

# Netawek Ikjikum

Voice of the Ocean

Quarterly Newsletter of the Maritime Aboriginal Aquatic Resources Secretariate

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## *Vote for the Bay of Fundy in the New7Wonders of Nature Campaign*

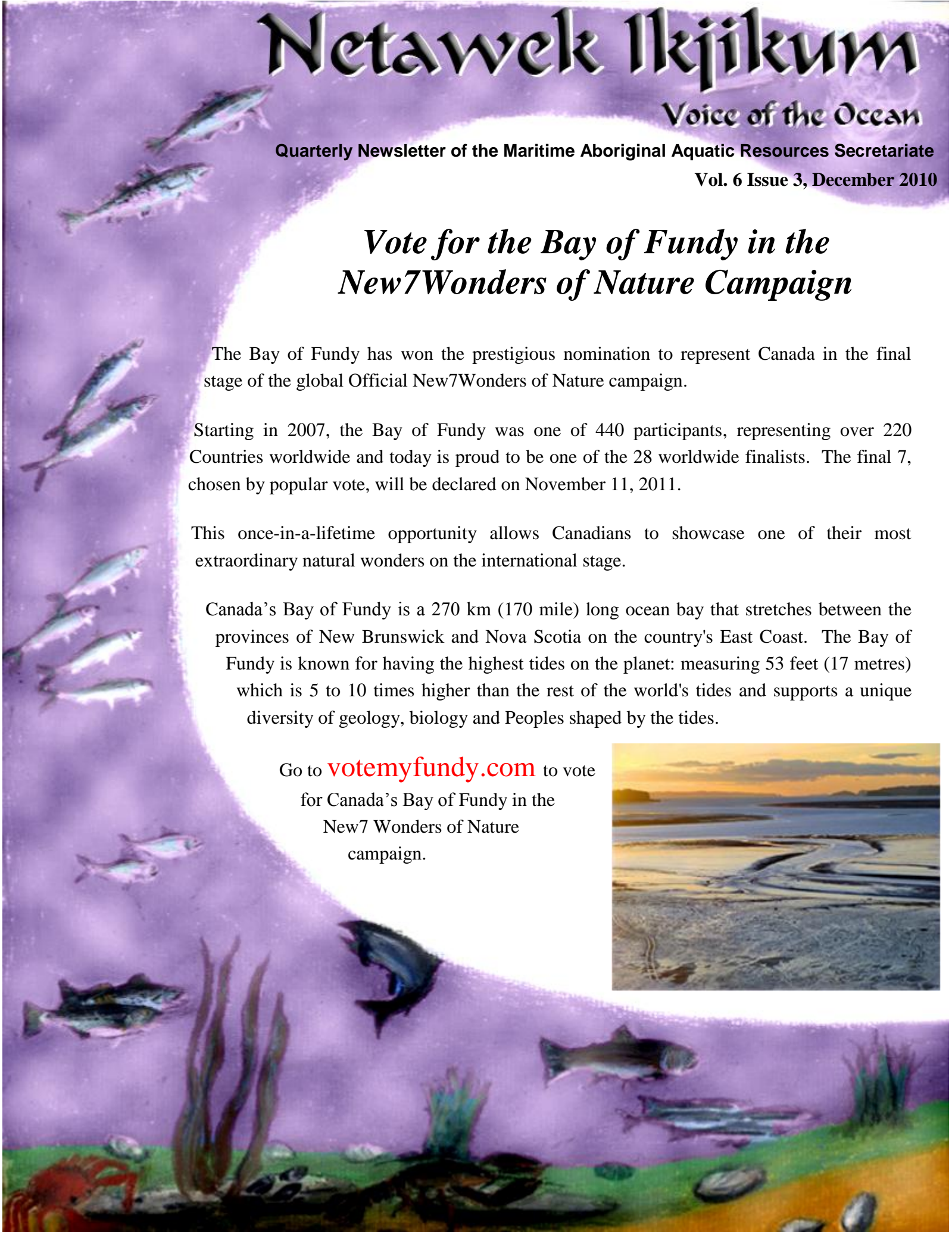
The Bay of Fundy has won the prestigious nomination to represent Canada in the final stage of the global Official New7Wonders of Nature campaign.

Starting in 2007, the Bay of Fundy was one of 440 participants, representing over 220 Countries worldwide and today is proud to be one of the 28 worldwide finalists. The final 7, chosen by popular vote, will be declared on November 11, 2011.

This once-in-a-lifetime opportunity allows Canadians to showcase one of their most extraordinary natural wonders on the international stage.

Canada's Bay of Fundy is a 270 km (170 mile) long ocean bay that stretches between the provinces of New Brunswick and Nova Scotia on the country's East Coast. The Bay of Fundy is known for having the highest tides on the planet: measuring 53 feet (17 metres) which is 5 to 10 times higher than the rest of the world's tides and supports a unique diversity of geology, biology and Peoples shaped by the tides.

