

An underwater scene with various fish swimming in blue water. A large, bright white circle is centered on the page, partially overlapping the water. The background features a sandy seabed with green seaweed, a red crab, and several shells.

**Maritime Aboriginal Peoples Council**

**MAARS POSITION STATEMENT**

ON THE

Proposed Regulations to the  
Navigable Waters Protection Act

Presented to the

**Canadian Marine Advisory Council**

April 2010

# Maritime Aboriginal Peoples Council



*The Maritime Region Aboriginal Leaders Intergovernmental Council  
of Aboriginal Peoples Continuing to Reside on Traditional Homelands*

## MARITIME ABORIGINAL PEOPLES COUNCIL

Native Council of  
Nova Scotia  
P.O. Box 1320  
Truro, Nova Scotia  
B2N 5N2

Tel: (902) 895-1523  
Fax: (902) 895-0024  
Email: [info@ncns.ca](mailto:info@ncns.ca)

New Brunswick Aboriginal  
Peoples Council  
320 St. Mary's St.  
Fredericton, New Brunswick  
E3A 2S4

Tel: (506) 458-8422  
Fax: (506) 451-6130  
Email: [malimic@nbapc.ca](mailto:malimic@nbapc.ca)

Native Council of  
Prince Edward Island  
6 F.J. McAulay Court  
Charlottetown, P.E.I.  
C1A 9M7

Tel: (902) 892-5314  
Fax: (902) 368-7464  
Email: [info@ncpei.com](mailto:info@ncpei.com)

© June 2010, MAARS 2009-2010 Final Report, Maritime Aboriginal Peoples Council (MAPC),  
Maritime Aboriginal Aquatic Resources Secretariate (MAARS) 172 Truro Heights Road,  
Truro Heights, Nova Scotia B6L 1X1 Canada

Phone: (902) 895-2982

Fax: (902) 895-3844

Email: [maars@mapcorg.ca](mailto:maars@mapcorg.ca)

[www.mapcmaars.ca](http://www.mapcmaars.ca)

Mr. Chairman,

On the subject of the Navigable Waters Protection Act proposed regulations to replace the ministerial directive, which in essence will exempt governments from their duty to consult with the Aboriginal Peoples of Canada, we object and would like to read the following into the record of this Canadian Marine Advisory Council meeting.

The Maritime Aboriginal Peoples Council; a regional Aboriginal Leaders Intergovernmental Forum in the Maritimes comprised of the Native Council of Prince Edward Island, the Native Council of Nova Scotia, the New Brunswick Aboriginal Peoples Council, including their respective natural life management Authorities : Netukulimkewe'l commission (NS), Kelewatl commission (PEI), TIMBER commission (NB) and their three Aboriginal Communal Commercial Fisheries Entities: Mime'j Seafoods Ltd. (NS), L'nu Fisheries Ltd. (PEI) and Aboriginal Seafoods Network (NB); working for their respective Traditional Ancestral Homeland Peoples of Mi kmaki oppose this regulation without any reservations whatsoever.

Any works, activities, projects, endeavours, or undertakings whatsoever of **any type or form, on or near the waters**, which has an effect or where their ought to be knowledge that an effect is likely to occur to the access of resources of flora, fauna, and the general biodiversity, or in any way alter the waters, without our (Aboriginal Peoples) prior or informed consent or without the benefit of consultation, is an act without consultation, in violation of law.

Governments, departments, licensing authorities, permitting authorities or policing authorities which know or ought to know that Aboriginal Peoples have rights to the waters, and resources therein and thereabout, are required to honour and uphold the law, of Section 25 of the Constitution Act of Canada 1982:

*“The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal people of Canada...”*

We, the Traditional Ancestral Homelands Aboriginal Peoples of the Maritimes request, require, and demand that if such a regulation is promulgated and given Order in Council approval, that the regulation must at minimum have a non derogation clause included in the regulation. The non derogation clause must recite Section 25 of the constitution Act Canada of 1982 in its entirety.

Mr. Chairman I want this statement reflected in the minutes and this objection appended as an attachment to the minutes.

We also urge members of this honourable council to inform themselves of the intent of the regulations. These regulations are leading you down a dangerous path where you will knowingly or unknowingly begin a journey of infringement on the Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada and also violate the legal obligation to consult with the Aboriginal Peoples of Canada before any works, activities, projects, endeavours, or undertakings are to commence.