall kisite'tmittij nekmuk" nuta'q jikla'sin l'nuwe'kati eymu'tijik aq asite'tman nekmuk mailaptminew wjit nekmuk.³⁵

Apje'jk-Tele'k Kisa'matultijik

Ta'n mawi-lukutijik nutmamk wejiaq DFO ta'n wen ketantik koqowey wjit mimajuakn fisheries kisi suwa'tasitew wjit tapu'kl-tele'k ta'n nike' etek:

- Rights Reconciliation Agreements (RRSs); aq

³¹ POFO, *Kejitasik* (saqamaw George Ginnish, Eel Ground First Nation), 20 Aquljewiku's 2021

³² POFO, *Kejitasik* (Tracey Cutcliffe, Senior Negotiator, L'nuey), 1 Nipniku's 2021.

³³ POFO, *Kiska' wesku'tasik* (Constance MacIntosh, Professor of Law, Dalhousie University, wjit mimajuinu'k), 9 Nipniku's 2021.

³⁴ Ibid.

³⁵ POFO, *Kejitasik* (Regional Saqamaw Paul Prosper (Nova Scotia/Taqmkuk), Assembly of First Nations), 20 Penatmuiku's 2021.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

- Ta'n koqoey ketantmin wjit Ekwitamemk wesku'tmn tla'sin.

Asite'tasik Apaja'tasin Kisa'matultijik

Ta'n 2017, DFO na tela'tikep wjit "tluwen wesku'tasin tele'k-mu pukwelknuk Asite'tasik Apaja'tasik Kisa'matultijik wjit fisheries wjit L'nu'k aqq Maliseet [Wolastoqiyik] L'nu'k wjit Nova Scotia, Epekwit, New Brunswick, aqq wjit Gaspé region wjit Quebec, aqq ma'wt Peskotomuhkati wutann Skutik."³⁶ Tujiw ula menuweke'tij ula tewa'tasik, DFO eewi'kik ne'sikl RRAs wjit fisheries wjit ne'w te'sikl L'nuwe'kati'l, ta'n nemitasik ula Amkwesewey 1. Ta'n nemitu'tip ikana'tu'tij L'nu'k ta'n ewi'kmi'tip wisun wjit fisheries RRAs etek tmk aqq mawi lukutijik wjit knuwa'tn ta'n tela'sik ula teliaq.

Kji saqamaw Jacques Tremblay, Wolastoqiyik Wahsipekuk L'nuwe'kati (Ta'n tel nenut nike' Maliseet wjit Viger l'nuwe'kati), keknuwa'tiket ta'n tujiw tmk peskisinkek l'nuwe'katik tujiw etlowistuwaq RRA.³⁷ Ewikasikip ta'n l'nuwe'kati etekl ta'n DFO ala'toq wjit kepmete'tasik aqq welte'tmi'tij aqq ta'n kisi wesku'tasik wjit wutan-misoqo-wutann wesku'tasik. Ta'n wesku'tasik eliaq wjit L'nu'k pipanimujik kiskaje'in wjit wesku'tasin wjit fisheries kisa'matultijik; ta'n l'nu'k kisite'tmi'tij.

Katu, telipije'k, l'nuwe'kati pipanikesit wjit klusuwaq "Apiksituwaq" jikla'tasin mita, katu ta'n wesku'tasik kisa'toq ta'n fisheries kisa'matultijik, kisite'tasik ta'n kisa'matultijik l'nuwe'kati commercial fisheries-mu wiaqtenuk ta'n tuplutaq-koqowey wjit fisheries. Ankuwa'sik, ta'n l'nuwe'kati ejikla'toq commercial fisheries, nuta'q wjit DFP ika'tn commercia; fisheries framework.

Ta'n mawi lukutijik ta'n Wolastoqiyik Wahsipekuk L'nuwe'kati nemitoq ta'n wiaqa'tasik nekmuk tplutaqmuwal, ta'n nekmuk kis'taq aqq elt wiaqa'tasitew wjit apoqnmuasuti tela'sik aqq ta'n ankatasik. Katu, ta'n mawi lukutijik nutma'tijik ta'n nemitu'tij telte'tmi'tij ta'n tett elukutijik.

Ta'n Elsipogtog and Esgenoôpetitj L'nu'k elt kisa'toq tela'sik koqowey wjit RRA telipijiaq. Tara Levi, Executive Director, Mawiw Council Inc., teluwey wejiaq RRA, Kanata kisa'toq wjit "toqi-l'tnew wjit liaq mawi-lukutijik wjit toqo ikana'tnew kinu fisheries."³⁸ Katu, ne'sikl newtipunkekl kaqiaq kisi wi'katik wisun kisa'masutijik, Tara Levi ewi'kik ta'n DFO mu ketu'

³⁶ Ta'n 2017, na Peskotomuhkati wutan ta'n skutik na "Nemitasik wjit Wutann wejiaq *Marshall* kisite'tmi'tij." L'nuwe'kati'l nike' kwilmi'titl wjit ankaptasin Kanata; wikultijik l'nuwe'kati ta'n mu nemitasinuk ta'n "L'nuwin" wejiaq Kaplno'lowey Kanata eliaq *Indian Act*, ta'n te'sik ala'toq asite'tasik aqq ta'n kisitlukwet wjit klusuwaq ika'toq wjit federal kaplno'lal. Pukwelkik Peskotomuhkati majutinu'k elt eykik nike' United States. Nemitu'n : Kaplno'l wjit Kanata, [Ninen teluweyey wjit Marshall kisa'tasik](#); Kaplno'l wjit Kanata, [The Marshall Decision](#); aqq POFO, [Kiska'](#) (Peskotomuhkati), 27 Penatmuiku's 2022.

³⁷ POFO, [Kejitasik](#), (kji saqamaw Jacques Tremblay, Wolastoqiyik Wahsipekuk L'nuwe'kati), 5 Peskewiku's 2022.

³⁸ POFO, [Kejitasik](#) (Tara Levi, Executive Director, Mawiw Council Inc.), 5 Penatmuiku's 2022.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

tla'tikeke aqq keknuwa'tiket ta'n kesite'tk-eltoq kisa'sik. Ta'n kiska' wjit mawi lukutijik wejiaq Mawiw Council. (wejiaq Elsipogtog aqq Esgenoôpetitj L'nuwe'tik) teluwek, "ta'n te'sukunik, DFO kisi tla'tikek wjit L'nu'k kisi'tmi'tij asite'tasik wjit commercial fisheries wjit pipaniman wejiaq asite'tasik framework wjit DFO ikana'tu'tij" ta'n "mu tela'sinuk wjit teliaq-iknmwetasiq kisa'matultijik el'tasik."³⁹ Ta'n mawi lukutijik wejiaq ta'n pipanimujik-koqowey framework e'wasik wejiaq DFO pasik asite'tk L'nu'k wjit ta'n nuta'q wjit Minister aqq ta'n teliaq nuta'q ta'n keknuwa'tikek kisi'ta'sultijik-eltasik framework. Mawi lukutijik elt nutmi'tij ta'n legislative koqowey e'wasik nuta'q ika'tnew koqowey wjit framework tewiaq (pursuant wjit section 4.1 ula *Fisheries Ac*, ta'n wesku'tmu'kip me' ajelk ta'n teliaqip), katu mu pukwelknuk political ta'n kisi e'wtew ula koqowey nuta'q.

Chief Allan Polchies Jr., St. Mary's First Nation, teluwet net na'n newtipunkekl pemiaqipni'kl, St. Mary's L'nuwe'kati poqji lukwatoqip RRA teliaq wjit DFO lutey tplutaqn-koqowey fisheries, katu apje'jk kisa'tasik.⁴⁰ DFO wesku'tkip "suwa'te'n kisna Kaqte'n" wjit wen kisi'tmin wjit L'nuwe'kati'l, ta'n nuta'q L'nuwe'kati'l naqa'tasik wjit tplutaqnmuwal. Katu tela'sik, L'nuwe'kati'l mu ketu' ika'lsik wjit RRA. Janice Maloney, Executive Director, Kwilmu'kw Maw-klusuaqn Negotiation Office, Assembly of Nova Scotia Mi'kmaw Chiefs, ewi'kik ta'n "suwa'te'n kisna kaqte'n tela'sik" wjit tplutaqn wiaqa'tasin mu apiqsituwaqn.⁴¹ Ta'n kiska' ika'tasik mawi lukutijik, na Peskotomuhkati elt teluwet teliaq ta'n l'nu'k kisi piskwa'tu'tij kisi'tmi'tij wjit DFO wjit fisheries RRA, katu mu piluwa'sinuk ta'n ewikasik ta'n kisa'matultijik.⁴²

RRAs na telimujik wejiaq ta'n elukutijik ala'tu'tij interim kisna apje'jk-te'sik kisa'matultijik aqq ta'n mawi lukutijik nutma'tijik ta'n elukutijik njuta'q wjit RRAaq kaqiatew apukjik aqq ta'n piluwey ika'tasik mena'q kisi ika'tasinuk. Ta'n mawi lukutijik nuta'q piluwey ika'tasin ta'n, ta'n newte' mena'q elinanuk wjit mawi lukutinew wjit L'nuwe'kati'l, nuta'q waia'tasin tmk RRAaq kaqianuk aqq ta'n piley wiaqa'tasik elt ika'taq kisi'tni'tij-eltasik framework, ta'n nuta'q wejiaq l'nuwe'katik.

Ta'n Telitantasik wjit Mimajuwaqn Ekwitamemk Tela'sik

Ta'n mawi lukutijik nutma'tijik ta'n L'nuwe'kati mu pasik kesalaqik RRA ta'n tela'sik. Katu ta'n tela'sik, ula Hon. Bernadette Jordan, tujiw Minister of Fisheries, Apaqtq aqq ula Kanata Coast Guard tewa'tasik, Si'ko'ku's 2021, ta'n ketantasik mimajuwaq ekwitamemk telas'ik teli pijiaq

³⁹ POFO, [Kiska' wesku'tasik](#) (Mawiw Council Inc., wejiaq Elsipogtog and Esgenoôpetitj First Nations), 20 Penatmuiku's 2022.

⁴⁰ POFO, [Kejitasik](#) (Kji saqamaw Allan Polchies Jr., St. Mary's First Nation), 29 March 2022.

⁴¹ POFO, [Kejitasik](#) (Janice Maloney, Executive Director, Kwilmu'kw Maw-klusuaqn Negotiation Office, Assembly of Nova Scotia Mi'kmaw Chiefs), 29 Si'ko'ku's 2022.

⁴² POFO, [Kiska' wesku'tasik](#) (Peskotomuhkati), 27 Penatmuiku's 2022.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aq Peskotomuhkati Rights-Based Fisheries

ta'n me' kisi tla'siew, interim approach (na "Piley wutawti").⁴³ Katu, L'uwe'kati'l nika' ikana'tu'tij aq elukowa'tijik teluwejik ta'n mawi lukwatu'tij aq ma'wt wuatnnmuwal mu pipanimukipni'k wjit ula "piley wutawti'ow" tmk mu keknuwa'tika'ti'tikek. Saqamaw Ross Perley, Tobique L'nuwe'kati, teluwet ta'n Minister " eluwi'tmasit wjit wunaqa'tn federal ta'n kisa'toq samqwan ta'n eliaq ta'n pasik tekn l'nuwe'kati ta'n ketantu'tij mijipjewey wjit teli l'nuwulti'k. Ula na kisa'tasik ta'n pasik teliaq ila'matultijik wjit Kanata aq mu kepmite'tasinuk kinu tplutaqnminal, section 35 kisa wjit wutan-wjit-wutan telipijiaq."⁴⁴

Ta'n elukutijik teluwa'tijik ta'n ketantasik koqowey wjit mimajuwaqn ekwitam'tijik tla'sitew wjit el'tasik wjit L'nu'k - eykik ta'n elukwatmi'tij wejiaq kisa'tu'tij kutey Kwilmu'kw Maw-klusuaqn. Tujiw, DFO asite'tk wlt fisheries wjit mu wela'sinuk teli tantasik mijijewey fisheries licence e'wasik communal licencing tela'sik wjit *L'nu'k Communal Ekwitamemk Licences Teliasite'tasik*.⁴⁵ Weja'tikemk 3 Si'ko'ku's 2021 teluwek, Telitantasik Mijipjewey Ewitam'tijik Telas'ik na kisi amko'tasik wjit uila ne'sikl L'nuwe'kati'l, ta'n ula etekl Amkwesewey 1. Katu, pemiaq ula tela'sik, fisheries nuta'q tlian ta'n tujiw ika'tasik commercial ekwitamemk teliasite'tasik Tepknusetewey.

