

Maritime Aboriginal Peoples Council – Maritime Aboriginal Aquatic Resources Secretariate
(MAPC-MAARS)

Reply Commentary on the Draft National Framework for Canada's Network of Marine Protected Areas

A critique exposing voids in the vision, goals, and manner
of bioregion formation for MPAs and a network of MPAs.

Roger Hunka
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Of Aboriginal Peoples Continuing to Reside on Traditional Homelands*

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Dear Ms Scattolon and Mr. Theriault

Subject: Reply commentary on the draft National Framework for
Canada's Network of Marine Protected Areas

Thank you for your invitation of November 17, to the Maritime Aboriginal Peoples Council, with the attached October 2010 version of the draft, National Framework for Canada's Network of Marine Protected Areas (NFCNMPA).

Concurrent with my reply I also copy Ms. Mary Rothfels, who had attended and provided the ESSIM Stakeholder Advisory Council (SAC) with a power point, and some literature and information on the same subject, September 28, 2010.

My reply is to the November 2010 Draft National Framework for Canada's Network of Marine Protected Areas (NFCNMPA).

While I applaud the efforts to produce this living draft NFCNMPA, and the aspirations of Senior DFO Director's to invite comment, I am not aware of any public announcements which would convince me that the Governments within the Canadian Federation hold equal desires and aspirations to initiate a network of Marine Protected Areas within inland and coastal waters. I can safely say; based on five years experience with the ESSIM initiative and some knowledge about the other LOMA's, that I doubt whether the Federal Government of Canada has an appetite to seriously or efficiently advance this noble national need, and overdue international obligation of world states.

Today as a nation state responsible for the conservation, sustainable use and equitable access and sharing of the biodiversity within 5.7 million square kilometers of inland water regimes and ocean waters, Canada stands firm in 2011 without a vision. Without any publicly acknowledged or "Treasury Board Approved" funds dedicated and directed to either the short or long term development of MPA's or a network of MPA's.

Without a "whole of all levels of government strategy" on MPA's or a network to realize MPA's you waste a lot of time. Example Beaufort and ESSIM (see appended commentary). As long as MPA's are not a national priority, and there are no dedicated directed new funds to such a priority, or capacity to acquire new or more human resources on the priority, DFO will be called upon to flicker a light every so often on the subject, only to deprive other DFO priorities of time, funds, and draw on already scarce and taxed human resource.

In Canada, we desperately need a political accord between all levels of governments of the Federation on the matter and urgency of developing and implementing MPA's and a network of MPA's.

Above all else as a first step, we need in Canada Throne Speeches or Assembly Address, by governments which invite and nurture the meaningful, informed and partnered involvement of the "whole of society" on the subject of Marine Protected Areas and their networks. Public, private, civil society involvement and voice for input, planning, designating, and direct involvement in effective management bodies - whole of society ownership a fundamental prerequisite.

We need a "Federation of Canada MPA & Networks Commission" constituted with representatives of Governments, Aboriginal Peoples, Civil Society Multi Interest. An MPA & Networks Commission with appropriate dedicated and knowledgeable staff and experts operating across the Federation of Canada, linked with every MPA within every Bioregion.

When I read the sentence "...proceed over time as resources allow.", that tells me that you do not have the money, so why are a few dedicated and concerned senior officials raising the subject, questions and expectations of the interested?

I know Canada at the present time does not have the “gusto” to sign off on a multi-stakeholder and multi-rights holder “LOMA” plan. ESSIM in effect could be termed an “ecological subunit” within a larger bioregion as proposed in the draft NFCNMPA. So, what recent statements have been made by any governments of the Federation, which would indicate that there is new or more promising “wind to the sails”?

If there is a new wind, how does it blow over the statement that the Federal Government: “will freeze departmental operating budgets, that is, the total amount spent on salaries, administration and overhead.” And, “restoring fiscal balance will be to restrain federal program spending.”

How does that wind, blow away, the oil and gas exploration and development priorities of Newfoundland and British Columbia. How does that wind blow away the almost bankrupt stature of New Brunswick, Nova Scotia and Prince Edward Island. How does the new wind blow away Ontario’s vanishing wetlands and monumental water tables and lakes drops, while trying to wade out from being the most seriously impacted province by the global recession.

