

# Colonizers Being Colonizers: Lobster Fishing & the Continued Oppression of L'nu'k in Mi'kma'ki

By: Melkita'n

**TREATIES ACROSS** Turtle Island began to be broken by our settler relatives the same day they were signed.

From then, up to the present, the forces of colonization implemented through the policies of these foreign governments have upheld economic and social inequality across our homelands. For the l'nu'k, of Mi'kma'ki, who signed Peace and Friendship Treaties with the British Crown to allow for a sharing of the land, the relationship has never been a partnership. Instead these governments have continued to wreak havoc upon l'nu'k economies, trading relationships, family and kinship systems.

## AN ASSAULT ON THE MI'KMAQ FISHERY

On September 17, 2020, the Sipekne'katik First Nation gathered in Digby, Nova Scotia to issue licenses to community members to support a Mi'kmaq regulated lobster fishing season outside of the existing federally dictated seasons. This historic moment for the community came on the 21st anniversary of the Marshall Decision, a Supreme Court of Canada ruling that affirmed Treaty Rights of the Wabanaki Confederacy to hunt, fish and trade for what the court described as "the necessities."

**The first license issued on this day was given to Donald Marshall Jr.'s son. Marshall was the defendant in the now famous Marshall Decision, that affirmed he had a Treaty Right to fish as a Mi'kmaw person.**

Following Sipekne'katik First Nation's formal launch of the Treaty fishery, chaos erupted when settler Canadians interfered with l'nu'k fishing boats, vandalized l'nu'k property, harassed Mi'kmaq fishers, and stole property including lobster traps. There were little to no repercussions from police. Just twenty-five people have been charged with minor offences for the violence that occurred in the fall of 2020, even though there were hundreds who descended upon a small group of Mi'kmaq fishers with the clearly articulated goal to take their interpretation of the law into their own hands. There are still no charges for the fire set to a lobster pound in southwest Nova Scotia.

Through the Winter, Chief Michael Sack of Sipekne'katik First Nation requested that lobster traps unlawfully seized by the settler fishers and the Department of Fisheries and Oceans (DFO) be returned to his community. On March 3rd 2021, Chief Sack held a press conference to share that a truckload of lobster traps was indeed being returned.

It was the same day that Bernadette Jordan, the Minister of Fisheries, Oceans and the Coast Guard, announced that Canada would not respect Mi'kmaq fishing rights and the Mi'kmaq regulated treaty fishery.

### **THE ONGOING CRIMINALIZATION OF L'NU'K FISHERS**

Jordan's more specific announcement was that all fishing by the Mi'kmaq would have to occur during the commercial season. This was something that Chief Sack among others collectively rejected.

Following an emergency Chief's meeting, the thirteen Mi'kmaq chiefs of Nova Scotia released a joint letter to Minister Jordan rejecting the imposition of a season upon the Mi'kmaq as it disregards the Peace and Friendship Treaties, and violates constitutionally enshrined Aboriginal rights.

Nonetheless, days later on March 11 2021, DFO officers escorted by the Royal Canadian Mounted Police (RCMP) entered Eskasoni First Nation, and charged community members with 1) fish[ing] lobster during a closed time, and 2) fish[ing] for lobster without authorization. Ashton Bernard, one of the fishers charged, was in court this week, along with another l'nu fisher. There are more court dates scheduled for the spring and summer of 2021.

### **As Mi'kmaq are criminalized for exercising their treaty and Aboriginal rights to fish, they continue to be the target of threats and harassment .**

During the evening of March 11th, Sipekne'katik First Nation community member Jolene Marr was on her way to the Digby area when she received a call about a group of eight men vandalizing the Treaty Truck House #3 at the Saulnierville wharf. An artist had begun painting a mural on the truck house and within minutes of finishing, it was vandalized.

When Marr contacted the RCMP, she was greeted with tedious questions such as where the Saulnierville wharf was located. A single RCMP officer eventually arrived. The following day, a DFO officer came to the Saulnierville wharf and stated that the Treaty Truck House #3 needed to be removed. Marr recited the Treaty of 1752 to the officer. Marr was given a letter by a DFO officer stating that the truck house would be removed if it was not vacated from the wharf by Monday, March-29. The truck house remains on the wharf as of the time of writing, and Marr's reaction is contained in [this](#) video from APTN.

RCMP and DFO responses to attacks on the Mi'kmaq and property have remained unchanged since the fall of 2020. Criminal actions by settlers against Mi'kmaq fishers are ignored, and the Indigenous fisheries are criminalized by the DFO.

### **The collusion between the DFO, RCMP and local settler fishermen has created the conditions for violence to be enacted against Mi'kmaq fishers.**

This is despite the fact that lobster fishing occurs all year round in different zones by the commercial fishing industry. Marr shared that she feels as if a target is on her and her family's back. Marr has received death threats, as have other Mi'kmaq folks involved with the Treaty fishery.

### **A CALL TO ACTION FOR TREATY PEOPLE**

Settler policies impacting the Mi'kmaq Treaty Fishery are found in provincial and federal regulations. There is currently a law within the Nova Scotia Fisheries and Coastal Resources Act that prohibits the sale and purchase of lobster without a license from the DFO. The federal government appears to be steadfast in their determination to limit Section 35 Aboriginal and treaty rights and the precedent of the Marshall Decision. Indeed, the Canadian government's stated commitment to the United Nations Declaration on the Rights of Indigenous Peoples seems increasingly hollow.

Colonization is not a relic of the past, but an on-going process of oppression for l'nu'k in Mi'kma'ki, and across Turtle Island.

Yet, in response to these continued attacks on the Mi'kmaq Treaty Fishery by settlers and colonial governments alike, l'nu'k remain steadfast in their determination to exercise their Creator given rights and responsibilities.

l'nu'k from across Mi'kma'ki will be hosting a gathering in the spirit of peace and friendship at the Saulnierville wharf. This will be the official opening of Treaty Truckhouse #3, in defiance of DFO and the RCMP.

### **Allies and accomplices are invited to join us on April 24th at 12pm for ceremony and a celebration of the Mi'kmaq nation.**

We are seeking donations of food and related supplies. Monetary donations for Treaty Defenders in Saulnierville, and a legal fund for fishers facing charges, will also be accepted. We urge Canadians, Nova Scotians in particular, to consider what kind of relationship they would like to have with Indigenous peoples, and to work towards the future that all of our children deserve. We are all treaty people.

#### **SOURCES**

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