Lukuwiku'k wejita'sik Bear River L'nuwe'katik keknuwa'tiket wjit ta'n tela'sik ketantasik mimajuwaqn Ekwitamemk Tela'sik Koqowey. Ta'n mawi lukutijik nutmamk wejiaq saqamaw Carol Dee Potter, Bear River L'nuwe'katik, ta'n l'nuwe'kati saqamaw, Council aq wutan kisiku elukwat wjit eliaq wiaqa'tasik tplutaq-koqowey wjit fisheries wjit mijuwa'ji'jk, wuji'juwaq aq me' app wunijanuwa.⁴⁶ L'nuwe'kati nasa'sit ta'n kikjuk etek l'nuwe'kati (Acadia, Annapolis Valley aq Glooscap l'nuwe'kati) wjit ikana'tn fisheries ta'n ula District level (the Kespukwitk district of Mi'kma'ki). Eric Zscheile, Negotiator wjit Kwilmu'kw Maw-klusuaqn, Bear River L'nuwe'kati eliet ta'n keknuwa'tikek wjit Kespukwitk district's tela'sik aq wela'sik mita kisi suwa'toq ta'n kowe'k etekip (aq katu lien ta'n espitek-nistek wejiaq).⁴⁷ Ta'n espitek-level wesku'tasik wjit DFO mu kisa'tasinuk, na wutan poqjiaq fisheries ikana'toq tela'sik (Waisisk-kutey tela'sik) nekm aq harvesteraq. Na kekmowey tela'sik pekisitoq wjit DFO iron jikla'tn wjit wiaqa'tasik koqowey tela'sik wejiaq ta'n asite'tasik wjit l'nuwe'katik aq DFO. Mawi lukutijik telimujik ta'n DFO kisa'toq wjit asite'tasik nuta'q wjit fisheries tla'sitew aq mesink tuwi'skasin toqo mu nuta'nuk piley kisa'matultijik. Katu ula ta'n ew'asik jiptuk mu keknuwe'nuk wjit l'nuwe'kati'l, pema'toq wjie wela'sik kowe'k-wenaqtek tela'sik kisi apoqnmute wwejiaq DFO.

⁴³ Kaplno'l wjit Kanata, "[Minister Jordan teluwet ta'n kulsuwaqn wjit piley awti wjit L'nu'k wjit ta'n teli tantu'tij wilu'wow](#)," Klusuwaqn, 3 Si'ko'ku's 2021.

⁴⁴ POFO, [Kejitasik](#) (Saqamaw Ross Perley, Tobique L'nuwe'kati), 20 Penatmuiku's 2021.

⁴⁵ [L'nuwey Communal Ekwitamemk Licences Regulations](#), SOR/93-332.

⁴⁶ POFO, [Kejitasik](#) (saqamaw Carol Dee Potter, Bear River First Nation), 5 Penatmuiku's 2022.

⁴⁷ POFO, [Kejitasik](#), (Eric Zscheile, Negotiator wjit Kwilmu'kw Maw-klusuaqn, Bear River L'nuwe'kati), 5 Penatmuiku's 2022.

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Katu nike', ketantasik mimajuwaqn Ekwitamemk telasik aqq RRAs ala'tu'tij wjit pasik nekmowey waisis-jakej-mu asite'tasinuk wjit ula waisis. Piluwey waisis na teli ankamut wjit L'nuwe'kati wjit tplutaqn-koqowey fisheries. Kutey ula, mawi lukutijik nutmi'tij Annapolis Valley, Acadia, aqq Bear River L'nuwe'kati (etek southwest Nova Scotia) na amkaptasik telitantasik mimajuwaqn Ewitamemk Koqowey wjit elvers.

Ewikasik : Elver na American Kataq ta'n mu ajkiluk aqq 10 cm teliputaqsit. Nekomuk na elt teli nenujik aqq "tmletji'j kataq."

Koqowey kisi e'wasik: POFO, Kejitasik, 1 March 2022.

Katu elt testimony teluwek wejiaq Bear Rover L'nuwe'lati ikana'toq na teluwet aqq jiptuk lietew piley siawa'sik wjit eykik L'nuwe'kati'l, ta'n mawi lukutijik nutma'tijik ta'n ketlamite'tasik teliaq wjit asite'tasik wejiaq ula *Marshall* kisite'tasik. Mawi lukutijik pasik nutasik wjit ta'n lukwaqn kisa'matultijik wjit msit te'sikl l'uwiknek L'nuwe'kati'l jiptuk 35 L'nuwe'kati'l; ne'w l'nuwe'kati'l ewi'kik RRAs⁴⁸ aqq ne'sikl L'nuwe'kati'l weskunk ketantasik mimajuwaqn ekitamemk koqowey ta'n etek.⁴⁹ Katu, mawi lukutijik elt nutma'tijik te's newte' RRAs ika'tasik ta'n wejiaq commercial fisheries, mu tplutaqn-koqowey fisheries. Katu ula, Assembly wjit L'nuwe'kati teluwet ta'n "Kanata kisa'toq mu wela'sinuk wjit kelnik muyuwatasik wjit Crown wejiaq wiaqa'tasinuk ula SCC [Supreme Court wjit Kanata] *Marshall kisite'tasik* tplutaqn ta'n nemitasik aqq wejiaq ta'n wetapeksit aqq Ankuko'mkewey wjit L'nu'k wjit kwitamen wjit tantn mijijewey mimajuwaqn wjit nmitn aqq kisa'tn etek section 35 wjit ula Kanata Constitution."⁵⁰

⁴⁸ Ta'n l'nuwe'kati ewi'kik ta'n Tplutaqn Apiksituwaqn Kisa'matultijik wjit Fisheries aqq Apaqt Kanata (ta'n ula wjit 25 Penatmuiku's 2022) na Elsipogtog, Esgenoôpetitj, Listuguj Mi'gmaq aqq Wolastoqiyik Wahsipekuk.

⁴⁹ L'nuwe'kati ta'n ketantik mimajuwaqn ekwitamet tela'sik etek (wjit 25 Penatmuiku's 2022) na Acadia, Annapolis Valley aqq Bear River.

⁵⁰ POFO, *Kiska' wesku'tasik* (Assembly of First Nations), 14 Penatmuiku's 2022.

Msit wiaqa'tu'n Tplutaqn-koqowey Fisheries - Ankaptasik wjit Me' Na'qek Tla'sin

Teli menuwaqtasik 1

Wjit siawa'sin ta'n msit wiaqa'tasik Mi'kmaq Wolastoqiyik, and Peskotomuhkati tplutasun koqowey fisheries, ta'n mawi-lukwatu'tij menuwaqtasik wije'min ne'sikl-keknuwa'tikekl teliatew:

- a) Ankmayu, mawi lukutijik nut'aq ta'n kaplno'lowey wjit Kanata suwa'tn pemiaq, wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, wjit ankaptn, aqq suwa'tn kiswa piluwa'tn ta'n nuta'q tplutaqn-koqowey fisheries wjit asite'tmin msit pemuije'tikl wjit Kanata domestic aqq international nut'aq, elt ma'wt *Constitution Act, 1982 aqq ula United Nations Declaration wjit Tplutaqn L'nu'k.*
- b) Ta'n etek interim, mawi lukutijik ta'n Minister wjit Fisheries, Apqatk aqq Kanata Coast Gurad e'we'n section 4.1 wjit *Fisheries Act* wjit wesku'tmin aqq piskwa'n wutan-misoqo-wutann kisa'matultijik wjit Mi'kmaq, Wolastoqiyik, and Peskotomuhkati ta'n kisa'toq teliaq koqowey iknwetoq wjit kisita'sin-eltasik.
- c) Wjit apji suwa'tasik, ta'n mawi lukutijik wjit Kaplno'l wjit Kanata piskwa'tew piley legislation wjit Parliament, wjit wela'sik Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, piley legislative framwork ta'n asite'tk weju'waq wiaqa'tasik tplutaqn-koqowey fisheries.

Sa'q Ki's ta'n Tela'sik Sespite'tmi'tij

Katu ta'n mawi lukwatu'tij nutma'tijik msit ta'n nemitu'tip ta'n ketu' tlukutijik wjit pipaniman aqq wiaqa'lan sa'q-tela'sik tplutaqn-koqowey fisheries kisa'matultijik, nemitu'tij elt nutmi'tij me' etek jipatmi'tij ta'n nuta'q knuwa'tika'tinew ta'n ula kisa'matultijik etli pipanikesultijik. Nenmin aqq Keknuwa'tiken ula ki's etek ta'n sespite'tmin apoqnmulnin ta'n wesku'tasik aqq wela'sik aqq eliaq wjit weju'waq wiaqa'tasik Tplutaqn-koqowey fisheries. Etek koqowey ta'n ki's etek sespite'tasik aqq wiaqtek piluwey te's ewikasik.

Diverging Nemitasik

Ta'n mawi lukwatmi'tij nutma'tijik nemitu'tij ta'n tela'tmk wela'sik wiaqa'tasik wjit tplutaqn-koqowey fisheries kisi mesnmi'tij. Nekmuk ta'n teluwejik wejiaq ta'n etliaq pilu'tek pukwelk wjit wen ketu'

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wesku'tk wejiaq L'nuwe'kati. Katu, ta'n mawi lukutijik elt nutma'tijik te'sik koqowey wejiaq na'tami ta'n l'nuwe'kati nemitu'tij ta'n wela'sik wiaqa'tasik wjit tplutaqn. Tujiw me' kne'k ankaptasik ta'n l'nuwe'kati Elukutijik teluwet ta'n tplutaqn-koqowey fisheries jiptuk me newte' wjit piluwey L'nuwe'kati aqq net mu eteknuk ta'n msit weltesk wjit ula tela'sik. Elt ankuwa'sik, mawi lukutijik nutma'tijik wejiaq saqamaw Ross Perley ta'n nuta'q wutann ta'n kisi piluwa'sik weja'tikemk 1999 *Marshall* kisite'tmi'tij aqq ta'n ula nuta'q suwa'tasin ankite'tmnew wiaqa'tnew Tplutaqn.⁵¹

Wejiaq ula Kaplno'lowey teliankaptasik, ta'n mawi lukwasik nutma'tijik ta'n DFO nemituq wiaqa'tasik wjit ketantasik mimajuwaqn wjit eltstoqnamu'k teliaq; ta'n mailaptik nemituq wjit tpljutaqn wjit me' mimajik Ankuko'mkewey⁵² me' tliaq wiaqa'tasik ta'n wiaqtek wutann aqq nuta'q piluwa'sin te's pemiaq. Ta'n ankite'tasik wjit asite'tasik wela'sikl sa'q na pekisitu'tij L'nu'k.

Katu, ta'n mawi lukutijik nutmi'tij ta'n elukutijik ketu' ika'tu'tij ta'n ula tplutaqn mu kisi ankaptasinuk ta'n tela'sik te's pemiaq newtipunkekl. Ula Peskotomuhkati kitmnayaj ta'n "ketlamsitasit el'tasik Kanata ta'n kisa'toq ankuko'mkewey newte'-te's elkitasik aqq katu piluwey organic, pekije'k-tele'k telakutk."⁵³ Kutey, ula Assembly wjit Nova Scotia Mi'kmaw Saqamaw teluwet na'tami 20 newtipunkekl kaqiaq ula *Marshall* kisite'tasik, "[K] inu me' matnaqati'k wjit kinu Supreme Court teluwet Tplutaqn wjit Ekwitamen aqq Metui'sketn nme'j wjit Mijipjewey mimajuwaqn wiaqa'tasin wjit ula L'nu'k nemitu'tij ta'n wiaqa'tasik."⁵⁴

Katu piluwey ikpitn, DFO teluwejik mawntiaq (ula MRI aqq AICFI), ula RRAs aqq ta'n ketantu'tij mimajuwaqn Ekwitamet Teliaq na nemitasik wjit eltasik tepesaik ta'n apaoqnmuwek/ikana'sik aqq wiaqa'tasik koqowey ketantasik wjit mimajuwaqn ekwitamemk tplutaqn. Katu, na tapu'kl ta'n kejikow mechanism e'wasik wjit wiaqa'tmk ula tplutaqn (RRAs aqq Ketantasik Mimajuwaqn Ekwitamemk Ikanite'tasik) na kitk wjit interim aqq mu pekije'nuk-tele'k, ta'n me ikantenuk wjit tela'sik aqq siwa'sik wiaqa'tasik ta'n tett etek nuta'q tla'sikn.

Katu msit, pukwelkik ta'n nemitu'tip ikana'la'tijik L'nu'k mu wela'sinuk ta'n telo'tijik wjit tplutaqn kisi wiaqa'tasik wejiaq DFO. Mi'gmawe'l Tplu'taqnn Inc. na kisi tluwet ta'n, "[M] eskeyi,

⁵¹ POFO, *Kejitasik* (Saqamaw Ross Perley), 20 Penatmuiku's 2021.

⁵² "Wjit msit Mi'kma'ki, Ankuko'mkewey na kepme'k aqq tplutaqn covnants ta'n kelnmi'tij fundamental koqowey e'wasik wjit koqowey kutey wela'sik pemiaq wjit colonist aqq colonial Kaplno'l...Mu naqa'sinuk wjit Kanagta Kaplno'lowey telitutt ta'n kisisuknk, L'nu'k, Metis aqq Inuit maqamikow aqq koqowey kisi e'wtis me' kelpitekl wjit ankuko'mkewey aqq piluwey wi'katikn wesku'tasik wjit kelu'k teli tlamsitasin wjit eleke'wit kisma eleke'wis'k ta'n kisa'toq wjit iknmwetask wjit kitk eyu'tijik aqq wiaqpultijik. Katu nuta'q na kijijitun msit koqowey wjit nekmuk, wjit kiman, wjit nutuwan, aqq wjit kisi wesu'tmin koqowey nekmuk constitutional kuteu nike' mimajuwaqn." Nemitu'n : Marie Battiste, *Mimajikl ankoko'mkewe'l*: Ekitmin L'nuwey Ankuko'kewey Koqowey, Unima'ki University Press, 2016.

⁵³ POFO, *Kiska' wesku'tasik* (Peskotomuhkati), 27 Penatmuiku's 2022.

⁵⁴ POFO, *Kiska' wesku'tasik* (Assembly wjit Nova Scotia Mi'kmaw Saqamaw), 20 Penatmuiku's 2022.