On March 3, 2010, we heard; “To further protect and preserve the diversity and health of our natural environment, the Government will bolster its Action Plan on Clean Water. And it will build on the creation of more than 85,000 square kilometers of national parks and marine conservation areas as part of Canada’s national conservation plan”. How many square kilometers will be reserved or dedicated to be “marine conservation areas” or “marine protected areas”?

How? and When? and Where?

Printing two profusely pictured colour brochures, reciting old “ocean conservation language and promises, and providing an overview of officials aspirations, dedications and pleas to get on with the job of establishing MPA’s, does not change the facts and reality. In January 2011, Canada has missed the international goal to have 10% of waters as MPA’s by nine per cent (9%). The fact remains, there is less than 1% effective management and efficient control of inland and coastal waters in Canada. There is less than 1% of dedicated conservation applying precautionary sustainable development principles, or practices for fair access and benefits sharing of genetic biodiversity in or from waters as Canada’s responsibility.

Canada has less than a handful of plans ready to approve and designate as marine biodiversity and habitats MPA’s. After fourteen years of promises, Canada still does not have a vision for Marine Protected Areas. We do not have a strategy to link these MPA’s. All we have is a draft proposing some 13 vague questionable “bioregion” to somehow form acquired priorities influenced mari-boundaried environments. We know that they do not follow the four criteria listed in their determining document.

We have absolutely no idea nor any hint about what body or functioning directorate of what department of Government or departments of Governments will be called on the carpet to explain how it has: “effectively managed a comprehensive national network of MPA’s that contribute to sustaining healthy and biologically productive marine environments, fully respects Aboriginal Peoples....” within this Federation of multiple jurisdictions, with multiple departments contributing to the machinery of governments, each having some interest in an MPA or Network of MPA’s in either their inland waters or around their coasts within the Federation of Canada. We all know that the Department of Fisheries and Oceans has inherited the authority for the Oceans Act, and default responsibility for policy and planning, did DFO by default also assume total and complete responsibility for “effective management” of MPA’s and their network?

If Canada were to adopt the very narrow vision for a National Network of MPA’s, as produced on page 2, in the draft NFCNMPA, how would a DFO MPA or Network Director go about to satisfy in practical terms with physical evidence the vision of: “...contributing to sustaining healthy and biologically productive marine environments...” without a political MPA or Network intergovernmental accord, financial resources, requisite human capacity, technical expertise or the participation of civil society?

How would this “DFO MPA Network Management Directorate” come up with the proof that there are actually physical (not paper) MPA’s and a Network of MPA’s effectively managed, functioning, monitored and functioning as planned throughout this vast diverse Federation of Canada?

I appear terse in tone, because Canada cannot and should not keep blowing “puffs about MPA’s and Networks” to Canadians, and the world. In reality there is a disinterest and low priority given to MPA’s by Governments. Canada has less than 1% of aquatic environments and habitats under any management plan in 2011, let alone under effective management.

The vast majority of areas which are conservation areas are a composition of hundreds of little bits and pieces, many established years ago, and only a few recently added.

Where is there a buy-in of Provincial jurisdictions, territorial jurisdictions, Aboriginal Peoples jurisdictions, municipal jurisdictions? The draft NFCNMPA asserts on page 7: “Jurisdictions will participate in bioregional network planning within their areas of accountability and through their respective planning and reporting processes.” I am not convinced that the declaratory language of “will participate” carries any proof of buy-in by jurisdictions. Desires and studies stated or requested by Ministers’ Councils, are just that.

Is there any thought about an inclusive process which will involve Aboriginal Peoples and civil society in all aspects, including ownership for the public good now and into the future?

As a federation of the Peoples of Canada, a Federal Initiative about the environment and conservation cannot succeed without the “whole of government” buy in, at all levels of government. We know that from experience.

As a free and democratic society, we know that a vision, which does not invite, or commit to provide support for meaningful, informed direct involvement of “civil society” as equal participants in all aspects and stages in the development and implementation of a conservation area, from conceptualization, planning, designation, management, monitoring, oversight and ownership of a conservation or Marine Protected Areas, is a deficient vision.

The vision does not incorporate in its language the significance of using MPA’s and a Network as living theatres to preserve historic evidence, provide cause for celebration and advance society’s need to understand the history between the coastal peoples and the in, near and off shore seas. A history which had, has and continues to be a significant element in shaping the values and qualities which the coastal communities and peoples of the federation hold about their waters and coasts.

