

*Understanding Indigenous Consultation in MPA Governance: Mi'kmaq and Eastern Shore
Islands Case Study*

By

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Abstract

Marine protected areas (MPAs) are a well-recognized marine conservation tool to aid in protecting marine biodiversity and associated social, economic and cultural values. However, MPAs also have the ability to limit marine access to Indigenous peoples and infringe upon inherent and Treaty rights. Due to the potential rights infringement, it is important to ensure MPA governance processes respect Indigenous rights. This study uses the Eastern Shore Islands (ESI) Area of Interest (AOI) as a case study to examine the potential for Mi'kmaq, Indigenous peoples of Nova Scotia, to play a greater role within MPA governance in a way that respects Indigenous rights, values and knowledge while meeting Canada's marine conservation objectives. The research found several opportunities and challenges to improving Mi'kmaq participation within MPA governance. While there are recognized challenges to significant changes in governance currently, there are mechanisms already in place that can facilitate the incorporation of Mi'kmaq values, knowledge and interests which can and should be pursued. At the same time, it is important to move forward towards more collaborative approaches such as co-governance and Indigenous-led initiatives that better enable Mi'kmaq to play a larger role within MPA governance and help ensure that Indigenous rights are being respected within the process. Further effort is required to ensure that Indigenous peoples rights and interests are being respected and supported while continuing to protect marine biodiversity.

Keywords: Marine protected areas, Eastern Shore Islands Nova Scotia, Mi'kmaq governance, Indigenous participation, governance

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List of Abbreviations

AAROM	Aboriginal Aquatic Resource and Oceans Management Program
ANSMC	The Assembly of Nova Scotia Mi'kmaq Chiefs
AOI	Area of Interest
APCFNCS	Atlantic Policy Congress of First Nations Chiefs Secretariat
CIRNA	Crown-Indigenous Relations and Northern Affairs
CSAS	Canadian Science Advisory Secretariat
DFO	Department of Fisheries and Oceans
EBSAs	Ecologically and Biologically Significant Areas
ECCC	Environment and Climate Change Canada
ESI	Eastern Shore Islands
FPIC	Free, prior and informed consent
FSC	Food, social and ceremonial
ICE	Indigenous Circle of Experts
IK	Indigenous Knowledge
IPA	Indigenous Protected Areas
IPCA	Indigenous Protected and Conserved Areas
IUCN	International Union for Conservation of Nature
KMKNO	Kwilmu'kw Maw-klusuaqn Negotiation Office
MCG	Mi'kmaw Conservation Group
MEK	Mi'kmaq Ecological Knowledge
MEKS	Mi'kmaq Ecological Knowledge Study
MPA	Marine Protected Areas
NGO	Non-governmental Organization
NMCA	National Marine Conservation Area
OECMs	Other Effective Area-based Conservation Measures
PC	Parks Canada
TK	Traditional Knowledge
TOR	Terms of reference
UNDRIP	United Nations Declaration on Rights of Indigenous peoples
UNIR	Unama'ki Institute of Natural Resources
WG	Working group

Chapter 1: Introduction

Marine protected areas (MPAs) are a well-recognized marine conservation tool to aid in protecting and conserving marine biodiversity and the associated cultural and socio-economic benefits marine biodiversity provides (e.g., livelihoods, food security, spiritual well-being) (Government of Canada, 2011; Millennium Ecosystem Assessment, 2005; Sala & Giakoumi, 2018). As a signatory to the United Nations Convention on Biological Diversity, Canada committed to international marine conservation targets of protecting 10% of its coastal marine areas by 2020 (Aichi Target 11) (Convention on Biological Diversity, 2010; “Pathway to Canada Target 1,” n.d.). Since 2015, the Canadian government has made significant strides in marine conservation with a 14-fold increase in MPA designations (1% to 13.8% in 2019) (Hewson, 2019), surpassing the Aichi target 11. Canada has since announced its intention to continue with biodiversity protection with a goal of 25% of terrestrial, coastal and marine landscapes by 2025 (Sevunts, 2019). Therefore, the implementation of MPAs are likely going to continue.

While MPAs have the potential to protect important ecosystem services and functions, in some cases this requires preventing human access. Maintaining marine access is particularly important for Indigenous coastal communities in Canada who depend on marine resources for livelihoods, sustenance, and preserving cultural integrity (Ban, Picard & Vincent, 2009; Ban & Frid, 2018; Bennett et al., 2018; Eckert, Ban, Tallio & Turner, 2018). Furthermore, Indigenous peoples have inherent rights and Treaty rights which include the right to self-govern, self-determination, harvest resources for subsistence, and practice cultural activities and customs (Joseph & Joseph, 2019). MPAs that prevent Indigenous access infringe upon inherent and Treaty rights and therefore, create a key point of contention with the implementation of MPAs in Canada (Ban et al., 2009; Ban & Frid, 2018; Bennett et al., 2018; Eckert et al., 2018). With the increased international pressure and national interest in establishing MPAs, it is important that Canada recognizes and respects Indigenous rights in the process.

Currently, there is a proposed MPA site in Nova Scotia that provides an opportunity for Canada to better incorporate Indigenous peoples, specifically the Mi’kmaq nation in Nova Scotia, within MPA Governance. The Eastern Shore Islands (ESI) Area of Interest (AOI) is used as a case study to examine the potential for Mi’kmaq of Nova Scotia, to play a greater role

within MPA governance in a way that respects Indigenous rights, values and knowledge while meeting Canada's marine conservation commitments/objectives.

The following introductory sections will provide the necessary foundation for understanding the key components within this research including defining governance, Mi'kmaq governance, Mi'kmaq rights, Mi'kmaq consultation process, and an overview of MPAs in Canada and MPA governance structures.

1.1 Defining Governance

Governance is not a new term but has increasingly been used to aid in the understanding of social organizations within decision-making processes (Plumptre & Graham, 1999). Governing the marine space has been an increasingly important topic (Borrini-Feyerabend et al., 2013; Jentoft, van Son & Bjorkan, 2007; Jones, Murraray & Bestergaard, 2019) and has been recognized as “. . . a major factor affecting the abilities of protected areas to achieve their goals” (Dearden, Bennett & Johnson, 2005, p. 89). Governance can be described as both a process and a structure with different definitions and applications depending on the context (Kooiman, Bavinck, Jentoft, & Pullin, 2005). Graham et al., (2003) define governance as the “. . . interactions among structures, processes, and traditions that determine direction, how power is exercised, and how the views of citizens or stakeholders are incorporated into decision-making” (Borrini-Feyerabend et al., 2013, p. 10)

Based on this definition, the governance system includes institutions, processes and structures, and their interactions. Institutions determine who is able to participate within the decision-making processes including defining the problem, determining the appropriate solutions, how management costs are distributed (who pays?), and which participating parties have the decision-making authority (Ban et al., 2009). The governance structure refers to the structural organization of bodies that are involved within the decision-making process whereas the process refers to the interactions within the governance structure and those that influence the governing system.

Governance is often confused with management. It is important to understand the difference between them, and their relationship. Governance is about understanding *who* has the power, responsibility, authority, and accountability and *how* decisions are being made. Whereas, management is about *what actions* are being taken to meet certain objectives or *what* comes out of the decision-making process (Borrini-Feyerabend, et al., 2013; Jones et al., 2019).

Within the context of this research, MPA governance refers to how decisions are being made and who has the decision-making authority of an MPA. MPA governance includes the processes and institutions that are involved with establishing and managing an MPA. This includes understanding how stakeholders and rightsholders are being engaged and consulted, the degree of influence participants have within the decision-making process, and how information (science, local and Indigenous knowledge) is used to inform decisions.

1.2 Mi'kmaq Governance

The way in which Indigenous peoples view, perceive and understand their surrounding environment is dependent on beliefs, values, and how information/knowledge is acquired and evaluated (Berkes, 2012; Lee & Tran, 2016; Simpson, 2000). Indigenous beliefs, values, language, and knowledge are all interconnected and are all part of Indigenous knowledge systems, including the Mi'kmaq knowledge system (McMillan & Prosper, 2011; Prosper, McMillan, Davis & Moffit, 2011). The Mi'kmaq knowledge system provides a cultural foundation and moral code that guides resource management decision-making (Giles, Fanning, Denny, & Paul, 2016). Thus, a key component in understanding Mi'kmaq governance is understanding Mi'kmaq culture and knowledge systems that lay the foundation for customary practices or laws. This section will provide a basic understanding of the Mi'kmaq cultural context and elaborate on Mi'kmaq knowledge systems, resource management values, and contemporary governance structures which influence how the Mi'kmaq of Nova Scotia make resource management decisions.

Mi'kmaq Ecological Knowledge (MEK) “includes the collection and adaptation of knowledge that Mi'kmaq people have with all components of the natural environment and the interrelationships that exist between all life forms from a unique historical, cultural and spiritual perspective” (Assembly of Nova Scotia Mi'kmaq Chiefs, 2007, p. 7). Similar to other forms of Indigenous knowledge (IK), MEK is holistic, dynamic, experiential, intuitive, and is encompassed within spiritual and cultural values. Knowledge is transferred inter-generationally and orally through storytelling, practical teachings, and cultural practices (e.g., ceremonies, art) (Berkes, 2012; Denny & Fanning, 2016a; McMillan & Prosper, 2011). Two key Mi'kmaq principles within the Mi'kmaq knowledge system that guide resource management decision-making are *Msit no'kmaq* and *Netukulimk*.

Msit no'kmaq, which translates to “all my relations” (Denny & Fanning, 2016a), and is one of the key concepts that guides the sustainable management of resources. It is an epistemological concept whereby all living and non-living components are inter-connected, and all beings are considered as kin (Denny & Fanning, 2016a; Prosper et al., 2011). *Netukulimk* is a Mi'kmaq sustainability principle that “... guide[s] individual and collective beliefs and behaviours in resource protection, procurement, and management to ensure and honour sustainability and prosperity for the ancestors, and present and future generations” (Prosper et al., 2011, p. 1). Community members express *Netukulimk* through respect and reciprocity by giving thanks to the creator, prohibiting waste and “taking only what you need” (Barsh, 2002, p. 17). These cultural principles are inherent in the way Indigenous peoples govern and manage natural resources and contribute to the long-term sustainability of natural resources “. . . where the land via kinship, determines the mode of decision making . . .” (Lee & Tran, 2016, p. 83). In this research, “Mi'kmaq values” primarily refer to these two fundamental Mi'kmaq concepts but note that *Netukulimk* and *Mist'no'kmaq* go beyond cultural values and are foundational within Mi'kmaq belief systems.

Netukulimk and *Mist'no'maq* are still relevant today but have changed over time through colonization (Prosper et al., 2011; McMillan & Prosper, 2011). Colonization has had profound impacts on Mi'kmaq culture and over all well being (socio-economic, spiritual, culture, health), especially due to the practices of forced assimilation and racist policies such as the *Indian Act*, enacted in 1867 (Joseph, 2018; Berneshawi, 1997; McMillan & Prosper, 2016). The *Indian Act* imposed a reserve system, an electoral band council system, removed First Nations off of their traditional territories, and criminalized cultural and spiritual practices (Potlach Law, 1884)(Joseph, 2018; McMillan & Prosper, 2011). This affected the ability for Mi'kmaq to self-govern, practice culture, and carry out traditional practices, altering the relationships between people and place. The Indian Act is still in law today (with few revisions?!?) and arguably “governs all aspects of Mi'kmaq life” today (Wiber & Milley, 2007, p. 168). Ongoing destruction of natural landscapes and exclusion of resources continue to influence Mi'kmaq communities' ability to live by *Netukulimk* (McMillan & Prosper, 2011; Prosper et al., 2011). Other societal influences such as technology, have also influenced Mi'kmaq resource/environment relations affecting the practice

of *Netukulimk* principles. However, over the past several decades, there has been a revitalization of the concept of *Netukulimk* (Prosper et al., 2011).

In 1986, the 13 Mi'kmaq chiefs ratified the integration of *Netukulimk* within their hunting guidelines and is a central component within resource management guidelines at the Unama'ki Institute of Natural Resources (UINR) (Prosper et al., 2011). Although colonization and modernization eroded some of knowledge, values and concepts, and traditional governance systems in practice, the preservation of culture and cultural practices including intergenerational knowledge transfer have contributed to the revitalization of these concepts and have remained an important part of governing in the marine environment.

1.2.1 Contemporary Mi'kmaq Governance Structure

The Mi'kmaq population of Nova Scotia is represented by 13 band councils (one for each band), two tribal councils, the Union of Nova Scotia Indians (represents the five Cape Breton communities and Acadia First Nation) and the Confederacy of Mainland Mi'kmaq representing the other seven communities (Bear River, Annapolis Valley, Glooscap, Millbrook, Paqtnek, Pictou Landing, and Sipekne'katik) (Figure 1) (Government of Nova Scotia, 2015). Each of the 13 bands has a Chief with two ex-officio members, together forming the Assembly of Nova Scotia Mi'kmaq Chiefs, “. . . the highest level of decision-making in the negotiation and consultation processes in [Nova Scotia] . . . ”(KMKNO, n.d., para 1). The Kwilmu'kw Mawklusuaqn Negotiation Office (KMKNO) or the Mi'kmaq Rights Initiative, acts as support during monthly Assembly meetings and is there primarily to ensure Mi'kmaq Mi'kmaq Treaty rights are not being infringed upon during negotiations and consultations with government or other proponents (e.g., industries) (KMKNO, n.d.). Although Mi'kmaq have their own governance structure, processes, institutions and customs, Mi'kmaq do not have full autonomy over their territories (terrestrial, aquatic, and marine)(Denny & Fanning, 2016a). Mi'kmaq governance within MPA governance interacts within a colonial/state-led governance system.



Figure 1 Mi'kmaq Communities in Nova Scotia (MFCSNS, n.d.)

1.3 Mi'kmaq Rights

The degree of influence the State has on Mi'kmaq governance varies depending on the context. In Canada, there is a series of legislation and Treaties that have shaped the way that Mi'kmaq govern themselves and the marine environment. This section provides contextual information for understanding Indigenous rights and consultation in Canada with a special focus on Mi'kmaq-specific Treaties, associated rights and consultation process.

1.3.1 Defining Rights in Canada

Aboriginal (First Nations, Inuit and Metis) rights are very complex and often difficult to understand. There are three important terminologies to distinguish: Aboriginal rights¹, Aboriginal title, and Treaty rights. There is no single definition of what constitutes Aboriginal rights; Aboriginal rights are collective, inherent rights stemming from historical and continued occupation and use of a particular area (Indigenous foundations UBC, n.d.). Aboriginal rights

¹ Aboriginal rights and title is terminology used within Canadian law and therefore, has legal implications but the term 'Aboriginal' is not typically used to describe Indigenous peoples in Canada. The term Aboriginal will be used when referring to Indigenous peoples within a Canadian legal context.

are held by all Indigenous peoples across Canada and include rights to the land (Aboriginal title), the use of resources for subsistence, self-determination, self-government, and the right to practice cultural activities and customs (e.g., language and religion) (Joseph and Joseph, 2019). Aboriginal title refers to “the rights of Aboriginal Peoples to the occupation, use, and enjoyment of their land and its resources,” (Joseph and Joseph, 2019, p. 168-169) as defined by the Supreme court of Canada in *Delgamuukw v British Columbia* (1997). Aboriginal rights and title have been recognized and affirmed under section 35 of the *Constitution Act*, and thus are legally recognized under Canadian Law. Treaty rights are specific to individual Nations which are defined by Treaties, Nation-to-Nation agreements (e.g., peace and friendship Treaties, numbered Treaties, modern Treaties) (CIRNAC, 2019; Jones, Rigg & Lee, 2010). While modern Treaties are clearer and more specific than (CIRNAC, 2019; Gray, 2016), Aboriginal rights still require some interpretation; how Aboriginal rights are defined and exercised continue to be determined within the Canadian court system.

1.3.2 *Mi'kmaq Rights and Case law*

Mi'kmaq specific rights or Treaty rights are based on the Peace and Friendship Treaties signed between 1725-1779 (Nova Scotia Archives, 2020; Wallace, 2018). The Peace and Friendship Treaties were signed to renew and restore peaceful relations between the Mi'kmaq peoples and the British nation (Wallace, 2018). In the first Treaty in 1725, the Mi'kmaq agreed to peaceful relations in exchange for them to have the ability to continue harvesting natural resources without interference from the British (Wallace, 2018). Up until 1752, the Treaties largely remained relatively the same, however starting in 1752, provisions for the British to establish “truck houses” (trade posts) were added to the agreement (CIRNAC, 2013; Wallace, 2018). The Treaties of 1760-1761 included a “truck house” clause with the intent to “encourage a commercial relationship between the Mi'kmaq . . . and British settler[s]” (CIRNAC, 2013, para 5). The Peace and Friendship Treaties provided a strong legal basis for Mi'kmaq to assert and to affirm their Treaty fishing rights within the federal court system, especially the provision of “truck houses” which provided the foundation for *R v Marshall* (1990) (CIRNAC, 2013; Wallace, 2018). At no time did Mi'kmaq surrender their land, therefore, *Mi'kmak'i* is considered unceded territory (Wallace, 2018).

The two court cases that have had the most significant implications on Mi'kmaq right to fish are *R v. Sparrow* (1990) and *R. v. Marshall* (1999). In *R v Sparrow*, the Supreme Court of Canada found that Aboriginal peoples have the right to fish for food, social and ceremonial (FSC) purposes based on Section 35 of the *Constitution Act*. In conjunction, the court ruled that FSC fisheries take precedence over other fishing activities, except when conservation is of concern (*R v Sparrow*, 1990). Under *Sparrow*, bands were still unable to sell their catch. This changed with the *Marshall* decision (1999) when the Supreme Court of Canada affirmed Mi'kmaq had the “right to hunt, fish and gather in pursuit of a ‘moderate livelihood’ based on the Treaties of 1760-61. The court further clarified that a moderate livelihood does “. . . not extend to the open-ended accumulation of wealth” (*R v Marshall*, 1999, para 6). In addition, the right to a moderate livelihood is a regulated right where the Canadian government can impose regulations “within proper limits” (*R v Marshall*, para 6). What constitutes a ‘moderate livelihood’ or “within proper limits” is not clear and this lack of a clear definition has caused confusion within and outside Mi'kmaq communities as to how they can exercise their rights (Bundale, 2020). While the ruling may exempt Mi'kmaq from complying with the same fishery regulations as non-Mi'kmaq recreational and commercial fishers, it does not mean that Mi'kmaq are exempt from any regulation.

It is important to have a basic understanding of Mi'kmaq rights, especially rights pertaining to access to fisheries as it is a key point of contention between Mi'kmaq-Crown and Mi'kmaq-non-Mi'kmaq fishers (Bundale, 2020) and has played a dominant role within MPA discussions.

1.3.3 Duty to Consult and Meaningful Consultation with Indigenous Peoples

In conjunction with Aboriginal and Mi'kmaq Treaty rights, the government of Canada has a fiduciary “duty to consultation with and, if possible, accommodate” Aboriginal peoples where any actions/activities have the potential to directly or indirectly infringe upon Aboriginal or Treaty rights (*R v. Haida*; *R v. Taku River* 2004). Defining what constitutes a “duty to consult” is ongoing as Aboriginal groups continue to challenge the adequacy of consultation processes in the Canadian court system (Gray, 2016; Morellato, 2008; Singleton, 2009).

To fulfill the Crown's duty to consult, the consultation process has to be meaningful as noted in *Delgamuukw v British Columbia* ruling that consultation must be done with the “. . . intention of substantially addressing [Aboriginal] concerns as they are raised through a meaningful process

of consultation” (para 35). What constitutes a “meaningful consultation” process has not been defined and may differ between and within Indigenous communities. However, there appears to be consensus that Indigenous consultation must be initiated early and occur within a process that is separate from stakeholder and engagement processes (Boyd & Lorefice, 2018; Gray, 2016; Singleton, 2009). Furthermore, Indigenous groups frequently associated meaningful consultation with free, prior, and informed consent (FPIC) as defined by UNDRIP (2007) Article 32 (2):

“States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources” (p. 24).