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ta'n koqowey tela'sik na ankite'tasik 'interim enkasik' na kutey me' telas'ik wjit me' apji ika'tasin ula Department wjit Fisheries aqq Oceans policies aqq ta'n apankitasik models."⁵⁵

Bruce McIvor, Legal Counsel, Mawiw Council Inc. teluwet ta'n tujiw etek " asamelk etlowistu'tijik, mu tepianuk teliaq" aqq ewikasik ta'n newte ula koqowey ula tela'sik mita ula tela'sik wjit DFOaq ankaptu'tij wjit klusuwaqn kisi wesku'tmin ta'n teluwek "Ewasik wjit Mimajuwaqn" Tmk keskmna'q mu telianuk.⁵⁶ Bruce McIvor teluwet ta'n ula department aqq federal Kaplno'l na e'wmi'tij ula mu pukwelknuk kulaman ula ewkasik ma wiaqa'tasinuk wjit tplutaqn-koqowey fisheries. Instead, Bruce McIvor noted that defining the term is not necessary, but that space must be created to implement rights-based fisheries. "Ta'n tujie nuta'q me' koqowey wjit enqa'tasik, ta'n ula subsequent ewi'tasik kuteu ta'n tujiw wen ki'l elowistat wen."⁵⁷

Etek me' ta'n telkistek wejiaq Kaplno'l wjit Kanata nemitasik wjit kisa'toq aqq siawa'sik wiaqa'tasik wjit tplutaqm-koqowey fisheries aqq ta'n newtikiskik koqowet tela'sik aqq koqowey wesuwa'toq DFO wjit ika'tn ula tplutaqn. Ta'n etek kaqikisa'toq wesku'tk, Federal ta'n nuji Lukowajik, Allister Surette elt teluwet ta'n " etek na divergence ta'n ankaptasik teliaq ta'n msit wiaqa'tasik ula *Marshall* kisita'sultijik. Etekl elt divergent interpretation aqq nestasik wjit ula Marshall kisite'tasik, ta'n tela'sikip wjit controversy, tension, aqq o'pla'matultijik wjit wen wiaqto'ket."⁵⁸

Ta'n kisi liet wen

Ta'n tujiw pekisin wjit fisheries koqowey etek elt sespite'tasik neya'sik ta'n wen kisinmitoq. Ta'n tujiw pekisin wjit mawi lukwatasik, DFO lukowinu'k teluwejik ta'n koqowey etek conservation na DFO aq primary objective. Kaqiaq nika' tplutaqn-koqowey wjit fisheries wesuwa'toq tmk wjit ta'n tmk-koqowey wjit fisheries.⁵⁹ Katu, L'nuwe'kati nemittoq ta'n tela'toq ta'n, te's tela'tiket, tplutaqn-koqowey wjit fisheries mu iknmwetasinuk wjit tmk mesnmin. Katu teluwejik, Saqamaw Allan Polchies Jr. teluwet ta'n, katu ewnaqa asite'tmin tplutaqn-koqowey fisheries iknmut tmk wen, DFO siwawi ika'toq tett commercial aqq recreational fisheries a'siskik tplutaqn-koqowey fisheries aqq iknmwetoq tplutaqn-koqowey kelnik "koqowey me' weskwiaq" pasik teluwet koqowey wjit eyk conservation.⁶⁰ Kutey, ula Peskotomuhkati teluwet ta'n kisi kinu'tmasit pemiaq 15 newtipunkekl na, " ta'n tujiw Kanata tplutaqn nuta'q kepmete'tasik wjit, aqq wiaqa'tasik wjit, L'nu'k aqq ankuko'mkewey tplutaqn wjit tmk ika'tasin coservation, DFO, wjit pasik asu'lukwat, kaqi'sk ikana'toq ta'n etek commercial ekwitamemk ta'n kesatasik.⁶¹

⁵⁵ POFO, *Kiska' wesku'tasik* (Mi'gmawe'l Tplu'taqnn Inc.) Penatmuiku's 20, 2022.

⁵⁶ POFO, *Kejitasik* (Bruce McIvor, Legal Counsel, Mawiw Council Inc.), 5 Penatmuiku's 2022.

⁵⁷ Ibid.

⁵⁸ Allister Surette, *Wiaqa'tasik tplutaqn wjit Kwitamen wjit kisa'tn wela'sik mijipjewey ketantasik wjit mimjauwaqn: Apajitasik ta'n ketlamsitmin aqq ika'tmk ta'n constructive siawi pmiaq wutawti*, 31 Si'ko'ku's 2021.

⁵⁹ POFO, *Kejitasik*, 1 March 2022.

⁶⁰ POFO, *Kejitasik* (Chief Allan Polchies Jr.), 29 Siko'ku's 2022.

⁶¹ POFO, *Kiska' wesku'tasik* (Peskotomuhkati), 27 Penatmuiku's 2022.

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Saqamaw Darlene Bernard, Lennox Island First Nation, teluwet ta'n "ts'n tujie tekk ta'n pasik koqowey o'pla'sik wjit teli tantu'tij, na privilege-koqowey commercial ekwitamemk nuta'q tmk knuwa'tusin ta'n nuta'q ankaptasin te'sik pekisasik, mu tplutaqn-koqowey wjit wejimimajit fishery."⁶² Constance MacIntosh keknuwa'tikep ta'n ketantasik mimajuwaqn fisheries wejiaq ta'n tmk mesnmi'tij, mu ta'n pasik wen mesnmuk, katu teluwek ula klusuwaqn "tmk" nuta'q teluwn wjit consultation wjit l'nu'k wiaqpultijik.⁶³ Pukwelkik ta'n nemitu'tij ta'n kisa'toq federal Kaplno'l mu kisa'tu'k ta'n te'sikjik ketantu'tij mimajuwaqn fisheries ika'tu'tij aqq substantive koqowey piluwey, aqq nuta'q ika'tn koqowey ula apoqnmtey piluwey koqowey. Katu, pukwelkik ta'n wen kisi nmitoq kelusa'sit wjit ta'n kisa'toq kisi tluwen teliaq wjit Kaplno'l wjit Kanata nuta'q kluwen wjit pasik kijka' asite'tasik kesna piluwa'tasik wjit tplutaqn-koqowey fisheries. *R. v. Sparrow* aqq *R. v. Badger* na jijuwaqa ika'toq ta'n nuta'q wjit, ankuwa'sik *R. v. Marshall*.

Ta'n pukwelk tela'sik, ta'n mawi lukwasik nutma'tijik ta'n DFO ika'toq wjit l'nu'k wjit commercial fisheries ta'n ala'toq ewnaqa wjit eltoq ta'n tett piley tplutaqn-koqowey fishery: Ketantasik wjit Mimajuwaqn fisheries. Chief Wilbert Marshall, Potlotek l'nuwe'kati, teluwet ta'n DFO ketu' apatelk commercial jakek licences wjit ika'tn ta'n ketantasik mimajuwaqn kisi mesnmin l'nuwe'kati'l, katu me wen ketu' iknmwetukip licence nika' weskunk.⁶⁴ Teluwejik ta'n, el'tasin telki'k wjit ketantasik mijipjewey mimajuwaqn fisheries asite'tasik, loqte'kn ejikla'tasik ankite'tasik. Janice Maloney teluwet ta'n na'n kisa 10 loqte'kn ejikla'tasik te's e'tasiw commercial ewikamet wjit jakej te'sik (i.e., na aja'tasik teliaq), tuijw kisa'tew tepiaq wjit ketantasik mijipjewey wjit mimajuwaqn fisheries aqq tuijw l'nu'k aqq ta'n etlukutijik kisi toqlukutitaq wjit conservation toqa'sin-kaplno'lowey.⁶⁵

Teli menuwaqtasik 2

Wjit l'n me' koqowey kitk l'nuwey fisheries aqq mu l'nu'k fisheries, ankaptasin ta'n nuta'q tplutaqn-koqowey fisheries, aqq wjit wasoqa'sik ta'n mu wela'sinuk nika' "apaji-poqatelasik" tela'tmk, ta'n mawi lukutijik nuta'q, wjit wiaqa'tn tplutaqn-koqowey fisheries, Kaplno'l wjit Kanata suwa'tn se'k ika'tn, katu elt ta'n nika' "apaji poqate'lmin" tla'sin. Ula piley tela'sik na kisa'tew pukwelk nastesk, kisa ta'n te'sik asite'tasik nemitasik wjit mu l'nui'k ekwitamite'wk, aqq ta'n kisi suwa'toq wen kisi ika'tasitew wjit l'nuiktuk, Wolastoqiyik, and Peskotomuhkati.

Net na jiptuk pukwelkik ta'n nemitu'tij ta'n DFO msit wiaqa'tu'tij tmk ta'n kisi liet wen ta'n kisa'toq ta'n conservation wejku'waq tmk msit, katu tplutaqn-koqowey wejiaq fisheries iknmwetasik wjit tmk-koqowey wejiaq fisheries.

⁶² POFO, *Kejitasik* (Saqamaw Darlene Bernard, Lennox Island l'nuwe'kati), 20 Penatmuiku's 2021.

⁶³ POFO, *Kejitasik* (Constance MacIntosh), 22 si'ko'ku's 2022.

⁶⁴ POFO, *Kejitasik* (Saqamaw Wilbert Marshall, Potlotek First Nation), 29 Si'ko'ku's 2022.

⁶⁵ POFO, *Kejitasik* (Janice Maloney), 29 si'ko'ku's 2022.

Ta'n teli piluwo'tasultijik wjit ta'n telakut wen aqq amko'tasit

Ta'n unconstitutional fisheries ta'n ikana'toq regime na naqamasiaq ta'n newte koqowey wjit ta'n teli piluweyup majuinu ta'n mawi lukutijik nutmat wjit ta'n tujiw pemi kina'masij.⁶⁶ Kutey ula, ta'n teli piluwo'tasit wen mita ta'n telakutk wejiaq DFO na teluwejik wjit dire wejiaq ta'n kisi nmitu'tij. Net Assembly wjit L'nuwe'kati'l teluwet ta'n "DFO's pekisitoq wjit kisa'toq wjit tla'tasin na o'pla'sik koqowey wjit L'nu'k tplutaqn, tujiw eliaq ta'n telte'tmi'tij aqq pekisitasik o'pla'sik koqowey."⁶⁷ Pukwelk me' koqowey wjit teli o'pla'sik koqowey wjit piluakutk na elt wejikwenujik ta'n nemitu'tij.

Na Assembly wjit L'nuwe'kati elt teluwet ta'n etek "piluwo'tasit wen wjit wetapeksit aqq ta'n teli o'wlo'tasit wen ta'n kisa'toq legislative telipijiaq elt kelusa'sit wjit tela'sik wjit L'nu'k Ekwitamemk Tplutaqn."⁶⁸ Kutey, Janice Maloney wesku'tk ta'n tplutaqn ta'n kelnik mu kisi jikla'tuk nekmuk tplutaqnmuwal-koqowey fisheries ta'n ma talimawmet, tlia court aqq tplutaqn tluwej ula asite'tasik.⁶⁹

Na Ne'wewey, *Squljuiku's 27, 2021*, ta'n Senate wjit Kanata wesuwa'toq wije'tik teli aja'sik:

Net na Senate ika'toq aqq kepmite'k na 1999 Supreme Court wjit Kanata *Marshall* kisite'tsaik, aqq wikman wjit Kaplno'l wjit Kanata elt lukwatn, Kelnik Mi'kmaw Tplutaqn wjit asite'tasin tantn wen mijipjewey wjit fishery, ta'n ika'tasik wejiaq wanta'qo'ti aqq Witaptultijik Ankuko'mkewey ewiasik 1760 aqq 1761, aqq ta'n wesku'tasik section 35 wjit *Constitution Act, 1982*; aqq

Ta'n Senate condemn msit koqowey o'pla'sik acts, elt ma'wt ta'n wiaqto'ket wjit constitutional Ankuko'kewey aqq aponmi'tij wjit L'nu'k wutann aqq fisheries, aqq wikman wjit kepmite'tasi aqq klnmin Marshall kisite'tasik ta'n tujie piskwa'j.⁷⁰

Pamela Palmater, Chair wjit L'nuey Kaplno'l, Ryerson University (ta'n nemitasik wjit majuinu) nuta'q wen ta'n fisheries ika'toq telukwet wjit suwa'tasin wejiaq fisheries aqq Apaqt Kanata aqq Royal Kanata Mawnti wjit wen ketantik wilu mimajuwaqn fisheries.⁷¹ Kutey, Constance MacIntosh teluwet tla'tiken

⁶⁶ "Tela'sik kiswa teli jijitasik ta'n wen teli piluwo'tasit na te's wejiaq ta'n kisi kinu'tmasit, policies kiswa ta'n tela'taqatijik ta'n weskunk tett wetapeksit kiswa ikana'tasik tett wejiaq, aqq elt kisa'toq kiswa ika'toq tett koqowey kisi tla'sin wjit piluwo'tasit wen majuinu. Ula nemitasik te's ula etek katu, me', weskunk pukwelk kisa'toq wjit piluwo'tasultijik majuinu'k." Nemitu'n : Ontario Human Rights Commission, *Ta'puewey 2 – Ula policy framework*.

⁶⁷ POFO, *Kiska' wesku'tasik* (Assembly of First Nations), 14 Penatmuiku's 2022.

⁶⁸ Ibid.

⁶⁹ POFO, *Kejitasik* (Janice Maloney), 29 si'ko'ku's 2022.

⁷⁰ Senate wjit Kanata, *Journals wjit Senate*, 2nd Session, 43rd Parliament, 27 Squljiku's 2021.

⁷¹ POFO, *Kejitasik* (Pamela Palmater, Epi wjit L'nuey Kaplno'l, Ryerson University, wjit majuinu'k), 22 Si'ko'ku's 2022.

