



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 24/2024

TITLE: Treaty-protected Rights Based katiyik / katew (glass eel) Fishery Governance

SUBJECT: Fisheries, Rights

MOVED BY: Chief Dalton Silver, Sumas First Nation, BC

SECONDED BY: Tyler Sack, Proxy, Annapolis Valley First Nation, NS

DECISION Carried by consensus.

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.
- iii. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- iv. Article 32(2): States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- v. Article 32(3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- B.** The Wolastoqey Nation of New Brunswick has reminded the Department of Fisheries and Oceans (DFO) of its Aboriginal and Treaty-protected rights and that they be respected and accommodated, as supported by Section 35 of the *Constitution Act, 1982* and Canada's Supreme Court on numerous occasions.
- C.** Since time immemorial, katiyik / katew (*Anguilla rostrata* or American eel) has been a culturally and spiritually significant species for First Nations Peoples in Atlantic Canada.
- D.** Through federal negotiations and consultation processes, Mi'kmaw and Wolastoqey Nations presented strategies for sustainable rights-based harvesting of juvenile katiyik / katew (glass eel or elver), which included increasing the overall commercially viable total allowable catch (TAC) and First Nations access based on First Nations-led monitoring and data collections on traditional waterways significant to their Nations, as supported by western science and Indigenous Knowledge systems.
- E.** DFO does not have the required legislative tools to recognize and authorize Mi'kmaw and Wolastoqey rights-based fishing activities. DFO has been offering or imposing Communal Commercial Licences in an attempt to recognize Mi'kmaw and Wolastoqey members exercising Treaty-protected fishing activities including katiyik / katew or glass eel and elver harvesting.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

- 1.** Support all Mi'kmaw and Wolastoqey First Nations in their public statement regarding their Treaty and Aboriginal rights to participate in the katiyik / katew glass eel fishery and the right to develop governance, fisheries management, and related science and Indigenous Knowledge systems to support sustainable rights-based harvesting.

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