However, there is no consensus in Canada regarding what constitutes obtaining FPIC which has struck an internal debate as to whether FPIC is a “veto” power (Gray, 2016). Some Indigenous leaders have interpreted FPIC as the right to veto projects while others make the distinction between consent and ‘veto,’ and do not consider FPIC a veto (Gray, 2016). The UN Special Rapporteur on Indigenous Rights in a 2009 Report clarifies the meaning of FPIC and stated:

“In all cases in which Indigenous peoples' particular interests are affected by a proposed measure, obtaining their consent should, in some degree, be an objective of the consultations. As stated, this requirement does not provide Indigenous peoples with a "veto power", but rather established the need to frame consultation procedures in order to make every effort to build consensus on the part of all concerned.” (in Gray, 2016, p. 67)

Notably, UNDRIP is non-binding in Canada and, therefore, does not have the ability to change national laws, including the duty to consult (Gray, 2016). Nevertheless, consultation can be a fundamental tool for recognizing and implementing Indigenous Rights as it provides opportunities to be involved within senior-level decision-making which enables Indigenous peoples to have greater power over decisions that may potentially affect their rights, culture and ultimately their well-being. Individual First Nations have negotiated formal consultation agreements to provide Canadian governments with regional guidance and to help ensure that meaningful consultation processes are taking place.

1.3.4 *Mi'kmaq Consultation Process*

In 2010, the Assembly of Nova Scotia Mi'kmaq Chiefs, Government of Nova Scotia and the Government of Canada ratified the Mi'kmaq-Nova Scotia-Canada Consultation Terms of Reference (TOR) which “lays out a consultation process for the parties to follow when governments are making decisions that have the potential to adversely impact Mi'kmaq Aboriginal and Treaty rights” (Government of Nova Scotia, 2011, para 1; “Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process,” 2010). Some key components of the Mi'kmaq consultation TOR is that Canada is required to initiate consultation through a written notification to the Chief and Council of all thirteen Mi'kmaq bands, there is a provision for the establishment of Consultation Advisory Groups (e.g., bi-lateral consultations); it defines terms of confidentiality, and it addresses funding which is provided annually by Canada and Nova Scotia Governments based on annual budgets and consultation requirements. The TOR provides the basic ‘rules of the game’ and regional guidance as to how to meet the Crown’s obligation of a ‘duty to consult.’

When consultation protocols are followed, there is a greater chance that consultation processes are done in a meaningful way that respects Indigenous rights. However, consultation does not translate into authoritative power within MPA governance, a negotiated agreement is required. Negotiated agreements can occur within several types of MPA governance structures providing varying degrees of opportunities for Indigenous peoples to better assert their rights.

1.4 Marine Protected Areas in Canada

Canada defines an MPA as:

“A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values” (Government of Canada, 2011, p. 7).

The main purpose of MPAs are to protect and conserve biodiversity by minimizing the anthropogenic impacts to a particular area (Dudley, 2008). The cultural values are not a primary component within MPAs, but their protection can be a potential benefit to protecting biological seascapes. There are many different ways in which MPAs can be established. In Canada, the majority of the MPA coverage is protected under federal legislation (DFO, 2017). MPAs are established primarily by three federal agencies: Fisheries and Oceans Canada or DFO,

Environment Climate Change Canada and Parks Canada. Each agency can establish MPAs based on legislation under their jurisdiction (Table 1; Figure 2), therefore, the level of “protection” and the MPA process is determined and confined by this legislation, agency jurisdiction, and agency’s mandate.

Table 1. Purpose, legislative tool, and responsible agency for the three key types of MPAs highlighted within the Federal National MPA Strategy (2005)

MPA Type	Purpose	Legislation	Responsible
Oceans Act MPA	“established to protect and conserve important fish and marine mammal habitats, endangered marine species, unique features and areas of high biological productivity or biodiversity” (p. 4)	<i>Oceans Act</i>	Fisheries and Oceans Canada (DFO)
Marine Wildlife Areas	“to protect and conserve habitat for a variety of wildlife including migratory birds and endangered species” (p. 5)	<i>Species at Risk Act</i> <i>Migratory Birds Convention Act</i>	Environment and Climate Change Canada (ECCC)
National Marine Conservation Areas	“to protect and conserve representative examples of Canada’s natural and cultural marine heritage and provide opportunities for public education and enjoyment.” (p. 5)	<i>National Marine Conservation Areas Act</i>	Parks Canada (PC)

Provinces and territories may also create MPAs within their jurisdiction (the seabed and the resources below the seabed in “inland waters” as defined in the *Oceans Act*(1997) but federal cooperation and legislation is required to protect the water column in inland waters (BC Parks, 2007) (Figure 2).

The Other Effective Area-based Conservation Measures (OECMs) were introduced in the Aichi Target 11 of the Convention on Biological Diversity Strategic Plan (2010) to recognize informal areas (i.e., areas that may not be “protected” for the purposes of marine biodiversity conservation)) that contribute to international and national protection of biodiversity and subsequently marine conservation targets (Laffoley et al., 2017). OECMs are areas protected under “other effective measures” as per Canada’s MPA definition (e.g., fisheries closures or marine refuges) (Bujold et al., 2018; IUCN-WCPA, 2019). The key difference between MPAs

and OECMs is that the primary objective of MPAs is conservation while OECMs can have other objectives (e.g., social, cultural, economic) but must still contribute to biodiversity conservation (IUCN-WCPA, 2019). The recognition of OECMs as contributors to marine conservation targets can be a mechanism for Indigenous peoples to protect socially and culturally important areas, especially in areas that may not meet specific ecological criteria of MPAs. However, the focus of this report will be on the Oceans Act MPAs led by DFO (section 2.2).



Figure 2 Canada's marine protected and conserved areas (DFO, 2019c)

1.4.1 Establishing Oceans Act MPAs

MPAs are identified within a network planning process but are implemented on a case-by-case basis by the applicable authority (Government of Canada, 2011). A network of MPAs is defined as “. . . a collection of individual MPAs that operates cooperatively and synergistically, at various spatial scales, and with a range of protection levels [i.e., provincial/territorial MPAs, federal MPAs and OECMS] . . .” (Government of Canada, 2011, p. 8). As per the Oceans Act

(1997), the Minister of Fisheries and Oceans is responsible for “. . . leading and coordinating the development and implementation of a national network of MPAs . . .” (section 35(2)). The establishment of MPAs are required to be done in collaboration with other federal agencies, provincial and territorial governments, Aboriginal peoples, coastal communities and “other persons and bodies” (i.e., stakeholders) (section 31, section 35(2)).

DFO establishes Oceans Act MPAs following a five-step process which provides guidance on establishing an MPA. MPAs may not necessarily follow these steps sequentially and may, in some cases, occur simultaneously and is decided on a case by case basis. The five-step process is as follows:

1. Selection of Area of Interest (AOI)
 - a. AOIs selected through the MPA Network developmental process
 - b. Consultation and Engagement mechanisms put in place (e.g., Advisory Committees, working groups as needed)
2. Ecological, Social, and Economic Overview
 - a. Create social, cultural, ecological profile
 - b. Site analysis to provide deeper understanding of context including the feasibility of the site through the Canadian Science Advisory Secretariat (CSAS) process (DFO, 1999, DFO, 2019e)
 - c. Information and/or knowledge external to the CSAS process can also be incorporated into the overview (e.g., Indigenous or local knowledge or other interested parties may contribute) (Bujold et al., 2018).
 - d. Based on consultations and gathered information, the Minister will determine whether or not the AOI will move forward or not (DFO, 1999)
3. Development of the regulatory approach and consultation with interested/affected parties
 - a. Conservation objectives, boundaries, and regulatory framework is solidified based on associated risks and on-going consultation with affected and interested parties
4. Regulatory process and designation of the MPA
 - a. Completion of required assessments (e.g., Cost/Benefit and Regulatory Impact Analysis Statement)
 - b. Draft regulation posted in *Canada Gazette* (Part I) (30-day public commentary period)

c. Finalized regulations published on Canada Gazette, Part II

5. MPA management

- a. MPA management framework: MPA Management Plan, MPA Monitoring Plan, Compliance, and Education and outreach
- b. Stakeholders have opportunity to provide feedback/input on preliminary Management Plan (Bujold et al., 2018; DFO, 2019g)

1.4.2 MPA Governance Structures

The IUCN classifies protected areas governance within four governance types: governance by government (government-led), shared governance or co-governance, private governance, and governance by Indigenous peoples and local communities (community-led) (Borrini-Feyerabend et al., 2013). The governance types differ based on who has authority and the extent of power the authority has over the MPA.

1.4.3 Government-Led

A government-led MPA model is a top-down approach where decision-making authority, responsibility and power is retained by state organization(s) or body(-ies) (Borrini-Feyerabend et al., 2013; Chuenpagdee, 2011). The governing agencies/bodies are responsible for managing the MPA usually through the implementation of policies, legislation, and regulations (Borrini-Feyerabend et al., 2013; Sutherland & Nichols, 2006). In Canada, government-led governance is the primary approach used to govern and manage MPAs (Government of Canada, 2011). However, shared governance is becoming increasingly common (West Coast Environmental Law, 2019). The shift from top-down to co-governance and community-led governance can be attributed to several factors including:

- Failure of states to sustainably manage marine resources effectively;
- State recognition of the value of public involvement within marine management decision-making (Chuenpagdee & Jentoft, 2007);
- Increased public awareness, concern, and desire to be included within marine management decisions within their own communities;
- High social and environmental costs;
- Adverse effects on livelihoods and food security in local communities;

- Increasing complexity and uncertainties regarding the state of natural resources;
- Emerging interest and awareness of good governance principles and processes; and;
- Increased recognition of Indigenous rights (Borrini-Feyerabend & Hanna, 2004)

1.4.4 *Shared Governance*

The IUCN defines shared governance (or co-governance) of protected areas as those “. . . based on institutional mechanisms and processes which – formally and informally – share authority and responsibility among several actors.” (Borrini-Feyerabend, et al., 2013, p. 32). Here, power, control and responsibility are shared between user-groups and state-led agencies through informal or formal collaborative mechanisms. True co-governance should have three key components including “a negotiation process (required for the creation of formal agreements), a co-management agreement, and . . . a multi-party governance institution” (Borrini-Feyerabend, et al., 2013, p. 33). In the context of co-governance with Indigenous peoples, the integration of legal traditions or Indigenous law is an additional characteristic of ‘true co-governance’ (West Coast Environmental Law, 2019). A primary example of ‘true’ co-governance in Canada is the Gwaii Haanas National Marine Conservation Area (NMCA) (Ban & Frid, 2018; Thomlinson & Crouch, 2012). The Gwaii Haanas NMCA is governed by the Archipelago Management Board which consists of equal number of members of Government of Canada (Parks Canada and DFO) and the Haida Nation as per the *Gwaii Haanas Agreement* (1993) (Council of the Haida Nation & Government of Canada, 2018). Through this negotiated agreement, Haida and Government of Canada have equal decision-making authority. In addition, the NMCA management plan is founded on Haida law, ethics, knowledge and values which are represented within the NMCA guiding principles (Council of the Haida Nation & Government of Canada, 2018).

A shared governance approach has greater flexibility and is geared towards the local communities’ needs which provides the opportunity to include customary tenure, traditional knowledge and rights within management and decision-making (Armitage et al., 2009; Berkes & Armitage, 2012). Shared governance aspires to improve collaboration by building relationships and trust, enhance equity, and improve participation within resource management decision-making (Armitage et al., 2009). Notably, shared governance regimes are not without their challenges; one potential negative outcome is the potential for there to be an inequitable

distribution of benefits amongst community members which can lead to other marine governance issues (Borrini-Feyerabend & Hanna, 2004; Borrini-Feyerabend et al., 2013). There are further inherent challenges when entering shared governance arrangements with Indigenous peoples due to the additional layer of political (e.g., national, international, Indigenous governance), legal (e.g., rights, customary laws), and cultural components (e.g., epistemological and ontological differences) (Borrini-Feyerabend et al., 2013).

1.4.5 Private Governance

Private governance is where authority and responsibility are in the hands of a private entity (citizens, NGOs, industry or corporation (Borrini-Feyerabend et al., 2013). Private governance is more prevalent for terrestrial protected areas where there is clear tenure or ownership. Although management authority rests with the landowners, the protected area is still subject to relevant legislation and still requires a level of cooperation with state governments to be able to legally enforce any managerial restrictions (Borrini-Feyerabend et al., 2013). Furthermore, there is relative concern over the efficacy of the protected area as the government cannot hold the land-owners accountable to not meeting a state standard or properly managing an area (Borrini-Feyerabend et al., 2013). On the other hand, private governance can contribute to biodiversity goals while also providing the opportunity for communities to obtain socio-economic benefits such as ecotourism or tax incentives (Borrini-Feyerabend et al., 2013). An example of a private governance approach is the protected areas along the Eastern Shore of Nova Scotia. Privately owned land has either been bought or entrusted to the Nova Scotia Islands Trust who are responsible for the management of over 14,000 acres in Nova Scotia (Nova Scotia Islands Trust, n.d.).

1.4.6 Community and/or Indigenous led

Community-led governance includes non-Indigenous and Indigenous communities and is defined as “protected areas where management authority and responsibility rest with Indigenous peoples and/or local communities through various forms of customary or legal, formal or informal, institutions and rules” (Borrini-Feyerabend et al., 2013, p. 39). Community-led/Indigenous led governance has similar advantages and disadvantages (Borrini-Feyerabend et al., 2013) to shared governance. However, with a centralized focus on Indigenous and local

needs, this bottom-up approach provides an enhanced opportunity to restore Indigenous governance structures, revitalize Indigenous knowledge systems, reinvigorate community empowerment, and assert Indigenous rights (Ban & Frid, 2018; Colchester, 2004; Lee & Tran, 2016; Rist et al., 2019; Ross et al., 2009; Smyth et al., 2016; Zurba, Beazley, English & Buchmann-Duck, 2019).

Falling within this type of governance framework are Indigenous-led protected areas known as Indigenous protected and conserved areas (IPCAs) in Canada. IPCAs are “lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems [where] culture and language are the heart and soul.. .” (Parks Canada., 2018, p. 35). The Indigenous Circle of Experts (Parks Canada, 2018)² determine protected areas as IPCAs if they meet three key criteria:

- *Are Indigenous-led*
- *Have a long-term commitment to conservation*
- *Elevate Indigenous rights and responsibilities* (p. 36).

IPCAs are being used as a means to restore Indigenous governance structures and enable Indigenous peoples to assert their inherent rights and authority over their traditional territories, primarily occurring in Australia and Oceania (Ban & Frid, 2018; Colchester, 2004; Lee & Tran, 2016; Rist et al., 2019; Ross et al., 2019; Smyth et al., 2016; Zubra et al., 2019). While there are two formally recognized IPCAs in Canada (Edéhezíe Protected Area (Zurba et al., 2019) and Thaidene Nënë National Park Reserve (Parks Canada, 2020) located in the Northwest Territories), both of these IPCAs are terrestrial. Further work needs to be done to facilitate the development of IPCAs in the marine environment within Canada.

1.5 Management Problem

The government-led approach continues to be the primary MPA approach in Canada (West Coast Environmental Law, 2019). With this approach, current MPA consultation processes often fail to facilitate the full participation and/or involvement of Mi’kmaq to adequately address

² ICE was created to advise the National Advisory Panel through an Indigenous lens as to how to meet international and national biodiversity targets (Aichi Target 11) (Indigenous Circle of Experts, 2018)

Mi'kmaq interests and concerns within MPA developmental process, including consultation and decision-making. The current MPA planning models are based on scientific knowledge and western political structures. This narrow scope of the MPA governance structure and processes makes integrating social dimensions, especially Indigenous knowledge, laws, and customs challenging (Charles & Wilson, 2009; Singleton, 2009). Canada has been making efforts to reinvigorate crown-Indigenous relationships and to recognize rights by moving toward collaborative governance structures, however, First Nations continue to be concerned about inadequate consultation measures (Gray, 2016; LeRoy, Dobell, Dorcey & Tnasey, 2003; Singleton, 2009), lack of involvement within senior-level decision-making and lack of respect of Indigenous rights within MPAs (ANSMC & KMKNO, 2018; Ban & Frid, 2018; Ban, Picard & Vincent, 2008; Gray, 2016). Although governance approaches and the willingness to include Indigenous peoples within MPA governance have been changing (Parks Canada, 2018; Bujold et al., 2018; West Coast Environmental Law, 2019), there is still a lack of Indigenous representation within MPA governance, particularly in senior-level decision-making (Ban & Frid, 2018; ANSMC & KMKNO, 2018). The underrepresentation of Indigenous people in MPA management and governance is of particular concern because of the potential infringement on rights and title. Coastal Indigenous communities such as the Mi'kmaq are dependent on marine resources for sustenance, livelihood and carrying out cultural practices (Berneshawi, 1997; Denny & Fanning, 2016b; McMillan & Prosper, 2011; Milley & Charles, 2001). Any restrictions on marine access, therefore, run the risk of disproportionately impacting Indigenous communities or Indigenous marine users who are already marginalized within society (Lappie, Reading, & de Leeuw, 2014). The purpose of this research is to identify potential mechanisms that facilitate the ability for Mi'kmaq to play a larger role within MPA governance in a way that respects Indigenous knowledge and values

1.6 Research Questions

This research addresses the following overarching question:

How can MPA governance be improved to facilitate the ability for Mi'kmaq to play a greater role within decision-making processes in a way that respects Indigenous Rights, values, and knowledge while at the same time meet Canada's marine conservation objectives?

It does so by soliciting data and information specific to the following three sub-questions:

1. *What are the perspectives of stakeholders and Mi'kmaq community members on Mi'kmaq involvement within MPA governance?*
2. *What are the opportunities and challenges for the integration of Mi'kmaq values, interests and knowledge within MPA governance?*
3. *What mechanisms can be implemented within the MPA developmental process to facilitate better inclusion of Mi'kmaq values, interests and knowledge within MPA?*

Desktop research and interviews were used to answer the main research questions and sub-questions. The research process and methodology used will be discussed further in Methodology.

1.7 Organizational Flow of the Paper

This graduate research consists of six Chapters. Following Chapter 1, Chapter 2 provides the methodology used to conduct the research. Chapter 3 elaborates on the Case Study used in the research, the Eastern Shore Islands Area of Interest. Chapter 4 highlights the results derived from the semi-structures interviews complemented by desktop research. Chapter 5 discusses the results and their broader implications to Mi'kmaq involvement within MPA governance in Atlantic Canada. Lastly, Chapter 6 provides recommendations derived from the key research findings and discussions, finalizing with concluding remarks.

Chapter 2: Methodology

To address the management problem, the following research steps were taken:

- A case study site was selected to aid in illustrating and identify key opportunities and challenges for Mi'kmaq to play a larger role within MPA decision-making
- A literature review was conducted to provide a deeper understanding of the overall research and to aid in the development of the interview questions.
- Interviews were conducted based on the research questions
- Results were analyzed to acquire a better understanding of the management problem and identify broader implications to Mi'kmaq and MPA governance

More details on the methods for each of these are presented in the following subsections.

2.1 MPA Case Study Site Selection

The Eastern Shore Islands (ESI) Area of Interest (AOI) in Nova Scotia was selected as the case study for this research. The ESI AOI presents a unique case study opportunity because it is the first large coastal MPA in Atlantic Canada to be initiated, and the consultation and engagement processes are/were currently underway, allowing this research to follow the process as it unfolded and made identifying potential participants easier. In addition, the ESI AOI process had a designated Mi'kmaq-DFO consultation table which provided the opportunity to understand key Mi'kmaq concerns and interests pertaining to MPAs and the marine environment. Lastly, the ESI AOI site was in close proximity to the researching University and therefore it was opportune and beneficial for budget and time constraints.

2.2 Literature Review

A literature review was conducted to help provide a deeper understanding of the overall research and to aid in the development of the interview questions (Appendix A). This required familiarization with the current extent of Indigenous involvement within MPA governance, the ESI AOI context including potential conflicts, the Oceans Act MPA process, Mi'kmaq MPA interests, and Mi'kmaq culture, interests, and concerns with MPAs. Further research was conducted to more effectively analyze the results and discern/interpret potential underlying messages within the interviews. The literature review helped supplement and contextualize the results to assist in answering the main questions and all three sub-questions.

2.3 Data Collection

Following an initial literature review, primary data was collected through semi-structured interviews. The interview questions were guided by the literature review and were developed to answer the three sub-questions (Section 1.8) being used to inform and answer the main research question. Prior to conducting interviews, the research proposal underwent a full Dalhousie ethics review (Appendix B) and prior to conducting research (see Appendix D for Consent form as per Dalhousie ethics), a Mi'kmaq Ethics Watch review (Appendix C).