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wjit federal Kaplno'l pasik ta'n telukwet wjit ketantoq mimajuwaqn fisheries nuta'q ikatnew ta'n tela'sik koqowey mu o'pla'sin wjit fisheries ta'n tujiw telukutijik tplutaqn wjit kisa'toq pemiaq aqq mime'j iknmwetn, aqq asite'tmin ta'n tplutaqn asite'tasik aqq wl'te'tasin telukutijik.⁷² Saqamaw Wilbert Marshall ewi'kik ta'n eykik majuinu'k ta'n elta'jik naji kwitam'tijik mita wutann ta'n wejita'jik jipatmi'tij natalipia'tinew, toqo mu nuta'nuk tla'sin.⁷³ E'wnaqa, nuta'q wjit L'nuwe'kati'l-eliaq ta'n koqowey kisa'toq aqq apoqnk ta'n teli ala'sin.

Ta'n Elsu'tasik aqq sespit'e'tmi'tij ta'n koqowey tela'sik ta'n koqowey ika'q weja'tikemk Wikumkewiku's aqq kesikewiku's 2020 na wenaqa'tasik wi'katikn wejiaq Sipekne'ktik L'nuwe'katik misoqo United Nations' lukowinu'k ta'n Ejikla'tu'tij ta'n telo'tasultijik Majuinu'k wjit ta'n wetapeksit. Ula teliaq pasik wejiaqL'nu'k ekwitamtijik ta'n pasik telukutijik ta'n nekmuk wetapeksultijik wjit tplutaqn kwitamen Kanata Wejapek Qospem, Ta'n 30 Penastmuiku's 2021, ta'n etlukutijik wjit Espitek Commissioner wjit Majuinu'k Tplutaqn elkik w'katikn wjit Kaplno'l wjit Kanata aqq pipankikesit ta'n, wjit party, Kanata piskwa'toq koqowey wjit ta'n elsu'tmujik aqq sespete'tmi'tij ewikasik wi'katikniktuk.

Teli menuwaqtasik 3

Ula mawi lukutijik nuta'q Kanata kelusa'sit wjit United Nations ta'n mawi lukutijik ta'n Ejikla'toq ta'n teli piluwo'tasultijik teliankamujik (wjit kelsusa'sit wjit: CERD/EWUAP/103rd Session/2021/MJ/CS/ks) nika' eltasik ta'n msit.

Saqamaw Darcy Gray, Listuguj First Nation, teluwet net piley ta'n tela'sik ika'tasin wjit ika'tasik teli nuta'q. "Kis' sa'q teliaq, na DFO's tela'toq wjit pekisitoq o'pla'sik ta'n tela'sik wjit L'nu'k tplutaqn, eliaq wjit mu ketlamite'tmuk aqq elt matnaqatimk. Ula nuta'q naqa'sin. Ninen menaqate'tmek wjit lukwowan wjit ula DFO wjit wesku'tmin wutann-miawe'k liaqn wjit kisa'toq aqq ika'toq ta'n nemitoq L'nuey kepmite'tasik aqq apoqnmastu melkiknuwa'toq ta'n telakutk."⁷⁴

Teli menuwaqtasik 4

Ta'n mawi lukutijik nuta'q msit federal Kaplno'l ta'n telukwet aqq lukowinu'k amkmayu tela'tiket wjit knuwa'tiken aqq jikla'tn koqowey instritution aqq systematic piluwo'tasultijik wjit tplutaqn, ta'n nuta'q tla'sin, policies, aqq practices.

Kutey, ula mawi lukutijik menuweke'tij ta'n Kaplno'l wjit Kanata lukwowan wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, wjit tlaman ta'n newtukwa'lukwet panel wjit ta'n kejitu'tij wjit ika'tnew teluwek wjit teltek nuta'q wjit knuwa'tiken prevalence wjit institutional aqq ta'n telo'tasit mita ta'n wetapeksit ta'n Fisheries aqq Apqat Kanata, ula

⁷² POFO, [Kejitasik](#) (Constance MacIntosh), 22 si'ko'ku's 2022.

⁷³ POFO, [Kejitasik](#) (Saqamaw Wilbert Marshall), 29 Si'ko'ku's 2022.

⁷⁴ POFO, [Kejitasik](#) (Chief Darcy Gray, Listuguj L'nuwe'katik), 20 Penatmuiku's 2021.

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Royal Kanata Mawnti aqq ta'n se'k elukutijik aqq ta'n eykik tela'taqatijik wjit tela'sik wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati tplutaqn-koqowey fisheries aqq wjit knuwa'tiken ta'n telo'tasulttijik mita wjit ta'n wetapeksit nemitasik. Ta'n tela'sik keknuwa'tikek nuta'q ika'tasik pataluti iktuk kitk Wenji'ko'm wjit Parliament mu aji pije'nuk aqq newtipunkek ta'n tujiw kaqiaq ula teli knuwa'tujik aqq iknmut wjit Kaqamik Senate mawi lukutijik Committee wjit Fisheries aqq Apaqt.

Piluwa'sik wjit ula *Fisheries Act* aqq piluwey Regulatory Instruments

Nike' federal statutes kutey wiaqa'toq wjit tplutaqn-koqowey fisheries. Regional Saqamaw Paul Prosper teluwet ta'n Donald John Marshall, Jr. "kisi apankitk wjit ekwitamet toqo mu tepknusetewey ta'n tujiw telte'tmi'tij keknuwe'k aqq mu weskunmuk licence" aqq na nekm "ejikla'sip, aqq etekl provisions wjit ula *Fisheries Act na teluwejik mu kelu'knuk*."⁷⁵ Net newte' tett, ula Assembly wjit Nova Scotia Mi'kmaw Saqamaw ketlamsitk ta'n wiaqa'tasik ta'n teli ketantasik mimajuwaqn fisheries siawa'sik wjit ta'n teli asite'tasik wejiaq provisions ula na *Indian Act aqq ula Fisheries Act*.⁷⁶

Ta'n mawi lukutijik nutma'tijik tapu'kl pilu'tekl ta'n tela'kutekl wjit ta'n koqowey kiswa mu wjitula *Fisheries Act* kisa'tew e'wasik wjit wiaqa'tasik ta'n teli ketantasik mijipjewey mimajuwaqn fisheries.

Ula na tmk, ta'n alpukuwik, ta'n Act na mu tepianuk aqq ta'n tujiw koqowey teliaq teluwek wjit *R. v. Marshall* na tliaqtew ta'n tett nike'-na'kwek teluwek, ula newte' provisions wjit ula Act na pisitasitew siawa'sik wjit piluwa'sin wjit siman Donald John Marshall, Jr.. Katu, weja'tikemk ula *Marshall* kisite'tmi'tij, ta'n mawi lukutijik nutma'tijik wjit DFO na wesuwa'tu'tip koqowey alsutmi'tij wjit tplutaqn-koqowey fisheries aqq iknwa'tijik wjit apankitminew we'kow tewa'telasik. Ki's ta'n nemitasik kisi wi'kik wjit teli ketantasik mijupjewey wjit mimajuwaqn fisheries ta'n e'wmi'tij aqq wete'mi'tij wesuwa'tu'tij nike' ika'tasik ula weja'tikemk. Janice Maloney teluwet ta'n ula *Fisheries Act aqq wjit* regulations mu asite'tmuk ta'n ika'tasik wjit L'nu'k tplutaqn-koqowey fisheries, kutey ta'n teli ketantasik mimajuwaqn wilu'wow fisheries. Teluwep ta'n tujiw "ula *Fisheries Act* aqq regulations na pasik ikana'sik, mu eyknuk me' siwa'sin."⁷⁷

Na ta'puewey ta'n mawi lukutijik nutma'tijik ta'n kisi piluwa'sik nike' kejikow kisi piluwa'sik ula *Fisheries Act*, kutey ula section 4.1, na asite'tew Minister wjit Fisheries aqq Apaqt wjit piskwa'q wjit e'tmatultijik wjit l'nu'k, kutey ula ta'n kisi wiaqa'tu'tij tplutaqn-koqowey fisheries. Ta'n mawi lukutijik nemitu'tij ta'n section 4.1 kisa'tew aqq nuta'q e'wasin wjit kisa'toq forum wjit wesku'tasik wjit tplutaqn-koqowey fisheries kisa'matultijik. Katu, ta'n e'wasik section 4.1 mu e'tuk ula piley legislative

⁷⁵ POFO, *Kejitasik* (Regional Saqamaw Paul Prosper), 20 Penatmuiku's 2021.

⁷⁶ POFO, *Kiska' wesku'tasik* (Assembly wjit Nova Scotia Mi'kmaw Saqamaw), 20 Penatmuiku's 2022.

⁷⁷ POFO, *Kejitasik* (Janice Maloney), 1 Nipniku's 2021.

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framework ta'n kisa'toq elukwat msit wiaqa'tasik wjit tplutaqn-koqowey fisheries. Elt ankuwa'sik, Bruce McIvor teluwet katu ta'n ula legislative mechanism (i.e., section 4.1) wjit siawa'sin ta'n etek, koqowey mu eteknuk political will wjit e'wasin ula section aqq nmitn koqowey keknuwa'tikek wjit kisata'sultijik-eltasik kisa'matultijik tl'tetew.⁷⁸ Na pasik kiska' ika'tasik wjit wutann wejiaq *Sante' Mawio'mi* (Mi'kmaq Grand Council) ankaptik ta'n teli tekle'j wjit political will aqq teluwet ta'n "Kanata aqq na Atlantic provinces ala'toq ta'n telo'tasultijik wjit mu tepowa'sin kinu wiaqa'tasin kinu constitutional tplutaqn wjit ula fishery. Nekom na el'tu'tij politics aqq kisa'tu'tij ketu'tla'taqatijik supreme wjit constitutional tplutaqn."⁷⁹ Na Peskotomuhkati teluwet ta'n L'nuwe'kati " ika'lsit wjit wiaqa'lsin wjit klulan wen wjit toqa'toq stewardship aqq ikana'tasik welteskik kutewey elsaqasik. Na pemiaq *Fisheries Act* na nika' ika'tasik wjit nmitasin wjit teli asite'tasultijik ula Minister wjit l'tn kisa'matultijik wjit 'L'nu'k kaplno'lowey te'sultijik' ta'n telki'k koqowey te'sik kisi tliatew, ninen telimuksiew ta'n DFO mu ala'tuk e'wasik Section 4 'wjitt ta'n nemitasik ta'n tla'sitew.' Ninen mu kisi nmituwek wjit suwa'tn DFO aqq tluwen ta'n Kaplno'l wjit Peskotomuhkati na 'L'nuwey kaplno'kowey teki'k.'"⁸⁰

Wejiaq Kaplno'lowey ta'n telte'tasik DFO elukutijik teluwa'tijik mu legislative kisna regulatory piluwa'sik na nuta'q wjit ta'n tett elukutijik wjit wiaqa'tasin wjit ta'n tett elukutijik wiaqa'tasin wjit ketantaik mijipjewey wjit mimajuwaqn fisheries.⁸¹ Shelly Denny, Samqwaqn iktuk koqowey Kwilk aqq Stewardship, UINR–Unama'ki Institute wjit koqowey etlikwekwe'jitasik (nemitasik wjit majuinu'k) teluwek DFO's mu kisi apoqnmuk ankuko'mkewey fisheries na policy tepkistek aqq ewikasik wjit tplutaqn mu nuta'nuk, katu tepaqtek policy nuta'q ika'tasin wjit kisitasin asite'tasik tplutaqn-koqowey wejiaq fisheries ta'n kisi wiaqa'taq.⁸²

Kutey, Constance MacIntosh teluwet ta'n ankuko'mkewey na tplutaqn, katu mu nuta'nuk piley ika'tasin tplutaqn; alsumsit na federal kaplno'l wjit naqa'tn teli ika'tasik ula unconstitutional tplutaqn ta'n kisa'toq ta'n teli ketantasik mijipjewey mimajuwaqn wejiaq ta'n tujiw mu wiaqpuwun aqq ta'n wete'mi'tij wjit koqowey fisheries tuwi'skasin.⁸³ Ta'n unconstitutionality wjit tela'sik Kanata Tplutaqn aqq regulations na wesku'tasik wejiaq pukwelkik ta'n nemitu'tij, aqq eykik ta'n kisa'matultijik ta'n nika' federal Kaplno'l fisheries ikana'toq na unconstitutional weja'tikemk ta'n tujiw ika'tasik wejiaq federal Kaplno'lowey (kutey, *Constitution Act, 1867*). Pamela Palmater telwet nuta'q Kanata suwa'tn comprehensive ta'n teliankaptasik wjit tplutaqn, policies, aqq ta'n telukwetelatik wjit fisheries (elt wiaqtek tplutaqn ika'tasik wjit fisheries) aqq ula lukwasin tmk aqq

⁷⁸ POFO, *Kejitasik* (Bruce McIvor), 5 Penatmuiku's 2022.

⁷⁹ POFO, *Kiska' wesku'tasik* (*Sante' Mawio'mi*), 5 Squljuiku's 2022.

⁸⁰ POFO, *Kiska' wesku'tasik* (Peskotomuhkati), 27 Penatmuiku's 2022.

⁸¹ POFO, *Kejitasik*, 1 Si'ko'ku's 2022; aqq POFO, *Kejitasik*, 3 Si'ko'ku's 2022.

⁸² POFO, *Kejitasik* (Shelly Denny, Samqwan iktuk kwilk koqowey aqq Stewardship, UINR–Unama'ki Institute wjit koqowey etlikwek, wjit majuinu), 5 Penatmuiku's 2022.