Go to [votemyfundy.com](http://votemyfundy.com) to vote  
for Canada's Bay of Fundy in the  
New7 Wonders of Nature  
campaign.



# Will government except ATK in SARA?

By *IKANAWTIKET Joshua McNeely*

On September 28-29, 2010, IKANAWTIKET Regional Facilitator Joshua McNeely, attended a Regional Aboriginal Engagement Session, hosted by the Department of Fisheries and Oceans, in Sydney, Nova Scotia, to review and comment on a partial draft of a new federal guidance document to consider Aboriginal Traditional Knowledge (ATK) in Species at Risk Act (SARA) implementation.

SARA calls for the competent Ministers of Environment Canada, Parks Canada, and Fisheries and Oceans Canada (DFO) to work together to create a suite of complementary policies to implement the Act. DFO has quickly taken the lead in the Maritimes and Gulf Regions and at National level to promote and implement SARA with the involvement of Aboriginal Peoples, through the Aboriginal Funds for Species at Risk. Also by supporting the administration of aquatic species at risk projects collaboratively with other DFO Aboriginal programs, such as the Aboriginal Aquatic Resources and Oceans Management program. Through cooperation and coordination with Aboriginal Peoples, DFO has stood out among the other two federal partners and is able to implement local, regional, and national level species at risk activities, which are driven by Aboriginal Peoples and have made some impacts.

However, the experience of DFO in the Maritimes and Gulf Regions are not the same in other regions or for other departments. The success in the Atlantic does not suggest a complete working relationship between the seventy-three Aboriginal Nations and the Federal Government of Canada to implement SARA; however, it does provide an interesting model approach. To the credit of a few DFO public servants in the Maritimes and Gulf Regions and at National Headquarters, SARA has advanced in our region, despite a lack of SARA policy or clear direction from Government.

Presently, almost nine years after SARA was enacted, Environment Canada is still attempting to draft an Overarching SARA Policy Framework for basic SARA implementation guidance under the five steps of: assessment, protection, recovery planning, implementation, and monitoring & evaluation. At this rate, a policy for including ATK in SARA won't happen for decades, so some public officials have taken up the call to draft ATK guidelines, based on the DFO experience

Unfortunately, their work is plagued with problems beyond the control of regional and national SARA administrators, coordinators, policy advisors, scientists, and technicians. Continued failure by governments to recognize Aboriginal and Treaty Rights to resources, unwillingness of governments to accept the principle of Prior Informed Consent, a lack of national policy on sustainable development, and the lack of a national Aboriginal consultation strategy are among the many issues that have slowed or stalled full SARA implementation with the involvement of Aboriginal Peoples and inclusion of ATK.

MAPC-MAARS and IKANAWTIKET will continue to work with our regional and national partners for the implementation of SARA. Ministers and governments of the day need to recognize the value of the important work in the field to advance SARA and step up to the plate with support and interest in developing new policies and programs to include people in the governance of resources. What are needed are clear policies and strategies in other departments and sectors that incorporate the objectives and principles of the Convention on Biological Diversity and which together, with the Canadian Biodiversity Strategy, provide a strong foundation for meaningful SARA implementation.

## New HQ for Environment Troops

By NS AMDO Franz Kesick

The Nova Scotia Environmental Network (NSEN) was established in 1991 and under the very competent direction of a number of coordinators has built itself up to be the recognized environmental leader that it presently is.

Most of the NSEN coordinators, including the present Executive Director, has lead the organization using their basements and/or kitchens as their offices. On October 13, 2010, the current Executive Director Ms. Janelle Frail held an open house to officially welcome the organization to its new headquarters located in the Veith House Community Centre at 3115 Veith Street, Halifax.

The Veith House Community Centre opened its doors in 1969 after the property was transferred to the Halifax Children's Foundation. Prior to 1969, the property was the Halifax Protestant Orphanage 1857-1969.

The NSEN occupies an office on the second floor of the building and is a welcomed change for Ms. Frail.

Ms. Frail has spent her last several years establishing and deepening her connection with communities and groups from across Nova Scotia and abroad. With a degree in Environmental Studies, and an advanced diploma in Public Relations, Ms. Frail has established herself in the environmental field through past work with Canadian Parks and Wilderness Society (CPAWS), NSEN (as a board member and SENSE coordinator) and Clean Nova Scotia.

The Maritime Aboriginal Aquatic Resources Secretariate is a proud member of the NSEN and extends best wishes as NSEN continues in their very important work in their new office.

Visit the NSEN online - <http://www.nsen.ca>



Janelle Frail, Executive Director of NSEN (left) with MAARS SCAA Ms. Mary-Rose Watts (right) discussing display literature at the new NSEN office.