The vision does not reflect the need to foster an understanding about the intrinsic values inherent between the peoples living on and making a living from their two ecumenes of “coastal communities” and “seafaring communities”.

Section 6, speaks of several benefits and costs of an MPA Network. I note “cultural and/or recreational” MPA’s as an example. Unfortunately I still don’t see how the vision captures those types of MPA’s. I see some elements of historic significance qualified within the third goal.

Surely there is need for more than three goals if the goals in essence are developed to augment very broad language or meaning to the vision.

What are the criteria for measuring cultural or recreational values, or historic values which should be present, identified and considered in designating a historic or cultural Marine Protected Area? How are they determined and how are they measured? Have these realities been factored in determining the “boundaring” of bioregions?

Does the vision ever take into account or would it ever reflect a “melding” from coastal zone aspirations to marine protected areas aspirations. Do they ever meld, or is the line a zig zag nautical measurement from the solum and beyond, subject to the jurisdictional preferences inherent in different accountability’s of respective planning and reporting processes of different jurisdictions?

Why does Section 8, completely miss or not discuss anything about the significance of public involvement and public civil society partnerships in the governance of MPA’s and the Network?

The participatory approach of inviting and involving “the whole of society” is silent in the vision. Respecting society at large, does not necessary translate to inviting, supporting, involving and partnering with the whole of society on the subject of MPA’s and a Network. The concept of involving civil society in the conservation, sustainable development and access and benefits sharing and use of genetic resources has been around for some time.

Why is DFO venturing to seek input on a draft NFCNMPA, ultimately to plan, designate and protect a water environment without clearly including as a basis for the framework, the clear invitation and wholesome and genuine and meaningful and essential partnership role of the “whole of society”?

That must be captured in the Vision. Anything less, is to waste the public’s time. Watching “governments on the one hand violate the principles of conservation, sustainable development and access and benefits sharing” in stand still pose, while “The Natural Heritage, and Natural Identity, and Natural legacy” of this and future generations is being destroyed by prospect, and cavalier exploration with mega exploitation of resources at the cost of biodiversity and the living environment, is not encouraging.

It may come as a surprise, however did you notice that almost every proposed Bioregion except two are considered and classified by Governments as “frontier lands” . Frontier lands noted by several Federal Departments, bringing with that phrase the fundamental approach to these lands by the governments. These regions are ripe for exploration and exploitation of resources for wealth creation. To Government, MPA’s provide certainty to exploit everywhere except in some little designated area, which would be somehow linked as a network of “natural life representation” in short a natural waters “zoo”.

The vision needs work, and since there is little or no money to effect an MPA let alone a Network of MPA’s in the near future, why not use this time to write a vision that is responsive to the needs and values of the peoples of the Federation of Canada.

Why not have a vision that will encourage Governments to negotiate an accord to work collaboratively towards a mutual national objective, and satisfy an international obligation. Why not craft a vision which forefronts the three foundational principles of: “conservation of biodiversity and habitats, the application of sustainable development policies, and the fair access and sharing of benefits of genetic resources”. Why not draft a vision which puts foremost the values, qualities, knowledge, wisdom, expertise and love for waters and their resources as found in civil society, Aboriginal Peoples and the public in Canada.

A commentary isolated from hearing the aspirations of many Canadians, is little more than a “critique on what is missing” rather than what language could be used to express a vision which sets off an emotive force of energy or appetite to be involved and realize MPA’s and a Network of MPA’s.

The three goals, seem noble, however, as I stated earlier, if the goals also serve to augment the vision, then there are many more goals which need to be added.

What about a goal to witness sustainable development practices? What about a goal to protect or recognize the fair access and sharing of benefits from aquatic genetic biodiversity. What about the goal to apply the precautionary approach to activities, works, projects and development which have an impact on the MPA and network?

What are the eco-system services as contemplated in that term as used in goal number 2?

Where is the goal to provide support and use the MPA's and Network as theatres for greater public understanding, knowledge, and awareness about the changing environmental conditions, impacts by acid rain, mercury deposition, climate change, toxic chemical and pollution leaching, ballast water dumping, resources extraction trends and projections, human traditional and contemporary activities, exploration, emerging development activities, regulatory provisions for public stewardship or aboriginal aquatic responsible resources share arrangements for large conservation areas to be a part of the MPA's and Network? What about building the foundations through education for respect and oneness with the living oceans and life within, considering the Aboriginal People world view about the aquatic living environment, and life force of water?