⁸³ POFO, *Kejitasik* (Constance MacIntosh), 22 si'ko'ku's 2022.

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wjit wen toqaita'jik wjit tplutaqn ta'n tett etek (kisna wjit lukowinu'k wjit ta'n eykik l'nuwe'kati mekenmi'tij).⁸⁴

Aqq katu, wjit apoqnmasik ula mu pekije'nu'k-teliaq, Pamela Palmater teluwet nuta'q L'nuwe'kati'l kiska' jikla'sin wejiaq federal tplutaqn, regulations, aqq policies mita kisa'toq ta'n tujiw ketantasik mijipjewey ekwitamemk fisheries, kutey wjit ula kisa'toq aqq naqa'toq tplutaqn-koqowey fisheries ta'n nike' misoqo ta'n tujiw pekije'k-teliaq wiaqa'tasik ta'n tujie kisitasik.

Ekwitamemk Tepkusetewey aqq Te's Tepkusetewey Piluwa'siki

Janice Maloney teluwet ta'n pilu'tek commercial ekwitamemk tepkusetewey (i.e., ta'n tett etekl calendar te'sukunik) aqq ta'n pasik alsimsit wen ekwitamet aqq ta'n teliaq-nike' usiqqamu).⁸⁵

Janice Maloney elt teluwet ta'n koqowey ki's etek aqq commercial ekwitamemk tepkusetewey mu te's weltesknuk. Katu, ta'n teluwek kis' etek ula section, Ta'n Ketantasik mijipjewey ekwitamtijik teliaq ta'n ika'tasik commercial ekwitamemk tepkusetewey, na constraint ta'n pukwelkik L'nu'k nemitu'tip mu kisa'matultikni'k wjit ula koqowey. Ta'n akuwa'sik, ta'n mawi lukutijik nutma'tijik ta'n kaqtaqtesk wjit economic ta'n kisa'toq wjit tele'k ula commercial ekwitamemk tepkusetewey.

Commercial fekwitamemk ta'n elukutijik kisa'matultijik wjit ta'n te'sik ula telukutijik commercial ekwitamtijik nuta'q e'wasin wjit msit ekwitamtijik, aqq ma'wt ta'n ekwitam'tijik wjit ketantu'tij mijipjewey wjit mimajuwaqn, aqq elt etekl casel, etlowistuwatl wjit ta'n koqowey kisi e'wk wjit kelo'tasik wjit o'pla'matijik wjit lukwasin. Katu, ta'n mawi lukutijik nutma'tijik wjiaq l'nuwe'katik ikana'tu'tij aqq elukutijik ta'n DFO mu kisi iknmuk wjit ta'n pasik tetkn scientific koqowey kenuwa'tikek wjit apoqnmin tewa'tasik ta'n e'wasik wjit commercial ekwitamemk tepkusetewe'l.

Megan Bailey, Associate Professor, Kanata kwiluwasit wjit Chair Wiaqa'tasik Apqat aqq Qospem Kaplno'lowey, Dalhousie University (nemitasik ta'n majuinu) wesku'tasik ta'n mawi nuta'q msit asamel aqq mawta'sik wlo'ti aqq ewikasik ta'n tujiw wesku'tasik na sespita'taq, tujiw msit ta'n mortality (i.e., ula mortality kisa'toq wejiaq msit fishery ta'n te'sikl) asami espitek.⁸⁶ Ta'n tujiw nuku' tela'sik, ta'n teluwejik wen kisitla'tiket ma kisi ika'tasinuk wjit newte' ew'min ta'n mawita'jik elukutijik, kutey tplutaqn-koqowey fisheries. Tracey Cutcliffe reiterated ta'n DFO teluwejik tela'lajik L'nu'k wjit suwa'tn commercial ekwitamemk tepkusetewey "wjit usisk te'sik" aqq ta'n tett mu etenuk kisi ika'tasinuk ta'npasik tekn scientific koqowey kisna data wjit apoqnmin e'wmin wjit tepknusutewe'l.⁸⁷

⁸⁴ POFO, *Kejitasik* (Pamela Palmater), 22 Si'ko'ku's 2022.

⁸⁵ POFO, *Kejitasik* (Janice Maloney), 1 Nipniku's 2021.

⁸⁶ POFO, *Kejitasik* (Megan Bailey, Associate Professor, Kanata ta'n kwilmi'tij Chair Wiaqa'tasik Apaqtuk aqq Qospem Kaplno'lowey, Dalhousie University, wjit majuinu), 5 Penatmuiku's 2022.

⁸⁷ POFO, *Kejitasik*, 1 Nipniku's 2021.

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Megan Bailey teluwet ta'n tujiw DFO Jakaj mu etenuk kwijmuk ula commercial kwitamemk tepknusetewey Area 34 (ta'n Sipekne'katik L'nuwe'kati ekitamtite'k ekwitamijik), ta'n telukutijik tujiw mu ala'tuk koqowey wjit ta'n tela'tmk koqowey ejit ekwitamemk tela'tew ta'n te'sik stock mortality/wlo'ti kwijmuk commercial ekwitamemk tepknusetewey.⁸⁸ Ta'n wutann nutasik ta'n l'nuwe'katik ala'toq wiaqtek wjit scientist wjit apoqnmn " wejuwa'tn ta'n telkistek" wjit science. Kutey katu, Megan Bailey etlowistoq wjit Sipekne'katik L'nuwe'katik wesuwa'toq ta'n te'sik wjit jakej wiaqa'toq te'sik makijasik. Megan Bailey teluwet ta'n L'nuwe'kati ta'n telte'tasik kisi kl'nitew wjit scientific burden wjit kijitasin tela'tikek wjit DFO ta'n ekwitamemk kwijmuk commercial tepknusetewey mu kisa'tu'k o'pla'sik ta'n tela'toq stocks.

Ula ta'n mawi lukutijik elt nutma'tijik wejiaq Shelley Denny ta'n etek "ta'n mu tepianuk ta'n telte'tmi'tij telukwet wjit koqowey pilu'tek ekitammemk te'sik aqq nestasik wjit koqowey ta'n kisi tla'sitew."⁸⁹ Megan Bailey ika'toq klusuwaqn "tepknusetewey te's tela'sik" wjit ta'n mawi lukwasikl fisheries tela'sik aqq ta'n koqowey jiptuk commercial ekwitamemk tpknusetewey wjitr commercial koqowey wjit tela'sik aqq Mi'kmaq ekwitamemk tpknusetewey wjit l'nu'k koqowey wjit telukutijik.⁹⁰ Aqq ankuwa'sik, Shelley Denny teluwet ta'n tela'sik e'wasik wjit tapu'-nmitasik wjit apoqnmuksin kisa'toq wula'sin ta'n teli o'pla'sik, ta'n teluwet ta'n "ta'n teli e'wasik l'nuwey aqq Tk'te'sn ketlamsitu'tij system wjit ta'm kisa'tew wela'sik wjit msit wen."⁹¹ Ula tela'sik na kisi e'wasitew wjit el'tasik wjit kisa'toq wela'sik, kuteu me' ta'n kisa'toq ekwitamemk tepknusetewey tlputaqn-koqowey wjit fisheries.

Aknutma'tijik

Ta'n Te'sik Naskwa'tu'tij wejiaq Msit

Klusuwaqn wjit Kanata fisheries koqowey na ewikasik wejiaq ta'n koqowey e'wasik L'nuwe'kati'l, na Minister aqq DFO officials, aqq commercial fishers kutey newte' teltekl. Ankutmaq na kelu'k ta'n teli e'wasik wjit msit wen. Katu, ula ta'n tela'sik na menuweke'tij ta'n wela'sik ta'n teli piluwe'k ta'n wejiaq newte' ta'n mawi ta'jik misoqo piluwey mita mu wela'siknuk ta'n tujiw mawi ta'jik.

Kutey, ta'n mawi lukutijik nutma'tijik wejiaq ta'n departmental officials, wjit conservation reasons, ankuwa'tasik ta'n teli tantasik mijipjewey wjit mimajuwaqn fisheries tputaqn mu kisituk piley ta'n etek kisi lien fisheries kiswa wenaqa'toq ekwitamemk teliknaq. Ewnaqa, kutey jekejk fisheries, wekunmi'tij wjit l'nuwe'kati wejisuwa'tasik ta'n ki's commercial fisheries etek. Ula ta'n mu asamijitainuk wjit commercial fishers – mu asamijitainuk ta'n nika' wjit commercial fishers

⁸⁸ POFO, *Kejitasik* (Megan Bailey), 5 Penatmuiku's 2022.

⁸⁹ POFO, *Kejitasik* (Shelley Denny), 5 Penatmuiku's 2022.

⁹⁰ POFO, *Kejitasik* (Megan Bailey), 5 Penatmuiku's 2022.

⁹¹ POFO, *Kejitasik* (Shelley Denny), 5 Penatmuiku's 2022.

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weja'tikemk ula *Marshall* kisite'tasik na iliankaptasik 1999 – kisi ika'tew wjit kepaqasita'sit aqq wekaya'lij aqq kisa'toq o'pla'sikkoqowey.

Martin Mallet, Ta'n ikana'toq koqowey, Maritime Fishermen's Union telimajik mawi lukutijik ta'n "newte' ta'n mawi satasik critiques wjit [*Marshall*] kisite'tasik na mu kisa'tukek ika'toq ta'n te'sik wjit Kaplno'l wjit wiaqa'toq ta'n teluwejik kisite'tasik aqq ta'n enkatasik wiaqa'tasik tett teli mnuweke'tij eliaq. Ula kisa'toq mu tela'sinuk, ta'n koqowey kisa'toq sespeta'sultijik ta'n etek nike' kiskuk kinu fisheries ta'n naspultijik."⁹² Kutey, Ian MacPherson, Executive Director, Epekwitk Ekwitamtite'wk Association teluwet ta'n "[K]atu mu, ula Atlantic Katu ninen na ketankitk jakej, me' aqq ninen ta'n teli satmek. Ula na koqowey wjit te'sik tela'sik wjit ta'n teliaq kito'itek wjit tela'sik jakej ketana'tijik ta'n wejitasik."⁹³

Ta'n mawi lukutijik nutma'tijik wjit commercial ekwitamemk ta'n mawi ta'jik aqq L'nuwe'kati'l welteskatultijik wjit wesku'tasin aqq piluwey koqowey o'pla'sik aqq nutasik ta'n koqowey wesku'tasik na kisa'tu'tij aqq wela'sik ta'n telukutijik. Ula na telte'tasik ta'n ula dialogue siawa'sik aqq ankaptik fruitful ta'n weku'tasik ta'n kisa'toq kitk nestmi'tij, ketlamite'tk, aqq wjit wentaqo'ti fisheries.

Ula Jakej Science Toqilukwatu'tij kitoqitek pataluti na kutey DFO ikana'toq wesku't koqowey wjit L'nuwe'kati aqq mu l'nu ekwitamet aqq wjit wiaqa'tu'tij teli tlamsitmi'tij aqq science.

Ula na ta'n kutey DFO-eliaq wesku'tasik ta'n mawi ta'jikwjit science aqq anknutmaq elt nuta'q aqq ta'n mawi lukutijik jiptuk elt ika'tew te's – ta'n etek parallel, katu tepkistek wejiaq wutan-misoqo wutan wesku'tasik – aqq kisa'toq forums wjit wela'sik eyk aqq nestik.

Wiaqa'tu'tij L'nuwe'kati Principles aqq Ketlamsitasultijik

Commercial ekwitamtijik nuta'q ika'tnew wjit science aqq wiaqa'tu'tij wjit DFO ta'n pukwelkl regions aqq policy tett te's pemiaq newtipunkek. Martin Mallet teluwet menaqaj ta'n tujiw teluwejek ta'n,

⁹² POFO, [Kejitasik](#) (Martin Mallet, Executive Director, Maritime Fishermen's Union), 1 Nipniku's 2021.

⁹³ POFO, [Kejitasik](#) (Ian MacPherson, Executive Director, Epekwit Ekwitamtijik Association), 1 Nipniku's 2021.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Te'sikl Newtipunkekl pemiaql, ekwitamtijik ta'n maliaptmi'tij pemiaq Atlantic Kanata na kisa'toq diligently wjit ula federal kaplno'l wjit ika'tn ta'n toqi-maliaptminew eliaq ta'n kisa'toq kaqi'sk te's internationally etek wjit nemitasin wjit wuatan wula'sin. Ula nemitasik, wejiaq ta'n ecosystem aqq precautionary telas'ik, nemitaaq wjit kisa'toq newte' telas'ik ekwitamemk tewiaq wjit ecosystem's kisa'toq wjit ilikwenmin aqq kisa'toq tela'sik skimtuk newtukwa'lukwek – wjit kutey, ta'n teli e'wasik koqowey-kisna- quota-wejiaq ikana'tasik aqq ekwitam'tijik tepknusutewey ikatmi'tij te'sk telikwenujik, et cetera. Kinu elt nuta'q ankite'tminew socio-economic aqq kepmite'tasik wejiaq nme'j telukwenujik aqq L'nu'k teli mawi ta'jik.”⁹⁴

Megan Bailey teluwet ta'n jakejk fisheries na commercial fisheries wela'sikip a'tukwaqn wjit Kanata, katu mu teluwenuk nika' fisheries teltek/framework mu nuta'nuk piluwa'sin wjit wiaqa'tn tplutaqn-koqowey fisheries aqq ekwitam'tijik.⁹⁵ Ta'n nes'tasik, ta'n mawi lukutijik nutma'tijik na L'nuwe'kati'l ketu' jikla'ta'tijik ekwitamtite'wk wjit liaqn nekmuk tplutaqnmuwal aqq.

