



UNION OF NEW BRUNSWICK INDIANS

75 Melissa Street, Unit 1, Richibucto Road, N.B. E3A 6V9 Tel: (506) 458-9444 Fax: (506) 458-2850
E-Mail: lobbv@unbi.org

Statement RE: Indigenous Fishing Rights November 2, 2020

Indigenous Rights have been and continue to be widely misunderstood, because of that, it has become one reason systemic racism has developed.

Indigenous Rights are older than history itself. Indigenous Rights are not the creation of man or any earthly authority, but by all Mighty God who we regard as our Creator. It is an undisputable fact that our ancestors, the Indigenous Peoples, have been in occupation and possession of our lands since at least 12,000 to 15,000 years BC long before Christianity, according to Archaeology, in other words from time immemorial.

It is a known fact that we are the descendants from the natural origins because that is what Indigenous means. Along with that origin are our Rights to the land and resources with the access to them. With no one else being in existence, these Rights were the gifts from our Creator. We have also been charged with the stewardship of the lands and resources that were meant to utilize and manage them for the provision of the Glory of God and the betterment of His creation. It is the Act of making wise use of the natural resources provided.

Our fishing rights is only one of them, among others. The recognition of those Rights have been shamefully ignored by the Governments and in turn have taken a course that led to other groups such as the non-indigenous commercial fishers to spike discrimination in their argument to support their cause fuelled by greed.

There exists the misconception of the fact the Treaties in the 1700's gave us the Rights to fish, contrary to that belief, it is just not so. Treaties did not create Indigenous Rights, nor did the Constitution Act of 1982, nor did the Supreme Court of Canada. These Rights were given to us by our Creator from time immemorial.

The Treaties, through the signing with the British Crown did four things:

1. Recognized Indigenous Peoples as a Nation
2. Confirmed Indigenous Rights existed including Indigenous Title
3. The Treaties are international in nature that were signed on our soil
4. To protect those Rights under Treaty known as Peace and Friendship.

The Constitution Act of 1982 in S.35(i) confirmed and recognized the existing Aboriginal and Treaty Rights. This is founded upon the principles that recognize the Supremacy of God and the Rule of the Law.

The Constitution Act that is founded upon the principles that recognize the Supremacy of God, that being a legal principle, automatically confirms our Rights were the creation by the Supreme Being we know as our Creator.

S.52(i) the Primary of the Constitution is the supreme law of Canada, any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

The Supreme Court of Canada, being the highest court in the country, ruled Indigenous Peoples have the Right to fish and sell what they gathered to make a moderate livelihood . The Court did not restrict only fish, but left it wide open for Indigenous Peoples to sell what they gathered.

The Courts cannot make laws and its job is only to interpret the laws and the evidence put before it for a decision. It did exactly that and in the case of Indigenous Rights, it merely confirmed the Treaties and the Constitution with respect to those Rights as being lawful.

With respect to the Treaties, we did not migrate to foreign nations, they came here uninvited. The Government of Canada deliberately ignored all three precedents, Treaties, Constitution Act and the Supreme Court of Canada. It has failed miserably to protect Indigenous Rights when they were legally bound to. The onus is now on them to immediately quell the discrimination and systemic racism they are responsible for.

Privilege Vs. Rights

Over the many, many decades, the non-indigenous fishers have been granted licences to fish. They have accumulated much wealth from the fishing industry regardless what species were taken. The licence to fish is only a privilege granted to non-indigenous fishers. It is not a Right, only Indigenous Peoples have a Right.

A privilege can be modified, not renewed or be cancelled depending on the circumstances. A moderate livelihood is not attached to these privileges and is practically unlimited. With respect to Indigenous Rights, a moderate livelihood is attached that is seen as discriminatory. The irony to this is the fact that a privilege is extended more benefits than our Right.

A God given right cannot be taken away, renewed, cancelled or modified simply because no man-made law can overrule what the Supreme Being has established. Our Rights cannot be measured in terms of dollars and cents, therefore cannot be bought. This is a position that must be held solid by Indigenous Peoples.

In light of the foregoing, U.N.B.I. stands solidly with Sipekne'katic Peoples in Nova Scotia with respect to their fishing right and to all Indigenous Peoples in Canada.