## Countries begin Mercury negotiations

By MAPC MAARS Director Roger Hunka

*Chemicals are an integral part of everyday life. There are over 100,000 different substances in use today. They play a role in every economic sector and nearly every industry, and many are critical to human well-being and sustainable development. Yet chemicals can also endanger human health and the environment if not managed properly.*  
(United Nations Environment Programme, UNEP)

Much work remains to be done to understand and mitigate negative impacts from chemicals, such as widespread contamination of land, water and air. This work is especially critical today as new and potentially hazardous substances continue to emerge every day and old chemicals linger, harming life long after they were used.

The global economy is generating increasing amounts of hazardous waste in countries that lack the systems and resources for their proper management. This waste poses serious risks to people and the environment and has the potential to contaminate other non-hazardous waste and substances if it is not adequately controlled.

Keeping the environment and people safe from harmful substances and hazardous waste goes beyond management. It means working to avoid these dangers entirely by removing them, wherever possible, from production and use.

United Nations Environment Programme (UNEP) Harmful Substances and Hazardous Waste sub-programme assists countries and regions in managing the life cycles of chemical substances and waste that could pose a threat to the environment and human health. For more than 30 years, UNEP's work has supported initiatives related to specific chemicals, or to critical elements, of their life cycles. UNEP's work includes efforts to reduce risks from mercury, heavy metals, pesticides, persistent organic pollutants (POP's) and other chemicals of global concern.

***Currently Canada is actively supporting the preparation of a globally legally binding instrument on mercury.***

At its twenty-fifth session in 2009, by section III of decision 25/5, the Governing Council of the UNEP agreed to the elaboration of a legally binding instrument on mercury and directed the UNEP Executive Director to convene an Intergovernmental Negotiating Committee (INC) to prepare that instrument, commencing in 2010.

The Governing Council further agreed that the task of the Committee was to develop a comprehensive and suitable approach to mercury that included provisions to:

- a) specify the objectives of the instrument;
- b) reduce the supply of mercury and enhance the capacity for its environmentally sound storage;
- c) reduce the demand for mercury in products and processes;
- d) reduce international trade in mercury;
- e) reduce atmospheric emissions of mercury;

- f) address mercury-containing waste and remediation of contaminated sites;
- g) increase knowledge through awareness-raising and scientific information exchange;
- h) specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity-building and technical and adequate financial assistance; and
- i) address compliance.

The Governing Council also agreed that the Committee deliberations should consider:

- a) flexibility in that some provisions could allow countries discretion in the implementation of their commitments;
- b) approaches tailored to the characteristics of specific sectors to allow transition periods and phased implementation for proposed actions, where appropriate;
- c) technical and economic availability of mercury-free alternative products and processes, recognizing the necessity of the trade in essential products for which no suitable alternatives exist and to facilitate the environmentally sound management of mercury;
- d) need to achieve cooperation and coordination and to avoid the unnecessary duplication of proposed actions with relevant provisions contained in other international agreements and processes;
- e) prioritization of the various sources of mercury releases of action, taking into account the necessity for developing countries with economies in transition to achieve sustainable development;
- f) possible co-benefits of conventional pollutant control measures and other environmental benefits;
- g) efficient organization and streamlined secretariat arrangements;
- h) measures to address risks to human health and the environment as a consequence of anthropogenic mercury releases; and
- i) Any other aspects that the intergovernmental negotiating committee may consider relevant to mercury control.

The Governing Council directed the Executive Director to convene an ad hoc open-ended working group to discuss the negotiating priorities, timetable and organization of the Intergovernmental Negotiating Committee. The ad hoc open-ended working group met in Bangkok from the 19<sup>th</sup> to the 23<sup>rd</sup> of October, 2009, and made a number of recommendations to prepare the Committee for its deliberations.

Canada is actively involved in the negotiating process and participated at the first session of the Committee held in Stockholm, Sweden, June 7-11, 2010. The meeting report from the first negotiation session is available at [www.unep.org/hazardoussubstances/Mercury/Negotiations](http://www.unep.org/hazardoussubstances/Mercury/Negotiations).

In an effort to involve, or include to a degree the involvement of the Aboriginal Peoples of Canada, the Chemicals Management Division of the Chemical Sector Directorate within the Environment Canada Environmental Stewardship Branch, invited the five National Aboriginal Organizations to comment on the various issues raised.