2.3.1 Recruitment

Individuals were identified and recruited based on their involvement within the ESI AOI engagement and consultation processes. As such, identified members of the ESI Advisory Committee and participants at the Mi'kmaq-Crown consultation table (Oceans Working Group) were primarily targeted. It was assumed that a participant within the ESI engagement and consultation discussions would be informed about the ESI and MPA process and thus better equipped to respond to interview questions. Participants who were not a part of the Advisory Committee but still involved within the process either as an observer or part of another stakeholder working group (e.g., Fisheries or Tourism) were also considered for participation. Participants were recruited using various techniques. First, potential participants were identified through personal participation as an observer at Advisory Committee meetings and the Oceans working group with KMKNO and DFO representatives. Additional stakeholder participants were also identified through the ESI AOI consultation page, which had a full list of Advisory Committee members (Appendix E). Finally, some participants were recruited via snowball sampling method, a technique where participants are referred by interviewees (Sedgwick, 2013). Although a full range of participants were invited, representatives from the municipal, provincial and other federal departments (e.g., ECCC, Transport Canada), aquaculture, the marine plant industry and fisheries either declined or did not respond to the participation request.

For this research, “stakeholder” refers to any individual or group that is involved in, affected by, or has current or future interests in the Nova Scotia? MPA, including NGOs. The term “stakeholder participants” refers to stakeholders that were involved within the ESI Advisory Committee process. Rightsholders are “actors [that are] socially endowed with legal or customary rights with respect to land, water, and natural resources” (Borrini-Feyerabend et al.,

2013, p. 15). Rightsholders in the context of this research refer to Indigenous peoples including Mi'kmaq.

2.3.2 *Semi-Structured Interviews*

Semi-structured interviews were conducted with recruited participants of the ESI advisory process and Mi'kmaq-Crown consultation tables between November 2019 and January 2020. A total of 20 participants were interviewed in 17 interviews (some individuals chose to interview as a group) representing a range of interests (see Table 4 in section 4.1 for participant breakdown). Semi-structured interviews provided the opportunity to add some flexibility to interview questions and to provide a deeper understanding of the participant's responses and topic Barsh, 2002; DiCicco-Bloom & Crabtree, 2006). For the semi-structured interviews, a set of 10 questions were prepared prior to the interview (Appendix A). The interview questions were divided into four phases. The first phase asked participants about their experience with MPAs, who they represent, and their organization's interests within the ESI AOI. These preliminary background questions were to provide a better understanding of the participants' potential biases and help identify rationale for various perceptions further on in the analysis. The second phase obtained perspectives on who and how groups (stakeholders and rightsholders) should be involved within MPA governance. The third phase asked participants about potential opportunities and challenges to incorporating Mi'kmaq knowledge, values and interests within the ESI AOI process and MPAs in Atlantic Canada. The last phase of interview questions was about how the MPA process can be improved to better include Mi'kmaq within MPA decision-making processes and incorporate Mi'kmaq values, interests and knowledge within the MPA governance.

The interview questions varied slightly depending on whether or not the participant was a part of a particular group: Crown (federal government), stakeholder participants, and Mi'kmaq or Mi'kmaq representatives (Appendix A). The alteration of the interview wording and layout took into consideration their potential level of background knowledge, perspectives, and participation within the various engagement and consultation processes (Advisory Committee, Mi'kmaq-Crown working groups, other working groups) based on the literature review. The changes to the questionnaire were minimal and therefore comparisons between Crown, stakeholder and Mi'kmaq respondents remained consistent. Definitions of MEK, Mi'kmaq values, (*Netukulimk*

and *Msit no k'maq*), Mi'kmaq interests, and MPA governance were provided with the interview questionnaire prior to the interview to ensure that there was a common understanding.

Interviews were conducted in-person, over the phone or using an online communication tool (e.g., Zoom, Skype) and ranged from approximately 30 min to 120 min in length. Each interview was recorded and transcribed manually. The transcription was reviewed then sent back to the participant to review and respond to any clarification questions. Allowing the participant to review their responses helps improve the accuracy by increasing data quality and thereby decreasing the likelihood of misinterpretation of the data (Mero-Jaffe, 2011).

2.4 Data Analysis

The qualitative data were analyzed using content analysis (Hsieh & Shannon, 2005). This analytical tool allows researchers to obtain a broader understanding of the content of interview data by generating codes (key words) that can be used to identify categories, themes and sub-themes arising from interviewees' responses (Hsieh & Shannon, 2005). Codes were identified manually per interview and entered in an excel spreadsheet. Codes were key words that represented the core of what was stated to support the identification of themes and sub-themes. For further analysis, the data was organized in participant groups (e.g., NGO & Academia, Community organizations, Crown, Public, and Mi'kmaq) and as Non-Mi'kmaq and Mi'kmaq participant groups to aid in data interpretation and potentially identify commonalities and differences between and among participant groups, primarily between non-Mi'kmaq and Mi'kmaq.

2.5 Limitations

There were several key limitations identified within the research related to the small sample size and missing stakeholder representation. A key limitation in the Methodology arose from the need to target persons who are knowledgeable of or have participated within the ESI consultation of engagement process, resulting in a limited pool of potential participants. However, although the sample size is relatively low (17 interviews, 20 participants) it is deemed sufficient within the qualitative nature of the study and in relation to the limited pool of participants and is not considered to be a weakness of this study. In addition, fisheries representatives, who are key stakeholders within the MPA process did not participate and were therefore underrepresented for reasons unclear. Fishermen perspectives were able to be identified through public access to bi-

lateral fisheries-Crown consultations (DFO, 2018a) and were often mentioned in interviews which helped to compensate for their lack of representation. Lastly, due to the low sample size, it is important to note that the perspectives obtained from the research cannot be inferred to represent the views of a particular group and can only represent the views of the individual of that particular organization.

Chapter 3: Case Study Description: Eastern Shore Islands

The Eastern Shore Islands (ESI) Area of Interest (AOI) was selected as the case study for this research for many reasons as previously identified. This section presents background details about this ESI AOI to support and provide context relevant to the Results and Discussion:

- Overview of the Eastern Shore Islands AOI and the surrounding community
- ESI consultation, engagement and decision-making processes
- ESI governance structure
- Key concerns of stakeholders involvement in engagement
- Mi'kmaq interests within MPAs

3.1 Overview of Eastern Shore Islands AOI

The ESI AOI site is located north of Halifax stretching from Clam Bay to Liscomb Point and ocean wards from the low tide line to 25km offshore encompassing a total area of 2,000 km² (DFO, 2019i) (Figure 3). Adjacent to the proposed delineated boundaries, there is a high degree of terrestrial protection, either protected as wilderness areas under provincial legislation (*Wilderness Areas Protection Act*, 1998) or protected privately through the Nova Scotia Nature Trust (Nova Scotia Nature Trust, n.d.).

The ESI AOI consists of a group of hundreds of islands with an island density three times greater than anywhere in the Scotian Shelf Bioregion (DFO, 2019i). This archipelago contributes to the presence of a diverse range of habitats including eelgrass beds, kelp beds, and salt marshes (DFO, 2019h; Hastings, King & Allard, 2014). These areas provide important habitat and food sources for several invertebrates, fishes, and marine birds. Significant species within the region include American lobster (commercially significant), Atlantic Salmon, American Eel (culturally important to Mi'kmaq) (Giles et al., 2016), Herring (forage fish), Atlantic Cod, White Hake and common Eider (DFO, 2019i).



Figure 3. Eastern shore islands area of interest (DFO, 2019e)

The Eastern Shore district runs northeast from Halifax Harbour up to Strait of Canso (Figure 4) and is slightly larger than the ESI AOI site; it has a population of nearly 16,000 people (2011)(Rainville, Beaton, Graham, & Burns, 2016). In the past two decades, there has been an outflow of younger families to other regions in Nova Scotia contributing to the aging demographic of the region (Rainville et al., 2016). As a rural coastal community in Nova Scotia, the lobster commercial fishery is the primary contributor to the local Eastern Shore economy (DFO, 2019h; Rainville et al., 2016). Between 2013-2017, 85% of fisheries license holders were for lobster, averaging around 12 million landed value/year (DFO, 2019h). Other marine-based

industries include aquaculture (DFO, 2019h), rockweed harvesting (Withers, 2018) and tourism (e.g., angling, kayaking, camping, sailing, recreational boating) (Government of Nova Scotia, n.d.).

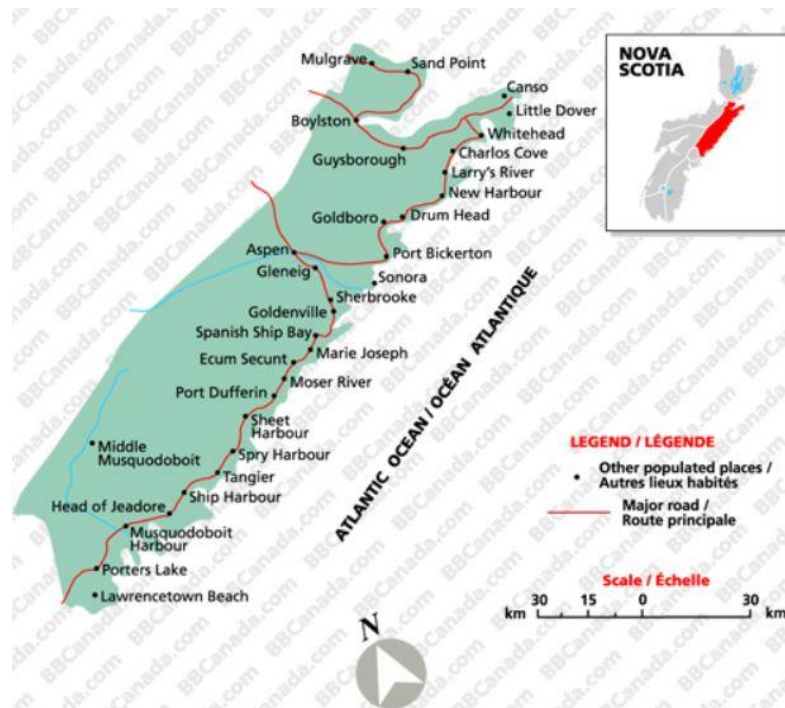


Figure 4 - Eastern Shore District (BBCanada.com, n.d.)

Communities along the Eastern Shore have been described as having a close relationship with their environment where environmental stewardship and a conservation ethic has been described as a key aspect of local identities (Rainville et al., 2016). This close relationship can be demonstrated through local community organizations that have previously been key actors in conservation efforts along the Eastern Shore, including the Association for the Preservation of the Eastern Shore (APES), Eastern Shore Forest Watch Association, and Eastern Shore Wildlife Association (see Advisory Committee membership Appendix E). While these community groups have different mandates and differing views on MPAs, they are all ultimately concerned about the ecological and social well-being of their communities (APES, n.d.; ESWFA, 2019; Sneddon, 2018). Despite the claim of a conservation ethic by the inhabitants, there has also been a history of community opposition to conservation initiatives which has contributed to a long-term mistrust of governmental organizations (Sneddon, 2018). Most notably is the Ship Harbour National Park (Sneddon, 2018; Froese-Stoddard, 2013), where in 1972, the provincial and federal government had assured community members that land expropriation would be kept to a

minimum in response to local concerns during the plenary period. However, upon release of the final plan of the park boundaries, it was revealed that 90 permanent and 167 summer residents would be displaced, which by the community’s definition was not a “minimum” amount of community displacement (Froese-Stoddard, 2013). The ESI communities felt that they had been misled by the government and this has subsequently contributed to a deep-rooted mistrust in Canadian governmental institutions (Beswick, 2018). This mistrust is still prevalent today and has had an impact on the ESI MPA discussions (Moreland, 2019).

3.2 Eastern Shore Islands Consultation, Engagement and Decision-making processes

As an Oceans Act MPA, the ESI process is guided by the Oceans Act MPA network and MPA establishment process as described in section 1.5.1. Eastern Shore Islands (ESI) AOI was a coastal site identified through the Scotian Shelf Network Planning process (Step 1). As part of the network planning process, the ESI was identified as an Ecologically and Biologically Significant Area (EBSA) through the Canadian Science Advisory Secretariat (CSAS) process (Hastings, King, & Allard, 2014). Within the MPA developmental framework, the specific consultation and engagement strategies used may differ from MPA to MPA.

Prior to the Announcement of the ESI AOI site, DFO had undertaken several community meetings along the eastern shore starting in 2017 (Table 2) (Koropatnick, 2018).

Table 2. Pre-announcement DFO led community meetings for the Eastern Shore Island AOI (Koropatnick, 2018)

Pre-announcement Meeting Dates	Sectors/Organizations (not including meetings with Nova Scotia or First Nations)
July 2017	Eastern Shore Fishermen’s Protective Association
August 2017	Eastern Shore Fishermen’s Protective Association
September 2017	Rockweed Advisory Committee
October 2017	Multi-sector community meeting: fishing, tourism, municipal government, ENGOs, Chambers of Commerce, local residents, NS Department of Environment and NS Department of Natural Resources, etc.
October 2017	Eastern Shore Fishermen’s Protective Association
December 2017	Aquaculture Association of NS and lease holders
December 2017	Halifax Regional Municipality
January 2018	Wild Islands Tourism Advancement Partnership (WITAP)
January 2018	Eastern Shore Fishermen’s Protective Association
January 2018	Halifax Regional Municipality
January 2018	Nova Scotia Salmon Association
February 2018	Environmental non-governmental organizations (ENGOs)
February 2018	100 Wild Islands Workshop hosted by NS Nature Trust and NS Environment
February 2018	Lobster Fishing Area 32 Advisory Committee
February 2018	Lobster Fishing Area 31B Advisory Committee
March 2018	Eastern Shore Fishermen’s Protective Association

The ESI AOI announcement on March 22, 2018 initiated the formal consultation and engagement processes (Advisory Committees, Working Group, and Mi’kmaq consultations) (DFO, 2018d). The engagement and consultation strategy included: community open houses, a community newsletter, a federal-provincial consultation table, a multi-stakeholder Advisory Committee, a Mi’kmaq-Federal consultation table (Oceans working group), an Eastern Shore Fishermen’s Protective Association (EPFPA) working group, and a Tourism working group (DFO representative, *personal communication*, April 10, 2020).³ The engagement meeting schedule for the Advisory Committee, Community Open Houses and Fisheries Working Group is presented in Table 3.

Table 3. Eastern Shore Islands Engagement Meetings (DFO, 2019f)

Advisory Committee	Community Open House	Fisheries Work Group
September 13, 2018	October 30, 2018	April 5, 2017
January 22, 2019	November 7, 2019	August 8, 2018
March 28, 2019		October 23, 2018

The Mi’kmaq-Crown consultations were done through the Oceans working group and followed the Mi’kmaq-Nova Scotia-Canada Terms of Reference (TOR). The Oceans working group discussions were not restricted to the ESI AOI but was an opportunity to discuss other marine related issues (e.g., species at risk, aquaculture).⁴ The purpose of the public open houses were to “. . . share information, answer questions, and hear from the local community” (DFO, 2018e, p. 1). As part of Step 2 of the Oceans Act MPA process, DFO conducted a biophysical and ecological overview (DFO, 2019b), socio-economic profile (e.g., marine harvest activities)(DFO, 2019i), an offshore resource assessment (King, 2019), an ecological risk assessment (DFO, 2019j) and a Mi’kmaq Ecological Knowledge Study (MEKS).⁵

³ Information acquired through personal participation in four of the Oceans working group meetings between January 2019 to March 2020 and one Advisory Committee.

⁴ Information acquired through personal participation in four of the Oceans working group meetings between January 2019 to March 2020.

⁵ As an intern at KMKNO, researcher had access to the MEKS report.

The MEKS documents the historic and current (defined as “within a living memory”) uses of the region including harvesting areas, type of species harvested, occupation sites, burial sites and other cultural significant areas (ANSMC, 2007). It is assumed that the MEKS done for the ESI AOI was done in accordance to the Mi’kmaq Ecological Knowledge Study Protocol (MEKSP)(See MEKSP 2nd Edition for further details)(Assembly of Nova Scotia Mi’kmaq Chiefs (ANSMC), 2007).

3.3 Key Concerns of Stakeholders Involved in Engagements

Overall, community members were concerned about maintaining their access to the coastal and marine environments to continue fisheries, and for tourism and recreational use (DFO, 2018a,b,e). The fishery is considered to be “the backbone of the community culture and economy” (DFO, 2018a,b). There's also a lot of mistrust between the community and DFO due to previous experiences with multiple levels of government (municipal, provincial and federal) (DFO, 2018a,b). The ESFPA, in particular, did not trust DFO nor the process because DFO could not guarantee that the fisheries were not going to be restricted in the future (DFO, 2018a). The ESFPA wanted a written agreement from the Minister of Fisheries and Oceans assuring that their fishery and livelihood would be protected from additional fishery regulations from the MPA and from industrial activities (DFO, 2018a). In addition, concerns were expressed about Canada's commitment to the international marine conservation targets of protecting 10% of its coastal marine areas by 2020, which contributed to the perception that decisions were already made and therefore, their participation within the process would have little influence over the MPA.

The Minister of Fisheries and Oceans illustrated DFOs’ commitment to hearing local community concerns by attending two meetings along the Eastern Shore, May 8th and August 15th 2019 (Lubzubak, 2019). On May 8th, 2019 the Minister visited Tangier (community along the Eastern Shore, see Figure 4) to discuss how to best move forward with the ESI AOI and to try and address community concerns (Bell, 2019). The Minister was met with over a hundred community members and fishers (during lobster fishing season which demonstrates their level of concern regarding the ESI)(Bell, 2019). The willingness of fishers to forgo a day of fishing demonstrates their level of concern. At the meeting, the Minister raised the potential for community-based management while also emphasizing that the ESI is a *proposed* MPA site with

no pre-determined deadline (Bell, 2019). On August 15th, the Minister returned to continue discussions with the community and made two key announcements. First, that an impartial facilitator would be appointed (Lubzubak, 2019). Second, there is no definitive timeline for ESI consultations and engagement and that obtaining the support of local communities is important for conservation success (Lubzubak, 2019). Shortly thereafter (by August 26), the Minister announced that the ESI AOI has been ‘effectively suspended’ (Myatt, 2019). There have been no further public announcements regarding the status of the ESI AOI and therefore, the future of this MPA process is unclear.

3.4 Mi’kmaq Interests within MPAs

Mi’kmaq interests within MPAs have been expressed in two main government submissions provided by KMKNO and ANSMC (2019) and the Atlantic Policy Congress of First Nation Chiefs Secretariat (APCFNCS, 2018) on behalf of the Mi’kmaq First Nation.⁶ Their key concerns and interests were about the general MPA process and not explicitly about the ESI AOI.

There are four over-arching thematic concerns regarding the establishment of MPAs identified within the two Mi’kmaq submissions: the potential for MPAs to infringe on Aboriginal rights, Treaty rights and Aboriginal title; the lack of power within MPA decision-making process; insufficient consultation; and the valuation and incorporation of Indigenous knowledge. There was a strong expression that:

- Treaty rights must be respected and not restricted within MPAs;
- MPAs should be developed in partnership with Mi’kmaq communities (co-developed, co-managed and co-governed);
- Consultation protocols must be followed;
- MEK must be included throughout the process and inform decision-making;
- Principles like *Netukulimk* and *Etuaptmumk* should be embraced within the MPA process; and

⁶ The KMKNO and ANSMC submission was in response the National Advisory Panel on MPA Standards and the APCFN was a submission to the Committee on Fisheries and Oceans Act MPAs

- Mi'kmaq scientific organizations should be fully supported and involved to ensure that Mi'kmaq can be informed and fully participate within the process (KMKNO & ANSMC, 2018).

Chapter 4: Results

The Results chapter highlights the key themes and sub-themes that came out of the interviews as the responses related to the three sub-questions (section 1.8). First, the participant profiles is give further understanding of how the results were interpreted and presented. The subsequent sections cover responses related to the three posed sub-questions: perspectives on the role of Mi'kmaq within MPA governance, and opportunities and challenges in incorporating Mi'kmaq values, interests and knowledge within the MPA process.

