



**ATLANTIC POLICY CONGRESS  
OF FIRST NATIONS CHIEFS SECRETARIAT**

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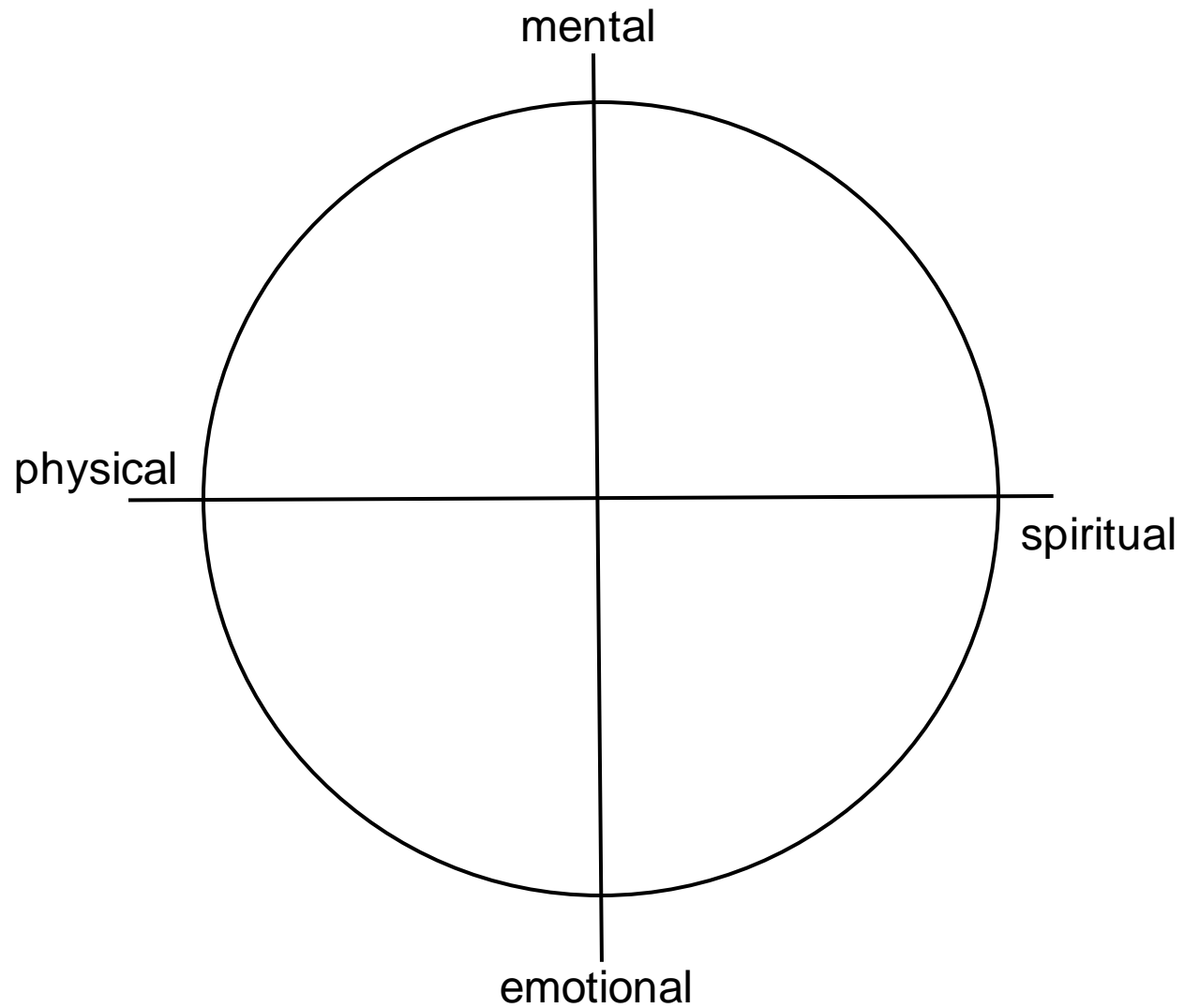