The Congress of Aboriginal Peoples is assisted in this work by the involvement of Alastair MacPhee and Roger Hunka. To date there has been one meeting and one teleconference, with another teleconference scheduled for December 16, 2010. The meetings have provided some input and perspective from Aboriginal Peoples for the Canadian delegation to raise at the next negotiating session being held on January 24<sup>th</sup>-28<sup>th</sup>, 2011 in Chiba, Japan. The key document for the second negotiation session is titled “*Draft elements of a comprehensive and suitable approach to a global legally binding instrument on mercury*”. This document draws on the June negotiating session discussions, as well as written submissions from individual countries including Canada. Visit the INC website to read this document and report from the first session at [www.unep.org/hazardoussubstances/Mercury/tabid/434/default.aspx](http://www.unep.org/hazardoussubstances/Mercury/tabid/434/default.aspx).

## Halifax Regional Municipality 10<sup>th</sup> Volunteer Conference

By MAARS SCAA Mary Rose Watts

On November 19<sup>th</sup> and 20<sup>th</sup> MAARS SCAA Mary Rose Watts, NS AMDO Franz Kesick and IKANAWTIKET Facilitator Joshua McNeely attended the 10<sup>th</sup> Annual HRM Volunteer Conference which was held at the Holiday Inn in Dartmouth, Nova Scotia. The Volunteer Conference focused on providing training and expert advice to volunteers to improve their volunteer organizations to be effective, dynamic, and accountable.

Some of the sessions that MAARS and IKANAWTIKET attended were:

Big Picture Leadership, which explained the life cycles and succession planning for Non-Profit organizations, presented by Norma Maclean of HRM Community Development and Grant MacDonald of Continuing Education, Dalhousie University

Fund Raising that Works, which contained helpful ideas on successfully identifying fund raising methods, such as; “research before you speak” and “speaking with a true tongue”.

Social Media Marketing, which opened the door to electronic communications and socializing as a means to gather information, engage volunteers and get your message out. Facilitator Maria McGowan of Greater Halifax Partnership provided many examples that our world really is driven by the internet which changes as fast, as we can turn around, and to remain effective we must stay in step with social media.



10<sup>th</sup> HRM Volunteer Conference

# The Chocolate River a Little More Clear

By NB AMDO Barry LaBillois (excerpts taken from various articles)

The Petitcodiac River ‘the river that bends like a bow’ runs 129 km through south eastern part of New Brunswick draining a watershed of approximately 2,831 square kilometers. Prior to 1968 the Petitcodiac River was home to a large number of species. In the 1960s there were Atlantic Tomcod and Rainbow Smelt, both with populations in the hundreds of thousands; Gaspereau and American Shad, numbering in the tens of thousands; American Eel, Atlantic Salmon, Brook Trout, Lamprey, and Striped Bass, all originally numbering in the thousands; and Atlantic Sturgeon, with numbers in the several hundreds. Other fish included the Blue Back Herring, Brown Bullhead, Chain Pickerel, Smallmouth Bass, White Perch, and White Sucker. Marine mammals and sharks also occasionally visited the mouth of the river, including Pilot Whales, Atlantic White-Sided Dolphins, Harbour Porpoise, Harbour Seals and Porbeagle sharks. Freshwater molluscs filled the muds, including Brook Floater, Dwarf Wedgemussel, Eastern Ellipto, Eastern Floater, Eastern Pearlshell, and Triangle Floater.

Shipping on the Petitcodiac River played an important role in Moncton’s development. Much of this area depended on the coming and going of ships of various sizes. The reverse flow of the tide made the Petitcodiac River economical for vessels to travel. Large ships could ride the incoming tide from the deep waters below Hopewell Cape up to Moncton, unload cargo or passengers and then ride the ebb tide back to the deep water.

The numerous wharves that jutted out along the Moncton’s river front were kept busy from early spring until late fall. Companies located on the river each had their own wharf to receive or send

goods. The wharves were also a social gathering place for Monctonians where they met and exchanged news with visiting crews and enjoyed the cool breeze from the river on warm summer evenings.

The river once exhibited one of the world’s highest tidal bores of 1 to 2 metres (3.3 – 6.6 ft) in height, with speeds of 5-13 km/hr (3.1 – 8.1mi/hr). These were comparable with tidal bores for the Qiantang River in China, the Hooghly River in India, and the Amazon River of South America.

In 1968, a rock-and-earth causeway was built between Moncton and Riverview to prevent agricultural flooding and to serve as a roadway between the two communities. After the construction of the causeway, the barrier reduced the bores to only 5 – 75 cm (2.0 – 30 inches).

Even in the late 60s the construction of the Petitcodiac causeway was controversial and history has proven that the causeway opponents were right. Over the decades numerous reports and oral histories have shown that the causeway caused numerous problems for the river and the surrounding ecosystem. In just 3 years, an estimated 10 million cubic metres of silt was deposited in the 4.7 km of the river beneath the causeway. Residents labeled this once clear river the “*chocolate river*” because of its new brownish tint. The New Brunswick government was forced to open the gates periodically since the late 80s to try to mitigate some problems but it was clear that the causeway would have to be removed. In 2003 Earthwild International designated the Petitcodiac River as the most endangered river in Canada.

