

NOTICE TO COMMUNITY



Kwilmu'kw Maw-klusuaq
Mi'kmaq Rights Initiative

Our Rights. Our Future.

May 2, 2025

Netukulimk Treaty Rights Protected Lobster Fishery

As the lobster fishing season begins, we want to notify the Netukulimk Treaty Right Protected (TRP) lobster fishers about our ongoing challenges with the Department of Fisheries and Oceans (DFO) and remind everyone of the Mi'kmaw strength and commitment to our Treaty Rights.

Communities have made remarkable progress in building a sustainable and responsible TRP lobster fishery. Since September 2023, your efforts in the lobster livelihood fishery have yielded impressive results, with over 857,000 pounds of lobster harvested, amounting to a remarkable value of \$7.7 million. This achievement not only reflects your hard work and dedication but also serves as a vital source of support for more than 275 Mi'kmaw families spanning the eight communities participating in the TRP fishery.

Since the launch of the livelihood fishery, on behalf of these communities, we have made every effort to fulfill our responsibilities as Treaty Partners and have maintained our commitment to open and transparent Nation-to-Nation discussions, as mandated by the Marshall Decision over twenty-five years ago. Yet, DFO continues to fall short of its responsibilities.

Since 2022, the amount of access around Unama'kik and in the Gulf available for TRP lobster fisheries has not increased, leaving you with inadequate resources to support your efforts. DFO has failed us again, for a third consecutive year, in their lack of support for the implementation of adequate, Treaty-based access to the lobster fishery. Despite years of correspondence, data-driven proposals, and efforts by these communities to engage with DFO, no meaningful increase in access has materialized. The Mi'kmaw communities need to know that DFO's complacency and dishonourable behaviour will not go unnoticed. DFO found a way to create space for the TRP elver fishery, without a licence buyback system, yet they seem to refuse to adjust their outdated system to accommodate our Mi'kmaw lobster fishery.

DFO is violating their legal obligations to recognize and respect our self-governance, Treaty Rights and the *Marshall Decision*. Regardless, our harvesters want to continue to operate under the community-driven plans that reflect our Mi'kmaw values and our Treaty Rights. The *United Nations Declaration on the Rights of Indigenous Peoples Act* says that DFO must recognize these plans.

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Let us be clear: if DFO continues to refuse to make space for our TRP fishery's required access to support our harvesters' livelihood, the Unamakik & PLFN 2025 Treaty Rights Protected Lobster Fishery will still move ahead with trap numbers that allow our fishers to pursue a moderate livelihood. We will not let DFO's inaction dictate your ability to provide for your families and our communities.

However, it is important to acknowledge the uncertainty this may bring. DFO enforcement officers could act against our harvesters (including laying charges and seizing catches and equipment). While we believe this is unjust, we must warn our harvesters of the potential risks.

The Assembly of Nova Scotia Mi'kmaw Chiefs and Kwilmu'kw Maw-klusuaqn are unable to cover the costs of independent legal counsel or financially support collective action. Our position is that you have the Right to fish for a moderate livelihood, nor are you doing anything wrong by exercising those Rights. We cannot predict how DFO will respond.

We know the challenges this will create, but we also see it as an opportunity to show our determination. This is not just about reforming the fishery, but the entire Mi'kmaw-Crown relationship. There are risks in asserting our Mi'kmaw governance and Treaty Rights, but we need Canada to engage with us on a "government-to-government" basis. We can't tell you what you should do, but we will always fight for Mi'kmaw involvement in this fishery and having a true co-management approach with Canada as Treaty Partners, that operates with respect and honesty, and fosters significant changes needed in the stewardship of our shared lands and waters.

