



Manitoba Keewatinowi Okimakanak Inc.

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MKO Sets the Record Straight on the First Nation Right of Top Priority To Hunt for Food, Support and Subsistence in Manitoba

Treaty One Territory, Winnipeg, MB – Manitoba Keewatinowi Okimakanak (MKO) Inc. Grand Chief Garrison Settee responded to the recent CBC article entitled, *Delay in moose, elk draws leads to licencing uncertainty for some Manitoba hunters*, by saying, “MKO wants to set the record straight and help all Manitobans to understand that our First Nation right of top priority to harvest game and fish for food and for support and subsistence is the established law in Canada.”

“The First Nation right of top priority flows from the Crown’s Treaty promise that Nations ‘*shall have right to pursue their avocations of hunting and fishing throughout the tract surrendered*’”, added the MKO Grand Chief.

“The Treaty harvesting promise has twice been given constitutional force over the past 94 years. The first time is in 1930 through the *Manitoba Natural Resources Act, 1930* – which is the *Constitution Act, 1930*, by which Canada imposed a constitutional obligation on Manitoba to ‘*secure to the Indians of the province the continuance of the supply of game and fish*’. The second time is through section 35 of the *Constitution Act, 1982*, by which the rights of First Nations are recognized and affirmed,” said MKO Grand Chief Settee.

“For more than two years, the Sapotaweyak Cree Nation, Pimicikamak Okimawin and MKO, and more recently the Misipawistik Cree Nation, have repeatedly asked the government of Manitoba to uphold the constitutional law of Canada and ensure that First Nations can exercise our right of top priority to hunt and fish for food and to feed our families and communities”, the MKO Grand Chief stated.

“Our northern First Nations are deeply concerned that moose habitat and populations have historically been mismanaged to the point of closure or severe harvest restrictions in many southern areas of the province. We cannot feed our families by hunting and fishing as promised by the Treaty. We do not want this to spread even further into northern Manitoba”, said Chief Heidi Cook of the Misipawistik Cree Nation.

Chief Nelson Genaille of the Sapotaweyak Cree Nation said, “licenced hunters exercise a legislative discretionary privilege that may, or may not, be granted by Manitoba. There is no legislation that the province of Manitoba can enact that would place the legislative privileges of licenced hunters on a level that is any way equivalent to the Treaty right of top priority of our First Nations to hunt for food.”

“As well, the Manitoba Court of Appeal said in 1962 that the wildlife laws of Manitoba, as they may apply to First Nations, are ‘subordinate’ to Manitoba’s obligations under paragraph 13 of the Schedule to the *Manitoba Natural Resources Act, 1930*. Manitoba has an obligation to take concrete steps to ensure that our First Nations can exercise our right to hunt for food. Canada’s enactment of the *Manitoba Natural Resources Act, 1930* is another violation of Treaty and Aboriginal rights in Sapotaweyak Cree Nation’s Traditional Territory” added Chief Genaille.

Chief David Monias of Pimicikamak Okimawin said, "our Nation advocates for stronger treaty, contractual, and environmental protections to ensure community engagement in moose hunting, and which highlight and redress the Manitoba government's violations of Section 15.3 of the 1977 *Northern Flood Agreement*, which prioritizes Pimicikamak citizens' hunting rights in Pimicikamak Territory. We believe in habitat restoration and in sustainable hunting practices reflecting our Customary Laws of the duty of stewardship. We also call on the Manitoba government to honour and adhere to the constitutional laws of Canada and Manitoba's commitments in the *Northern Flood Agreement* to preserve moose populations for future generations."

"The Supreme Court of Canada said in the 1990 decision in *R. v. Sparrow* that 'if, in a given year, conservation needs required a reduction in the number of fish to be caught such that the number equalled the number required for food by the Indians, then all the fish available after conservation would go to the Indians according to the constitutional nature of their fishing right'. The top priority set out in the *Sparrow* decision also applies to game such as moose", the MKO Grand Chief continued.

Chief Genaille summarized, "Manitoba has not taken steps to determine that the food needs of First Nations have been met. Manitoba may not lawfully issue any licences or tags to anyone to hunt moose within Sapotaweyak Cree Nation's Traditional Territory."

"This also means that government must work together with First Nations to manage habitats and minimize or even reduce development-related impacts on habitats and populations to ensure that the food needs of First Nations are being met and, at the same time, that licenced hunting may resume," said Chief Cook.

"After more than two years of Manitoba ignoring our repeated requests for engagement, MKO and the MKO First Nations thank Premier Kinew and the Province of Manitoba for taking time to thoughtfully listen to those Manitobans who are First Nation rights-holders. MKO and the MKO First Nations also appreciate that the province is engaging with our First Nations to ensure that proper resource allocation and land management measures are in place to protect our twice-constitutionally protected right of top priority to hunt for food, as well as to ensure the sustainability of any discretionary licensed hunt", concluded Grand Chief Settee.

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Manitoba Keewatinowi Okimakanak Inc. (MKO) is a non-profit, political advocacy organization that has represented 26 First Nation communities in Manitoba's North since 1981. The MKO represents more than 72,000 First Nations people.