4.1 Participant Profiles

Seventeen interviews were conducted representing five participant groups: Federal government, Mi'kmaq First Nation, community organizations, NGOs and academia, and members of the public (Table 4). Of the seventeen interviews, there were two group interviews, one with three federal government representatives and one with two Mi'kmaq participants. Twelve of the participants were involved in the Advisory Committee process, either as stakeholder representatives or observers (Table 4). 'Public' participants were individuals who were familiar with or participated in the process but chose to speak on behalf of themselves in lieu of their affiliated organization. Academia and NGOs participants were consolidated to protect anonymity of participants. Six participants were involved in the Mi'kmaq-Crown consultation process. The Crown and one Mi'kmaq representative participated in both consultation (Oceans WG) and engagement (Advisory Committee) processes.

Table 4. Number of interview participants in each participant groups

Participant Groups	Num. of Particip.	Num. of Interviews	AC	OW	Other
Federal gov.*	3	1	3	3	
Community	3	3	3		
NGOs & Academia	5	5	5		
Mi'kmaq*	7	6	2	5	
Public	2	2			2
Total	20	17	14	8	2

Note : AC : Advisory Committee, OW : Oceans Working Group, Other : participants who did not want to identify themselves as part of a particular group or part of another working group. (*) : indicates that group interviews occurred.

The quantitative results were calculated based on the total number of interviews and not the number of total participants because the opinions between individual participants within a group interview cannot be determined. Therefore, it is assumed that everyone in the single interview has the same perspective. In addition, “Mi’kmaq participants” include representatives from Mi’kmaq organizations regardless of self-identification as Mi’kmaq. This was because, upon examining the results, the differences between Mi’kmaq and non-Mi’kmaq representatives from these organizations were negligible. This was also in part due to ethics and to protect anonymity.

4.2 Perspectives on the Role of Mi’kmaq within MPA governance

Data collection on the role of Mi’kmaq within MPA governance included all aspects of the MPA process (planning, implementation, management, monitoring and enforcement) and the decision-making processes within those. The participant responses on *who* should be involved within MPA governance including the role of Mi’kmaq represented two overarching themes: inclusivity and power.

4.2.1 Inclusivity

There was consensus that MPA engagement should be an inclusive process whereby all those who are directly affected or who have a current or future interest within the region should be included. Stakeholders and rightsholders should be included early and throughout. Although the definition of ‘early’ and ‘throughout’ varied amongst participants, ‘early’ was often considered to be in the pre-planning processes before the AOI is announced and ‘throughout’ included involvement in the pre-planning, establishment and management (including monitoring and enforcement) of the MPA.

Mi’kmaq participants emphasized the need to follow the TOR Consultation process, and that Mi’kmaq communities, Mi’kmaq organizations (such as scientific organizations, Mi’kmaq Conservation Group (MCG), UNIR) and Mi’kmaq fisheries organizations (e.g., Aboriginal Aquatic Resource and Oceans Management Program (AAROM)) should play a larger role within the MPA process. Mi’kmaq participants also emphasized the need for Mi’kmaq knowledge to inform the MPA process along with science:

“ . . . we should not just depend on DFO – we should do our own [research]– DFO should be part of the scientific process but should be done with MCG or UNIR ” (M2).

The term “inclusion” not only relates to *who* should be involved within the process but how participant groups should be involved and what types of knowledge (e.g. local, Indigenous, and scientific) should inform the MPA process. In comparison to non-Mi’kmaq participants, Mi’kmaq participants spoke about the importance of the inclusion of MEK, Mi’kmaq scientific organizations (e.g. MCG or UINR) and emphasized the importance of full participation of Mi’kmaq within the process due to Aboriginal and Treaty rights. Mi’kmaq participants also primarily focused on Mi’kmaq participation whereas non-Mi’kmaq participants tended to highlight the importance of the role of local communities, stakeholders and Mi’kmaq.—Among non-Mi’kmaq participants, perceptions on who should be involved or which stakeholders should be involved varied. A couple of participants felt that the ESI AOI should only include those who have a direct economic interest or live in the vicinity of the MPA while on the other side of the spectrum, there was the recognition that the MPA is a public resource and therefore, the general public should also be able to have a say. To illustrate this broader inclusive concept, a community member participant noted:

“ . . . it’s not just simply a discussion for local people – in other words, the ocean’s resources are owned by the people of Canada and therefore everybody. In that sense, the discussion can be opened-up to other groups that might have an interest” (C9).

Generally speaking, community organizations and NGOs in particular, emphasized the need to include the local community and stakeholders early and throughout the process:

“ . . . All groups should be involved at the very beginning, before they even talk about ‘we are going to put in an MPA here’ ” (E11).

Perspectives on Mi’kmaq involvement within MPA governance was strongly related to Mi’kmaq rights recognition. Sixteen of the seventeen (94%) participants (Mi’kmaq and non-Mi’kmaq) recognized that Mi’kmaq have rights. However, only twelve out of the seventeen participants (70%) viewed Mi’kmaq as having an elevated role within decision-making processes based on those rights. Six of the twelve responses were from Mi’kmaq participants. Mi’kmaq responses were more consistent with their view of Mi’kmaq roles within MPA governance. All Mi’kmaq participants (six out of six) felt strongly about their right to participate and therefore entitled to be fully involved throughout the process. As one Mi’kmaq representative responded:

“ . . . Mi’kmaq have an essential role to all governance activities in Mi’kma’ki as a nation. . . I don’t see that there’s a way that governing anything in traditional Indigenous territory

can happen without the Indigenous people whose territory this has always been and continues to be . . .” (M15).

Strong support for Mi’kmaq representation based on rights was not limited to Mi’kmaq participants and was seen primarily from NGOs and community organizations. As one community member stated:

“ . . . Mi’kmaq have a right to be there, and should be there - Aboriginal and Treaty rights mean that Aboriginal groups have to be involved in all aspects of MPA design and implementation . . .” (C7).

In relation to rights recognition, two NGO participants explicitly mentioned that it is not up to the public or Crown to decide how or if Mi’kmaq should be involved within the process. These participants emphasized that those decisions must be made by Mi’kmaq through their own governing processes which illustrates respect to Mi’kmaq self-government and self-determination. There was also acknowledgement that Mi’kmaq may not be able to participate to the extent they want and therefore need to be supported to do so. To illustrate this notion, one NGO states:

“ . . . it is not up for us to decide or have an opinion on . . . our role should be to support whatever is needed. . . I hope there is more involvement and whatever Indigenous communities want is what should be supported . . .” (E5).

In other interviews (two out of seventeen), Mi’kmaq were seen as “just” another member at the advisory table where Mi’kmaq perspectives, concerns, or interests should not be considered above anyone else’s. This sentiment was expressed when a non-Mi’kmaq participant was speaking about the role of Mi’kmaq within MPA governance, one participant noted:

“ . . . I can’t see the advantage of having a larger say than everyone else or veto . . . – unless it directly affects their community, I have trouble with giving Mi’kmaq a ‘veto’” (P3).

“ . . . if DFO are going to take Indigenous people out as special and ask them directly about their opinion then the same should go for any other group” (P3).

The Mi’kmaq perspective and values were also not seen as having a higher value or taking precedence over other stakeholders, as described by a community participant when giving their perspectives on how Mi’kmaq perspectives, interests, or values are perceived at the Advisory Committee:

“People recognize that Mi’kmaq have a unique perspective and probably perceived to be relatively speaking as environmentally friendly, but their view would not have been seen as superseding other viewpoints” (C9).

At the same time, some value or benefit of Mi’kmaq involvement was identified by many participants but the focus was on their ability to provide a different perspective and/or an opportunity to expand the information used to inform MPAs through the incorporation of MEK within the MPA process. Six out of eleven non-Mi’kmaq participants (55%) thought that the incorporation of Mi’kmaq values and knowledge provides the opportunity to integrate different perspectives. Four out of eleven of non-Mi’kmaq participants (36%) directly stated that Mi’kmaq involvement would improve conservation. Two non-Mi’kmaq participants spoke to the value of Mi’kmaq involvement:

“I think there is great value for that – because Indigenous peoples have a collective perspective on most things – which is inherent in its cultural and also the behaviours – protection, procurement and management and honour sustainability” (C7).

“Yes, there is a benefit and a value to incorporate Mi’kmaq knowledge and values because I think that as many perspectives and viewpoints as possible would lead to a stronger MPA if one were to be established” (C9).

The importance of incorporating Mi’kmaq knowledge to inform MPA governance was not limited to Mi’kmaq representatives. Two community members (66%) and all NGOs (80%) strongly supported MEK being a key component in informing decision-making within the process. Meaning MEK should not just simply be gathered and incorporated as anecdotal information but as a primary source of information with science that is used in a way that informs management decisions, as an NGO representative highlighted:

“. . . Indigenous knowledge is not [should not] just be gathered but [should] actually [be] listened to and incorporated into design and management - not just in the implementation of MPAs . . .” (N11).

Some of the participants, did not view Indigenous Knowledge (IK) as a primary source of information that had the same valuation to scientific information. IK was perceived as less valuable in comparison to scientific information by stating that IK could not be used to solely inform the MPA process:

“ . . . I think they complement each other. . . I feel like you could do the whole thing with science without the IK but I'm not sure you could do the whole process with Indigenous knowledge, not science . . . ” (N10).

Participants generally agreed that MPAs require an inclusive process. However, there were notable differences in their perspectives regarding who should be involved (interest versus users, local or broader), why Mi'kmaq should play a role within the process (rightsholder versus stakeholder, current use versus traditional use), and how and to what extent MEK should play a role in informing the MPA process. There was also a noticeable difference in perspectives on the degree of power local communities and Mi'kmaq should have within the ESI AOI decision-making and within MPA governance as a whole which is discussed in the subsequent section.

4.2.2 Power

Most participants mentioned that there should be a greater devolution of power to local communities (Mi'kmaq and/or non-Mi'kmaq). The perspectives of Mi'kmaq involvement within decision-making, or the degree of power Mi'kmaq should have within the decision-making, were more varied amongst participants. Thirteen out of seventeen participants (76%), six Mi'kmaq participants (100%) and seven non-Mi'kmaq participants (63%), felt that Mi'kmaq should be involved within MPA decision-making processes. Amongst these thirteen participants, the degree of power Mi'kmaq should have within MPA governance varied particularly between non-Mi'kmaq and Mi'kmaq participants. For example, community organizations and NGOs tended to emphasize the importance of an inclusive process with all stakeholders, especially local community members and fishers, within the process. As one community organization representative stated:

“ . . . It really should be run by the community who is living there or have activities in the area . . . ” (C12).

Within that group, NGOs often identified stakeholders and rightsholders distinctly, and that they both needed to have decision-making power within the ESI AOI process:

“Co-management or co-governance arrangement with community (particularly fish harvesters) and rightsholders. . . [where]. . . the Stakeholders (including community – the people who are going to be most impacted and Rights holders - All need to be actively involved from the very beginning of the process, involved in decision-making, and management of the site once it gets established” (E11).

There was one Mi'kmaq participant who shared this broader concept of inclusivity:

“ . . . Not just an MPA for the Mi'kmaq for the fishing industry or academics – this is everyone's MPA – then it makes sense as a group everyone gets together and collectively decide on the management – at that point, [once established] [the group should be] switched from the advisory council. . . [to] a management council” (M2).

However, most of the Mi'kmaq participants had a stronger focus on Mi'kmaq as key decision makers and distinct from the broader stakeholder group. There was consensus that MPAs should be done in full partnership with Mi'kmaq where there is shared power in decision-making. Generally, how the power would be shared was unclear, but one participant suggests that Mi'kmaq should have the final decision-making power with 51% of the power with Mi'kmaq and 49% with the Crown:

“ . . . they [Crown] should give us more say in the development of an area and the area should be a Mi'kmaq conservation area – should be First nation conservation area – Mi'kmaq name [i.e., Mi'kmaq Conservation Area] and control – 51% to 49% - to assure that the government will not go over their heads and make a decision without consent . . .” (M1).

For the non-Mi'kmaq participants, proximity to the AOI was important in defining the amount of decision-making power Mi'kmaq should have within the decision-making process. The emphasis on proximity or within a boundary for decision-making was based on perceptions that this approach would result in greater community acceptance (or legitimacy) and feasibility. These reasons can be illustrated from the responses from two participants below:

“ . . . [I] personally believe that people who are outside the country, out of the province in particular and even outside the area should not have much of a say in it – If any say at all because it is not their area” (P3).

“ . . . if the MPA was in the Bras D'or Lakes or within one of the communities then absolutely Mi'kmaq should play a huge role – but I do not believe there is a community within the boundary” (P3).

“ . . . [We] can't just parachute 3 Mi'kmaq in to manage the Eastern shore – they wouldn't have respect and the community wouldn't tolerate it” (E13).

This narrow view of what constitutes a community and focus on where Mi'kmaq communities are located today has implications for Mi'kmaq participation within the process. One Mi'kmaq participant highlights the difficulty of asserting their rights along ESI where there is no longer a strong Mi'kmaq community presence:

“... it's hard with rights you can go everywhere but at the same time you've been pushed away from everywhere – so you may not have that community link that they are looking for – so they just thought that the community was the community that's there – but we used to be there until we were forcibly removed and put on reservations” (M14).

While there are clearly some differences in perspectives on the role of Mi'kmaq within MPA governance compared to other stakeholders, there was overall agreement that more community level decision-making is needed.

4.3 Opportunities

With respect to opportunities available to integrate Mi'kmaq values, interests and knowledge within MPA governance, two major sub-themes were identified. First, the opportunity to incorporate Mi'kmaq values, knowledge and interests *within the current* MPA process and second, alternative governance approaches that could facilitate the integration of Mi'kmaq values, knowledge and interest.

4.3.1 Incorporation of Mi'kmaq values, interests and knowledge within the current process

All Mi'kmaq participants who were involved with the consultation process (oceans working group) (five out of six) recognized the importance of consultation (Mi'kmaq-Crown) in facilitating the ability to incorporate Mi'kmaq values, interests and knowledge within the MPA process when done in a respectful, meaningful way. Consultation done in a meaningful and respectful way means following consultation protocols (Mi'kmaq-Canada-Nova Scotia TOR), ensuring that Mi'kmaq are involved early and throughout the process, Mi'kmaq concerns are heard and addressed, and Mi'kmaq rights are respected.

Among Mi'kmaq and non-Mi'kmaq participants, nine of seventeen participants (53%) mentioned that Mi'kmaq involvement within the process provided a learning opportunity either through discussions within advisory committee or by incorporating Mi'kmaq knowledge and principles within the MPA management plan. As one participant noted, the consultation provides:

“... an educational opportunity within the MPA process, because there are so many people with so much at stake that rather than it being an opportunity to see the differences, it's an opportunity to share understanding with one another of each other's perspective” (M15).

Although there was acknowledgement of the value of learning and knowledge-sharing regarding Mi'kmaq culture, values, histories, or interest, the majority of the participants (78%) also acknowledged that there was a lack of understanding of these. Three Mi'kmaq participants and the Crown identified that for discussions/communication to occur with the broader public and stakeholders, there needed to be a better understanding of Mi'kmaq culture, histories, values, and rights through more education and discussion. Two participants reflected on this:

“ . . . Mi'kmaq, Maliseet, Passamaquoddy, settlers on the same land, using the same resources or wanting to use the same resources ... we have to reconcile that, and the only way we can reconcile that is through discussion . . . ” (M2).

“ . . . you're not going to please all the people all the time, but education on why things need to change is really important when it comes to the general public ” (M15).

Consultation, through the various forms, is not just about learning and sharing-knowledge but about relationship-building. As Crown representatives noted:

“Not just consultation, its engagement, its relationship, building a more collaborative approach.” (Cr6).

Transparency within consultation was also highlighted by participants to be important through statements about the need for people to “act in good faith” or “not operate behind closed doors.” These types of statements were often associated with statements about a transparent process contributing to improved trust by improving relationships and mutual understanding. For one Mi'kmaq participant, Crown-Mi'kmaq consultation provides the opportunity for the Crown to improve their transparency . . .

“ . . . because we can see what they are doing and how they are doing it ” (M14).

While the Mi'kmaq-Crown consultation process is considered both critical and beneficial to addressing Mi'kmaq interests and concerns, consultation processes are not always considered adequate which is demonstrated when issues around/surrounding proper consent were raised by Mi'kmaq participants, as noted below:

“ . . . They [the Crown] are coming into our property and going to do this and doing that without giving or asking for that permission properly and that's what I don't like. . . at the end of the day it doesn't matter because they say they consulted with us [which] is not true and wasn't true and just want to fit the criteria and yes we consulted with you guys – it is not done in such a way that documents are drawn up or agreements being made – ‘feels like a check box’ . . . ” (M1).

Specific mechanisms that can be used to incorporate Mi'kmaq values, interests and knowledge within the current process were the MEKS and the Canadian Scientific Advisory Secretariat (CSAS) process. The MEK study was referenced by five of the seventeen (29%) participants, primarily Mi'kmaq participants (three out of five), as an opportunity to incorporate knowledge and values within the process. The Crown highlighted that the MEKS provides a public educational opportunity by conveying the cultural importance of the area and by incorporating language to illustrate the connection of people and place, as illustrated by a participant when talking about opportunities and the MEKS:

“[The MEKS shows] how Mi'kmaq have been there for millennia and combines the lists of place names. . . [it is] an important piece to remind the public. . . that the Mi'kmaq have been there and this is an important area for them, [it] helps bring that information to the forefront and facilitate learning” (Cr6).

One Mi'kmaq participant notes two potential opportunities for MEK to be improved, which could potentially enhance learning opportunities by improving transparency amongst Mi'kmaq community members and expanding the cultural content of the MEK study as explained below:

“. . . we don't get to see everyone's reports [MEKS] – there seems to be a focus on traditional use and less so on values and what the cultural components are – a lot of geology, a lot of old old history but nothing that really tells anybody about who we are? What we believe in? That is a big gap that we have – so the cultural content can be very limited” (M14).

One of the opportunities that was not commonly mentioned was the incorporation of Mi'kmaq language. Language was seen as an important part of conceptualizing governance and therefore could play an important role in public education as illustrated below:

“. . . using Mi'kmaq language and in Mi'kmaq territory within agreements and within governance and conceptualizing governance is really, really critical. . . Because. . . our ideas, our culture, our ways of being as individuals and societies is really encapsulated in our language but incorporating language into the ways that governance of an area. . . can really change how people approach their role within that [governance]” (M15).

Within the current governance structure of the ESI, three main mechanisms were identified: Consultation, MEKS, and CSAS process. These three identified processes, to varying degrees, were seen as opportunities to improve learning, facilitate knowledge sharing and build relations. Interconnected are the opportunities to improve transparency, respect and trust specifically between Mi'kmaq and the Crown. Participants, however, made little reference to these processes

providing the opportunity for Mi'kmaq to play a larger role within decision-making and were limited to the opportunity to incorporate Mi'kmaq knowledge, interests and values within the process. Whereas, alternative governance structures were seen as opportunities to both incorporate Mi'kmaq cultural components and share authoritative power with Mi'kmaq.

4.3.2 *Alternative Governance Structures*

Both non-Mi'kmaq and Mi'kmaq participants believed that MPA governance should continue to move towards a co-governance or Indigenous-led process. Although both are alternative governance options to be considered, the focus of this section is primarily regarding the IPCAs or Indigenous-led process as stakeholder perspectives on co-governance and power-sharing were illustrated in section 3.2.2.

Responses were not always specific to the ESI AOI but referred to any potential MPA in Nova Scotia. Fourteen out of seventeen participants (82%) identified that the adoption of co-governance was a preferred option for marine conservation. This was noted by an NGO representative speaking to how MPAs should be created:

“ . . . Trying to do community co-management should be the goal . . . ” (E11).

Seven out of seventeen (41%) of participants (Crown, three NGOs, and three Mi'kmaq) mentioned IPCAs as a potential opportunity for better incorporation of Mi'kmaq peoples within governance which would also provide an ability to encapsulate Mi'kmaq values, interests and knowledge. When discussing the potential IPCAs, NGOs were the strongest advocates, as demonstrated in the quote below:

“ . . . Another thing that absolutely needs to change is Indigenous Protected Areas (IPAs) – there needs to be a lot more space for that . . . ” (E5)

4.4 **Challenges**

Challenges were defined as any process, mechanism, activity or pressure that prevent the ability to incorporate Mi'kmaq knowledge, interests and values within the process or the ability for Mi'kmaq to play a larger role within the decision-making processes. From the interviews, five themes were identified: systemic barriers, perceptions of power imbalances and fisheries conflicts, trust, and lack of understanding of Mi'kmaq culture and rights, and capacity.

