

Challenges and Opportunities for Implementing Mi'kmaq Inherent and Treaty Fisheries

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The findings of this research address the second core FishWIKS questions: **Can varied IKSs be used to improve the effectiveness of fisheries governance at national, regional, and local scales in Canada and internationally?**

A brief introduction on the specific issue being addressed

In Atlantic Canada, efforts are on-going between the Mi'kmaq of Nova Scotia and federal and provincial governments to negotiate the terms for which a treaty-based fishery can occur - one that fulfills conservation, economic benefits, and cultural requirements for consumption, communal needs, and spirituality. The implementation of Mi'kmaq inherent and treaty fisheries will be challenging in today's declining fish populations, threat of climate change to marine ecosystems and the current governance framework. The challenge then becomes how best to develop and implement Mi'kmaq inherent and treaty fisheries when the sustainability of Canadian fisheries is in jeopardy and the current mode of fisheries governance is mismatched to the task.

Why it was important to address this issue

Nearly two decades have passed with few opportunities available for the Mi'kmaq to implement their treaty right to obtain a moderate livelihood from fishing despite legal recognition in the Canadian *Constitution Act*, jurisprudence, and international policy.

What are the key findings from the research

Current key findings presented are based on Mi'kmaq experience in Nova Scotia. Denny and Fanning's 2016 paper¹ on [A Mi'kmaq Perspective on Advancing Atlantic Salmon Governance in Nova Scotia, Canada: Setting the Stage for Collaborative Co-Existence](#) concluded:

- Conservation is a shared concern but differ in perspectives (KS) on how conservation is achieved
- Use of two-eyed seeing is needed in the consultative process to enhance cross-cultural understanding and grow into co-management

- Need for governance that recognize the uniqueness of perspectives, shared goals, co-learning, and different means for achieving conservation.

Their work on [Balancing Community Autonomy with Collective Identity: Mi'kmaq decision-making in Nova Scotia](#)² provided insights into the following:

- Mi'kmaq decision-making is valued and incorporates both Mi'kmaq knowledge and Western ways of knowing
- *Indian Act* delays decision-making and has implications for who is view as a decision-maker
- Small, egalitarian governance allows for inclusion of technicians with decision-makers for immediate interpretation, clarification of evidence, and interactive decision-making.

What are some of the main policy Implications arising from the findings (e.g. for the government, for indigenous nations (as a whole, or individually), for other relevant stakeholders, etc.)

Expansion to current fisheries governance for fisheries that impact rights is needed. Make room for Indigenous people through collaborative processes built on enhancing cross-cultural understanding— a challenging but rewarding process for all involved.

Aggregate Indigenous decision-making processes are unique and unconventional as a result of the *Indian Act*. For the federal government, there is a need to understand and incorporate those processes into their decision-making model. For Indigenous governments, there is a need to enhance decision-making with traditional processes that better represent the people on Aboriginal and Treaty rights for fisheries.

Support for this research was provided by the Social Sciences and Humanities Research Council of Canada (SSHRC) Partnership Grant #895-2011-1007.

¹ Denny, S. and L. M. Fanning (2016) International Indigenous Policy Journal 7, Issue 3/4 (Fall 2016). doi:10.18584/iipj.2016.7.3.4

² Denny, S. & Fanning, L. (2016). The Canadian Journal of Native Studies, 36(2): 81.