

Burnt Church First Nation

620 Bayview Drive, Burnt Church, NB E9G 2A8

Telephone (506)776-1211 Fax (506)776-1214

Email bctrains@nbnet.nb.ca

Web site www.tao.ca/~belnglightbelng/burntchurch

September 1, 2000

Dear Friends,

Members and supporters of the Burnt Church First Nation require donations, either money or in kind. Necessary items include:

- Money for the legal defense fund, food and fuel
- Zodiacs
- Diving equipment
- Personal flotation devices
- Lobster traps
- Radio communications equipment like CB radios and walkie-talkies
- Office supplies/stationary, especially paper for faxing, photocopying and printing
- Food, preferably non-perishable
- Binoculars
- Night vision goggles

If you can help, please send your material donations to:

Burnt Church First Nation
620 Bayview Drive, Burnt Church, NB E9G 2A8
Contact: Karen Somerville

Financial donations can be wired to:

Peace Hill Trust Company
422 Queen Street
Fredericton, NB E3B 1B6
Account # 3976553-101-1

Welaliek.

BURNT CHURCH FIRST NATION

620 BayView Drive, Burnt Church, NB E9G 2A8
Telephone (506) 776 - 1200 Fax (506) 776 - 1215

August 31, 2000

CHIEF AND COUNCIL OF BURNT CHURCH DEMAND RESIGNATION OF MINISTER DHALIWAL

The Chief and Council of Burnt Church are asking for the resignation of Minister Dhaliwal following his refusal to meet with them and other key community members.

The Minister has shown his true colours today. He used the excuse that we were still exercising our treaty right to fish to back away from meeting with us. It's a total abdication of his ministerial responsibility and shows a total lack of accountability to all of his constituents. His constitutional duty as declared in *Sparrow* in 1990 is to act as a fiduciary and not in an adversarial way in dealing with Native rights, always with a view to a just settlement of the grievances of Aboriginal peoples. He is unfit to act as a Minister of the Crown and, as such, must resign immediately.

Citizens of the Burnt Church First Nation, as all other Mi'kmaq citizens, have never ceded their rights. They have Aboriginal Rights and Title and Treaty Rights (the Treaties of Peace and Friendship) to their lands and waters that have never been extinguished. These are broad economic and resource rights that demand a remedy for 200 years of encroachment and exclusion, as well as equitable access today.

Even under *Marshall*, the Minister does not have the authority to regulate as he claims. Regulation is only constitutionally valid if it is justified. The process and economic result of regulation must give effect to Aboriginal priority and regulations cannot just give broad and undefined discretion to the Minister. In fact, DFO has done nothing to implement *Marshall* and has made no relevant changes to its policy and regulations since 1993. The Minister is illegally trying to enforce the regulations that *Marshall* found to be inconsistent with our Treaty rights and constitutionally unenforceable.

We appeal to the international community to condemn the actions of the Canadian government in their dealings with this issue and their determination to crush our community into submission.

The Minister has raised the issue of public safety. His latest raid shows wanton and reckless disregard for the lives and safety of our people. The best safety measure available to the Minister is to back off, cool off and refrain from ordering another assault on our people in his pursuit of control at any cost. In light of his inflexible position and denial of our Aboriginal Rights and Title and all of our Treaty Rights to the fishery, the Minister will bear the full responsibility of any consequences that stem from the unconstitutional actions of his officers.

The Chief and Council have adopted the management plan and have mandated their own fisheries officers, referred to as Esgenoopeetitj Rangers, who monitor compliance to the regulations as defined in the management plan. Included in their mandate is the protection of Inherent Rights of the Mi'kmaq people at Burnt Church. It is these fishery officers who were assaulted on the waters of Burnt Church.

Finally, the Department of Fisheries and Oceans has no lessons to give in conservation after regulating and managing many fisheries to the point of collapse. The catch of Burnt Church is a drop in the ocean. If conservation is a concern, then the Department should focus on the non-Aboriginal commercial fishery. Everybody knows this stock is stable. DFO has produced no evidence to the contrary. Clearly the issue is control, not conservation.

Burnt Church First Nation

620 Bayview Drive, Burnt Church, NB E9G 2A8
Telephone (506)776-1200 Fax (506)776-1215

August 31, 2000

BURNT CHURCH LEADERSHIP REQUESTS ASSISTANCE FROM PROVINCE FOR STUDENTS FROM COMMUNITY

The Chief and council of Burnt Church are asking the provincial education minister in New-Brunswick, the Honourable Elvy Robichaud, to provide counselling assistance to the students of Burnt Church who are resuming classes next week.

"Our children have been traumatised by the events of the last few weeks and concentrating on their studies will be very difficult. We are asking the province to provide the community with a team of counsellors who can help the students come to grips with recent events and allow our children to be able to return to school in a more serene state of mind", said Chief Wilbur Dedam.

School year starts Tuesday, September 5, and children who witnessed the events on the waterfront this week have great difficulty in dealing with what they saw. The Director of Education of the Burnt Church community, Simon Dedam, would even consider delaying the start of the school year to allow counsellors time to help students before exposing them to the pressures of a school curriculum.

"Recent events have made children very jumpy. We have to provide them with assistance to deal with their emotions and their sense of helplessness. The province has resources to bring in counsellors and a trauma team to deal with this. We are hoping that they will assist us in this regard. We will consider delaying the school year but this would be a last resort. It would be an added pressure on the children to also have to play catch-up. We have to consider the best interests of the children in everything we do", said the Director of Education Simon Dedam.