Since the causeway was constructed six species have disappeared from the river. The Petitcodiac River was the only known habitat of the Dwarf Wedgemussel in Canada. It now only remains in just nine American watersheds following its extirpation from the Petitcodiac. The Atlantic Salmon is no longer in the watershed, and was a flagship species for Parliament to enact the Species at Risk Act (SARA). The American Shad was a favorite with fishermen, supporting a large and strong Shad fishery from 1870 to 1900- it too disappeared. Three other species have been eliminated from the river; Striped Bass, Atlantic Sturgeon, and Atlantic Tomcod.

On April 14<sup>th</sup> of this year, after more than 40 years, the causeway gates were opened, commencing one of the biggest restoration projects in the world. During the past seven months since the opening of the gates, the river is starting to show signs of life again. According to Marco Morency of the Petitcodiac Riverkeepers, the gates will remain open for the winter, if the ice buildup in the river system starts to accumulate then the gates will be closed, as they feel with the gates open the ice could damage the causeway. Reports of sturgeon, gaspereau, striped bass, shad, and marine mammals such as seals, and porpoises have been seen in the river. Even though the gate area represents only a small portion of the river's actual width, the flow of water during the two tidal cycles each day has had a dramatic effect. With each ebb and flow of the tide, silt is lifted and shifted around. There are parts of the river where the tidal current has eroded the bank and other areas where the river is infilling. One of the biggest visible changes is the scouring of the river bottom directly upstream of the causeway gates where rushing water has chewed away at the silt to increase the depth of the channel.

On November 10, 2010, the Petitcodiac Riverkeepers received the 2010 Environmental

Leadership Award from the New Brunswick Environment Minister, the Honorable Margaret-Ann Blaney. Mr. Morency, accepted the award noting that the thousands of supporters and residents who care for the river also made this restoration a reality. *"It's a very meaningful award for the organization. It has been a long journey rallying the communities and both levels of government to fix the errors of the past and to uphold the Fisheries Act. Now the government is engaging in the restoration project and recognizes our role in bringing forward a solution,"* says Morency.



Petitcodiac River throughout the Years





*The Staff of the  
Maritime Aboriginal Aquatic Resources Secretariate  
Wishes you a safe and Happy Holiday Season*



# People United but States Divided on Biodiversity Convention

By IKANAWTIKET Facilitator Joshua McNeely

As the 2010 *International Year of Biodiversity* (2010:IYB) comes to a close, the world turned their attention to Nagoya, Japan during October 18-29, 2010, where ambassadors from 193 nations, as signatory “member States” to the *Convention on Biological Diversity* (CBD) convened the tenth Conference of the Parties (COP-10).

CBD COPs are held every two years to bring together ambassadors and experts to build upon the Convention by signing Protocols, COP Decisions, and CBD Strategies, which together add to international biodiversity law, advance the CBD, and serve as benchmarks for States to consider for national laws.

With the sobering knowledge that humankind has failed to meet every strategic global biodiversity goal for the 2010 target; and furthermore, that almost every global indicator continues to show negative or uncertain trends, Peoples from around the world held their breath. Maybe the positive messages of the 2010:IYB and the calls by ENGOs, academics, and the public, and especially Indigenous Peoples, would be heard. Maybe the CBD would be a watershed moment for States to agree that biodiversity and life is paramount. Maybe we would not see a repeat of the disaster of the 2009 Copenhagen Climate Change Conference, which was high-jacked by special economic interests and States fighting over their world ranking as the most powerful.

Overall, some COP-10 results were somewhat positive. For example the bar has been raised and a louder call issued for States to fully implement the Convention. Several important reports were accepted by COP-10 as base knowledge for the CBD, including the *Global Biodiversity Outlook 3*

report card, which shows that we are failing in every aspect to achieve tangible results, and *The Economics of Ecosystems & Biodiversity*, which shows that our current economic model is flawed to the detriment of all life, including humankind.

COP-10 also recognized the mountain of voluntary public efforts undertaken during the 2010:IYB. These included festivities to raise awareness about biodiversity, a host of 2010:IYB projects from across the globe, and the special recognition in Nagoya of a few hardworking groups who exemplify the intent of the CBD. Many came to realize that through the 2010:IYB, volunteers, ENGOs, academics, and others have advanced the CBD among the public more in the past year than government efforts alone have done in the past decade. The success of the 2010:IYB prompted COP-10 to request that the United Nations General Assembly declare 2011-2020 to be the *International Decade of Biodiversity*.

However, when faced with decisions about the *CBD Protocol for Access and Benefit Sharing* (ABS), States remained entrenched in the age old preoccupation of wealthy and armed States control over subjugated States and Peoples throughout the world.