4.4.1 Systemic Barriers

Twelve out of seventeen participants (70%) (seven out of eleven (65%) of non-Mi'kmaq and five out of six (83%) of Mi'kmaq participants) voiced concerns over the current governance system and structure. The concerns over the MPA governance and structure were related to systemic barriers including the limitations of the legislation, issues with the organizations that implement and oversee the legislation, and systemic cultural and social values. The specific systemic barrier each participant identified varied.

One of the key barriers noted is the Oceans Act itself. MPA processes are guided by the Oceans Act legislation and therefore DFO has to work within those guidelines. Some of the limitations of this legislation cited included Ministerial discretion (cannot devolve power to another group and have the ability to rescind negotiated powers at any time), jurisdictional boundaries mean high water mark to exclusive economic zone and not including terrestrial), and the limited emphasis on alternative knowledge systems or cultural values to inform the MPA process. The interpretation of the concern regarding Ministerial discretion is partly that it does not allow complete devolution of power to another group, and partly, that if power with other groups is negotiated, the Crown still has the ability to rescind that power at any time. As a Crown representative stated, the Oceans Act does not explicitly support delegation of decision-making power:

“... Oceans Act applies to everything we do . . . and there is nowhere in the Act that says that the minister can delegate to a First Nations or to Industry.” (Cr6)

Other participants explicitly mentioned Ministerial discretion being a barrier to implementing any form of shared governance and/or IPCAs:

“... I think one of the problems is decision-making currently – the ministerial discretion – can't undermine the discretion of the minister . . .” (N13).

In addition to Ministerial discretion, there were also several other systemic challenges that would be required to overcome in order to implement IPCAs in Atlantic Canada. These include societal and legislative systematic challenges including the lack of formal mechanisms or legislation in place to guide the process, lack of certainty as to what constitutes an IPCA in the marine environment, and racism. The lack of certainty and formal mechanisms is illustrated in a quote from an NGO representative:

“ . . . I don't think that Canada really knows what it looks like either and it's really difficult with a Colonial government to tell an Indigenous community “tell us what you want for an IPA” – well under what”? (N11)

For the ESI AOI specifically, there is a lack of Mi'kmaq community presence on the Eastern Shore and this may pose a particular challenge for Mi'kmaq playing a larger role in decision-making power either as co-governance or to establish an IPCA in the future, as illustrated in a statement below:

“ . . . I don't think that an ESI is a good candidate for an IPA – because there is no Indigenous communities on shore, and there is a lot of racism on the ESI . . . ” (N13).

Other limitations of the Oceans Act are its jurisdictional scope and therefore, inability to protect interconnected ecosystems, and its emphasis on and requirement for scientific input to drive the process limits the ability to incorporate alternative knowledge systems or cultural values to inform the MPA process. Both of these limitations of the Oceans Act impact aspects of incorporation of Mi'kmaq within the process. For example, the limited ability to protect interconnected ecosystems, because of the jurisdictional scope being from the low water mark to EEZ, impedes the ability to embrace the Mi'kmaq holistic perspectives of the land and sea as one system. To demonstrate, a response from a Mi'kmaq representative when talking about the adequacy of the current process in encompassing a holistic approach alludes to the limitations of scope based on defined boundaries:

“My issue is when people want to draw lines in the ocean and that's not how nature works, nature doesn't understand those boundaries – it's never a hard line in the sand and I have a problem with species-focus approaches to those things.” (M8)

Aside from systemic governance challenges, there are also larger societal and cultural systemic barriers that influence how knowledge is defined, valued and utilized within MPA governance. One such challenge is the heavy reliance on scientific information within MPA decision-making. This was perceived to be a barrier to incorporating MEK within the current MPA process, as one Mi'kmaq participant describes:

“Managing and monitoring for DFO is data specific or science specific – it has a very finite focus where I think management and monitoring say for Mi'kmaq organizations or our technicians would be a more holistic approach – yes you are going to get data from that and some of that is going to be qualitative, some of its quantitative – some of it might be story-telling and hopefully would take a Two-Eyed Seeing approach and be a holistic manner of managing the data instead of the pinpoint specific data management point that is often DFO.” (M14)

In addition, by favouring western knowledge systems or science it implies that other knowledge systems, Indigenous or local, are of less value thereby undermining their validity as explained by an NGO representative:

“This notion of everything having to be based on “sound science’ devalues these other forms of science and not sure how you get back to that. . .the experiential knowledge or other knowledge (local or IK) are not being counted as what people know [or consider]as sound science” (N12).

The lack of formal mechanisms to incorporate knowledge and values is a barrier to Mi’kmaq participation and the incorporation of values, knowledge, and interests within the MPA process. There is some understanding that this shortcoming is due to a lack of priority and focus in the past which may be changing. This is relatively new (couple decades) to DFO and therefore, the incorporation of Indigenous knowledge, values, and interests is a learning process from both sides which was acknowledged by the Crown:

“ . . . still more learning is required even within DFO as to what Two-Eyed Seeing and those terms really mean on the ground . . . ” (Cr6)

In comparison to other departments (e.g., Parks Canada), DFO has less experience in integrating social and cultural values within conservation initiatives but is making efforts despite the lack of mention of cultural values within legislation as stated by a federal government representative:

“ . . . DFO has traditionally not had that experience versus other departments perhaps but even though there nothing in the Oceans Act that it talks about cultural values and nothing integrating First Nations views or objectives into it – but despite that we have tried to weave in culture into what we are doing . . . ” (Cr6).

To compensate for the lack of experience of incorporating cultural and social values, some participants suggested expanding the DFO management team to incorporate persons with expertise, such as social anthropologists or Mi’kmaq community members, as demonstrated in two quotes below:

“ . . . suggested bringing on social anthropologists to assist with figuring out the appropriate governance structure and set it up – if they could set it up then the government would have enough power to buy in to the governance structure to actually manage the MPA within the community of interest . . . ” (E12).

“ . . . if DFO wants to go with integrating Mi’kmaq values and knowledge within the process then DFO should have one or two Mi’kmaq representatives on staff and bring Mi’kmaq on the ‘inside’ . . . ” (P3).

In addition to legislative barriers and DFO’s experience with the incorporation of social values, participants also identified fragmentation within and between federal agencies as a challenge to incorporating Mi’kmaq cultural components. DFO has multiple departments that work on different aspects pertaining to the marine environment (e.g., marine conservation, aquaculture, fisheries, species at risk) that are perceived to have little communication between them. In Nova Scotia, further fragmentation occurs when some parts of Nova Scotia are in the Gulf and others are in the Maritime region which makes it even more challenging to assert Mi’kmaq interests. One Mi’kmaq participant highlights their frustration with the lack of organization and coordination of DFO:

“DFO is like a monster and it doesn’t know its feet from its hands or its brain from its hands, there is so many moving parts – it doesn’t know what this arm is doing and this leg doesn’t know what this leg is doing, so at the end of the day it doesn’t make any sense because they don’t talk to each other - a ton of branches for Aboriginal fisheries from Gulf to Maritimes. They are just so disorganized – they don’t know what is going on in other regions . . . ” (M1)

Another Mi’kmaq participant points out the managerial challenges through the internal division of departments:

“DFO...itself has silos – from science, from management, from enforcement, from policy and they have a very difficult time trying to manage resources because they don’t bring all these people together” (M2).

Several different systemic barriers were identified by both Mi’kmaq and non-Mi’kmaq participants which were largely related to the limitations of the current governance structure and Oceans Act legislation that prevent the ability for Mi’kmaq interests, knowledge and values to be incorporated within the process.

4.4.2 Perceptions of Power Imbalances and Fisheries Conflict

Within the advisory and consultation ESI AOI processes, participants felt that those with the loudest voices or biggest pockets were the ones heard which undermined the participants’ influence (Mi’kmaq and non-Mi’kmaq). In the case of the ESI AOI, the loudest voices were those within the fishing community. Some participants also felt that members of the advisory

committee were not acting in good faith but were acting in self-interest. One Mi'kmaq participant explained their perception that the MPA is not really about conservation or protecting the environment but for participants to protect their own interests:

“ . . . it's all about gains for themselves – making a good life for themselves – they don't care about the generations coming . . . it's a conservation area for what they see fit – if there is a lucrative lobster region – they will allow that fishery to continue – so they will cater to industry and always cater to the industry” (M1).

Concerns over fisheries access have been a primary focus within the advisory and Mi'kmaq consultation processes and have caused considerable conflict within and outside the engagement and consultation processes. Eleven out of seventeen participants (six non-Mi'kmaq and five Mi'kmaq participants) (65% of all participants)(six out of eleven (55%) of non-Mi'kmaq, five out of six (83%) of Mi'kmaq participants), identified that conflicts surrounding fisheries access and rights were an ongoing challenge with the establishment of MPAs in Atlantic Canada, also impeding the ability to recognize Mi'kmaq rights and interests. To illustrate the importance of Treaty rights and how those conversations impact discussions at MPA consultation tables, one participant noted:

“Where the real consultations need to take place is [implementing the Marshall decision] – we are having issues with that [implementing Marshall] and I have issues with that because it undermines the process and our ability for Mi'kmaq to exercise our rights in certain areas – if they block them off it is infringement” (M1).

Although not directly related to the MPA process, fisheries issues seem to have a significant bearing on MPA discussions and influence over the ability for Mi'kmaq to play a larger role within decision-making processes.

4.4.3 Trust

Entrenched mistrust between the community-DFO, fishers-DFO and fishers-science was consistently brought up by Advisory Committee participants as a key issue that is undermining the process as a whole. One commonality between non-Mi'kmaq and Mi'kmaq participants was the trust of science and information within the process. Four of the six Mi'kmaq participants mentioned challenges surrounding trust - either trusting the science or trust of DFO (67%). As one participant describes:

“ . . . Making a fancy statement at the end of the day – 6 salmon, this many trout – comes up with calculation – it is not a fact – it is not actual and it is not accurate because you assume that you are going to see the same amount as you move along the river – so that is not as accurate as travelling the river – you are saying 500 X here and 400 x – and I just travelling the river and I see far less than what science has calculated – how can you make that statement when it’s not truly accurate . . . ” (M1)

Underlying the need for Mi’kmaq involvement within the knowledge gathering process is mistrust of the data collected by federal agencies (e.g., DFO, ECCC, etc.). The ability for people to trust information is related to and dependent upon understanding how knowledge is acquired and used. As one participant observed within the advisory meetings:

“ . . . science is presented but most people don’t understand the nuances of how that number came about and they don’t understand what that number really means – then it comes down to ‘do I believe it?’ or ‘do I not believe it?’ ” (M2)

Another factor in the mistrust of information is the lack of transparency or sharing of knowledge between consultation and engagement tables/forums (e.g., between Mi’kmaq consultation- Advisory or Mi’kmaq or consultation-Fisheries WG, etc.). Many non-Mi’kmaq participants, who were only part of the Advisory Committee process, were not aware that there was a Mi’kmaq-Crown consultation table where the ESI was being discussed, although some participants assumed that there were separate discussions. Discussed in the interviews were behaviours that illustrated a lack of transparency and created a perception of mistrust; the perception was that participants were not being forthcoming at engagement tables and/or having discussions “behind closed doors.” As one participant states about the engagement process:

“ . . . it’s not about the Is and Ts of the law and it’s about reconciliation and you can’t reconcile behind closed doors ” (M2).

“ . . . in some cases, some entrenched interests that are going to spread the mistrust – people not working with all the cards on the table – things happening behind the scenes [lead to] people not being honest at the table ” (M2).

4.4.4 Lack of Understanding

Eleven out of seventeen participants (65%) indicated that there was a lack of understanding of Mi’kmaq governance and culture which includes the understanding of Mi’kmaq knowledge, values, rights and governance structure.

Although all participants had a basic understanding of Mi'kmaq knowledge and values stemming from the brief explanation provided of MEK, *Netukulimk* and *Msit no'kmaq*, there was still the sense that there was a general lack of understanding of Mi'kmaq values and knowledge by members of the Advisory Committee. As one participant noted, there was....

“... very little awareness of particular Mi'kmaq approaches to conservation, knowledge, etc. [within the Advisory committee]” (C9).

There is also the perception that Indigenous history and rights are misunderstood:

“... there still some mis-understanding of what our rights are and the history of Indigenous peoples in Canada, the Treaty aspect, just everything is just not well understood – the whole context is not understood ...” (M14).

The lack of understanding did not just refer to the knowledge itself but to how Mi'kmaq knowledge and values are enacted and/or applied. The most noticeable example was the lack of understanding of how Mi'kmaq values can play a role in influencing harvesting behaviours and practices, particularly within the fishing industry. Also, the lack of understanding of how *Netukulimk* is applied within resource management is interrelated with the misunderstanding of Mi'kmaq rights. For example, a participant associated with the Eastern Shore Fishermen Protective Association (ESFPA) expressed the understanding that Mi'kmaq can fish whenever and for whatever they want and do not have to abide by the same DFO regulations and therefore, that Mi'kmaq could/will jeopardize the stock. This understanding and perception creates conflict and concern between the fisheries and Mi'kmaq. The quote below illustrates one participant's perception of the fisheries conflict between non-Mi'kmaq and Mi'kmaq fishermen:

“... two separate visions of marine conservation and utilization of the resource are clashing. . . lobstermen accept that that marine resource – the lobsters in the Atlantic ocean are in a sense are owned by the people of Canada – and therefore, the federal government has the right and responsibility to manage who gets or when that resource fished. . . there are rules and regulations around the lobster fishery – that are designed to make the lobster stock sustainable... the other vision is Mi'kmaq have a legal/traditional right to have a fair and reasonable livelihood based on a resource etc.. . and the Eastern Shore Fishermen Protective Association interpretation of that is in pursuit of a moderate livelihood we can fish being Mi'kmaq whenever we want, wherever we want and with how many traps we want and not bound by the DFO rules and regulations . . .” (C9)

On one hand, there is this underlying perception of a potential inequitable distribution of benefits amongst fisher groups while at the same time there is a lack of understanding of rights

and Mi'kmaq governance by assuming that Mi'kmaq can or would fish “whatever and whenever” Mi'kmaq want. On the other hand, there is acknowledgement that the implementation of rights is needed but that this requires consideration of fairness and sustainability, as highlighted by a community organization representative:

“. . . [rights have been] deemed by the courts and [therefore] have got to be recognized but at the same time there has to be some kind of fairness too within the MPA – can't have one group with rights potentially destroying the effectiveness of the MPA” (C12).

The phrase “potentially destroying the effectiveness of the MPA” implies that Mi'kmaq would continue to exploit the resource if there was a conservation concern. Contrary to this belief, the Mi'kmaq values are based on *Netukulimk*, whereby the harvester would “only take what is needed” and carry out hunting practices that ensure long-term viability of the resource. This belief and practice can be illustrated by one Mi'kmaq participant who was explaining that when Mi'kmaq hunt for moose, they do not touch female or ‘cow’ moose due to concern for the sustainability of the stock:

“Any Mi'kmaq hunting or fishing we take what is given to us. . . we are not going to touch the cow moose because we feel that [the moose population is in trouble]” (M1).⁷

Potentially contributing to the lack of understanding of Mi'kmaq culture and rights was the lack of Mi'kmaq presence at the advisory committees. The lack of presence of Mi'kmaq was an observation by the majority advisory committee participants (nine out of twelve)(75%). Some of the participants, community, ENGOs and Mi'kmaq felt that the absence of Mi'kmaq from the stakeholder engagement table was a missed opportunity for them to share their knowledge and/or assert themselves as rightsholders. As members from the NGO and the community state:

“Mi'kmaq need to sit at the table with the federal government – that would send a signal, like ‘we are here together, talking together,’ [could] start meeting saying ‘we are honoring our Treaties and within the context [of] colonial law – and we have all committed to reconciliation,’ to soften it and take the edge off – it is an opportunity to teach and to learn, knowing that whatever that the table is. . .it is going to be impacted by what is happening within moderate livelihoods, and FSC fisheries, and those fights are going to continue” (N11).

“[I] think they should be sitting with DFO at the front, instead of the back, in some of the advisory committees, sometimes not even at the table – not sure why those individuals do

⁷ Re-worded for clarity

that. . . again a social structure thing – if we are socially structured well and have nation-to-nation governance with FN and DFO [should be] at the front the table it would be better” (C12).

Although involvement in the Advisory Committee may or may not be the applicable forum to achieve better understanding, the need for more forums to facilitate this understanding is evident as identified by many participants.

4.4.5 Capacity

Eleven out of seventeen participants (65%) (six non-Mi’kmaq participants, five Mi’kmaq participants) mentioned capacity (sufficient personnel, funding, time) as one of the primary challenges that prevent Mi’kmaq playing a larger role within MPA governance. Capacity was primarily mentioned in terms of lack of funding and support needed to facilitate full participation in the process. Support and funding were identified as needed for consultation, information gathering (science or MEK), and governance (co-governance and Indigenous led MPAs).

Nine out of seventeen participants (53%) identified that providing ongoing support and funding was important to improving Mi’kmaq participation. Most comments by both Mi’kmaq and non-Mi’kmaq participants attributed the lack of funding to the inability to hire enough representatives to participate within the MPA process, within Mi’kmaq communities or aggregate organizations such as KMKNO. Multiple Mi’kmaq and non-Mi’kmaq participants expressed the challenges Mi’kmaq face in responding to consultation requests as primary challenge:

“ . . . Communities can decide if they want to be directly involved or not – have to still have that option – but a lot of the time communities do not have the capacity to, don’t all have a consultation team, some are establishing our own but a lot of them don’t so we rely on the services provided by KMKNO” (M14).

A compounding factor to lack of funding was the over inundation with consultation requests. This has led to the need to triage, potentially prioritizing more pressing issues (e.g., fishing access, moderate livelihood, clean water) over involvement in consultations, as well as a sense of ‘participation exhaustion’ by Mi’kmaq knowledge holders and Mi’kmaq representatives. As one participant expresses:

“ . . . all of these small organizations with Aboriginal people are trying to run around to these meetings to make sure that their interests are being taken into consideration... It’s

challenging for [Indigenous peoples] - they are having to figure out what meeting to attend, what are the priorities” (C7).

With the high demand on these representatives, the time available to be fully informed on all the different issues at each of the different consultation tables makes it challenging to fully participate within the processes:

“ . . . It takes meetings upon meetings to even understand what’s going on – and I am still trying to understand that myself . . . – [be]cause two different areas have two different processes” (M14).

The ability to be fully informed extended beyond simply understanding the terms and context of consultation request to the ability to gather MEK or perform their own scientific assessments in order to better contribute to the process, as one NGO noted:

“ . . . – in order to participate you need the capacity to do so and communities do not have the capacity to do that work – to gather TK and have the conversations that need to take place . . . ” (N5).

Some participants expressed concerns about the effective use of available resources contributing to the capacity issue. A better understanding of and match between the resource needs and the resource capabilities would result in better communication and collaboration between Mi’kmaq communities and organizations and with Mi’kmaq and non-Mi’kmaq organizations and government. As one Mi’kmaq representative explained:

“I think a lot of the issues could be resolved – if they know what we are capable of doing – so there needs to be that understanding of what capabilities [are] within each Aboriginal Aquatic Resource and Oceans Management (AAROM)” (M14).

Beyond the capacity to participate in consultation, communities (Mi’kmaq or non-Mi’kmaq) have to have the capacity and willingness to implement management and perform the on-going governing of the MPA. This was illustrated by one Mi’kmaq participant:

“ . . . there is a different level of knowledge and acceptance of the burden for the responsibility that goes along with it - cannot want to have the final say in the MPA but not bear the responsibility to the MPA – big problem right now where people say a lot of stuff but they have no capacity, in many cases no interest in order to bear that burden in responsible management – part of the issue is DFO’s history of poorly managing the ocean’s resources” (M2).

Despite the perceived importance of capacity, there was little mention of specific capacity-building initiatives that could facilitate the ability for Mi'kmaq to play a larger role within MPA process. Only two out of the seventeen participants (12%) mentioned the opportunities for “guardian programs” or permanent job opportunities which can facilitate community support and provide the potential for Mi'kmaq or other community members to play a larger role in monitoring and enforcement. The provision of job opportunities was suggested to improve the overall MPA process:

“ . . . [the Canadian Government] should have jobs come out of every protected area – should be like guardian program, monitoring program, coordinator. . . ” (E13).