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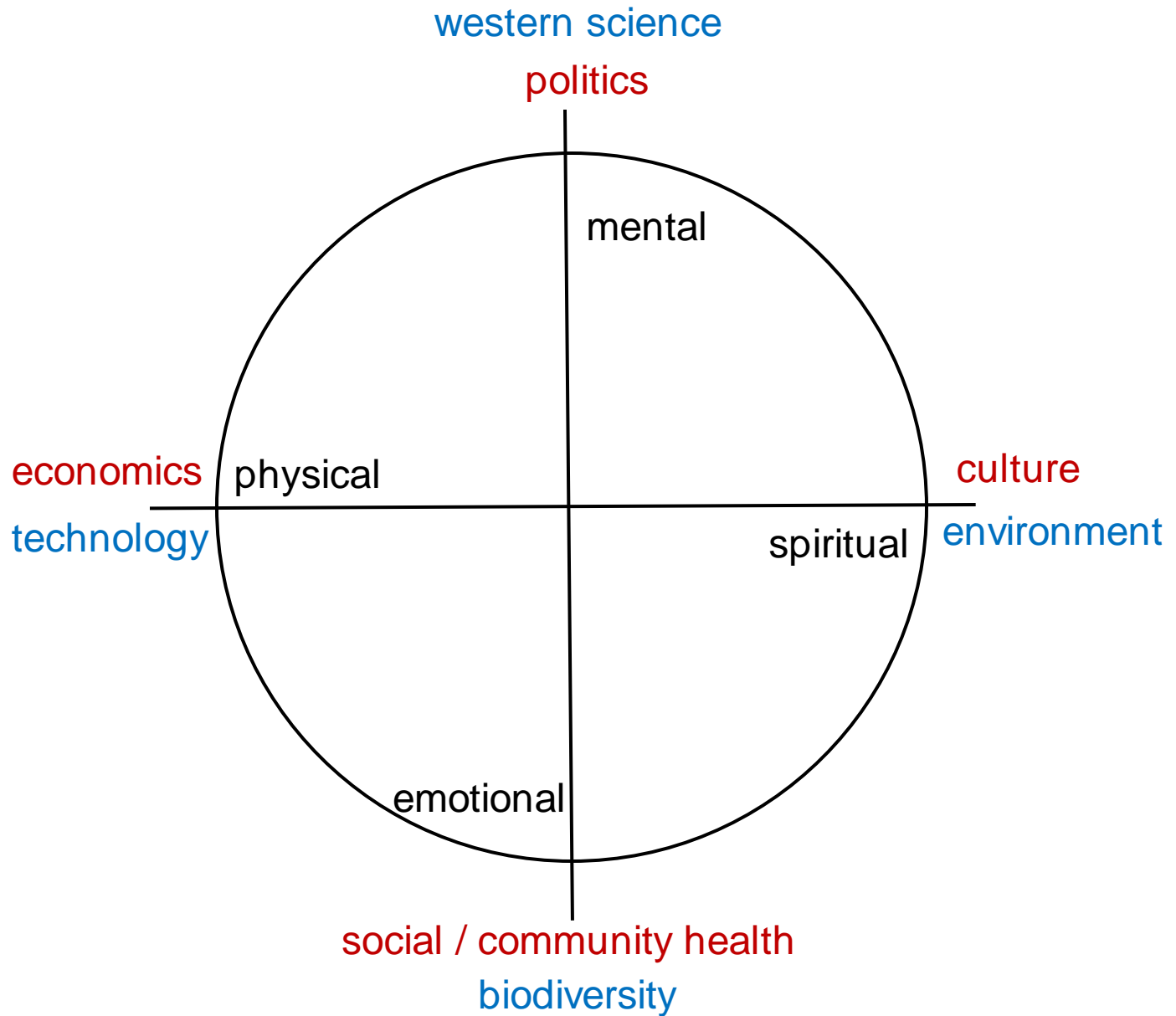
# **Indigenous Voices on the Environment and the Economy**