Ula na teluwa'tijik pukwelkik ta'n nemitu'tip ta'n l'nu'k kisi kwitam'tinew nuta'q anko'tasin wejiaq l'nu'k tplutaqn teluwisik *Netukulimk*. Shelley Denny teluwet *Netukulimk* na nimajuwaqn wjit harmony aqq kisa'toq ki'l mu kisa'tuk o'pla'sin, ta'n mu ki'l koqowey pasik ejiklakowun, ta'n ki'l naskwa'tis aqq apaji iknmuwatis wen mawio'mi.⁹⁶ Kutey, Megan Bailey teluwet ta'n “ L'nu'k tplutaqn aqq customs elt teliaq wjit sustainable teli ew'asik.”⁹⁷

E'wmin ula tapu'kl-telinmitek et eliaq apoqnmuksin wjit wiaqa'tn apoqnmasuti wiaqa'tasik L'nu'k principles aqq teli jijitasik wjit nika' fisheries ikana'toq. Katu tliaq conservation tplutaqn aqq principles wjit l'nu'k kikjuk tltekn kutey wiaqa'toq wejiaq DFO, mu etenuk ta'n mu teltenuk kuteu political nuta'q wjit wiaqa'tasin. Katu:

Teli menuwaqtasik 5

Mawi lukutijik teluwek ula Kaplno'lowey wjit Kanata pasik, aqq Fisheries aqq Apaqt kutey, kepmite'tasik aqq teliaq ika'toq L'nu'k tplutaqn. Principles, aqq ta'n teli jijitoq wjit piluwey scientific teli jijitoq aqq te'sik pija'sik fisheries kisita'sit-eltoq telipijiaq, aqq ma'wt *Netukulimk*, *msit No'kmaq* (Msit telakumkik) aqq *Etuaptmumk* (Tapu'kl-pukikl wetnmiten).

⁹⁴ POFO, *Kejitasik*, (Martin Mallet), 1 Nipniku's 2021.

⁹⁵ POFO, *Kejitasik* (Megan Bailey), 5 Penatmuiku's 2022.

⁹⁶ POFO, *Kejitasik* (Shelley Denny), 5 Penatmuiku's 2022.

⁹⁷ POFO, *Kejitasik* (Megan Bailey), 5 Penatmuiku's 2022.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Ta'n mawi lukutijik na'qek ewikasik ta'n te'le'k naqa'tasik mu kisi siawa'sinuk wjit ki'kaja'sit ika'toq. Na kaplno'l wjit Kanata nuta'q amkmayu poqji lukwatn ta'n teluwa'tijik te'sik ankatasik, wjit ta'n tela'tu'tij wjit Mi'kmaq, Wolastoqiyik, aqq Peskotomuhkati, aqq asite'tminew ta'n L'nu'k tplutaqn, principles aqq ta'n ketlamsitasultijik ta'n teli kijjitu'tij na ta'n te'sik etek aqq legitimacy pitek wjit wiaqa'tasikl tplutaqn-koqowey wjit fisheries.

Ta'n mawi lukutijik nutma'tijik ta'n L'nuwe'kati'l ketu'suwa'tu'tij me' koqowey kisi tla'taqatinew ta'n kisa'toq wjit stock science aqq conservation. Kutey, ta'n mawi lukutijik nutma'tijik ta'n Wolastoqiyik Wahsipekuk l'nuwe'kati weskwey'wajik scientists iknmuwatk lukwaqn. Na l'nuwe'kati ketu' suwa'toq wjit me' kisi tlukwen koqowey aqq siawa'sin me' ta'n autonomy wjit kepmitasik wjit science aqq kelo'tasik.⁹⁸ Katu, ta'n mawi lukutijik nutma'tijik ta'n DFO siawa'sik wjit ula Wolastoqiyik Wahsipekuk l'nuwe'kati fisheries wjit commercial fisheries aqq framework mu tepi piluwa'sinuk wjit asite'tmin wjit self-regulation nike' ula tele'k.

Mu Katu Tela'sinuk

Ta'n mawi lukutijik nutma'tijik wjit me' ajelk aqq newte' te's teliaq occasion ta'n Kaplno'l indecision aqq ta'n mu pukwelkik ta'n wiaqa'lujik wjit tplutaqn-koqowey fisheries na kisi tla'sik wjit sespite'tasik wjit commercial fishers; mu kesjitasinuk ta'n teli wiaqa'tasik wjittplutaqn-koqowey fisheries na kisi pluwa'tew nekmuk enterprises aqq mimajuwaqn jiptuk kisi piluwa'sitew.

Ta'n kijka' weskutasik piskwa'tu'tij mawi lukutijik, na Kanata ta'n newtukwi maliaptmi'tij, na Kanata ta'n newtuwi maliaptik nme'j Independent Fish Harvesters' Federation (CIFHF) teluwet ta'n wen eyk na amuj pa muyuwatk tplutaqn aqq elt kisi "lukwet elt l'nuwe'kati ta'n telukwenmi'tij te's newtipunkekl, ekinu'tmujik elt l'nu'k aqq ankamujik, metui'sketu'tij, species advisory committees, aqq science aqq ta'n kwilmi'tij koqowey."⁹⁹ Ta'n mawi lukutijik nutma'tijik ta'n Knata wesuwa'toq ta'n wesku'tasik wjit tplutaqn-koqowey ta'n kelnmi'tij tplutaqn. Katu, ta'n mawi lukutijik nutma'tijik elt wiaqa'tasik ula fisheries jiptuk kisi ankite'tew wjit commercial fishers.

Ula CIFHF teluwet nuta'q ula Kanplno'lowey wjit Kanata ika'tn kutey teltek nemitasik pataluti – ta'n kisi wiaqa'tew ta'n maliaptmi'tij wejiaq Kaplno'l, L'nuwe'katik, tepow ta'n weskowita'jik nikwenmi'tij aqq ta'n kisa'toq tela'sik telikwek industries – wjit, elt piluwey koqowey eliaq, "wesku'tasik wjit koqowey mawta'sik wjit ika'tnew aqq policy piluwa'tn ta'n telikwek, mawta'sik fashion" aqq ta'n ewikasik "koqowey Kaplno'l wjit Knata ankite'tk aknuwa'tn ta'n kisi suwa'toq aqq piluwa'toq wjit fisheries policy" mita etek wjit wiaqa'tasik ta'n tplutaqn-koqowey wejiaq fisheries.¹⁰⁰ Ta'n teli e'wasik ula teli ika'tasik approach – ta'n pentaqtek, katu tepkisa'sik wejiaq wutann misoqo wutan wesku'tasik –

⁹⁸ POFO, *Kejitasik*, 5 Pentamuiku'sl 2022.

⁹⁹ POFO, *Kiska' wesku'tasik* (Kanata ta'n newtukwi lukwat teli kwenujik Nme'jk Federation), 12 Penatmutiku's 2022.

¹⁰⁰ Ibid.

jiptuk apoqnmute wjit alleviate ta'n wesku'tasik wjit commercial nme'j telikwenut aqq iknmwetoq forum wjit wesku'tn koqowey wjit ta'n wiaqa'lut wjit tplutaqn-koqowey fisheries aqq ekwitam'tijik kisi suwa'taq ta'n kisi panta'sitew, kelo'taik aqq kisi wiaqpultitaq fashion.

Ikana'sik wjit Siawa'sin

Janice Maloney teluwet ta'n, wjit wutann naspultijik ta'n kisi kwitamet ta'n kisi lietew wjit ketantoq mijipjewey wjit mimajuwaqn, na me' ajelk aqq pasik teluwen wjit tplutaqn. Kisi tluwetew na wen tepawtukwet wi'k, mijipjewey, aqq kisi naji wula'sitew ta'n teli mimajit wen. Kisa'tew na naji wula'sik ta'n telita'sultijik aqq telo'ltijik wulo'ti aqq ta'n elt telita'sultijik wjit wulta'suwaqn lukwaqnmuwow, ta'n ankuwa'toq wutann msit wulo'ti.¹⁰¹ Ta'n msit weju'waq tplutaqn-koqowey fisheries na elt etek wjit mu pasik nmitn wjit apiksiktatultijik wjit L'nuwey kiswa Ankuko'mkewey, katu elt ta'n wutan eymu'tijik wjit tla'sin wesuwa'toq melkiknnaq aqq ta'n mimajuwaqn aqq piluwe'k mimajuwaqn wutan eymu'tijik.

Ta'n kejikow ula ki's ewikasikip, ta'n mawi lukutijik kilto'iwikikip ta'n kisitla'tiken wjit ketantmin mimajuwaqn fisheries na kisi wiaqa'tasik wejiaq federal kaplno'l ki's sa'q aqq ta'n koqowey naqa'lij kisi siwawa'sitew peama'sin. Nike', ta'n mawi lukutijik teltek ta'n tletew aqq apoqnmuksin ankaptik koqowey wjit ta'n nemiupmi'k aqq ewi'tasik ta'n koqowey nuta'q wiaqa'tasin aqq toqa'tnew-kaplno'lowey wjit msit wen kisi wiaqa'tasin wjit ula tplutaqn.

Ta'n kisi wi'tasik, ta'n mawi lukuitjik nutma'tijik ta'n mu etenuk menaqaj kisi wesku'tasik wjit ika'new ta'n kisi iknmuwetaq wejiaq Kaplno'lowey wjit Kanata wjit kisi wiaqa'tn wjit tplutaqn-koqowey fisheries. Ta'n mawi lukutijik telta'sultijik wjit ika'tnew aqq ta'n kaplno'l wjit Kanata kisi wesku'tew pataluti'tiktuk wjit jijaqamijl ila'matultinew aqq wjit consensus-koqowey eliaq kisi'tasik.

Mawita'jik wjit Lukwaqn

Ta'n mawi lukutijik nutma'tijik wjit apoqnmnew wutan-misoqo-wutann wesku'tasik pasik kitk weju'waq aqq ta'n nete' eymu'tijik wesu'tasik aqq ta'n tla'sitew. Wjit kisa'tasin wesku'tasik sa'q-tela'sik tplutaqn-koqowey fisheries kisa'matultijik, kitk L'nuwe'kati'l aqq ula Kaplno'lowey wjit Knata nuta'q wesku'tasin wjit pantiteken wjit telita'sit aqq jijaqamijl wjit teli wiaqa'lujik.

Wjit teli telaqi wiaqa'lutij tla'sin, msit wen nuta'q newte' tla'sin. Katu l'nuwe'kati kelnik ta'n te'sik wesku'tasin tplutaqn-koqowey fisheries kisa'matultijik wjit Kaplno'l wjit Kanata, ula te'sik newte' Kanata, ula te'sik pilu'tek wejiaq newte' l'nuwe'kati wjit piluwey aqq mu pasik kisi tluwowun teltek kutey ula federal Kaplno'l kelnik. Wesku'tasik wjit tla'sin kutey ta'n kisa'matultijik wjit federal na

¹⁰¹ POFO, [Kejitasik](#) (Janice Maloney), 29 si'ko'ku's 2022.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

telipija'tikek aqq koqowey etek wjit apoqnmuwet wjit l'nu'k. Pamela Palmater teluwet ta'n te'sijik l'nu'k mu weskunmi'tik koqowey ta'n kisa'toq wiaqpin wjit wesku'tasik wjit federal kaplno'l ta'n nike' ketantasik mimajuwaqn fisheries. Teluwejik ta'n federal kaplno'l aid l'nuwe'kati'l wjit asite'tmin wen kisi suwa'tn koqowey kisi ew'asik wjit (i.e., financial, infrastructure, kwimi'tij, legal aqq policy aponmasuti) wjit newte' federal kiswa provincial kaplno'l lukwatn ta'n tepaqtek aqq newte' tela'sik koqowey.¹⁰² Katu:

Teli menuwaqtasik 6

Ta'n mawi lukutijik teluwejik nuta'q Kaplno'l Kanata ika'tn ta'n l'nu'k, Wolastoqiyik, aqq Peskotomuhkati wjit te'sik weltek (kutey, financial, legal, policy) nemkuk nuta'q weskutminew ta'n msit qiaqa'tasin wjit tplutaqn-koqowey Kaplno'l Kanata.

Elt ankuwa'sik, pukwelkl ta'n nemitasik teluwet ta'n, tujiw wesku'tasik, na kelu'k ta'n kaplno'l Kanata wjit wela'sik kelnmi'tij mu national kiswa regional maliaptik, katu koqowey menuweket wejiaq l'nuwe'kati. Pamela Palmater elt wesku'tk wutan-misoqo-wutann mu kisi ika'nuk weajiq l'nuwe'kati aqq Fisheries aqq Apaqt Kanata – ta'n teluwejik teltek kutey wutan-wjit-ta'n tett elukwet wesku'tasik. Pamela Palmater teluwet ta'n Cabinet nuta'q ika'tn majuinu wesku'tmin wjit Kaplno'l wejiaq aqq ta'n majuinu nuta'q iknmuksin ta'n nemitasik juku'wan ta'n kisa'matultijik aqq mu pasik jiksitmin.¹⁰³ Saqamaw Darlene Bernard teluwet ta'n Crown-L'u'k Kutey wejiaq Aqq Oqwatnukey Affairsd Kanata ikana'toq fisheries-koqowey jutey ewnaqa wjit DFO.¹⁰⁴ Katu:

Teli menuwaqtasik 7

Ta'n mawi lukwatasik ta'n ketu' wesku'tk ta'n te'sik wiaqa'tasik wjit tplutaqn-koqowey fisheries ika'tasik wejiaq Fisheries aqq Apaqt Kanata wjit Crown-L'nuwey Wejiaq aqq Oqwatnukey Affairs Kanata. Kutey, Crown-L'nuwey Koqowey aqq Oqwatnukey Affairs Kanata na kisi ikana'tew wesku'tasik ta'n etek aqq Fisheries aqq Apaqt Kanata tita'sitew tlimuten teluwek tla'tiken. Ta'n mawi lukwatu'tij pikanikesit ula piluwa'sik eltu'tij amkmayu aqq mu naji pije'nuk aqq newte' newtipunkek ta'n tujiw ula ankaptasik.