4.5 Results Summary

In general, the interviews identified that MPAs need to be established in an inclusive, collaborative manner with special attention given to local community interests including fishers. While there are clearly some differences in perspectives on the role of Mi'kmaq within MPA governance compared to other stakeholders, there was general agreement that more community level decision-making is needed. Overall, Mi'kmaq involvement within the MPA process was considered important to recognizing rights and/or to improving marine conservation. Although the majority of participants recognized rights, some responses provided the perception that Mi'kmaq rights were not always accepted or understood. Interviews identified several opportunities to better incorporate Mi'kmaq knowledge, values and interests within the process primarily through consultation, MEKS, and the CSAS process. These three identified processes, to varying degrees, were seen as opportunities to improve learning, facilitate knowledge sharing and build relations. Interconnected are the opportunities to improve transparency, respect and trust specifically between Mi'kmaq and the Crown. Co-governance and IPCAs were identified as two key mechanisms that can be used to facilitate better inclusion of Mi'kmaq peoples within MPA decision-making in the future but were not necessarily recognized as a viable opportunity for the ESI AOI, primarily because of the location and proximity of Mi'kmaq communities. Other related challenges to improve the inclusion of Mi'kmaq within MPA governance included systemic barriers, perceptions of power imbalances and fisheries conflicts, trust, lack of understanding of Mi'kmaq culture and rights, and capacity.

There were several notable differences between Mi'kmaq and non-Mi'kmaq responses. The strongest differences between non-Mi'kmaq and Mi'kmaq responses were their perspectives on the extent to which the Mi'kmaq should be involved within MPA governance and the emphasis placed on recognizing Mi'kmaq Aboriginal and Treaty rights as a priority for Mi'kmaq involvement. Non-Mi'kmaq participants placed a stronger emphasis on the need for an inclusive, collaborative process with rightsholders and stakeholders whereas Mi'kmaq participants placed emphasis on the need for a collaborative process with Mi'kmaq which includes adequate consultation, respect for Treaty rights, incorporation of MEK, and with other Mi'kmaq organizations (e.g., MCG, UINR). Furthermore, in comparison to Mi'kmaq participants, non-Mi'kmaq mentioned the benefits or value to the inclusion of Mi'kmaq to the MPA process or marine conservation whereas Mi'kmaq focused on the need to include Mi'kmaq based on rights with lesser focus on the potential marine conservation outcomes. Mi'kmaq participants identified consultation as a primary mechanism within the current MPA process to incorporate Mi'kmaq values, knowledge and interests, which was not mentioned by non-Mi'kmaq participants other than Crown representatives. Mi'kmaq participants also highlighted shared-governance as the preferred approach to MPA governance where Mi'kmaq and the Crown co-develop, co-manage and co-govern MPAs. Indigenous-led conservation was mentioned to a lesser extent by Mi'kmaq participants but were more strongly emphasized by NGOs as an alternative approach. Responses between non-Mi'kmaq and Mi'kmaq on challenges were less variable in terms of *what* was identified as barriers to Mi'kmaq involvement and incorporation of cultural components; however, participants' perceptions on which were more important varied. One notable difference was the stronger emphasis placed on fisheries conflicts and Treaty rights amongst Mi'kmaq participants.

Chapter 5: Discussion

The aim of this research is to identify potential mechanisms that facilitate the ability for Mi'kmaq to play a larger role within MPA governance in a way that respects, Mi'kmaq rights, knowledge and values.—Interviews revealed several opportunities to contribute to, and challenges that may hinder, the ability for Mi'kmaq to improve participation within MPA governance in Nova Scotia in general and more specifically in coastal MPAs illustrated by the ESI AOI case study. This chapter discusses the potential consequences of these findings and elaborates on their broader implications to Mi'kmaq and government within MPA governance in Atlantic Canada. The discussions components are divided into categories based on recurring themes within the sections 4.2, 4.3 and 4.4 of the results and are encompassed in two main categories: Perspectives on the role of Mi'kmaq within MPA governance and challenges. The former includes discussions on: inclusivity and collaboration, consultation and power, consultation and shared learning, MEKS and knowledge incorporation, language incorporation, and alternative governance structures. The challenges section includes: systemic barriers, fisheries conflicts, lack of understanding of Mi'kmaq culture and rights and capacity.

5.1 Perspectives on the Role of Mi'kmaq within MPA governance

5.1.1 The need for Inclusivity and Collaboration

The participants emphasized the need for MPA governance to be inclusive and collaborative, and that both stakeholders and Mi'kmaq (rightsholders) should be engaged early and throughout the process including in decision-making. This opinion aligns with much of the general literature regarding the importance of stakeholder participation. Citizen participation (inclusion of all stakeholders), collaboration and power-sharing are part of securing the necessary support and legitimacy which is considered a critical component within effective MPA management and governance (Chuenpagdee, 2011; Dehens & Fanning, 2018; Giakoumi et al., 2018; Gunton, Rutherford & Dickinson, 2010; Jentoft et al., 2007; Lockwood, Davidson, Curtis, Stratford & Griffith, 2010). Legitimacy, in this context, refers “to the ability of a political action to be perceived as right and just by the various people who are involved in, interested in and/or affected by it” (Caramo et al., 2014 in Dehens & Fanning, 2018, p. 56).

Multi-stakeholder forums are one of the primary mechanisms used to solicit input and information from relevant stakeholders (DFO, 2004). The MPA advisory and bi-lateral consultation processes are therefore, essential for obtaining community support and improving effective MPA governance. As Jentoft (2000) states that “at the end of the day the governability of MPAs rests on their legitimacy, which is largely in the eye of the stakeholder” (in Jentoft, et al., 2007, p. 619). Without stakeholder support or consensus, MPAs often fail (Dearden et al., 2005; Giakoumi et al., 2018). Securing legitimacy is particularly important in small coastal communities (Dehens & Fanning, 2018; Hoehn & Thapa, 2009; Voyer, Gladstone & Goodall, 2014). The lack of stakeholder support of the ESI, especially from the fishing community, essentially led to the suspension of the ESI AOI and potentially, the elimination as a candidate site which further demonstrates the need for stakeholder and community support for coastal MPAs. Failure to adequately consult may not only negatively affect relations and trust but may impede the implementation of MPAs or lead to unsuccessful MPAs, as seen in the Hanga Roa Bay Marine Reserve in Eastern Islands (Gaymer et al., 2014) and Race Rocks MPA in Southern BC (Guénette & Alder, 2007).

Although, many participants recognized that Mi’kmaq are rightsholders and as such have an elevated role within the decision-making process, these perceptions do not fully reflect the perceptions at the Advisory table, nor do they reflect the perceptions from the broader public. For instance, some participants indicated that Mi’kmaq should not have any more say than any other stakeholder which reflects the perception that Mi’kmaq are still viewed as stakeholders. With the on-going adversarial relationship between the Mi’kmaq and the fishing community, the fishing community in particular, may not accept Mi’kmaq as key decision-making holders within the ESI AOI. This opposition from key stakeholders and the broader society will pose a challenge for Mi’kmaq to assert their rights as primary decision-makers.

5.1.2 Consultation and Shared Learning

Consultation and engagement forums were also considered to be important for building-relationships, trust, and mutual understanding. Many participants, even participants that did not necessarily support higher level of decision making by the Mi’kmaq, indicated that the knowledge would be valuable to incorporate and provides the opportunity for shared learning, relationship building and mutual understanding. Both Advisory Committees and the Oceans WG

provided an opportunity to have deliberative dialogue, share information and provide an environment for social or shared learning.

Social-learning is defined as “. . . the iterative action, reflection, and deliberation of individuals and groups engaged in sharing experiences and ideas to resolve complex challenges collaboratively” (Diduck et al. 2005 in Berkes & Armitage, 2012, p. 111). In the Canadian Arctic, there are a number of case studies where social-learning and knowledge sharing have led to greater understanding of and respect for each other’s knowledge (Berkes, 2009; Berkes & Armitage, 2012; Fast et al., 2005). Consultation processes provide a mechanism for these discussions to occur and learn to respect differences (Berkes, 2009). Due to the different worldviews between Indigenous peoples and Canadian government or scientists, these actors are often required to co-produce knowledge, to bring together scientific knowledge and Indigenous knowledge and produce new knowledge (Berkes & Armitage, 2012) in order to more effectively address the resource management problems (Berkes, 2009; Dale & Armitage, 2011). This type of participatory research provides a mechanism to build “social capital and power sharing relationships. . . and can help develop locally appropriate management strategies (Arnold & Fernandez-Gimenez, 2007 in Berkes 2009, p. 1695). The adoption of a “Two-Eyed Seeing” approach mirrors this participatory co-production concept and could potentially be a means to improve Crown-Indigenous relations, develop mutual understanding and respect, and improve regional management decisions.

Although Mi’kmaq-Crown consultation processes are clearly an important part of improving Mi’kmaq-Crown relations and protecting Mi’kmaq interests, these separate processes do little to improve understanding amongst other stakeholder groups. All Advisory Committee participants mentioned that there was a lack of Mi’kmaq presence on the committee which was felt by many to be a missed opportunity for shared learning and knowledge sharing, and for Mi’kmaq to assert themselves as rightsholders by being present at the table beside DFO in a leadership role. Indigenous communities, however, may be concerned that by participating at multi-stakeholder meetings their “negotiating position” could be undermined (Ayers, 2005). While multi-stakeholder committees may not be seen as the appropriate table for Indigenous consultations, those forums could be a means to build relationships, mutual understanding, social learning, respect and trust. Smyth & Isherwood (2016) suggest that all parties must be willing to engage and collaborate in order to achieve mutual understanding. It is, therefore, important that the

mechanisms are in place that support these meaningful discussions to occur and can play an important role in improving Mi'kmaq legitimacy in the eye of the stakeholder, ultimately enabling Mi'kmaq to play a larger role within MPA governance in the future.

5.1.3 MEKS and Knowledge Incorporation

Mi'kmaq participants often emphasized the importance of incorporating MEK in a respectful and meaningful way. The need for knowledge incorporation often stemmed from the lack of trust of DFO and DFO science. Showing respect includes placing equal valuation on MEK as on western scientific knowledge (ANSMC & KMKNO, 2018). Incorporating MEK in a meaningful way includes the proper use of IK.

In the ESI AOI processes, scientific information was collected primary through a CSAS process and MEK was collected through a MEKS. The MEKS was conducted after the ESI CSAS (DFO scientific process) which created the perception that MEK was an “after thought” and therefore, less than scientific knowledge. To give it equal value, MEKS should be collected simultaneously with the scientific data collection or even before the CSAS process to ensure that MEKS is informing the MPA decision-making from the very initial stages.

Proper use of IK is important in ensuring that traditional knowledge is not perceived as “anecdotal or “less than” other knowledge systems. It is fundamental that language be used appropriately and that cultural values are incorporated. Embracing *Netukulimk* and *Etuaptmunk* (Two-Eyed Seeing) are Mi'kmaq concepts within Mi'kmaq knowledge systems that provide alternative strategies and inform decision-making. McMillian & Prosper (2011) argue that *Etuaptmunk* is “one of the most productive capacity building strategies in Atlantic Canada. . . [and]. . . provides a decolonizing approach for knowledge creation, mobilization and translation. . . producing a common ground for co-existence and co-learning” (p. 640). *Netukulimk* and *Etuaptmunk* concepts have been successfully used within Mi'kmaq moose management plans including hunting guidelines and moose harvest reporting system created in partnership with UINR, Parks Canada and Nova Scotia Department of Natural Resources) (Popp, Pauline, & Kozmik, 2019). Mi'kmaq believe that “. . . one should not just manage moose but manage the entire ecosystem because both are interconnected” (Popp et al., 2019, p. 163). Therefore, the adoption of *Netukulimk* and *Etuaptmunk* can provide opportunities for knowledge coproduction and social learning while also encompassing an ecosystem-based approach that better aligns with

Mi'kmaq principles while also improving the potential for more effective marine management (UNEP, 2011).

MEKS can provide an opportunity for learning within Mi'kmaq communities, amongst stakeholders, public, and government representatives. However, for this to happen, the information would need to be more accessible. Indigenous people have legitimate concerns regarding sharing IK (Simpson, 2000; von der Porten, Lepofsky, McGregor & Silver, 2016). Concerns often expressed in the literature are the misuse of Indigenous Knowledge (IK), either by being 'cherry picked' to suit research needs or using the knowledge for own self-interest (Simpson, 2000 von der Porten et al., 2016). The cherry picking of information separates the knowledge from the social-ecological system of which it was embedded, thereby the knowledges integrity and value is lost (Simpson, 2000). The misuse of IK can also lead to unintended consequences including the exertion of further fishing pressure on culturally and biologically important species such as Herring off the coast of BC (von der Porten et al., 2016). To combat some of these issues, there are international discussions of intellectual and cultural property rights as a means to legally protect Indigenous knowledge (Popova, 2014). At the end of the day, it is up to the knowledge holders and nations regarding what and how information is shared and it might be that nations choose to keep knowledge confidential and limit sharing of IK within their own community or even particular individuals within a community. These decisions have to be respected. However, if the concerns about sharing IK could be worked out with the Mi'kmaq nation, the sharing of MEKS could potentially improve mutual understanding, reduce "participation exhaustion" and capacity issues by limiting duplication of efforts, improving efficiency and reducing costs (Gray, 2016). To further facilitate the learning potential of MEKS, the MEKS scope could be expanded to include legends, stories, values and other cultural components that promote the understanding of who Mi'kmaq are as a people, as suggested in the results.

5.1.4 Language Incorporation

Although, only two interviewees spoke about language, language cannot be overlooked. Interview participants noted that language is an important part of conceptualizing governance and therefore can play an important role in public education. Language is seen as an important component in understanding and protecting Indigenous cultural integrity (Giles et al., 2016;

GNWT, 2005; Kikilio et al., 2017; TRC, 2015). The Assembly of First Nations in the Truth and Reconciliation Report stated that “Language is necessary to define and maintain a worldview . . .” (TRC, 2015, p. 107). Similarly, communities in the Northwest Territories have also expressed the importance of language due to the deep-rooted connection of language and worldviews:

“ . . . language. . . create[s] a shared belief in and understanding of the world and our relationship to it: languages are about our – identity – who we are and how we understand and interact with each other and the world around us.” (GNWT, 2005, p. 2)

The importance of language is not just about the expression of culture and preservation of cultural integrity but can also serve as a learning or educational tool, intergenerationally and with the broader public. In Eskasoni, a Mi’kmaq community in Cape Breton Nova Scotia, Mi’kmaq eel harvesters felt that documenting language in relation to eel harvesting was a critical component in sharing knowledge due to the strong connection of language, knowledge and place (Giles et al., 2016). The use of language and cultural principles have been incorporated within several MPAs in Canada, primarily in Northern BC and in the Arctic (e.g., Gwaii Haanas, SGaan Kinghlas-Bowie Seamount MPA, Tallurutiup Imanga NMCA)(DFO, 2019h; Parks Canada, 2019b; QIA, 2019). The use of Indigenous language as a naming convention for an MPA site is a means of recognizing First Nation territories and connecting people, place, and culture, highlighting the cultural significance of a particular region. For example, the Haida Nation refer to the submarine volcanoes as SGaan Kinghlas which means “Supranatural Being Looking Outward” which is recognized as a special cultural place by the Haida Nation (DFO, 2019h). The Papahānaumokuākea Marine National Monument (PMNM) in Hawaii goes beyond simple inclusion of language and includes full integration of cultural values and language within management plans, displays, and exhibits at a marine discovery center (Kikiloi et al., 2017).

The incorporation of language provides a relatively simple way to highlight the cultural significance of a region and provide an educational opportunity, especially when complemented by educational programs such as that in the PMNM (Kikiloi et al., 2017). The incorporation or use the Mi’kmaq language within future MPA plans provides a unique educational opportunity about knowledge, culture and worldviews further enhancing societal understanding of Mi’kmaq culture. Language incorporation also provides the potential to help in cultural and language revitalization efforts.

5.1.5 *Alternative Governance Structures*

Participants highlighted the potential for shared governance and IPCAs to provide a means for improving Mi'kmaq participation within MPA governance and for respecting rights, incorporating values, interests and knowledge within the process. Throughout the literature, there are varying degrees of success with respect to co-governed MPAs successfully incorporating Indigenous dimensions (culture, values, knowledge, interests), achieving a level of empowerment, and obtaining decision-making power through MPA partnerships (Ban & Frid, 2018; Bickford, 2017; Capistrano & Charles, 2012; Jones et al., 2010; Rist et al., 2019; Smyth et al., 2016; West Coast Environmental Law, 2019). For Indigenous peoples, a co-governance model can provide a mechanism to integrate multiple perspectives and knowledge systems while protecting their cultural identity, belief systems and social-ecological relationships, and allowing them to govern resources (Denny & Fanning, 2016b). In Canada, the leading examples of successful co-governed MPAs are in northern BC (e.g., Gwaii Haanas, SGaan Kinghlas - Bowie Seamount MPA) and the Arctic (e.g., Tuallurtip Imanga NMCA, Tarium Nirtutait MPA, Ninginganiq National Wildlife Area) (West Coast Environmental Law, 2019). The Arctic examples are supported by modern Treaties where there is joint decision-making and the incorporation of Indigenous knowledge and laws (QIA, 2019; West Coast Environmental Law, 2019). These areas also have a large proportion of Indigenous peoples within the vicinity of the MPA (Statistics Canada, 2011). In Nova Scotia, obtaining the same level of success will be a challenge without having similar formal agreements and stakeholder support, especially in areas like the ESI where Indigenous communities may not be considered a part of the "local" community due to the proximity of reserves or communities and/or their perceived level of use of the area.

Beyond co-governance, many participants identified the IPCAs as an opportunity to further advance marine conservation initiatives while ensuring that Mi'kmaq play a larger role within MPA governance. Rist et al. (2019) note that Indigenous-led collaborative governance arrangements in marine planning, particularly IPAs, has enabled Australia to recognize article 26 of UNDRIP, enabling Indigenous peoples to ". . . own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use", as well as for states to ". . . give legal recognition and protection to these lands, territories and resources . . . with due respect to the customs, traditions and land tenure

systems of the Indigenous peoples concerned.” Szabo & Smyth (2003) noted that Aboriginal peoples in Australia have obtained significant benefits through the establishment of IPCAs including “getting Traditional Owners back on country [their traditional territories] . . . transferring knowledge between generations and strengthening languages . . . re-establishing traditional burning practices . . . providing training and employment . . . [and] promoting renewed interest about caring for the country” (p. 7). Therefore, IPCAs can provide a multitude of benefits but the level of benefits derived from the implementation of IPCAs will be dependent on the local context.

One of the key challenges noted in the interviews was the lack of formal mechanisms (e.g., legislation, guidelines, or framework) to support the implementation of IPCAs. While legal mechanisms facilitate stronger Indigenous led or co-governed MPAs, they are not necessary as seen in Australia and the establishment of Dhimurru IPA. The Dhimurru IPA is collaboratively governed and managed with the Yolngu, Indigenous peoples of where the MPA resides, without specific legislation (Smyth et al., 2016; Rist et al., 2019). Australia used a combination of existing legislation, non-legal measures and Indigenous laws (Smyth et al., 2016; Rist et al., 2019). The collaborative approach is consistent with a Yolngu’s concept of “both ways management,” similar to the Mi’kmaq concept of “Two-Eyed Seeing” where “Yolngu knowledge, values, and practices [are used] together with contemporary scientific understanding, technologies to achieve the goals of the Dhimurru” (Rist et al., 2019, p. 144). The Dhimurru IPA illustrates that the creation of marine IPCAs enable Indigenous communities to exercise greater control over marine spaces and resources, respecting Indigenous rights and cultural values.

Notably, despite the clear potential for IPCAs to recognize Indigenous rights, the identification of IPCAs amongst Mi’kmaq participants was less apparent. It does not necessarily indicate a lack of interest in Mi’kmaq-led conservation but perhaps could indicate that there is a lack of awareness of the recent developments regarding Canadian interests in establishing IPCAs (Bujold et al., 2018; Parks Canada, 2018) and the potential to obtain government support. Whether or not Mi’kmaq communities have an interest in establishing IPCAs, this option should be investigated further.