Since 1999, the CBD has had an Open-ended Ad-hoc Working Group made up of representatives and experts from member States to negotiate ABS policy and guidelines. Since its inception, the Working Group has been unable to resolve key ABS issues, notably “what is considered genetic resources”, “from whom should industry seek prior and informed consent to access genetic resources”, and “should Indigenous Peoples be included in ABS negotiations”.

For us, and most of the world, the answers are clear. “genetic resources” refers to all of life, because “genetic material” exists, is expressed, and is important at all levels of life (inside the cell, in the make-up of a species, and as a life-giving continuum of an ecosystem). In other words, all genes are a “resource” for maintaining the fabric of life in which we live, whether we can specifically quantify their benefit to humanity or not.

On the question of granting Prior Informed Consent (PIC) to access genetic resources or traditional knowledge associated with genetic resources, the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIPs) is clear:

#### ARTICLE 26

*“Indigenous Peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied, or otherwise used or acquired”; that they have the “right to own, use, develop and control [these] lands, territories, and resources”; and that “States shall give legal recognition and protection to these lands, territories, and resources.”*

#### ARTICLE 31.1

*“Indigenous Peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge, and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports, and traditional games and visual and performing arts. They also have the right to maintain, control, protect, and develop their intellectual property over such cultural heritage, traditional knowledge, and cultural expressions.”*

On the question of Indigenous Peoples inclusion in ABS negotiations, UNDRIPs is also clear:

#### ARTICLE 31.2

*“In conjunction with Indigenous Peoples, States shall take effective measure to recognize and protect the exercise of [Article 31.1] rights.”*

#### ARTICLE 41

*“The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of Indigenous Peoples on issues affecting them shall be established.”*

#### ARTICLE 42

*“The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.”*

In addition, the *Bonn Guidelines* on ABS notes as a key element for achieving fair and equitable access to genetic resources and sharing of benefits that “support measures [should be developed] to enhance Indigenous Peoples and local communities’ capacity to represent their interests fully at negotiations” (Bonn Provision 16(a)(vii))

The ABS Working Group failed on all accounts to uphold the principles of the CBD, UNDRIPs, and their own Bonn Guidelines.

The Indigenous and Local Communities (ILC) Caucus has been continually shut out of ABS negotiations at the working group level. In Canada, the federal government has made only passing attempts to consult with Aboriginal Peoples on ABS policy. It was clear, that as Nagoya approached, Canada and other “first world” countries would make every attempt to exclude Indigenous Peoples from the Nagoya ABS Protocol. In fact, in the final draft forwarded by the ABS Working Group for signature at COP-10 almost every single reference to Indigenous Peoples or Traditional Knowledge was “enclosed in brackets” (i.e. not accepted); and the vital importance of UNDRIPs had been removed.

The Maritime Aboriginal Peoples Council (MAPC) along with forty-seven other Indigenous organizations, and like-minded organizations from around the world, working through the ILC Caucus, signed and submitted to COP-10 “*A Call for Justice and Solidarity*”.

Together we raised to COP-10 ambassadors that the draft protocol, prepared by the ABS Working Group and presented to COP-10 for approval, failed to respect the essential objectives of the CBD – that the draft protocol was not “fair and equitable”, nor did it respect international human rights law. We thank the Grand Council of the Crees, and especially Paul Joffe for submitting this paper on all our behalf. The ILC Caucus members, who, despite being told they were unwanted and did not belong, diligently and tirelessly advanced Indigenous issues during the ABS Working Group and International Negotiating Group meetings. Near the end, some faltered from the blatant assault on Aboriginal Peoples.

Despite heavy lobbying against the proposals, several key issues that the ILC Caucus tenaciously held and fought for were somewhat

included in the final Nagoya Protocol, though watered down to our disadvantage, especially by terms and clauses that Canada insisted on, such as “*noting*” or “*subject to national legislation*”. Some key statements now included in the Nagoya Protocol are:

*Recalling the relevance of Article 8(j) of the Convention as it relates to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising from the utilization of such knowledge.*

*Noting the interrelationship between genetic resources and traditional knowledge, their inseparable nature for indigenous and local communities, the importance of the traditional knowledge for the conservation of biological diversity and the sustainable use of its components, and for the sustainable livelihoods of these communities.*

*Recognizing the diversity of circumstances in which traditional knowledge associated with genetic resources is held or owned by indigenous and local communities.*

*Mindful that it is the right of indigenous and local communities to identify the rightful holders of their traditional knowledge associated with genetic resources, within their communities.*

*Further recognizing the unique circumstances where traditional knowledge associated with genetic resources is held in countries, which may be oral, documented or in other forms, reflecting a rich cultural heritage relevant for conservation and sustainable use of biological diversity.*

*Noting the United Nations Declaration on the Rights of Indigenous Peoples.*

***Affirming that nothing in this Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities.***

For the United Nations, terminology is extremely important. The term “**noting**” signifies that member States are divided on the issue and cannot agree; thus the reference to UNDRIPs carries no significant meaning in this Protocol for countries who chose to ignore the rights of Indigenous Peoples. In many countries, national legislation for the protection of Indigenous Peoples rights is weak or non-existent; thus “**subject to national legislation**” excludes Indigenous Peoples.