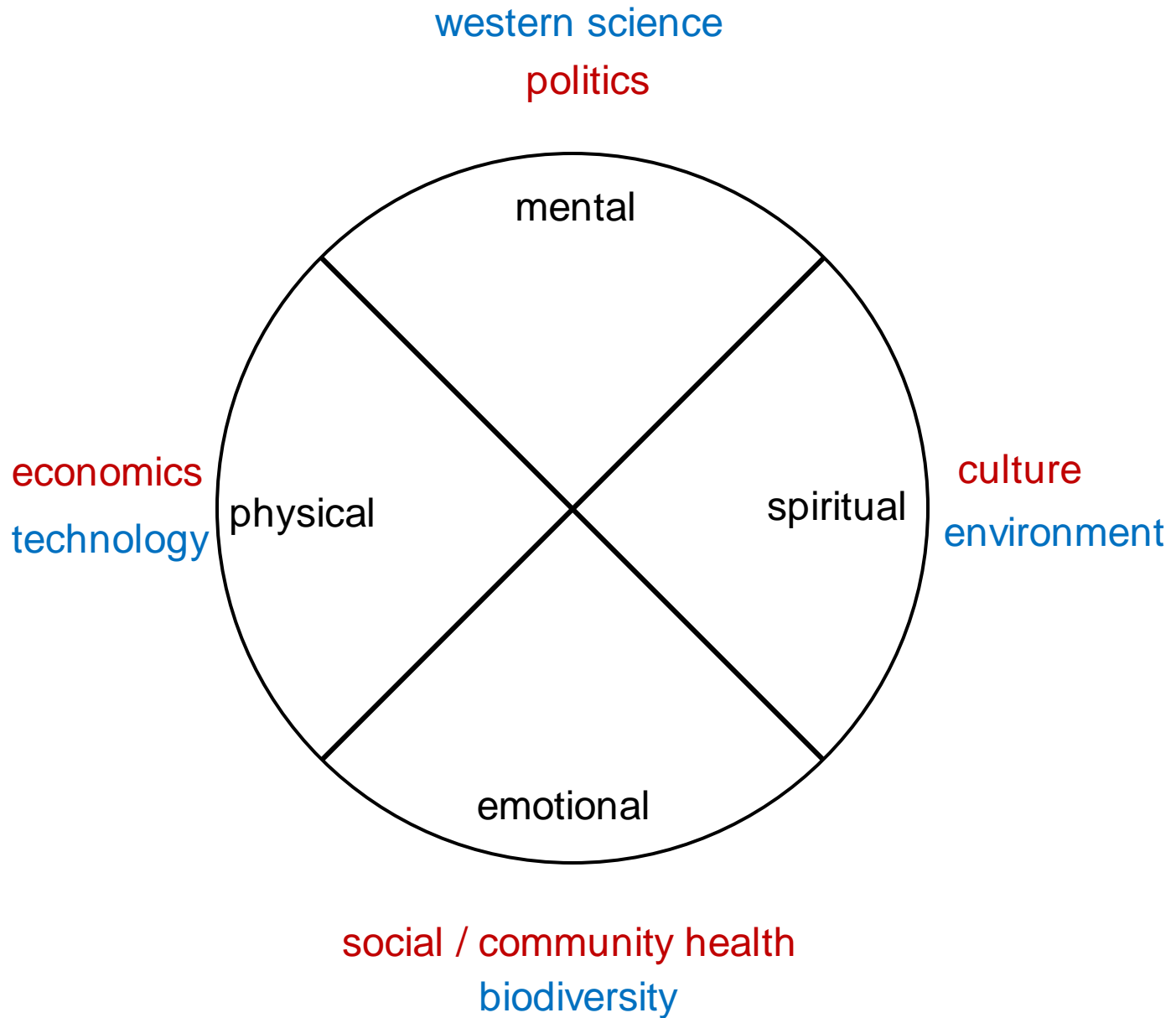
**Ken Paul**