For additional information, contact Karen Somerville at (506) 776-1211.

Burnt Church First Nation

**620 Bayview Drive, Burnt Church, NB E9G 2A8
Telephone (506)776-1200 . Fax (506)776-1215**

August 30, 2000

BURNT CHURCH COMMUNITY LEADERS AND MEMBERS AGREE TO MEET WITH MINISTER DHALI WAL

The Chief, council and members of the Burnt Church community in New Brunswick have accepted the offer by Minister Dhaliwal to meet and discuss ways to resolve the current dispute between the community and the federal government in a manner satisfactory to all the parties.

"The Minister has offered to meet with us. We accept the offer and anticipate that the Minister will work with us to find a peaceful resolution to this dispute. We have stated all along that we want to begin a dialogue, not on the basis of a template agreement but on the basis of our treaty rights, as recognised and affirmed by International Law, the Canadian Constitution and the Supreme Court decisions", stated Chief Wilbur Dedam.

The Minister had proposed a meeting in Ottawa on Friday, September 1, 2000. However, in light of the crisis in the community, the Chief and council have accepted to meet on neutral territory in a community closer to Burnt Church. They have proposed a meeting in Fredericton early next week, possibly Monday or Tuesday.

"We want to have time to consult with our community members and discuss with them our options in order to have a strong and clear position to present to the Minister. We expect the Minister will have a clear proposal to put forward and we need to have a similar clear position to present on behalf of the community. We are quite confident the Minister will recognise the basis of our response and will accept to meet, without pre-conditions, with us early next week", concluded Chief Dedam.

The community has relayed this response to the Minister and is awaiting confirmation of a meeting early next week.

For additional information, contact Karen Sommerville at (506) 776-1211.

Burnt Church First Nation

620 Bayview Drive, Burnt Church, NB B9G 2A8
Telephons (506)776-1200 Fax (506)776-1215

August 30, 2000

Hon. Minister Herb Dhaliwal
Minister of Fisheries and Oceans
Ottawa, Ont.

BY FAX: 613 - 930-1866

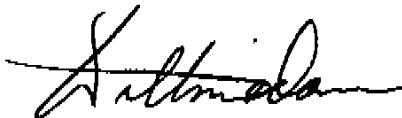
Minister Dhaliwal,

I have reviewed your invitation to meet with my council and myself to begin a dialogue on a mutually satisfactory arrangement to resolve the current impasse in which we are involved with your department. We accept your invitation to meet. However, in light of the crisis in the community, we prefer to meet on neutral territory in a community closer to Burnt Church. We are proposing a meeting in Fredericton early next week, possibly Monday or Tuesday.

We want to have time to consult with our community members and discuss with them our options in order to have a strong and clear position to present to you. We expect you will have a clear proposal to put forward. We are quite confident that you will recognise the need to resolve this and will accept to meet, without pre-conditions, with us early next week.

We hope to hear from you at your earliest convenience to finalise the details of the meeting.

Sincerely,



Wilbur Dodam
Chief
Burnt Church

Burnt Church First Nation

FOR IMMEDIATE RELEASE

Contact:

**Karen Somerville
James Ward
Burnt Church First Nation
(506)776-1211**

Burnt Church, N.B. - August 23, 2000 - The Chief and Council of Burnt Church First Nation would like to issue a statement of clarification on the facts surrounding the protocol reached between the Department of Fisheries and Oceans and the Burnt Church First Nation. Burnt Church agreed to enter into this protocol on good faith, and made concessions, such as removing the barricade and controlling the number and geographic location of traps in the water in hopes of continuing dialogue with DFO officials.

On Friday, August 18th, a protocol was reached between DFO officials and the community of Burnt Church. It was mutually agreed upon that DFO officers and the Listuguj/Esgenoopetitj Rangers would conduct a joint count of the lobster traps in the Burnt Church Fishery. With respect to the number of lobster traps in the Burnt Church fishery, no specific number of traps was discussed, contrary to the statements issued by DFO officials. It was understood that there would be no excessive amount of fishing activity, but it was also agreed and understood that additional traps would be placed in the water by fishermen who had not yet an opportunity to set their traps.

It was further understood that the area to be fished would be a horseshoe not exceeding the boundaries of Portage Island and Fox Island, and any traps set beyond this perimeter would be removed by the Listuguj/Esgenoopetitj Rangers. However, on Sunday, DFO forwarded a map to the community outlining an area significantly different from the area that was mutually agreed upon.

Recent statements issued by the Department of Fisheries and Oceans accuse the Burnt Church First Nation of not living up to the verbal agreement of Friday, August 18th. It is the position of the Chief and Council of Burnt Church First Nation that Burnt Church did not violate this agreement. In fact, the Burnt Church First Nation would like to state that several violations of this agreement occurred by the unwarranted actions of DFO. Only 2 hrs. after the Friday meeting, DFO immediately violated the protocol by conducting direct monitoring of the fishery with surveillance aircraft - an act clearly understood by both parties to be a direct violation of the protocol agreement - and arbitrarily began making changes to the designated fishing area.

In light of these violations, Burnt Church expressed a willingness to continue in good faith, with the Listuguj Rangers enforcing the guidelines established on Friday's meeting. The recent actions and false statements by DFO officials to the Canadian public has only further complicated the situation at Burnt Church, and jeopardizes any potential good faith discussions with the Burnt Church First Nation.

It is the position of Burnt Church that they recognize the authority of DFO to regulate the non-native fishery, but believe that the community of Burnt Church is entitled to manage their own commercial fishery, based on recognized values and principles of conservation.