From the perspective of an Aboriginal Regional Peoples Organization, continuing on Traditional Ancestral Homelands, facing subjugation, denial, and dispossession of lands and resources each and every day, the Nagoya Protocol in 2010 “*shamefully opens the door for legalized bio-piracy*”.

As stated by a Mi’kmaq expert, “*First they tried to steal the land and now they let in the pirates to steal our knowledge*”.

Some COP-10 officials did realize that there has been a lot of resistance to include statements and related articles, that will advance UNDRIPs. Policing of the Nagoya Protocol will be an important task for the CBD. In their decision to adopt the Protocol, COP-10 requires that member States establish an Open-ended Ad Hoc Intergovernmental Committee to assess compliance with Article 12 *bis* (concerning the access to traditional knowledge with the prior informed consent of Indigenous communities) – in effect to monitor member States to ensure that they develop and implement national legislations, policies, and programs to implement the Nagoya Protocol and to ensure that such actions do not

run counter to the goals and principles of the CBD or UNDRIPs.

The Nagoya Protocol will be open for signature from February 2, 2011 to February 1, 2012. Ninety days after receiving the fiftieth signature, it will come into force as a key international legal instrument for the CBD. We invite Canada to work with MAPC and IKANAWTIKET to reverse the course from bio-piracy, identify problem areas with the Nagoya Protocol, and conform with Canada’s existing national legislation. We do not want the world to look at Canada as moving away from the CBD on the issue of Aboriginal Peoples Rights. The Nagoya Protocol must be discussed with all of the Aboriginal Peoples of Canada.

On a more positive note, COP-10 did approve a new CBD Strategic Plan 2011-2020. Realizing the collective failure of States to meet the 2010 targets, COP-10 set twenty new targets to be achieved within the next ten years. The strategy also put forward a new vision:

*“Living in harmony with nature, where by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.”* (emphasis added) (2010 statement)

To reach the 2020 targets, COP-10 was very pointed to member States that each must re-evaluate and update their national biodiversity strategies, fully incorporate biodiversity strategic goals into all public and private sectors, and fully engage the public and business.

The last point is especially important. Only through “mainstreaming biodiversity” (i.e., making it part of everyday public and private life) will we achieve the 2020 targets.

COP-10 also requested that member States review UNDRIPs. If adhered to through the creation of new national legislation and policy, UNDRIPs can be an important doorway for including Indigenous Peoples in the CBD and greatly increase our chances of meeting the 2020 global targets.

Yet, even though we agree that a renewed effort must be made to achieve tangible biodiversity targets, we do observe a concerning trend at CBD meetings, which surface as in the 2011-2020 Strategy. The vision statement contains a subtle, yet significant departure from the previous vision and responsibilities of States to the CBD – “*the conservation of biological diversity, sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources are of the **greatest interest to humankind, and affect all life on Earth.***” (2008 statement)

The difference between these two statements is that the 2008 statement advances the realization that the *actions of humankind affect all life on Earth*. Humankind is meant to recognize our impacts and try to live as part of nature. With the 2010 statement, States now wish to promote a notion that humanities values for conservation, restoration, use of biodiversity, and maintenance of ecosystems is solely for the benefits of people.

We note that a fundamental shift in mind-set has occurred, where this Strategy is focused foremost to benefit people. We see this narrowing to be the result of two realities:

1. States themselves will continue to fail to support, recognize, or respect the overall value of all biodiversity and all life forms; and instead, think of humankind as masters of the natural world, to use and exploit at will, as sole beneficiaries of biodiversity.

2. The UN body itself appreciates that there is a fundamental block or inability of States to look at or change values away from “industrialized consumption at the cost of all biodiversity” to a new value for the “well-being of biodiversity which supports all life.” The UN accepts the weakening of the CBD Strategy as a compromise, with the hope of making some progress without significantly changing the *modus operandi* of States that promote and support wealth creation at all costs.

Clearly there is a disconnect happening at the CBD between the will of the people and the will of governments. Most obviously excluded in the Nagoya Protocol on ABS are the aspirations, realities and needs of over 800 million Indigenous Peoples throughout the world. The outcomes of COP-10 can be viewed on the CBD website at: [www.cbd.int/cop10](http://www.cbd.int/cop10).