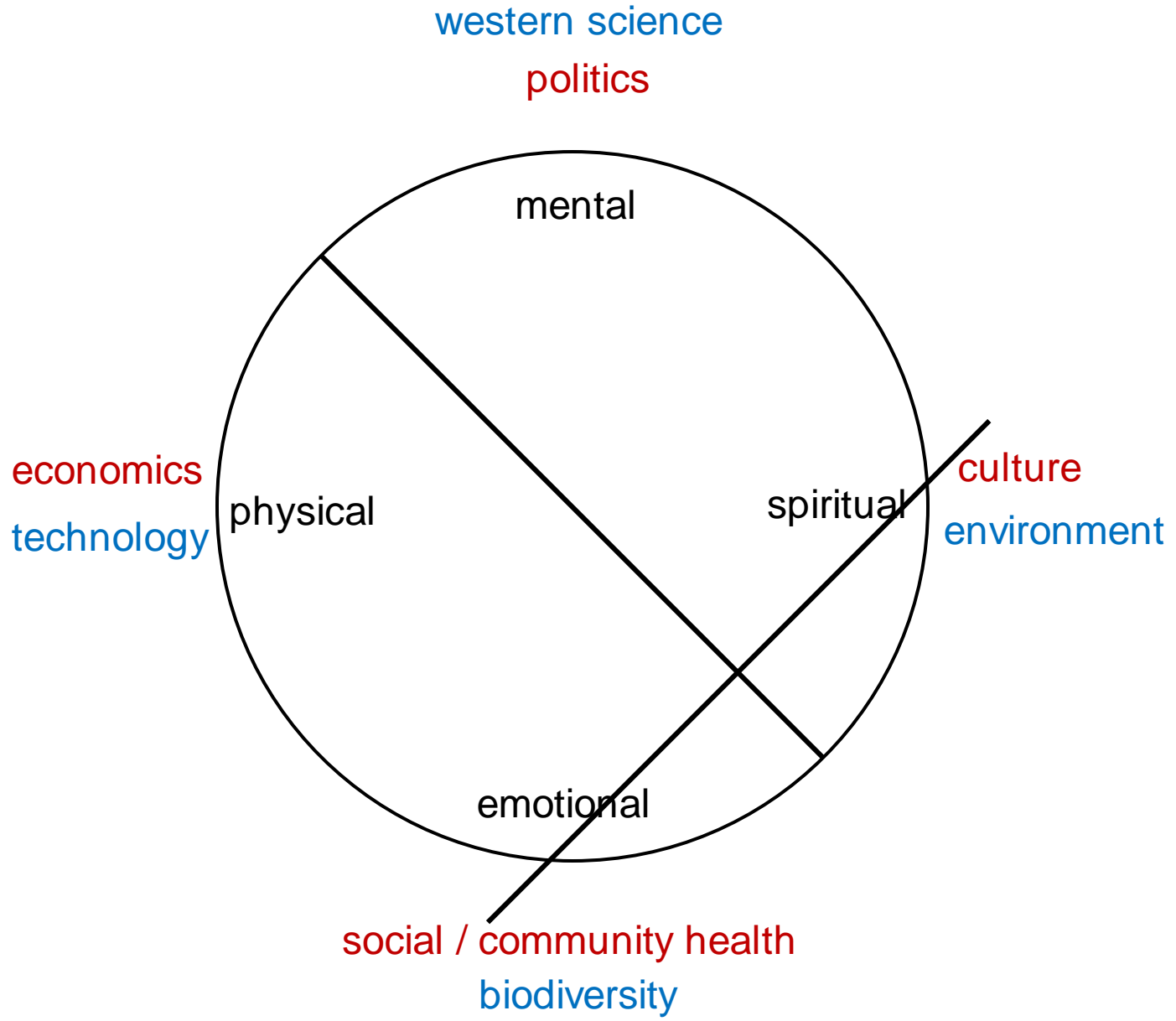
**Director of Fisheries and Integrated Resources**