Although, co-governance (which can include IPCAs) has been recommended as a primary tool to facilitate the recognition of Indigenous rights in MPAs, co-governance depends on the

willingness of any potential governing party to take on the responsibility of governing a particular area. Some studies have suggested that community-based initiatives are more common for small coastal MPAs where local users have greater “control” over the marine space and are directly affected by marine management decisions, negative impacts or benefits (Bartlett, Maltali, Petro & Valentine, 2010; Gaymer et al., 2014) The ESI AOI does not fit the criteria of a “small coastal MPA” nor does the area have community and stakeholder support and community homogeneity which contribute to the overall success of community co-management initiatives (Chuenpagdee, 2011; Pomeroy & Rivera-Guieb, 2006; Warren, 2012). Stakeholder support and varying perceptions of who is part of the “community” amongst stakeholders in particular poses a key barrier for Mi’kmaq to have shared authority in regions like the ESI where the perception of Mi’kmaq as not part of the local community, as suggested by some of the interview responses. This narrow definition of “a community” may undermine the ability for Mi’kmaq to be able to have effective” or “legitimate” control over the marine space of the ESI region. That does not mean that Mi’kmaq co-governance along the ESI would not be feasible, it only suggests that there would be additional challenges to overcome which may not outweigh the costs (e.g., time, resources, effort). The absence of adjacent Mi’kmaq communities within the region also does not negate the governments duty to consult or mean that Mi’kmaq do not have an elevated role within MPA decision-making. Therefore, regardless of the “local” community and stakeholder perceptions about the role of the Mi’kmaq within MPA governance, Mi’kmaq need to still be a part of the senior-level decision-making process within any MPA governance approach.

5.2 Challenges

The challenges to greater involvement of the Mi’kmaq in MPA governance as presented by the participants fall into four main categories that will be discussed in this section: systemic barriers, fisheries conflicts, lack of understanding of Mi’kmaq culture and capacity. Each challenge will be discussed in terms of their broader implication for Mi’kmaq to obtain a larger role within MPA governance.

5.2.1 Systemic Barriers: Challenges with Current Governance Structure and Legislation

Systemic barriers identified by participants were related to the inefficiencies and inadequacies of the current Oceans Act MPA establishment process which impede the ability for Mi’kmaq to

play a greater role within decision-making processes. The two main highlighted systemic barriers were the inflexibility of the Oceans Act legislation and the lack of coordination between and within federal departments and agencies.

One of the primary concerns raised by participants with respect to the Oceans Act was Ministerial Discretion. The concern was that this limits the crown's ability to delegate decision-making power which could be a barrier to implementing any form of shared governance but maybe, more specifically, a barrier to giving Indigenous groups self-governing authority. However, as seen in other jurisdictions, Gwaii Haanas (BC)(co-governance) and Dhimurru (IPA), co-governance MPAs and Indigenous led IPCAs have been achieved without specific legislation. In Canada, co-governance has been achieved through the creation of formal agreements such as the *Gwaii Haanas Agreement* (1993) and the Memorandum of Understanding between Crown and the Haida Nation for SGaan Kinghlas MPA. Co-governed MPAs in the Arctic (e.g. Tarium Niryutait MPA, Tullurutiup Imanga NMCA) are supported by modern Treaties such as the Inuvialuit Settlement Agreement and Inuit Impact and Benefit Agreement (IIBA)(Parks Canada, 2019b). Therefore, power can be shared with Indigenous peoples through other formal mechanisms; however, Ministerial discretion still applies. Legislation can also be amended to include provisions that facilitate better inclusion of Indigenous peoples and Indigenous knowledge within decision-making process as seen in the amendments in the *Fisheries Act* (Bill C-68)(DFO, 2019a). The amendments of the *Fisheries Act* included several Indigenous provisions including the respect of Aboriginal rights under section 35 of the *Constitution Act* (s. 4.1(9)), the respect and protection of Indigenous knowledge (s. 62.2), the inclusion of Indigenous peoples in advisory panels (s. 4.01), and ability for “the Minister to enter agreements with. . .any Indigenous governing body – including a co-management body” (s. 4.1(1)) where “laws of the Indigenous governing body may supersede the Act (Christmas, 2019, p. 9). Similar provisions could be included within *Oceans Act* to provide a better legal foundation to support MPAs that respect Indigenous rights, knowledge and laws. Amendments could include provisions specific to IPCAs. The *Oceans Act* was recently amended in 2019 but did not include any Indigenous related provisions (DFO, 2019d) despite calls from the Assembly of First Nations calls for the recognition of Constitutional rights, the incorporation or recognition of UNDRIP, and Indigenous led (IPCAs) and shared governing processes (Assembly of First Nations, 2018). Changing legislation is a lengthily process and therefore

unlikely to be re-amended in the near future. This being the case, for now and into the near future, it is important to focus on the mechanisms and opportunities within the current governance system that can facilitate better Indigenous involvement throughout the MPA process including senior-level decision-making to help ensure that Indigenous rights are being respected.

In the participant responses, a lot was presented regarding the need for changes to the governance structure including legislation to facilitate a greater role of Indigenous within decision-making, but little attention was given to what formal or informal mechanisms already exist and what needs to be done to improve Indigenous governance within the current governing system and existing legislation. The reason for this was unclear. The lack of attention on specific mechanisms already in place could potentially be due to the lack of understanding of the MPA establishment process, potentially the way in which the interview questions were worded which solicited narrower responses or simply that there is a real need to create alternative mechanisms to improve Indigenous participation within MPA governance. If the lack of understanding of the MPA process was a key barrier to identifying existing governance mechanisms, then potentially better transparency from DFO regarding the MPA process is needed to facilitate the identification of strategies to improve Mi'kmaq governance in consultations and other discussions. Whether or not that is the best use of time and resources is another matter and would have to be weighted amongst other priorities.

In terms of compartmentalization of natural systems, the *Oceans Act* does not include terrestrial or near-shore environments. The compartmentalization of complex, dynamic, social-ecological systems does not align with Mi'kmaq values and concepts where everything is interconnected, and consequently, impact the legitimacy of an MPA. Furthermore, the ESI boundary was perceived to be “lines in the sand,” and are not reflective of the fluidity of natural ecosystems, especially in a marine environment. As a result, Indigenous peoples have perceived an MPA as a “feel-good” measure instead of an effective marine management tool by not taking into consideration other land and marine based activities that may pose a greater risk to the overall health of the environment (Singleton, 2009) such as placing an MPA along the Eastern Shore without considering the proposed gold mine projects along the Eastern Shore which can have considerable environmental impacts (Beswick, 2020; Willick, 2018). These perceptions and concerns are not unfounded. Agardy, di Sciara & Christie (2011) identified five

main shortcomings of MPAs that can lead to MPA failure, one of which was the lack of attention given to the health of the surrounding ecosystems (e.g., pollution, resource extraction). Their findings support the respondents perceived value of adopting an integrated, holistic approach.

With the respect to the lack of coordination between departments, the siloing of departments and the lack of departmental organization and coordination between federal agencies and DFO departments was perceived to undermine the efficiency and efficacy of the MPA process. For example, fully implementing the *Oceans Act* would require the cooperation of over 20 federal agencies and departments (VanderZwaag & Rothwell, 2006). Although MPAs are only one component within a broader strategy, there is still a considerable amount of collaboration required amongst all levels of government, as reflected in the ESI AOI Advisory Committee which does not include the internal departments within each agency. Other scholars have deemed the governmental internal conflict as “insurmountable” (Jessen, 2011). To overcome the internal conflict, it has been previously recommended that an independent agency be created to provide “coordination, management, and decision-making for the whole of government oceans management” (NAP, 2018; Yoa, 2008 in Jessen, 2011, p. 26). This is something that the government of Canada may want to consider moving forward if protected area development continues to be a national priority.

5.2.2 *Fisheries Conflicts*

Conversations surrounding fisheries access has dominated the ESI AOI and Oceans WG discussions for both Mi’kmaq and non-Mi’kmaq users. An examination of seven MPAs in Canada by Guénette and Alder (2007) found that fisheries access was a big source of contention. Even in regions where there was limited fishery-MPA overlap, the opposition to potential restriction on fisheries access or impact on exercising fishing rights and privileges was strong (Guénette & Alder, 2007). It is, therefore, no surprise that in a region where the local community is highly dependent on fisheries for their economic security that fisheries access is of primary concern for non-Mi’kmaq and Mi’kmaq. Outside the MPA process, there has been escalating “on the water” conflicts between Mi’kmaq and non-Mi’kmaq fishers which have been expressed in the form of violence, vandalism, and legal disputes over issues surrounding rights-based fisheries (Bundale, 2020). Underlying these conflicts and poor relations is the lack of understanding of Mi’kmaq rights, history, and culture, fear from fishers about losing their

economic security, and concern over fisheries stock (Bundale, 2020). A key contributing factor of fisheries conflicts is the uncertainty and confusion surrounding what constitutes a “moderate livelihood,” as seen in the media (Bundale, 2020) and in the results. The “failure to fully appreciate the status of tribes and First Nations in MPA processes has been a persistent problem for governments in many countries, one that has frequently derailed MPA initiatives . . .” (Singleton, 2009, p. 432). Rights may not be considered directly related to the establishment of MPAs, but fishing rights have an overall effect on MPAs and influence the discussions surrounding and support of MPAs.

Furthermore, related to the fisheries conflicts is the perceptions of the equitable distribution of resources or bias towards particular groups. In the ESI AOI, many participants highlighted that they felt that the “loudest voices were being heard,” which in the case of the ESI was the fishermen, so that real discussions on the Mi’kmaq rights did not gain traction. Strong opposition from any key stakeholder can impact MPA development, and in the case of the ESI AOI, the fishing industry played a significant role in the suspension of the ESI AOI process. In Australia, the lobbying from fishing groups led to a moratorium on marine parks from 2011-2014 (Voyer, Gladstone, & Goodall, 2012).

Understanding fisheries conflicts, Indigenous and non-Indigenous, are important to securing buy-in and potentially mitigating user conflicts. MPA specific conflict resolution mechanisms can also play a role in mediating conflict in the future. Until there is a clear understanding of the rules surrounding Mi’kmaq Treaty rights, especially the livelihood fishery, on-going fisheries conflicts will likely continue to dominate the conversation. This is particularly likely in rural communities, like the Eastern Shore, where there is a strong economic dependence on fisheries. Due to the level of influence fisheries conflicts and uncertainty of Mi’kmaq Treaty rights have over the MPA process, it is paramount that Mi’kmaq Treaty right negotiation efforts be a priority.

5.2.3 Lack of Understanding of Mi’kmaq Culture and Rights

Many Canadian Indigenous communities have voiced concern regarding the general lack of Indigenous cultural awareness demonstrated by some federal representatives and industry proponents (Gray, 2016). Cultural understanding refers to the understanding of Indigenous histories, socio-economic conditions, rights, values, knowledge, and governance structures and

are all important components in showing respect and building positive relationships (Gray, 2016). The lack of understanding of Indigenous culture can lead to misconceptions of how Indigenous peoples, including Mi'kmaq, use and manage natural resources and how their worldview and knowledge systems influence natural resource decision-making. The lack of cultural awareness was notable amongst participants, generally regarding Mi'kmaq culture and worldview and specifically, how Mi'kmaq would likely exercise their Treaty right to a moderate livelihood.

On a basic level, cultural misunderstanding could stem from the fundamental differences in worldviews of Indigenous and western paradigms. The colonial Eurocentric view stems from a utilitarian perspective where nature and natural resources are present for the purpose to 'use' and 'extract' (Spak, 2005). In comparison, the Mi'kmaq worldview is reciprocal and holistic where people are one *with* nature (through *Netukulimk*) (McMillan & Prosper, 2011). Non-Indigenous fishermen are concerned about the conservation of the stock if Mi'kmaq do not have to abide by the same regulatory framework as commercial fishers, putting the stock in jeopardy (Bundale, 2020). The underlying assumption is that Mi'kmaq would continue to fish if the population is at risk. Mi'kmaq have contradicted the notion that Mi'kmaq would jeopardize the stock through the sustainable harvesting of Atlantic Salmon, an endangered species in Nova Scotia through the practice of *Netukulimk* as demonstrated below:

“For the Mi'kmaq, it is the initial quantity of salmon in the pool that determines whether or not salmon will be removed and, if present, how many. Only a certain number of salmon will be harvested from a pool and, once fished, the pool will not be fished again that season. Fishers move from pool to pool, carefully selecting their catch and moving on to a new pool if more salmon are required. There is no set removal rate. There is an understanding that not all salmon are to be removed from the pool, and only to remove what is needed.” (Denny & Fanning, 2016b, p. 10)

Based on this example, it is likely that Mi'kmaq have been managing resources sustainably refuting the perception that in pursuit of a moderate livelihood, Mi'kmaq would jeopardize the stock.

Another contributing factor to the lack of understanding of Indigenous rights is the perception that Indigenous people have a 'veto' power. Gray (2016) noted that free, prior and informed consent (FPIC) and the 'duty to consult' have been interpreted by some, both within and outside Indigenous communities as a 'veto power.' The United Nations has confirmed that FPIC does

not give Indigenous peoples a veto power but “. . . rather established the need to frame consultation procedures in order to make every effort to build consensus. . .” (p. 67). These perceptions of a ‘veto’ can add further confusion and complexity to the role of Mi’kmaq with MPA governance and the degree of power Mi’kmaq have within decision-making processes.

5.2.4 *Capacity*

Regardless of the governance option (centralized, shared or Indigenous led), capacity is an integral part of effective MPA governance (Agardy et al., 2011; Borrini-Feyerabend et al., 2013; Dearden et al., 2005; Guénette & Alder, 2007; West Coast Environmental Law, 2019). Adequate capacity includes sufficient time, funding, personnel and expertise (Borrini-Feyerabend, et al., 2013). It is essential that the MPA has adequate resources and political support to ensure adequate public and Indigenous participation (Guénette & Alder, 2007; Meyer-McLean & Nursey-Bray, 2017) and consequently, for effective MPA governance (Dearden et al., 2005). The majority of interview respondents mentioned capacity, primarily in the form of adequate funding, as a key limiting factor to participating within MPA governance. Participants emphasized that Mi’kmaq organizations are inundated with several consultation requests and lack the personnel to participate in all, meaningfully. To give some context, First Nations organizations have reported that they receive hundreds of referrals per year (Gray, 2016). Beyond the sheer number, the ability to adequately participate within consultation process requires sufficient technical expertise, data collection, and time (Gray, 2016). Mi’kmaq frequently mentioned the importance of having their own scientific organizations (e.g., MCG, UNIR) involved with data collection to inform the process which requires personnel, expertise and funding. It has also been noted in the literature that without predictable, secure, long-term funding, the ability to hire staff devoted to particular projects and consultation tables is often limited (Gray, 2016). Thus, it is crucial that Mi’kmaq have secure long-term funding and support to be able to adequately participate throughout the process. Aside from funding, other capacity-building measures can be implemented to improve Mi’kmaq participation within the process.

Capacity-building “involves increasing awareness and skills among protected area managers, staff members, stakeholders [and rightsholders] so that they are able to fulfill protected area objectives effectively on an on-going basis” (Dearden et al., 2005, p. 95). One capacity building

measure that has been successful in achieving greater Indigenous participation in MPA governance is the development of “guardianship programs” (Rist et al., 2019; Parks Canada, 2017). Guardian programs are stewardship programs where Indigenous peoples are responsible for monitoring and evaluating environmental programs that are occurring within their territories (Government of Canada, 2019). Gwaii Haanas is monitored through the Haida Gwaii Watchmen Program where watchmen are responsible for providing cultural educational programs and protecting heritage sites (Morrison, 2010; West Coast Environmental Law, 2019). In Australia, the Dhimurru IPA has a similar program whereby ‘rangers’ are responsible for conducting monitoring and enforcement in partnership with federal agencies (Rist et al., 2019). These programs provide long-term community benefits, a sense of community empowerment and a means for Indigenous peoples to garner more control over their territories (Rist et al., 2019). MPA guardianship program opportunities should be explored within future MPAs in Nova Scotia, especially coastal MPAs.

5.3 Chapter Summary

The ESI case study and subsequent interview responses identified several opportunities and challenges that can facilitate or hinder the ability for Mi’kmaq to play a larger role within MPA governance. There is a clear need for MPAs to be an inclusive and collaborative process in order to obtain the necessary support, especially by the local communities and key stakeholders, for effective MPA governance. Stakeholder perceptions matter, both in terms of support for the MPA but also for Indigenous peoples to be viewed as legitimate senior level decision-makers. Many participants, even participants that did not necessarily support higher level of decision making by the Mi’kmaq, indicated that Indigenous knowledge would be valuable to incorporate in the MPA process and that shared learning and educational opportunities from consultation and Mi’kmaq participation would be of considerable value in improving the overall understanding of Mi’kmaq culture and building relationships. Creating the space for social learning and knowledge co-production to occur in order to improve relations, understanding, respect and improve regional level decision-making was supported in various literature. Improving transparency between stakeholder groups, within federal departments, between Mi’kmaq communities and other stakeholders, and with respect to MEKS would help to facilitate learning and understanding. Mi’kmaq scientific organizations should play a larger role within data

collection to facilitate trust and mutual understanding. In addition, embracing Mi'kmaq value concepts such as *Netukulimk* and *Etuaptmunk* and incorporating language within MPA management were identified as opportunities to further enhance learning, collaboration and Mi'kmaq involvement within MPA governance.

The current consultation processes and the opportunities provided through open discussion forums (e.g., building relations, knowledge sharing, social learning) are still informative rather than fully collaborative processes and therefore, still limit Mi'kmaq to an informing role. Until there is some sort of shared governance structure or negotiated agreement in place, Mi'kmaq will have little tangible power within MPA decision-making. Alternative governance structures such as co-governance and Indigenous-led were both recognized by participants as governance options that have the opportunity to facilitate Mi'kmaq in having a larger role within decision-making in the future.

Challenges identified as preventing Mi'kmaq participation within MPA governance have varying degrees of influence. Systemic barriers including the legislation and federal governance structure were considered key challenges for the incorporation of Mi'kmaq knowledge, values and interests. While this is a valid observation, the current governance structure limitations should not be used as a crutch to not facilitate the full incorporation of Mi'kmaq within MPA Governance. There are successful co-governance arrangements in Canada in BC and the Arctic development within current legislation, and IPCAs in other jurisdiction (e.g., Australia) that have been implemented without supporting legislation. Because there are ways to proceed without legislative changes, this is not considered to be key contributors to the lack of Mi'kmaq involvement within MPA decision-making. These types of systemic barriers take time, patience, sufficient resources and political will to overcome.

The more pressing challenges that need to be addressed are fisheries conflicts/rights, capacity, and, to a lesser extent, the lack of understanding of Mi'kmaq culture. Arguably, the conflicts surrounding Mi'kmaq fishing rights may be the primary barrier for Mi'kmaq to play larger role within decision-making. The lack of clarity, definition, and understanding of how these rights can be exercised can have a major influence on the MPA process and has previously led to MPA failures. Sufficient resources or capacity is a fundamental component of an effective consultation process. Indigenous communities including the Mi'kmaq nation lack the resources

to fully participate in marine related consultations. The provision of on-going support is essential for Mi'kmaq communities and organizations (MCG, UINR, AAROM) to fully participate throughout the process.

Addressing the fisheries and capacity challenges are more straight-forward in comparison to improving understanding of Mi'kmaq culture. This lack of understanding is an overall societal barrier and will require a paradigm shift to take time. The federal government, however, needs to take a primary role in initiating further change and do more to demonstrate their acceptance of Indigenous peoples as rightsholders.

Chapter 6: Recommendations and Conclusion

The following recommendations are intended to inform policy makers, policy decision-makers, and MPA managers on how to facilitate and improve Mi'kmaq participation within MPA governance in a way that respects Mi'kmaq rights. The recommendations are not focused explicitly on the ESI MPA process but provides general recommendations for future MPAs in Nova Scotia using the ESI AOI as a case study. The recommendations consist of both short-term and long-term goals. In addition, any management decision that has the ability to impact or infringe upon Mi'kmaq rights needs to follow appropriate consultation protocols and ideally abide by free, prior and informed consent as per UNDRIP. Presented recommendations will require on-going conversation with appropriate Mi'kmaq communities and their aggregate governance institutions (i.e., Assembly of Nova Scotia Mi'kmaq Chiefs) to improve relations, demonstrate respect, and improve overall MPA governance.