Are those items to be found in specific goals to be added to the three spelled out, or do we read them to be included in the broad overarching vision as presented?

The draft NFCNMA suggests that the criteria for MPA's should be consistent with that adopted by the United States and the International Community. Does that mean that DFO will use the at minimum Table 1 from the "Report of the expert workshop on ecological criteria and biogeographic classification systems for Marine areas in need of protection", UNEP/CBD/SBSTTA/13/INF/14* - November 13 2007.

Without civil society involved, without in the least including or involving the Aboriginal Peoples as rights holders with meaningful and informed roles, or without seeking and using their knowledge and world views, or without an education component or systems to promote or mainstream the urgency to create MPA's or a Network, or an awareness about the plight of the aquatic treasure slapping at our feet, we will not witness MPA growth or a Network in Canada. Rather, as is happening, we will see our values and respect vanishing as fast as life within streams, rivers, lakes, bays, seas and the oceans - death by denial.

Without passion, belief, awareness, respect and caring, the most simple sentence opposing an MPA or statement of concern about loss of economic opportunity (depending on the government priority of the day - presently "oil & gas producing mega state") can and will silence a million words, and a million hours of collective work, plans and dreams to establish and manage an MPA.

Section 9, Bioregions. I have read four reports at different times about selecting bio-regions, and each raises the question. "How many scientists does it take to replicate or understand a four billion years plus environment on planet Earth?"

How many actually agree with the proposed selection of bio-regions and why? or why not?

Is there total agreement with their boundaries? Are their objections? What scientific reason is there to cut up the "Laurentian Channel" to mirror a political jurisdiction? What scientific reason is there to mix with Shelf expanse, the abyss out to the 200 EZ line? Surely none of

the criteria match. The Bioregions appear to have been developed or arrived at after long battles, to suite “political divine interests” rather than “ecological, oceanographic and bathymetric interests similarities or differences”. I guess it depends on how you want to look at it.

Can we in the least have some public discussions, or come to grips with “Bio regions” what is the criteria? Why? How many Bio regions will there be? Let us work out a vision with civil society. Let us work out important goals. Let us inform and advise governments about the importance to negotiate a National Accord between Governments on the subject of MPA’s and a network of MPA’s. Let us identify and request the necessary funds from government Treasuries and the private sector to do the job right. Let us hire the requisite professionals within a dedicated directorate to work with civil society to do it right, and in the least have the capacity and tools to effectively manage what we say we will.

To end, I welcome the opportunity to further discuss this document. I would implore DFO to hold some solid public discussions foremost. Since we don’t have the money or gusto to implement or plan MPA’s, lets at least get a vision with some goals ready for that day when we will have money and gusto.