**“Communities, Conservation and Livelihoods”  
Conference, Halifax, NS  
May 28, 2018**









# Who are Aboriginal Peoples?

## Constitution Act 1982

## PART II RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

**Recognition of  
existing  
aboriginal and  
treaty rights**

35. (1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

**Definition of  
"aboriginal  
peoples of  
Canada"**

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

**Land claims  
agreements**

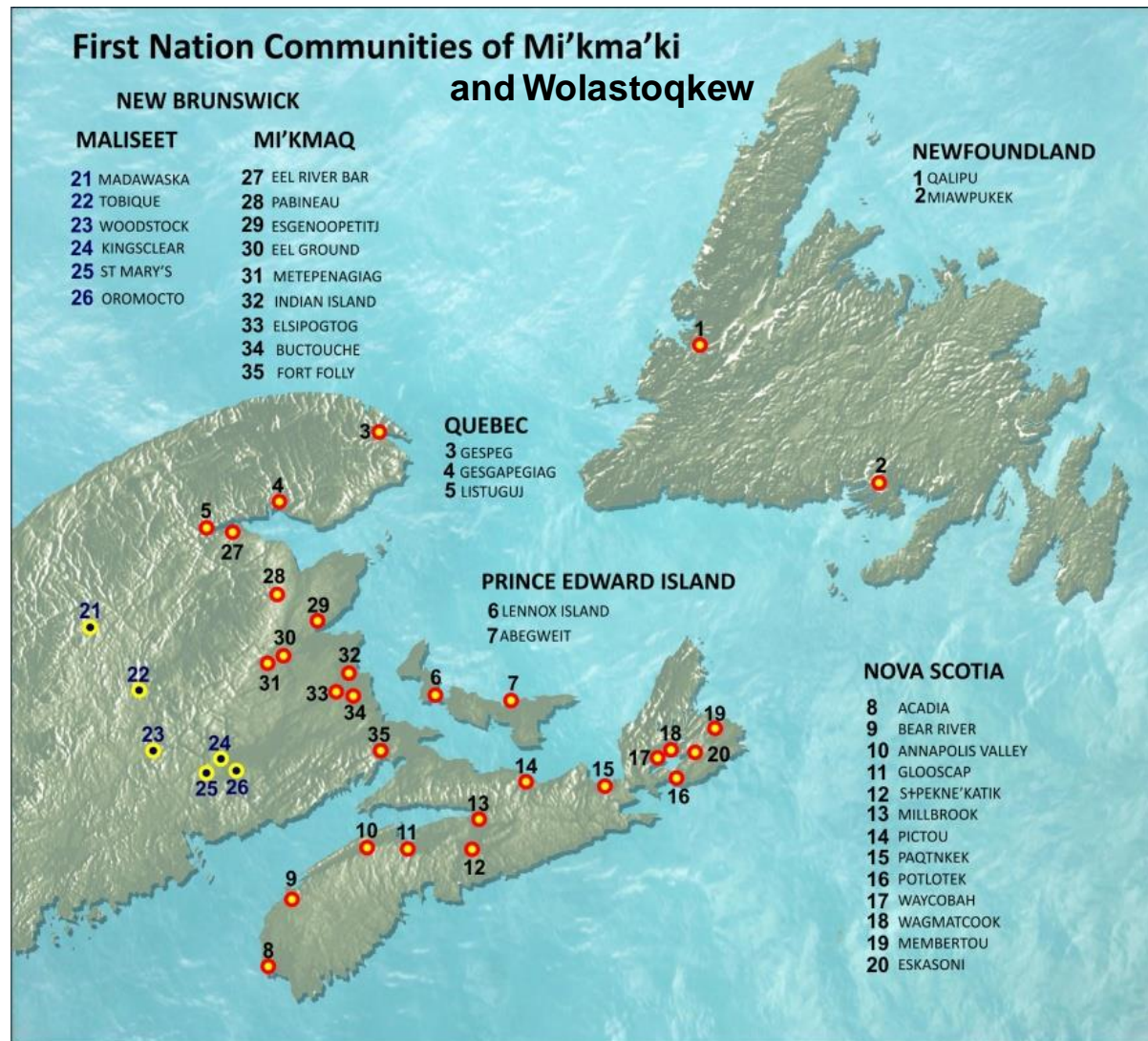
(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

