

SIPEKNE'KATIK  
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September 11, 2020

Dear Minister, Premiere and Commissionaire,

The Sipekne'katik Band is respectfully calling on the responsible ministers and relevant Agencies to uphold the rule of law amidst ongoing violence, threats, human Rights discrimination and ongoing failure to uphold the 1999 Supreme court of Canada decision in R. v. Marshall, recognizing the Mikmaq right to fish and trade.

For over Twenty years, the Mikmaq people of Sipeknekatik have been denied recognition and implementation of the SCC decision to allow for fish and trade activities as recognized in the Mikmaq Treaties, the Royal Proclamation Oct 7th, 1763 and protected by S.35 of the Canadian Constitution.

The Sipekne'katik Band has been in the process of documenting the experiences of their fisher men and women while attempting to fish under treaty protections. The following are some of the violations of rights and signify a serious gap in upholding the rule of law in Nova Scotia fishing communities.

i) The ongoing illegal protest meant to hinder or deny access to fishing activities of the Mi'kmaq and "unlawful" interference of fishing activities of the Mi'kmaq by non-native commercial fishing industry;

- ii) the denial of goods and services to members for basic needs such as fuel, bait and accommodations;
- iii) Criminal activities and failure of RCMP to uphold the peace while ongoing criminal behavior continues (burning of boats and destruction of property, threats and harassments); and
- iv) Enforcement activities of the Department of Fisheries and Oceans search and seizure practices, that although is meant to uphold the Fisheries Act and regulate commercial fishing industry, has instead the result of criminalizing our members and resulted in ongoing and systemic infringement of the Mi'kmaq people rights to access the resources for both food and trade.

The Sipekne'katik Band has requested:

- 1) The Premiere of Nova Scotia to address the ongoing systemic denial of services by NS businesses;
- 2) The RCMP to uphold the rule of law and protect the Mi'kmaq from illegal protest and criminal behavior of the some of the commercial fishing industry and its members by increasing RCMP presence on the wharfs and towns and to apply the full authority of the law against the illegal activities; and
- 3) the Minister of Fisheries, call a moratorium of their search and seizure practices in application to Mi'kmaq regulated fisheries and to fully apply the powers under the Fisheries Act s.43 and Fishery General Regulations to apply to any commercial fisherman or license holders, who violate s. 22(7).

In particular, under the Fisheries Act, s. 22(7) it is illegal "No person carrying out any activity under the authority of a license shall contravene or fail to comply with any condition or the license. Interfered with lawful fishing by tampering with traps, nets, bait or any other thing used for fishing and is prohibited from interfering with the conduct of fishing activities by another person."

Any further hinderance to fishing activities, should result in both criminal charges and charges for violations under the General fisheries regulations.

Ongoing protests planned for Tuesday, September 15th, which the intention is to block Saulnierville wharf, a government wharf, by the commercial fishers is a direct violation of the conditions of their fishing license and we call on both the RCMP and the Department of Fisheries and Oceans to be present and take immediate actions if any activities hinder the Mi'kmaq fishing activities.

The Mi'kmaq Fishery is regulated, the Mi'kmaq Fishery is legal according to the Nation to Nation-based treaties, the Canadian Constitution and the Supreme Court of Canada.

For over twenty years the commercial fishing industry has been afforded the luxury of the status quo and many have continued to live very affluent lifestyles. On the contrary, the Mi'kmaq have had twenty-one years of continued denial of their rights.

The Sipekne'katik Band calls on all parties to protect our members in exercising their right to fish for food and trade, as well as, apply the rule of law to those who continue to hinder and disturb the exercise of one of the most fundamental rights of the Mi'kmaq Nation, to fish for food and trade.

Mi'kmaq lands were never ceded, title exist in Nova Scotia, Treaty Rights exist in Nova Scotia and Canadian laws too should exist when members of society continuously breach these basic human rights, fisheries laws and criminal laws.

In peace and friendship,

A handwritten signature in black ink, appearing to read 'Michael P. Sack', with a long, sweeping horizontal stroke extending to the right.

Chief Michael P. Sack