#### New Acquisitions for the MAARS Library

<i>Marine Renewable Energy Legislation for Nova Scotia</i>	MAWQATMUTI'KW
<i>Canadian Biodiversity: ecosystem status and trends 2010</i>	ESSIM: Eastern Scotian Shelf Integrated Management Plan
<i>Forests and Society – Responding to Global Drivers of Change</i>	Community Harvest Guidelines 2010
<i>Long Term Value Strategy for the Canadian Lobster Industry</i>	DVD – GWAIL HAANAS From Ocean to Earth



Throughout the months of October, November and December 2010, the MAARS Staff attended many Fishery: Stakeholders/ Advisory/ Committee/ Area Meetings, Science Workshops, Oceans Planning & Management Sessions.



Listed is a very small sample of predictable interfaces between MAARS and the Fishing Industry, Government and Science.



1. MAPC MAARS Director Roger Hunka and MAARS SCAA Mary Rose Watts attend the 2010 Treaty Day celebrations in Halifax, Nova Scotia.



2. IKANAWTIKET Facilitator Joshua McNeely and Dr. Donna Hurlburt attend a Blanding's Turtle, Eastern Ribbonsnake Recovery Team meeting to finalize the Ribbonsnake recovery strategy for national approval. Also discussed were sections of the Blanding Turtle recover strategy.



3. IKANAWTIKET Facilitator Joshua McNeely presents a biodiversity talk to Aboriginal students at AJ Smeltzer Junior High School in Sackville, NS.

4. MAPC MAARS Director Roger Hunka with Alistair MacPhee attend a Climate Change meeting about the conference in Cancun, Mexico.



5. NS AMDO Franz Kesick and NB AMDO Barry LaBillois attend a Wild Salmon Conservation Policy meeting to talk about the Wild Atlantic Salmon Action Plan.



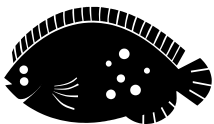
6. IKANAWTIKET Facilitator Joshua McNeely and Dr. Donna Hurlburt finalized the Aboriginal Section on the Eastern Ribbonsnake Recovery Strategy



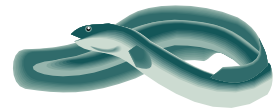
7. NS AMDO Franz Kesick attends the 4 day National Canadian Marine Advisory Council meeting in Ottawa, Ontario.



8. MAARS CDIL Brett Bancroft attends the opening of the Science Media Centre in Halifax N.S. at Kings College.



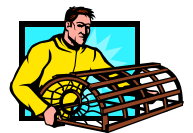
9. MAPC MAARS Director Roger Hunka and IKANAWTIKET Joshua McNeely meet with Dalhousie student Samantha Dutka to work on a response on successful or unsuccessful large ocean management areas.



10. IKANAWTIKET Joshua McNeely, NS AMDO Franz Kesick and MAARS SCAA Mary Rose Watts attend "Dare to be Deep"; a national tour for Canada's oceans. Guests included representatives of the Haida Nation.



11. NS AMDO Franz Kesick and MAARS CDIL Brett Bancroft attend the Bay of Fundy Ecosystem Partnership (BoFEP) Annual General meeting where a tour of the Joggins Fossil Centre was provided.



12. MAPC MAARS Director Roger Hunka discusses Climate Change and Cochabamba at the Atlantic Regional Solidarity Network AGA.



# Netawek Ikjikum

Voice of the Ocean

## In this issue:

- Vote for the Bay of Fundy in the New7Wonders of Nature Campaign
- Will government except ATK in SARA?
- New HQ for Environment Troops
- Countries begin Mercury negotiations
- Halifax Regional Municipality 10th Volunteer Conference
- The Chocolate river a little more clear
- Happy Holidays from the Staff of MAPC MAARS
- People United but States Divided on Biodiversity Convention
- New acquisitions for the library

Netawek Ikjikum is a free quarterly communiqué profiling the **Maritime Aboriginal Aquatic Resources Secretariate** activities.

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The views expressed and the information shared herein reflects those solely of the writers and does not necessarily attest to accuracy or represent the views of MAPC MAARS or any of its partner Councils with which the writers or Netawek Ikjikum is affiliated with or a part of.

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Holiday wishes from the Staff of MAPC-MAARS

### **Maritime Aboriginal Aquatic Resources Secretariate**

*Collectively advancing the rightful share to Atlantic Aquatic Resources and Aquaculture Operations for the sustained, viable economic growth of the Maritime Aboriginal Peoples*

MARITIME ABORIGINAL PEOPLES COUNCIL-COLLABORATIVE MANAGEMENT BODY  
A partnership of the Native Council of Nova Scotia,  
New Brunswick Aboriginal Peoples Council & Native Council of Prince Edward Island

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