Thank you, and I remain

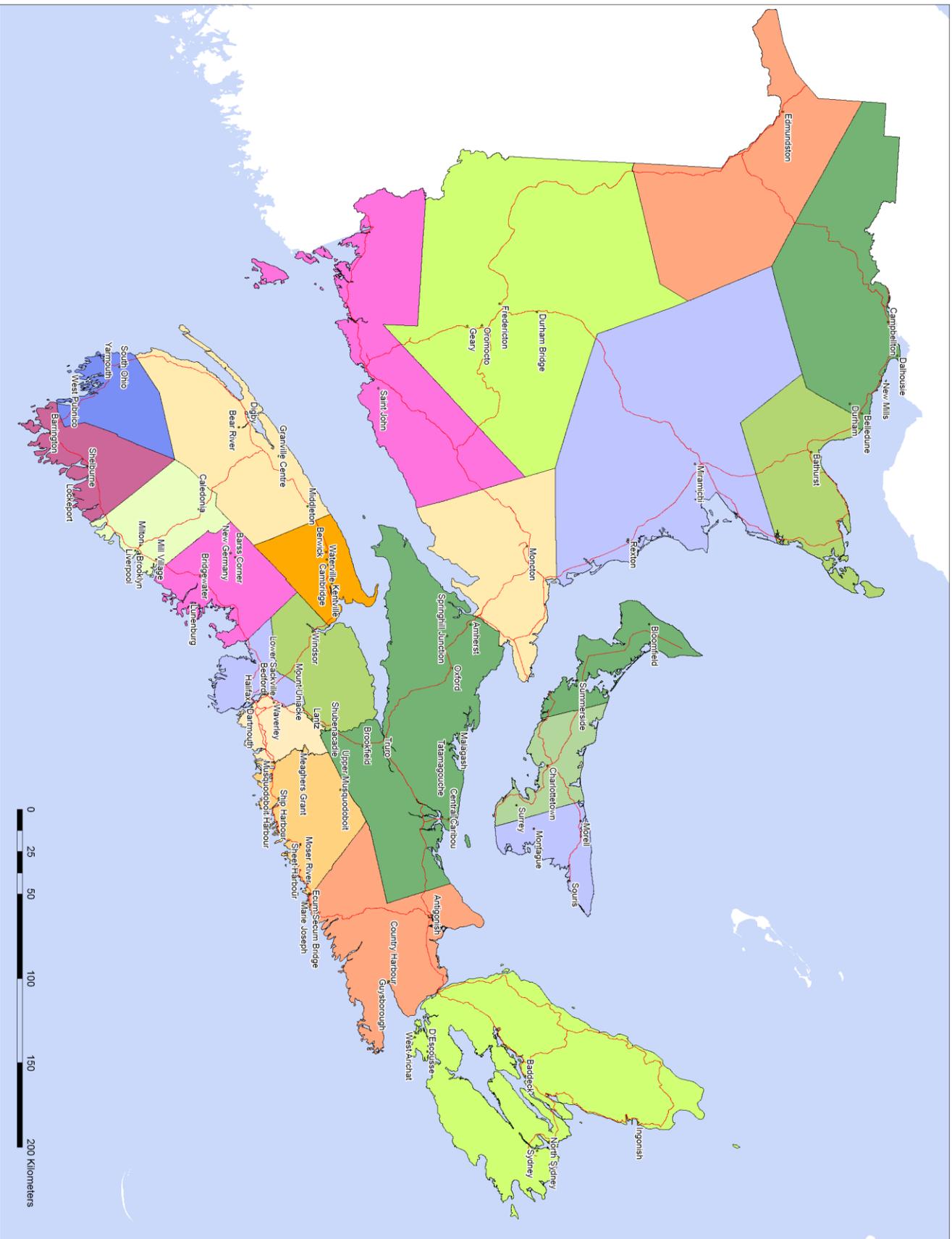
Advancing, promoting and advocating the reality of the
Maritime off-reserve community of Aboriginal Peoples

Roger J. Hunka
Director of Intergovernmental Affairs

cc: Mary Rothfels
Chief Grace Conrad, NCNS
Chief Jamie Gallant, NCPEI
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MAARS - ACCFE’s Managers
Ikanawtiket
Mr. Tim Hall, Glen Herbert, Melanie MacLean

Attachment: ESSIM commentary

Aboriginal Ancestry and Identity Population in Atlantic Canada



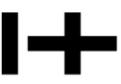
Legend

Total Aboriginal population off-reserve by zone

| Nova Scotia | | New Brunswick | | Prince Edward Island | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| Off Reserve Aboriginal Ancestry | Off Reserve Aboriginal Identity | Off Reserve Aboriginal Ancestry | Off Reserve Aboriginal Identity | Off Reserve Aboriginal Ancestry | Off Reserve Aboriginal Identity |

| | | | | | |
|---------------|---------------|---------------|--------|--------|-------|
| 4,285 | 1,310 | 1 | 725 | 405 | 1,325 |
| 1,390 | 495 | 2 | 1,225 | 650 | 270 |
| 8,885 | 3,045 | 3 | 1,960 | 800 | 3 |
| 3,025 | 1,535 | 4 | 4,815 | 1,395 | |
| 2,040 | 605 | 5 | 6,530 | 1,895 | |
| 3,740 | 1,495 | 6 | 5,660 | 2,290 | |
| 965 | 500 | 7 | 2,295 | 1,260 | |
| 3,940 | 2,840 | 8 | 28,280 | 10,620 | |
| 940 | 430 | 9 | | | |
| 2,885 | 835 | 10 | | | |
| 680 | 145 | 11 | | | |
| 5,945 | 2,035 | 12 | | | |
| 5,505 | 3,740 | 13 | | | |
| 44,175 | 19,010 | Totals | | | |

