

September 1, 2000

The Right Honourable Jean Chrétien
Prime Minister of Canada
House of Commons
Ottawa, ON K1A 0A6

Dear Prime Minister Chrétien,

Since 1969, the Anglican Church of Canada has consistently advocated for the recognition and respect for Aboriginal land, treaty, and inherent rights, and has called upon the Government of Canada to entrench those rights into the Canadian Constitution (General Synod, 1986). In October of 1999, the Provincial Council of the Province of Canada issued a statement that affirmed that respect for the rights of Aboriginal people and respect for conservation of species are not mutually exclusive. The Council at that time called for all parties in the lobster fishery conflict to work with a mediator towards a peaceful and just resolution.

On behalf of the Anglican Church of Canada, I am writing to call for the cessation of what appears to be the harassment of native fishers of the Esgenoôpetitj (Burnt Church) Mi'kmaq community in New Brunswick, and to once again appeal to your government to negotiate in good faith with Burnt Church First Nation, with the goal of implementing that community's Aboriginal and treaty rights to fish.

As you know, on September 17, 1999, the Supreme Court of Canada ruled to affirm 18th century treaties giving the Mi'kmaq the right to a limited commercial fishery. Thus, I would like to remind you of your legal and moral responsibility to ensure the safety of those Aboriginal people who practice their treaty right to fish to earn a moderate livelihood, as well as for food, social and ceremonial purposes.

Since Aboriginal and treaty rights are constitutionally protected, Aboriginal fishery rights take precedence over federal non-Aboriginal commercial and sports fishing licenses. The needs of the Aboriginal commercial fishery must be considered before those of the non-Aboriginal commercial and sports fishery, once conservation matters have been addressed. While we recognize and affirm the importance of ensuring conservation, we question your government's decision to use conservation as a pretext to disrupt the Aboriginal fishery. The Supreme Court has also ruled that while federal minister has the right to regulate the fishery for conservation purposes, that minister cannot impose any regulations until after "appropriate consultation" with the Aboriginal community. To our knowledge, that consultation has not yet occurred.

The legal questions at issue in Burnt Church are indeed complex and merit a thoughtful negotiation process. We are heartened by your government's recent stated willingness to enter into negotiations with the Esgenoôpetitj Mi'kmaq community without demanding

prior cessation of the Aboriginal fishery at Burnt Church. On behalf of the Anglican Church of Canada, I urge you to take immediate action to ensure an end to all harassment of native fishers and to enter into meaningful negotiations with Burnt Church First Nation, using a mediator deemed acceptable to all parties, in order to facilitate a peaceful and productive resolution to the current crisis.

I look forward to your response.

Sincerely,

Jim Boyles
General Secretary
Anglican Church of Canada

c.c Chief Wilbur Dedam, Burnt Church First Nation
National Chief Mathew Coon Come, Assembly of First Nations
The Honourable Robert Nault, Minister of Indian Affairs
The Honourable Herb Dhaliwal, Minister of Fisheries and Oceans