**Aboriginal and  
treaty rights are  
guaranteed  
equally to both  
sexes**

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

**Note:** There is no legal definition for "Indigenous peoples" in Canadian law.

# Maliseet and Mi'kmaq communities





# What is a Treaty?

A formal agreement between two or more Nation states in reference to peace, alliance, commerce or international relations

aka “Treaties of Peace and Friendship”

## COVENANT CHAIN OF TREATIES SUMMARY

The Covenant Chain of Treaties is a group of interconnected treaties, whereby the British Crown and Atlantic First Nations created a chain of related commitments to each other. There are other treaties and alliances signed before, during and after those listed here. These were selected because they figure prominently in recent cases that have been decided upon by the Supreme Court of Canada. Teachers can find more information at the Atlantic Policy Congress website, <http://www.apcfn.ca/about-apc/treaties/>

**1725-26-28** One of the first proposed treaties between the Mi'kmaq and the European settlers was negotiated initially in Boston in 1725 with a representative from Cape Sable attending the ratification. This treaty, between the British, Mi'kmaq and Maliseet, was then ratified by many of the Mi'kmaw and Maliseet villages at Annapolis Royal in 1726 and again in 1728. It was the first of what are now known as treaties of peace and friendship with the British Crown in the Maritime Provinces.

**1749** Treaty signed at Chebucto and St. John renewing the Treaty of 1725. In the continuing campaign for Chignecto, Governor Cornwallis' instructions included a reward of ten guineas for the scalps of Mi'kmaw men, women and children. The Lords of Trade disagreed with this “extermination” policy.

**1752** The Treaty of 1752, signed by Jean Baptiste Cope, described as the Chief Sachem of the Mi'kmaq inhabiting the eastern part of Nova Scotia, and Governor Hopson of Nova Scotia, made peace and promised hunting, fishing and trading rights. Le Have and Cape Sable joined in

**1760-61** Treaties of Peace and Friendship were made by the Governor of Nova Scotia with the Mi'kmaq, Maliseet and Passamaquoddy. These are the same treaties that were upheld and interpreted by the Supreme Court in the Donald Marshall Jr. case. They include the right to harvest fish, wildlife, wild fruit and berries to support a moderate livelihood for the treaty beneficiaries. While the Mi'kmaq promised not to bother the British in their settlements, the Mi'kmaq did not cede or give up their land title and other rights.

**1762** Triggered by Royal Instructions in 1761, Belcher's Proclamation described the British intention to protect the just rights of the Mi'kmaq to their land.

**1763** The Royal Proclamation of 1763 is a complicated document that reserved large areas of land in North America as Indian hunting grounds and set out a process for cession and purchase of Indian lands.

**1776** The treaty of 1776, signed in Watertown, MA, USA, established relations with the newly-created United States. The Americans promised to approach their relationship with the Mi'kmaq in the manner of the French rather than the British.

**1779** The final treaty between the Mi'kmaq and the British was signed. The military threat from the Mi'kmaq was diminished significantly by this treaty.