Ula Assembly wjit l'nuwe'kati kisi tluwet ta'n kisa'tasik el'tasik wjit “ msit National Secretariat wjit ika'tn ta'n wiaqa'tasik ula SCC kisita'sultijik kutey wjit fisheries.”¹⁰⁵ Ula te'sik na kisa'toq meliknaq “ l'nuwe'kati wjit knuwa'tmken koqowey aqq l'tasin national expertise, l'tasin koqowey aqq policy frameworks...[aqq] elt kisi wula'sitew mw' ila'matultijik aqq ilikno'tnal wjit ula kaplno'l aqq

¹⁰² POFO, *Kejitasik* (Pamela Palmater), 22 Si'ko'ku's 2022.

¹⁰³ Ibid.

¹⁰⁴ POFO, *Kejitasik* (Saqamaw Darlene Bernard), 20 Penatmuiku's 2021.

¹⁰⁵ POFO, *Kiska' wesku'tasik* (Assembly of First Nations), 14 Penatmuiku's 2022.

Ikana'lan nme'jk, nme'j wikit aqq foisherries ta'n wejiaq."¹⁰⁶

Eliaq ta'n Toqi-Ikana'tasik aqq Newtukwa'lukwet-kaplno'l

Ta'n teluwek wjit toqi-ikana'tasik aqq newtuwa'lukwet-kaplno'l na kutey wesku'tasik pemiaq ula kekina'masultijik. Saqamaw Carol Dee Potter teluwet ta'n Mi'kmaq na ekwitamtijik majuinu'k, ta'n msit Mi'kmaq majuinu'k weskunmi'tij constitutional wjit tplutaqn wjit kwitamen aqq ta'n msit Mi'kmaq wutann weskunk tplutaqn wjit newtukwa'lkwen-konplnolowey tplutaqn-koqowey eliaq wjit Kanata.¹⁰⁷ Katu, kji saqamaw Jacques Tremblay teluwet ta'n tujiw wesku'tasik ila'matultijik, aqq wjit newtukwa'lukwet-kaplno'lowey, telte'tasik wjit ula pemiaq mu etenukl DFO's klusuwaqn aqq ta'n etlukutijik mu weskunmuk asite'tasik kiswa ika'tn wjit wesku'tasik ula koqowey.¹⁰⁸ Katu, ula Peskotomuhkati na telumujik wejiaq DFO wesku'tasik "ta'n menuweke'tij ta'n"lka'tasik" mu nuta'nuk permit ika'tn wjit ta'n tujie menaqaj wesku'tasik wjit toqa'tasik ikana'tu'tij ula ecosystem. [Ta'n wesku'tmi'tij] elt mu ketu' lukwatuk ta'n pasik koqowey stance wjit kinu ala'tnew tplutaqn wjit kisi lien iksna'tasik kisa'matultinew."¹⁰⁹

Eric Zscheile teluwet wjit ta'n mawi lukutijik ta'n Wentaqao'ti aqq Witaptultijik Ankuko'mkewey "na wjit ta'n toqi-ikana'tasik aqq toqa'toq-kaplno'lowey — ula ankite'tasik ta'n tapuksijik majuinu'k kaplno'lowa'tutij nekmuk wejiaq piluwey teli tlamsitasultijik kisi we'jitnew koqowey e'wtaq aqq lukwataq ta'n ketlamsimi'tij na kisi we'jitaq koqowey aqq lukwatnew ta'n tepaqtek nekmuk wutanmowow."¹¹⁰ Ula etek model, kitk L'nuwe'kati'l kaplno'l aqq Kanata te's newte' weskunk kisi mila'sin, aqq ula mawita'jik nemitoq" naji wula'sik wjit siawa'sin ikana'tasik ula koqowey kisi e'wasik." Ula na naji wula'sik wjit siawa'sin elt teluwek wejiaq Assembly wjit Nova Scotia Mi'kmaw saqamaw ta'n pemiwije'tik:

Ula Mi'kmaq wjit Nova Scotia nemitoq ta'n ketantasik mimajuwaqn fishery ta'n newtukwa'lukwet-kaplno'l aqq wejiaq Netukulimk (kinu ta'n wejiaq principle wjit wesku'tasik aqq kepmite'tasik wjit ta'n wejiaq) aqq Msit No'kmaq (msit ta'n akumkik) (principles wjit ta'n talkis kinu kepmite'tmu'kik koqowey, elt majuinu'k, waisik, aqq koqowey ta'n wejiaq). Ta'n Mi'kmaq wjit Nova Scotia ketu' suwa'toq wjit nemkuk fishery ta'n wejiaq ula Etuaptmumk ta'n eliaq wjit apoqnmasik, wla'sin, aqq tela'tasik, encompassing kitk tkte'sn mawi wula'sik tela'tu'tij aqq ta'n ketlamsitmi'tij

¹⁰⁶ Ibid.

¹⁰⁷ POFO, [Kejitasik](#) (Saqamaw Carol Dee Potter), 5 Penatmuiku's 2022.

¹⁰⁸ POFO, [Kejitasik](#) (Kji saqamaw Jacques Tremblay), 5 Penatmuiku's 2022.

¹⁰⁹ POFO, [Kiska' wesku'tasik](#) (Peskotomuhkati), 27 Penatmuiku's 2022.

¹¹⁰ POFO, [Kejitasik](#) (Eric Zscheile), 5 Penatmuiku's 2022.

Mi'kmaq kejitaqik aqq ta'n wetapeksultijik.¹¹¹

Janice Maloney teluwet ta'n "toqa'tasik-kaplno'lowey" teluwek ta'n L'nuwe'kati epit ta'n pataluti wjit DFO aqq wesko'tk ta'n klusuwaqn ta'n tejiw kelusik wjit conservation, resource ikana'tasik, wentaqo'ti aqq ika'tasik, aqq me', katu ta'n mu eteknuk me' mechanism nike' wjit apoqnmowan eyu'tijik ula toqa'tu'tij-kaplno'lowey.¹¹² Kutey, Saqamaw Allan Polchies Jr. teluwet ta'n DFO's ika'toq wjit nma'tn kijka' wjit wiaqa'tn tplutaqn-koqowey fisheries aqq ula kaplno'l wjit fisheries.¹¹³

Ula na kaqikisa'tasik keknuwa'tikek, Allister Surette ewi'kik ta'n wejiaq "ta'n L'nu'k teliankaptmi'tij koqowey ... ta'n Kaplno'l wjit Kanata siawa'sit wjit suwa'tn cololonial ta'n eliaq wjit [fisheries wesuwa'tasik], mu ankaptasiwnuk ta'n kaplno'l aqq ikana'tasik wjit l'nu'ey wutan ula "wutan-misoqo-wutan' ika'tasik, katu siawa'toq wjit impose aqq menwi'kik nekmuk tplutaqnmuwal wjit fisheries ta'n kwijmuk etek scope aqq mandate."¹¹⁴

Ta'n mawi lukutijik nutma'tijik kitk wutann aqq Kaplno'l wjit Kanata weskunk ta'n teli almi'jkat wjit eliet alsutk wjit fisheries ta'n weja'tu'tij koqowey aqq wiaqa'tasik ta'n sa'q-term tplutaqn-koqowey fisheries kisa'matultijik; nemitasik wejiaq telta'sultijik ajipjutmi'tij ta'n Kaplno'l wjit Kanata nemitog ta'n te's ika'tu'tij kisa'matultijik ika'q. Ta'n wejiaq wjit Assembly wjit Nova Scotia Mi'kmaw Saqamawk:

Ta'n wiaqa'tasik wjit Etuaptmumk piley ta'n mawita'jik ikana'tasik system wjit ta'n ketantu'tij mimajuwaqn na nuta'q wjit wula'sin. DFO's ika'toq nuta'q apoqnmowan wjit integration wjit ula l'nu'k teli kjiitu'tij ta'n msit wen te'sik nenk aqq legitimate science aqq data enkatasik.¹¹⁵

Wjit mawi lukutijiknutma'tijik ta'n mawi ta'jik aqq toqi alsutmi'tij fisheries wjit L'nuwe'kati, na, Etuaptmumk e'wasik nuta'q suwa'tasin. Ula approach kelnik ta'n mawi wula'sik ula tapu'kl pilu'tekl ikana'tasikl systems wjit l'tn piley, naji wula'sik toqa'tu'tij-ikana'tasik system.

¹¹¹ POFO, [Kiska' wesku'tasik](#) (Assembly wjit Nova Scotia Mi'kmaw Saqamaw), 20 Penatmuiku's 2022.

¹¹² POFO, [Kejitasik](#) (Janice Maloney), 29 si'ko'ku's 2022.

¹¹³ POFO, [Kejitasik](#) (Chief Allan Polchies Jr.), 29 Siko'ku's 2022.

¹¹⁴ Allister Surette, [Wiaqa'tasik tplutaqn wjit Kwitamen wjit kisa'tn wela'sik mijipjewey ketantasik wjit mimajuwaqn: Apajitasik ta'n ketlamsitmin aqq ika'tmk ta'n constructive siawi pmiaq wutawti](#), 31 Si'ko'ku's 2021.

¹¹⁵ POFO, [Kiska' wesku'tasik](#) (Assembly wjit Nova Scotia Mi'kmaw Saqamaw), 20 Penatmuiku's 2022.

Siawa'sik Kina'masuti aqq Ta'n Teli'sultijik

Ta'n tujiw kaqiaq teli knuwa'tikek, Allister Surette teluwet ta'n, pukwelkik nemitu'tij "pipanimujik elu'kwatni'tij wjit ta'n mu pukwelknuk wjit telinsitasik, mu nestmi'tik, aqq misinterpretations wejiaq ta'n mu-l'nu'k Kanata te'sikjik ta'n tujiw wejiaq L'nuwey telijijitasik, L'nuwey ketlamsitasultijik, Ula *Marshall* kisite'tmi'tij, piluwey kuteu court kisite'tasik, aqq ankuko'mkewey. Ta'n eliaq wjit kina'masuti aqq ta'n teli jijitasik nujta'q ila'tasin wjit nestasik aqq ika'tasin wjit kisa'tasik telakutmultijik."¹¹⁶ Kina'masuti, koqowey keknuwa'tikek wjit teluwek iknmwetoq aqq panta'toq dialogue aqq wesku'tasik forums na kutey pukwelkl wjit ula Federal Special Representative's kaqikisa'toq ta'n koqowey nuta'q.¹¹⁷

Teli menuwaqtasik 8

Ula mawi lukutijik menuweke'tij ta'n Kaplno'l Kanata ika'toq aqq msit weiaqa'toq ta'n koqowey kisa'toq aqq nuta'q Federal Lukowinu, Allister Surette's ta'n nuta'q kisi suwa'tn Wiaqa'tasik wjit tplutaqn wjit *kwitamen wjit ika'qn Mimajuwaqn: Iltasik ta'n ketmalsitmi'tij aqq ika'tasik wjit klo'tasin constructive awti, aqq me' kuteu, ta'n sis'tewey nuta'q teluwejik knuwa'tn.*

Telte'tasik wjit wela'sik ta'n pukwelk wjit mawi lukutijik nemitu'tij ta'n kina'masuit jiptuk kisi wunaqa'itew aqq jiklasitew ta'n koqowey naqa'toq. Ekinu'tmajik ta'n pasik wen wjit L'nuwey aqq ankuko'mkewey na mawi nuta'q. Wjit ta'n msit wen ta'n asite'tk ta'n kaplno'l lukowinu'k aqq ta'n ikana'tu'tij fisheries regulations aqq policy na'kwek-misoqo-ma'kwek elt ta'n mawi nuta'q wjit tplutaqn-koqowey fisheries. Katu, ta'n mawi lukutijik nutma'tijik wejiaq Constance MacIntosh aqq Pamela Palmater ta'n, katu kina'masuti nuta'q, na wiaqa'tasik wjit tplutaqn mu kisi naqa'tasinuk ta'n nuta'q wjit msit wen nestmin aqq kisa'matultinew wjit tplutaqn.¹¹⁸

Teli menuwaqtasik 9

Wjit ketu' siawa'sin aqq ankaptmin msit wen melkiknaq nestmin wjit tplutaqn-koqowey fisheries:

- a) **Ta'n mawi lukwasik menuwaqtasik ta'n Crown-L'nu'k Kutey aqq Oqwatnukowey Affairs Kanata, Fisheries aqq Apaqt Kanata aqq Royal Kanata Mounted Police, wjit ta'n toqilukutijik Mi'kmaq, Wolastoqiyik, and Peskotomuhkati, eltu'tij wjit wiaqpin aqq kinu'tmuwan msit wen wjit Tplutaqn-**

¹¹⁶ Allister Surette, *Wiaqa'tasik tplutaqn wjit Kwitamen wjit kisa'tn wela'sik mijijewey ketantasik wjit mimiauwaqn: Apajitasik ta'n ketlamsitmin aqq ika'tmk ta'n constructive siawi pmiaq wutawti*, 31 Si'ko'ku's 2021.