Source: 2006 Census of Population (based on Ethnic Origin question and Aboriginal Identity)



2010 CANADIAN MARINE ECOSYSTEM STATUS AND TRENDS REPORT

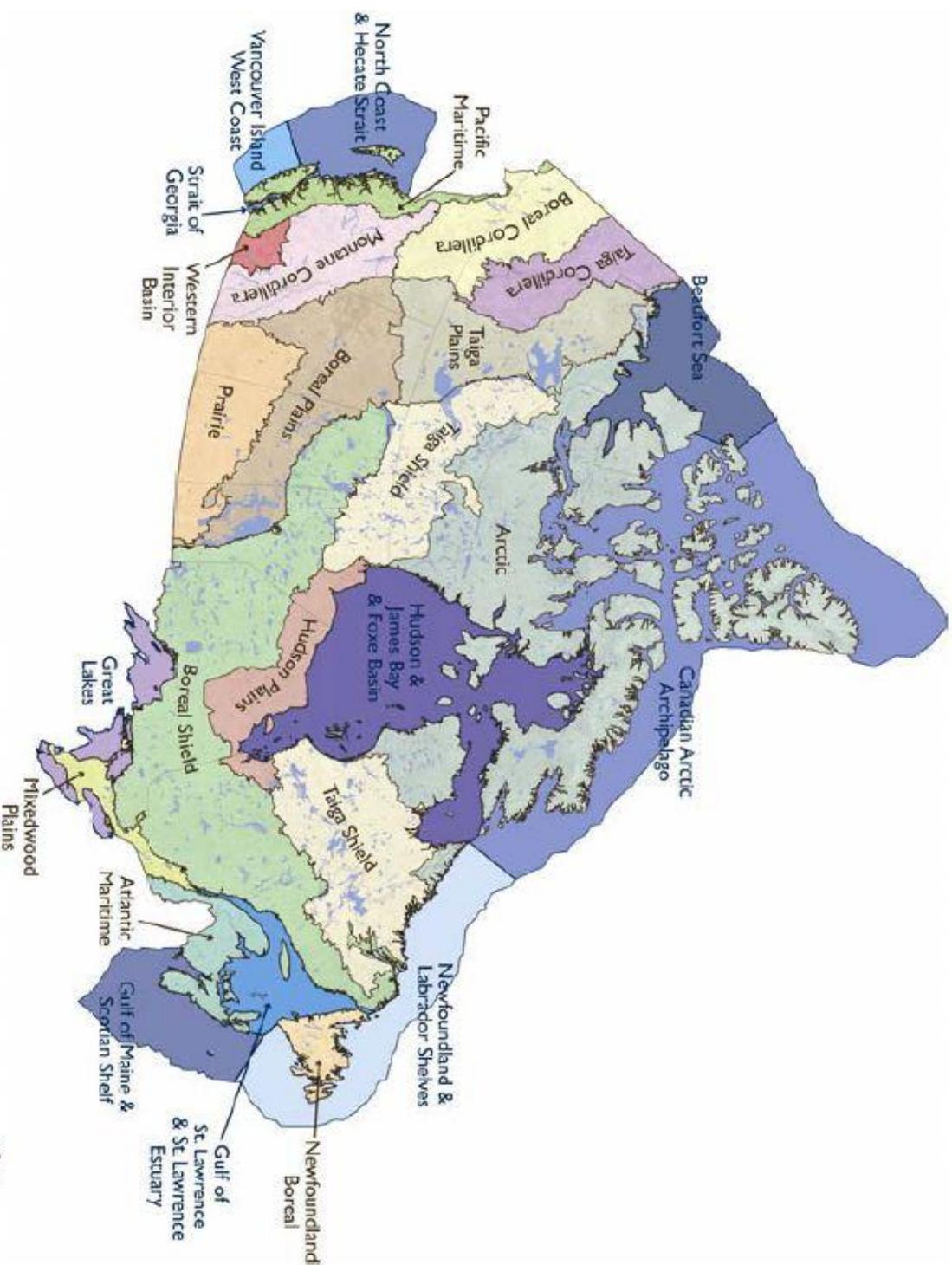


Figure 1. Map of Canada delineated by the terrestrial, freshwater, and marine Ecozone^{plus} units for the 2010 Ecosystem Status and Trends Report.