

Peace, Friendship and Fishing in Mi'kma'ki

Hannah Martin

LAST THURSDAY, I found myself seated by the sacred fire, once again in reflection, as vehicles rolled past down the dirt road at Saulnierville Wharf to observe Treaty Day. It was a beautiful day for celebration and reflection.

These past few days, I have been thinking so much about the ones who came before me; how resilient and strong they had to be, mentally, emotionally, spiritually and physically, to thrive on the land in the elements, survive the horrors of colonization and make difficult political decisions that now impact my generation today.

The Peace and Friendship Treaties, signed between 1725 - 1779, were the agreements my Mi'kmaw ancestors signed with British settlers to ensure our inherent rights to the lands, territories and natural resources were respected and forever protected.

Through these Treaties, our lands, territories and natural resources were never ceded, nor surrendered to the British or any other colonial power.

Yet, like every other treaty in Canada, attempts continue to be made to place limits on our rights and undermine our self-determination and sovereignty, by Canadians and their governments alike.

The specific right under scrutiny at this time, in this place, is the right to a “moderate livelihood”, which is an inherent right protected by the Peace and Friendship Treaties and the legal basis of the ongoing Mi'kmaw fishing activity in Saulnierville.

PEACE AND FRIENDSHIP?

While the Treaty of 1752 is well known for its “truckhouse clause” and its role in protecting the Shubenacadie River from Alton Gas, it was the Treaties of 1760-61 that were cited in the Supreme Court of Canada (SCC) in 1999 through R. v. Marshall to affirm that Donald Marshall Jr. had the inherent right to sell the eels he had caught and sold to earn a moderate livelihood.

On September 17, the same day as Donald Marshall's historic victory 21 years earlier, the Mi'kmaw band of Sipekne'katik launched the first regulated “moderate livelihood fishery” in Mi'kma'ki. Sipekne'katik distributed 7 licenses, with a limit of fifty traps per license.

But in the hours and days that followed, the Mi'kmaw fleet was met with confrontation. At times in the escalating and ongoing dispute, over one hundred commercial boats attempted to block Mi'kmaw access to the water. The evening of September 17th, one boat was shot at by flares. Trap lines have been cut, gear stolen, and local goods and services such as fishing gear, bait, and accommodations denied. The Department of Fisheries and Oceans presence and reactions were severely underwhelming during the height of the conflict.

It left me wondering, whose responsibility is it to ensure an accessible and safe environment for legal fisheries, free of violence and harassment, if it is not theirs?

While most commercial fishers protesting remarked that their displeasure in the Mi'kmaw moderate livelihood fishery was not an issue of race but rather one of conservation, race evidently played a role. In live videos, fishers were shown mocking Mi'kmaw language speakers and drummers during a standoff on Saulnierville Wharf.

"OUR RIGHTS ARE NOT UP FOR DEBATE"

It is important to emphasize the fact that this fishery is as legal as the commercial fishery that currently exists in the Province of Nova Scotia. And while these rights are protected by Treaties and reaffirmed by the SCC, they ultimately stem from the inherent right that the Mi'kmaq have to the resources that we have depended on since time immemorial. To quote Chief Mike Sack of Sipekne'katik, "we are not asking for access, we already have access". Our rights are not up for debate, or subject to opinion. What is happening is greater than just fishing alone - it is about taking back what rightfully belongs to the Mi'kmaq, as a sovereign and self-governing people.

Generations of Mi'kmaw people have been raised in these rights-based struggles. In Western-thought we are often called activists but there is an important distinction to be made: we are not really activists but simply original peoples exercising and protecting the rights given to us by Kesulk, our Creator.

On my grandmother Jean Johnson's side, I am a relative of Grand Chief Gabrielle Sylliboy, as a descendent of his brother, Stephen. It was Chief Sylliboy who was criminalized and denied justice all the way to the SCC in 1927, over his right to catch muskrats "out of season" and to sell their furs. Grand Chief Sylliboy was finally pardoned in 2017, ninety years later. As an Lnu'skw (Lnu woman), I am a rights holder. In essence, I am also a rights protector when our collective livelihood is under attack.

Over the past weeks, I have been at the Saulnierville Wharf sacred fire often, praying, organizing supplies, cooking dinners, and gate-keeping. What calls me to the frontlines, I can't say for sure. But it is a spirit that lives within me and perhaps a culmination of all those who walked before me. It is the same spirit that lives in the sacred fire and the ocean water; the spirit the earth that my ancestors walked, the spirit of our inherent rights to live, eat, and breathe; to be Lnu.

INVITATION TO A TREATY FUTURE

Perhaps one of the most important questions we must ask ourselves in light of these recent events, is what does it mean to be a Treaty person? It is ironic that while we all have Treaty rights and responsibilities, as Mi'kmaq we consistently work towards the fulfilment of our half of the agreement while non-Mi'kmaq - who benefit most - often lack the very foundational Treaty education needed to understand their own privileges and responsibilities here in Mi'kma'ki.

It has been three weeks since the first protest against our moderate livelihood fishery began in Saulnierville; twenty-one years since the very first protests against our legal moderate livelihood fishery occurred in Burnt Church First Nation. It feels that not much has changed. Recent events in Saulnierville have revealed a dire need for more rigorous education and awareness on our respective Treaty rights and responsibilities. Treaty partnerships must transcend the performative and symbolic and become substantive. This is hard work that we all must endure, and it will not happen overnight, but we can all begin by asking ourselves important questions.

How do we understand our identities as Treaty people? How do we relate to each other? The land? Our shared history? We have a right and a responsibility to tread a new path as we walk into what can be a new, just, future together.

As a young Mi'kmaw woman, I understand this work to be an integral part of my journey; a lifetime challenge, and commitment to be a part of the solution to a centuries-long problem of what has been a failed partnership for far too long. Let these events be a call to action for all of us who call Mi'kma'ki home, to ensure a more just and peaceful future for the generations to come.



CITATION: Martin, Hannah. "Peace, Friendship and Fishing in Mi'kma'ki." *Yellowhead Institute*, 7 Oct. 2020, yellowheadinstitute.org/2020/10/07/peace-friendship-fishing-in-mikmaki/