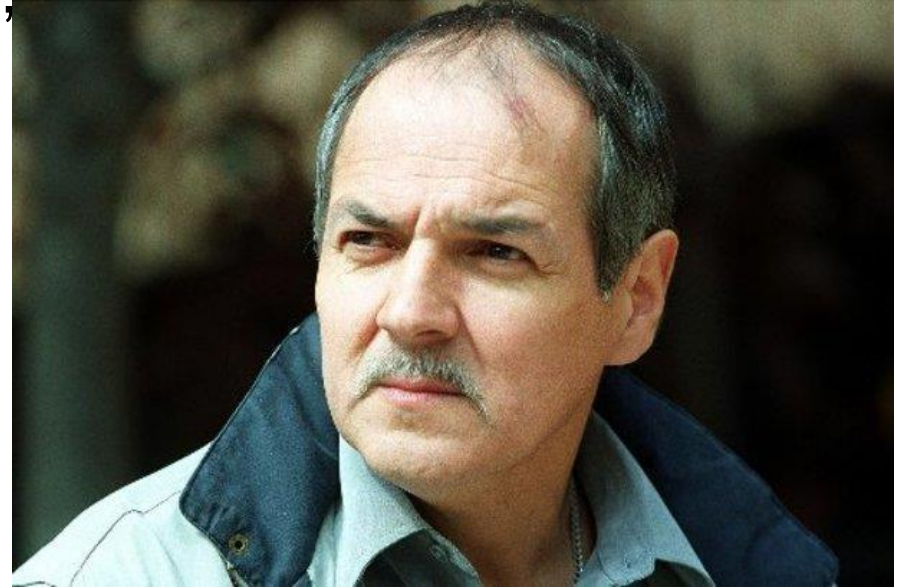




# R. v. Marshall (1999)

Based on the Treaty of 1760-61, the Supreme Court of Canada ruled:

- Donald Marshall Jr had a Treaty Right to commercially fish for a moderate livelihood
- the right can be limited if there is a threat to public safety or a threat to ecology sustainability  
(i.e. there is a need for management plans)



Donald Marshall Jr

# Atlantic Integrated Commercial Fisheries Initiative - AICFI

- The Marshall Decision initiated conflict over resource use between FN, DFO and “traditional” fisheries
- First Nations negotiated access to fishing licenses
- Most First Nations agreed to temporarily suspend their Treaty right to fish in order to get access
- Under the interim agreements, FN agreed to fish under DFO Management Plans
  
- In 2017, the communal commercial fisheries brought in approx \$90M in landed value – own source revenue
- Support funding from DFO is \$11M annually – “A-based”
- Largest influx of “own-sourced revenue”

# Aboriginal Aquatic Resources and Oceans Management (AAROM)

Another outcome of the Marshall Decision - creation of AAROMs

- Based on Eskasoni Fish and Wildlife Commission
- Science-based, apolitical, watershed-based on the Bras d'Or Lakes in Cape Breton
- Used as the model of the AAROM program
- Serve as the science and tech for Atlantic FN



Charlie Dennis

# Integrated Fisheries Management Plan

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## Snow Crab in the Southern Gulf of Saint Lawrence Crab Fishing Areas 12, 12E, 12F, 19

### 2. Stock Assessment, Science and Traditional Knowledge

#### 2.6 Aboriginal Traditional Knowledge

Aboriginal Traditional Knowledge (ATK) is recognized in this fishery as a source of information. Where possible, DFO will consider and integrate ATK shared by aboriginal organizations in the assessment and management processes for this stock.

# How is traditional knowledge defined?

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**Traditional knowledge** refers to the **knowledge**, innovations and practices of **indigenous** and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment, **traditional knowledge** is transmitted orally from generation to generation.

- Convention on Biological Diversity (CBD)

**Traditional knowledge** (TK) is **knowledge**, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity.

- World Intellectual Property Organization (WIPO)

# Indigenous Knowledge System

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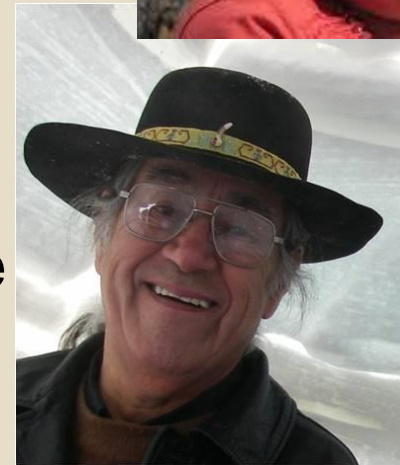
1. Traditional vs. Indigenous
2. What you know vs. what you do and how you know
3. Knowledge vs. knowledge system
  - or a system based on values



# Two-eyed Seeing

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- Concept developed by:
  - **Albert and Murdena Marshall**
  - with **Dr. Cheryl Bartlett**
- Respect western science *and* indigenous knowledge
- Towards achieving the best possible science



Check out the  
**Institute for Integrated Science & Health**

# Questions

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[www.apcfnc.ca](http://www.apcfnc.ca)