¹¹⁷ Ta'n Si'tewey teluwejik tla'tiken wjit keknuwa'tikek kelusa'sik wjit ta'n nuta'q dialogue forums wjit "t'lasin keknuwe'k aqq ta'n telakutasik" te's "L'nu'k aqq mu akumaqik l'nu'k (mu pasik ika'tmit Kaplno'l)". Nemitu'n : Ibid.

¹¹⁸ POFO, *Kejitasik* (Constance MacIntosh aqq Pamela Palmater), 22 Siko'ku's 2022.

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koqowey fisheries, elt ta'n tplutaqn wejiaq, ta'n teli ankaptasik, ta'n telu wiaqa'tasik, aqq ta'n teli pilu'tek wejiaq piluwey fisheries.

- b) Ula mawi lukutijik menuweke'tij ta'n koqowey wejiaq federal aqq ta'n etl'lukutijik, elt ma'wt Crown-L'nu'k wetakutk aqq Oqwartnukey Affairs Kanata, Fisheries aqq Apqatk Kanata Mounted Police, ika'toq aqq siawa'sik kina'masuti aqq ekinu'tmujik wjit kinu'tmuwan lukuwinu'k ta'n sa'q aqq nika' koqowey ewikasik wjit l'nu'k Kanata. Ula mawi lukutijik nuta'q ta'n elukutijik ankaman wjit lukowi'ku'k kitk ta'n ika'toq aqq wjit weji ika'toq Mi'kmaq, Wolastoqiyik, and Peskotomuhkati elt ika'toq ta'n wela'sik aqq siawa'sin kina'masuti aqq ikinu'tmujik wjit tplutaqn-koqowey wjit fisheries.**

Ta'n mawi lukutijik elt nutmi'tij ta'n tala'tu'tij L'nuwe'kati ta'n kisa'tasik wjit piluwe'k wjit teli tantasik mimajuwaqn ekwitam'tijik telas'ik. Kutey ula, na Sipekne'katik L'nuwe'kati ketantasik mimajuwaqn fisheries approach na ika'tasik wjit kelu'k nemitasik tela'sik wejiaq Pamela Palmater mita elt wiaqtek msit ika'tasik – tliaq mu msit kaplno'l wiaqpiq ika'tasik wjit wesku'tasik ta'n tujiw wen wikmut tlukwen.¹¹⁹ Ula kisite'tasik wjit elt wiaqtek ta'n kwilmi'tij, na consultation teli pijiaq, ta'n telitasik wjit tplutaqn aqq kaplno'l ta'n wiaqtek conservation aqq fisheries ikna'tasik. Ta'n mawi lukutijik nutma'tijik ta'n eliaq sa'q kisa'toq wjit eltasik, katu mu ula nestasinuk ula tela'sik.

Etek ula me' lukwaqn nuta'q tla'tasin, katu pantitek aqq siawa'sik dialogue kisi apoqntew wjit seya'sik ta'n piluaknutasitew. Ta'n mawi lukutijik ki's nemitasik kutey ula teltek dialogue – wejiaq l'nuwe'kati'l aqq commercial fisheries ikana'tu'tij – katu telta'sin ula forums kisikoq kitk organically, ta'n tujiw nuta'mk, aqq te's formally, eliaq aqq kisa'toq wejiaq DFO.

Katu klapis tela'sik, ta'n mawi lukutijik nutma'tijik ta'n msit kaplno'l wesku'tk ketantasik mijipjewey wjit mimajuwaqn fisheries na teltek kutey, wjit ministers eltu'tit ta'n teluwek wjit legality wjit tplutaqn-koqowey wjit fisheries. Ta'n msit nemitasik perception wjit koqowey teliaq kisa'toq ta'n o'plnutma'tijik and kisa'toq piluwa'sik teluwek, aqq ma'wt ta'n telinmitasik wji tcommercial fishers. Megan Bailey eltaqte'kawatl Kaplno'l wjit Kanata elkitmuwat wjit teluwet aqq kisa'toq ta'n tplutaqn wjit l'nuwe'kati-koqowey wejiaq fisheries.¹²⁰

Mawa'tasik Ewikasik

¹¹⁹ POFO, [Kejitasik](#) (Pamela Palmater), 22 Si'ko'ku's 2022.

¹²⁰ POFO, [Kejitasik](#) (Megan Bailey), 5 Penatmuiku's 2022.

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Ta'n mawi lukutijik nutma'tijik piluwey ta'n teluwa'tijik ta'n tela'sik wula'sin, kisna moqo, ta'n wiaqa'tasik wjit tplutaqn=koqowey, kuteu ta'n ika'tasik ula *Marshall* kisite'tasik, ki's teliaq. Katu ta'n teliaq wiaqa'tasik wjit wiaqa'tasik wjit federal Kaplno'l wjit ki's pemiaq 20+ newtipukekl na mu welte'tasinuk, ta'n mawi lukutijik nenk ta'n me' kikjuk newtipunkekl, neta'q ta'n eliaq wjit kisa'toq poqjiaq wiaqa'tasik tplutaqn-koqowey wejiaq fisheries wjit wen wejiaqpit *Marshall* kisita'sultijik, kutey ta'n asite'tasik wjit ketantasik mijipjewey wjit mimajuwaqn wejiaq L'nuwe'katik.

Katu, ula na kisa'toq mekenasik wjit siawa'sin msit L'nuwe'kati; etek na newte' weltisk wjit msit ta'n kisa'tasitew. Na KApplno'l wjit Kanata nuta'q piluwa'tn aqq kisi wiaq'tn tplutaqn-koqowey fisheries ta'n siawa'sik koqowey aqq nuta'q nenaasin wutann nikemk aqq piluwa'sin te'sk pemi naji ksiikuwik, kulaman ma'wt nikwtal tplutaqn. Piley ta'n siwa'sik nuta'q; newte' ta'n teliaq mawa'sik aqq naskwa'tu'tij kisita'sultijik-eltasik framework. Ta'n teli tantasik mijipjewey wjit mimajuwaqn fisheries aqq ika'tasik tplutaqn kelnasik wjit ta'n kisa'tasik wjit kisi ekwitamet weta'sik nme'j metui'setu'n wjit mimajuwaqn, aqq toqa'tn-kaplno aqq toqa'tn-ikana'tasik ula fisheries, ta'n teluwek ula *Wentaqo'ti aqq Witaptulti'k Ankuko'kewey wjit 1760 aqq 1761*. Tplutaqn ta'n kelmi'tij mu nuta'nuk skman naji pije'k aqq ta'n tujiw wiaqa'tasik tplutaqn.

Teli menuwaqtasik 10

Wjit kisa'toq ula keknuwa'tikek nuta'q menaqaj msit wiaqa'lunew, ta'n lukwaqn pipanikesit wjit Kaplno'lowey wjit kisa'toq pemi ankaptasik. Ula teli wula'sik ankaptasik ta'n ika'toq keknuwa'tikek ta'n wejiaq aqq wetlukutijik, elt Crown-l'nu'k kutey aqq Oqwatnuk Affairs Kanata, Fisheries aqq Apqatk Kanata aqq ula Espe'k Kanata Mawnti, kisitoq eliaq wjit wiaqa'lunew eltasik wjit mawi lukutineu ula keknuwa'tasik. Ta'n Kaplno'l wjit Kanata nuta'q ika'tn ta'n ankaptasik newtipunkekl wjit ta'n te'sik na'n newtipunkekl, aqq ta'n amkwesewey tela'sik nuta'q ankaptasin wjit ika'tasik mu naji pije'nuk aqq newtipunkekl ta'n tujiw kaqiaq ula keknuwa'tikek. Msit ta'n ankaptasik nuta'q ika'tasik kitk Wenji'kuo'm wjit Paqrliaament aqq nuta'q ankaptasin Kaqamik senate Mawi lukutijik wjit Fisheries aqq apaqtk. Aqq ankuwa'sik, ula mawi lukutijik ika'toq ta'n aasite'tk pipanikesin ta'n kuteu federal ministers ika'q tmk mawi lukutijik wjit tlowistuwan telipijiaq ankaptasik aqq wjit pipaniman koqowey.

Appendix A – Ewikasik ta'n Wutann Kisa'toq wejiaq ula *Marshall* Kisa'matultijik

Mi'kmaq Wutann

Epekwit (Apitakwit) Acadia (Nova Scotia)
Annapolis Valley (Nova Scotia)
Bear River (Nova Scotia)
Elsipogtog (New Brunswick)
Eskasoni (Nova Scotia)
Esgenoôpetitj (New Brunswick)
Fort Folly (New Brunswick)
Glooscap (Nova Scotia)
Indian Island (New Brunswick)
Lennox Island (Prince Edward Island)
Listuguj Mi'gmaq (Quebec)
Membertou (Nova Scotia)
Metepenagiag Mi'kmaq Nation (New Brunswick)
Micmac de Gespeg (Quebec)
Micmacs of Gesgapegiag (Quebec)
Millbrook (Nova Scotia)
Natoaganeg (New Brunswick)
Pabineau (New Brunswick)
Paqtnkek (Nova Scotia)
Piktuk (Nova Scotia) Potlotek (Nova Scotia)
Sipekne'katik (Nova Scotia)
Tjipogtotjg (New Brunswick)
Ugpi'Ganjig (New Brunswick)
Wagmatcook (Nova Scotia)
We'koqma'q (Nova Scotia)

Wolastoqiyik Wutann

Kingsclear (New Brunswick)
Madawaska Maliseet (New Brunswick)
Neqotkuk (New Brunswick)
St. Mary's (New Brunswick)
Welamukotuk (New Brunswick)
Wolastoqiyik Wahsipekuk (Quebec)
Woodstock (New Brunswick)

Peskotomuhkati Wutann

Peskotomuhkati Nation at Skutik (New Brunswick)

Ta'n Nemitu'tij

Ta'puewey, Penatmuiku's 20, 2021

Regional Chief Paul Prosper (Nova Scotia/Newfoundland), Assembly of First Nations

Regional Chief Roger Augustine (New Brunswick/Prince Edward Island), Assembly of First Nations

Chief Darcy Gray, Listuguj Frist Nation

Chief Ross Perley, Tobique First Nation

Chief George Ginnish, Eel Ground First Nation

Chief Darlene Bernard, Lennox Island First Nation

Ta'puewey, Nipniku's 1, 2021

Janice Maloney, Executive Director, Kwilmu'kw Maw-klusuaqn Negotiation Office, Assembly of Nova Scotia Mi'kmaw Chiefs

Tracey Cutcliffe, Senior Negotiator, L'nuey

Martin Mallet, Executive Director, Maritime Fishermen's Union

Ian MacPherson, Executive Director, Prince Edward Island Fishermen's Association

Robert Jenkins, President, Prince Edward Island Fishermen's Association

Ta'puewey, Nipniku's 15, 2021

The Honourable Bernadette Jordan, P.C., M.P., Minister of Fisheries, Oceans and the Canadian Coast Guard

Timothy Sargent, Deputy Minister, Fisheries and Oceans Canada

Jean-Guy Forgeron, Senior Assistant Deputy Minister, Fisheries aqq Harbour Management, Fisheries aqq Oceans Canada

Doug Wentzell, Regional Director General, Maritimes Region, Fisheries aqq Oceans Kanata

Gorazd Ruseski, Director General, Indigenous Affairs, Fisheries and Oceans Kanata

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Robert Lamirande, Special Advisor, Indigenous Affairs

Ta'puewey, Si'ko'ku's 1, 2022

Jean-Guy Forgeron, Senior Assistant Deputy Minister, Fisheries aqq Harbour Management, Fisheries aqq Oceans Canada

Doug Wentzell, Regional Director General, Maritimes Region, Fisheries aqq Oceans Kanata

Gorazd Ruseski, Director General, Indigenous Affairs, Fisheries and Oceans Kanata

Ta'puewey, Si'ko'ku's 22, 2022

Pamela Palmater, Chair wjit L'nuwey Kaplno'lowey, Ryerson University, Wjit majuinu Nicole

O'Byrne, Associate Professor, University wjit New Brunswick, Wjit majuinu Constance

MacIntosh, Professor wjit Tplutaqn, Dalhousie University, Wjit majuinu.

Ta'puewey, Si'ko'ku's 29, 2022

Saqamaw Allan Polchies Jr., St. Mary's First Nation

Saqamaw Wilbert Marshall, Potlotek First Nation

Janice Maloney, Executive Director, Kwilmu'kw Maw-klusuaqn Negotiation Office, Assembly of Nova Scotia Mi'kmaw Chiefs

Ta'puewey, Penatmuiku's 5, 2022

Saqamaw Carol Dee Potter, Bear River First Nation

Eric Zscheile, Negotiator with Kwilmu'kw Maw-klusuaqn (KMKNO), Bear River First Nation

Grand Chief Jacques Tremblay, Wolastoqiyik Wahsipekuk First Nation

Guy-Pascal Weiner, Director of Fisheries, Wolastoqiyik Wahsipekuk First Nation

Tara Levi, Executive Director, Mawiw Council Inc.

Bruce McIvor, Legal Counsel, Mawiw Council Inc.

WENTAQO'TI WJIT SAMQWAQN-IKTUK:

Ankuwa'toq ta'n Weju'waq Wiaqa'tasik wjit Mi'kmaq, Wolastoqiyik aqq Peskotomuhkati Rights-Based Fisheries

Shelley Denny, Director, Aquatic Research and Stewardship, UINR–Unama'ki Institute of Natural Ta'n wejiaq, Wjit majiunu

Megan Bailey, Associate Professor, Canada Research Chair Integrated Ocean and Coastal Governance, Dalhousie University, wjit majiunu



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