6.1 Recommendations

1. Focus on resolving Mi'kmaq fishing rights conflicts

Arguably, the conflicts surrounding Mi'kmaq fishing rights can be the primary barrier for Mi'kmaq to play a larger role within decision-making. The lack of clarity, definition, and understanding of how these rights can be exercised play a pivotal role within MPA governance. In Nova Scotia, fishing rights and access is a key concern for local communities, fishers and Mi'kmaq, especially in communities like the ESI where there is a strong economic dependence on marine resources. Marine access continues to be a contentious issue all over Nova Scotia and there is considerable conflict between non-Mi'kmaq and Mi'kmaq fishers (Bundale, 2020). Therefore, it is critical that rights be clearly defined so that there is a better and shared understanding of how a moderate livelihood will be exercised. Until these issues are resolved it will continue to dominate the MPA discussions and undermine the MPA process, especially in coastal areas. In the short-term, resources spent on improving understanding of Mi'kmaq culture and rights and conflict resolution mechanisms could potentially mitigate fisheries conflicts while Treaty negotiations are underway.

2. Enhance Mi'kmaq Capacity

Finding ways that enable Mi'kmaq communities and organizations to be able to fully participate should be a priority. This could be in the form of funding, educational programs, support and collaborate with Mi'kmaq organizations (UINR, MCG, AAROMs), implementation of guardian programs, support of Mi'kmaq communities through legal mechanisms or formal frameworks, or development of economic opportunities that better enable Mi'kmaq communities to be self-sufficient/economically independent to help ensure long-term community sustainability and prosperity. Support of Mi'kmaq within MPA governance should not be limited to the consultation process but include all aspects within the MPA governance and management including monitoring and enforcement. An increase in capacity would enable communities to acquire “baseline information and human resources necessary to determine where asserted or established rights are currently or were traditionally exercised in order to assess impacts” (Gray, 2016, p. 35). It would also provide an opportunity for economic benefits to local communities (non-Mi'kmaq and Mi'kmaq) and aid in obtaining stakeholder support. The federal government should take extra steps in ensuring that Mi'kmaq have sufficient capacity to fully participate within the MPA process. It not only shows a level of commitment but could improve the process by addressing Mi'kmaq interests in a timelier manner. Ideally, funding should be provided through a multi-faceted approach and that is not totally reliant on governmental funding. Other ways to secure long-term funding should be further investigated. This could include identifying ways that can improve economic opportunities within Mi'kmaq communities.

3. Improve Mi'kmaq cultural understanding through the provision of training, expansion of MEKS content, improve transparency, and incorporation of Mi'kmaq language

The learning and educational opportunities from consultation and Mi'kmaq participation were deemed to be of considerable value with respect to improving the overall understanding of Mi'kmaq culture. This was supported by the literature which emphasizes the importance of creating the space for social learning and knowledge co-production to occur to improve relations, understanding, respect and improve regional level decision-making. To improve Mi'kmaq cultural and rights understanding, the author suggests the implementation/adoption of four key strategies/activities:

- Introduce a training workshop about Mi'kmaq culture and rights at the very beginning of the Advisory process. Training should be provided by Mi'kmaq and be compensated accordingly and abide by Mi'kmaq protocols.
- Expand the MEKS to include more information about Mi'kmaq culture to include histories, legends/stories, values and language to go beyond historical and contemporary marine use and provide a more holistic understanding of Mi'kmaq as a people.
- Determine mechanisms to improve transparency of MEKS and MEK within and outside the Mi'kmaq community with appropriate protection measures in place that assures that MEK will be upheld and respected.
- Incorporate Mi'kmaq language within MPA management plans to promote inter-generational knowledge transfer and public education.

4. Identify mechanisms to facilitate MEK incorporation

There was a strong emphasis on the need for MEK to inform the MPA decision-making process. Mi'kmaq participants felt that MEK was often undervalued and not respected. In order to address these concerns, MEK should play a larger role in informing the MPA process in Atlantic Canada either through the CSAS process or an alternative process that fully embraces *Netukulimk* and *Etuaptmumk* (Two-Eyed Seeing) approach. Further consideration on *how* MEK can be incorporated in a way that is respectful will require further attention.

5. Support co-development/shared governance and Mi'kmaq led conservation approaches

As identified in the literature and interviews shared governance and, IPCAs can provide a valuable mechanism to meet marine conservation targets while also embracing Indigenous cultural values, incorporating knowledge and recognizing rights, both Treaty rights and self-determination. There was consensus amongst Mi'kmaq participants that MPAs should be done in full partnership with Mi'kmaq (e.g. co-developed, co-managed, co-governed). There is also seems to be a national interest to pursue IPCAs to meet marine conservation targets. Time should be spent to determine whether there is an interest within Mi'kmaq communities in developing and managing MPAs and/or IPCAs. If there is an interest, time should be spent to determine Mi'kmaq priority conservation areas, identify key barriers to establishing co-governed and/or IPCAs and identify mechanisms that can support local needs and interests. Real effort should be placed on determining realistic and practical solutions to make partnered MPAs a reality.

Identifying common goals between Mi'kmaq and the Crown could potentially further enhance meeting Crown and Mi'kmaq interests. Amending legislation or creating new legislation that provides Indigenous people and Mi'kmaq a better legal foundation to better assert their rights, interests, and greater role in decision-making processes within MPA governance. Governance bodies are considered to be strongest when the state recognizes Indigenous laws and are incorporated into legislation (West Coast Environmental Law, 2019). Although governance might be stronger with the incorporation of Indigenous law and recognition of Indigenous authority within legislation, that does not mean that shared governance or IPCAs cannot be achieved without supporting legislation. Determining current opportunities or areas for co-governed or IPCAs in Atlantic Canada should still be pursued while other legal avenues are being evaluated.

Determining whether there is a general interest in IPCAs is a relatively short-term goal while determining what an IPCA process looks like in Atlantic Canada will require a longer timeframe. Furthermore, coastal MPAs might be of a particular challenge to develop co-governed MPAs with Mi'kmaq communities especially in areas like the ESI where Mi'kmaq have been previously displaced and/or are not necessarily perceived to have “effective control” over the marine space. Each potential MPA will need to be looked at on an individual basis taking into consideration the local context and community needs (Mi'kmaq and non-Mi'kmaq communities). As seen in the ESI case study, acquiring local community and stakeholder buy-in is important in order to move forward with marine conservation initiatives. Finding mechanisms that can meet the needs of both stakeholders and rightsholders is important for the overall effective governance of MPAs. One mechanism that could be considered further is having a hierarchal governance structure where stakeholders have some ability to influence management decisions but the final decision-making power rests with Mi'kmaq and the Crown. This could potentially be possible in areas where there is a strong community and stakeholder interest in being a part of the MPA decision-making and also serve as a tool to provide a sense of community empowerment. The feasibility and level of support within a particular MPA of a hierarchal governance structure would have to be evaluated further and on a case by case basis.

6.2 Conclusion

This research argues that MPA governance mechanisms need to be improved in a way that facilitates the ability for Mi'kmaq to play a larger role within MPA governance and respects Mi'kmaq rights, knowledge and values. Furthermore, it argues that MPAs can be established in a way that both respects Indigenous peoples and supports marine biodiversity objectives. As a starting point, the research presented five over-arching recommendations to improve Mi'kmaq involvement within MPA governance: resolve Mi'kmaq fishing rights; enhance Mi'kmaq capacity; improve Mi'kmaq cultural understanding through the provision of training, expansion of MEKS content, improvement regarding MEK transparency, and incorporation of Mi'kmaq language; identify mechanisms to facilitate MEK incorporation; and support shared-governance and IPCA conservation approaches.

There is a critical need to address both Indigenous rights and marine conservation and it is important to take advantage of the interest and momentum that currently lie in both of those areas. Finding ways to implement MPAs while respecting Indigenous rights does not have to wait for longer-term systemic changes to occur, there are tools and means available to make tangible changes while other legal frameworks are being developed that can provide a better legal foundation for stronger Indigenous governance within MPAs. Consultation does not translate into any shared authority or guarantee that Indigenous interests and concerns will be addressed. Thus, it is essential that Canada move towards shared and/or Indigenous led approaches, especially in coastal areas. Shared-governance approaches may be a particular challenge in areas in Nova Scotia where Mi'kmaq communities are removed from the MPA site due to potential local community perceptions of legitimacy. Until there is more acceptance of Indigenous rights within Atlantic Canada, implementing shared governance or an IPCAs will likely have more success in areas where Mi'kmaq communities are in closer proximity to the marine space where Mi'kmaq would likely be perceived to be legitimate decision-makers in the eyes of other marine users within the region, or where there is substantive political will and Crown leadership to make it happen. Finding mechanisms that both support local and Mi'kmaq communities and reducing fisheries conflicts are an integral component in moving forward with marine conservation initiatives.

Although Canada has made significant strides to improving Crown-Indigenous relations and moving towards better recognition and implementation of Indigenous rights, it is still not enough. The Government of Canada is in a position of power and can help facilitate larger social acceptance of Indigenous rights, culture and knowledge which can may help accelerate the movement towards improved Mi'kmaq involvement within MPA decision-making in Canada.

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Appendix A: Interview Questions

Background Information

Mi'kmaq Knowledge and Resource Governance concepts

Mi'kmaq Ecological Knowledge (MEK) “includes the collection and adaptation of knowledge that Mi'kmaq people have with all components of the natural environment and the interrelationships that exist between all life forms from a unique historical, cultural and spiritual perspective” (KMKNO, 2007). MEK encompasses, the holistic world view of the Mi'kmaq where by people share a cultural and spiritual connection between all living things within their surrounding environment and understand the interconnections and inter dependence of social-ecological systems (Doyle-Bedwell & Cohen, 2001; Prosper, 2009). Mi'kmaq have two concepts that demonstrate this connection and sustainable management of resources: *Msit no'kmaq* and *Netuklimk*.

Msit no'kmaq, means “all my relations” (Denny & Fanning, 2016). It is an epistemological concept whereby all living and non-living components within social-ecological system are interconnected, all life and objects are considered as kin (Denny & Fanning, 2016, Prosper et al., 2011).

Netuklimk is a concept that “. . . guide[s] individual and collective beliefs and behaviors in resource protection, procurement, and management to ensure and honour sustainability and prosperity for the ancestor, and present and future generations” (Prosper et al., 2011, p. 1). Community members demonstrate this concept by giving thanks to the creator, prohibiting waste and “taking only what you need” (Barsh, 2002; McMillian & Prosper, 2016).

These two concepts are ethical concepts, that guide Mi'kmaq resource governance decisions.

Governance: “. . .the interactions among structures, processes, and traditions that determine direction, how power is exercised, and how the views of citizens or stakeholders are incorporated into decision-making” (Bennet & Johnston, 2005, p. 89). MPA governance therefore includes the development and management of MPAs, and the consultation and decision-making processes within those.

Research Questions: Government Respondents

1. Can you briefly describe the current processes in place for the Eastern Shore and Islands AOI for getting scientific, stakeholder and Indigenous input?
 - a. Can you elaborate on the scientific advisory process? Participants? Time frame?
 - b. Can you elaborate on the stakeholder consultation process? Participants? Time frame?
 - c. Can you elaborate on the Nation-to-Nation process? Participants? Time frame?
2. Who do you think should be involved within MPA Governance? (i.e., within the consultation and decision-making processes, in the development of MPAs, in the management of MPAs) (1)
3. What do you see as the role of Mi'kmaq within MPA governance? (i.e., within the consultation and decision-making processes, in the development of MPAs, in the management of MPAs) (1)
 - a) Are there opportunities or any interest for Mi'kmaq to initiate the MPA process?
4. What is the government's role / responsibility in including Mi'kmaq within MPA governance? (1)
5. What mechanisms do you see in place that facilitate the integration of Mi'kmaq values, interests and knowledge within MPA governance? (3)
6. Do you think these mechanisms or processes are adequate? Why/why not? (3)
 - a. If not, how might it be improved? (3)
7. Where do you see opportunities to integrate Mi'kmaq values, interests and knowledge within MPA governance if any? (In general or using the context of ESI AOI) (2)
8. Do you see the value you in integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general or using the context of ESI AOI) (2)
9. What challenges or barriers do you see to integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general or using the context of ESI AOI) (2)
10. Are there any other comments that you would like to make that were not covered in the previous questions?

Research Questions: Stakeholders

1. Can you briefly describe your involvement with the Eastern Shore and Islands AOI engagement processes?
2. How would you go about establishing the Eastern Shore AOI or an MPA?
3. Can you briefly describe the current processes in place for the Eastern Shore and Islands AOI for getting scientific, stakeholder and Indigenous input?
 - a. Can you elaborate on the scientific advisory process? Participants? Time frame?
 - b. If you are involved with a separate process can you elaborate on that process? (eg. working group or stakeholder consultation) Participants? Time frame?
4. Who do you think should be involved within MPA Governance? (i.e., within the consultation and decision-making processes, in the development of MPAs, in the management of MPAs) (1)
 - a) How should groups be involved within MPA Governance?
5. Do you think these mechanisms or processes to engage stakeholders and Mi'kmaq are adequate? Why or why not?
 - b) If not, How might it be improved?
6. What do you see as the role of Mi'kmaq within MPA governance (i.e., consultation, decision-making, design, implementation, etc.)? Why?
7. Do you see the value you in integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general, and/or specifically within the context of ESI AOI) (2)
8. Where do you see opportunities to integrate Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general, and/or specifically within the context of ESI AOI) (2)
9. What challenges or barriers do you see to integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general, and/or specifically within the context of ESI AOI) (2)
10. Are there any other comments that you would like to make that were not covered in the previous questions?

Interview questions: Mi'kmaq participants

Note: only the governance definition was provided.

1. How would you go about establishing the Eastern Shore AOI or an MPA?
2. Can you briefly describe the current processes in place for the Eastern Shore and Islands AOI for getting scientific, stakeholder and Indigenous input?
 - a. Can you elaborate on the Nation-to-Nation process? Participants? Time frame?
3. Who do you think should be involved within MPA Governance? (i.e., within the consultation and decision-making processes, in the development of MPAs, in the management of MPAs) (1)
 - c) How should groups be involved within MPA Governance?
4. What do you see as the role of Mi'kmaq within MPA governance (i.e., consultation, decision-making, design, implementation, etc.)? Why?
 - a) Are there opportunities or any interest for Mi'kmaq to initiate the MPA process?
 - b) Is there any interest in Indigenous Protected Areas?
5. What do you see as the role of Mi'kmaq within MPA governance? (i.e., within the consultation and decision-making processes, in the development of MPAs, in the management of MPAs) (1)
6. What is the government's role / responsibility in including Mi'kmaq within MPA governance?
7. What mechanisms do you see in place that facilitate the integration of Mi'kmaq values, interests and knowledge within MPA governance? (3)
8. Do you think these mechanisms or processes are adequate? Why/why not? (3)
 - a. If not, how might it be improved? (3)
9. Where do you see opportunities to integrate Mi'kmaq values, interests and knowledge within MPA governance if any? (In general, and/or specifically within the context of ESI AOI) (2)
10. Do you see the value you in integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general, and/or specifically within the context of ESI AOI)) (2)

11. What challenges or barriers do you see to integrating Mi'kmaq values, interests and knowledge within MPA governance, if any? (In general, and/or specifically within the context of ESI AOI) (2)
12. Are there any other comments that you would like to make that were not covered in the previous questions?

Appendix B: Consent Form

CONSENT FORM

(Non-Mi'kmaq participants)

Project title: *Understanding Indigenous Engagement in MPA Governance: Mi'kmaq and Eastern Shore Islands Case Study*

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Introduction

We invite you to take part in a research study being conducted by me, Magena Warrior, a Masters student at Dalhousie University as part of my Marine Management degree program. Choosing whether or not to take part in this research is entirely your choice. There will be no impact on your employment or the services you receive if you decide not to participate in the research. The information below tells you about what is involved in the research, what you will be asked to do and about any benefit, risk, inconvenience or discomfort that you might experience.

Purpose and Outline of the Research Study

The purpose of this study is to provide a deeper understanding of the current Indigenous engagement processes in place within MPA governance in Canada. The Eastern Shore Islands "Area of Interest" (AOI) MPA process will be used as a case study to explore Mi'kmaq, government and stakeholder perspectives on Mi'kmaq involvement in MPA governance, and assess barriers and opportunities to integrating Mi'kmaq values, interests and knowledge within MPA governance. I will be conducting a series of 12-15 interviews with Indigenous, federal and provincial governments, and non-government organizations representatives. With these interviews I hope to achieve a deeper understanding of the consultation processes within the

MPA process and identify opportunities that improve legitimacy, crown-Indigenous relationships, and enhance MPA governance that respects Indigenous rights and values.

Researcher

The principle investigator is Magena Warrior, Master of Marine Management Candidate at Dalhousie University in Halifax, Nova Scotia. My supervisor is, Dr. Lucia Fanning.

Who Can Take Part in the Research Study

Participants that are involved in the MPA consultation processes of the Eastern Shore Islands AOI are invited to take part in this study. This includes members of the Mi'kmaq Nation, Mi'kmaq Nation representatives, federal and provincial representatives, and non-governmental organization representatives (fishery, conservation), and other members of the Advisory Committee and Working Groups.

What You Will Be Asked to Do

You will be asked to complete a single interview either in person, over the phone or by video conferencing. Prior to the interview, the researcher will review the consent form and request your signature. For telephone or video conferencing interviews, an email acknowledging your consent is required.

The interview will consist of a series of semi-structured questions and is expected to take approximately one hour to complete. You will have the opportunity to provide clarification of your responses for use in the study following the interview. The interview will be conducted in one visit, however, as the project develops there may be another interview requested. Phone calls and emails will be used to clarify responses if needed.

Compensation / Reimbursement

There is no compensation for your participation in this study.

Possible Benefits, Risks and Discomforts

The likelihood of any direct benefits to participating in this study is not assumed, however hopefully you will feel positively about your contribution to the study.

It is anticipated that this research will contribute to enhancing marine protected area processes and improve MPA governance and Indigenous participation within federal government initiatives.

Risks: Every effort was made to reduce the risk of your participation in the study. Risks to participants include discomfort in answering a question, should the participant choose to answer. This risk is minimal due to the nature of the questions, which could occur in everyday conversations. There is a risk of participants feeling uncomfortable with the meeting locations. To mitigate this risk, participants will be informed before the interview that they can choose to not answer the questions. When arranging interview locations, participants will be given option to choose the location or have the interview conducted over the phone. The responses you provide should be based on your professional expertise.

How your information will be protected

Anonymity: Anonymity cannot be guaranteed, but your name will not be identified in the research. Options for disclosure of quotes is at the discretion of the participant.

Confidentiality: The knowledge and information that you share will remain confidential. Participants will be assigned a randomly generated alpha-numeric identifier or pseudonym. Digital copies (files) of the interview notes and transcripts will be password protected and stored on my password protected computer. Paper versions will also have the same coding and will be stored in a locked filing cabinet. The data will be securely saved for five years after publication date and then destroyed. Should you wish to have your responses removed from the analysis, the researcher must be contacted, and it will be removed prior to submission or wider research dissemination.

If You Decide to Stop Participating

You are free to stop the interview process at any time during the interview and to withdraw from the study. If after completing the interview, you decide to withdraw from the study, you can also decide whether you want any of the information that you have contributed up to that point to be removed or if you will allow us to use that information. Please be aware that you should let the researcher know of your decision to withdraw from the study within 4 weeks of the interview being conducted as after that time data will not be able to be removed from the study because it will already be analyzed. However, the results will be aggregated so individual participant's results will not be disseminated.

How to Obtain Results

We will provide you with a short description of group results when the study is finished. Should you wish to receive a copy of the entire study once completed, please indicate this when signing the consent form.

Questions

We are happy to talk with you about any questions or concerns you may have about your participation in this research study. Please contact Magena Warrior at 250-217-7673, magena.warrior@dal.ca or Lucia Fanning at 902-494-8390, lucia.fanning@dal.ca at any time with questions, comments, or concerns about the research study (if you are calling long distance, please call collect). We will also tell you if any new information comes up that could affect your decision to participate.

If you have any ethical concerns about your participation in this research, you may also contact Research Ethics, Dalhousie University at (902) 494-1462, or email: ethics@dal.ca (and reference REB file # 20XX-XXXX).

Signature Page

Project Title: Enhancing the Marine Protected Area developmental processes in Atlantic Canada to improve MPA governance and Indigenous Participation

Lead Researcher: Magena Warrior, B.Sc.
Master of Marine Management Candidate
Marine Affairs Program
Dalhousie University
Halifax, Nova Scotia, Canada
Tel: (250) 217 7673
Email: magena.warrior@dal.ca

I have read the explanation about this study. I have been given the opportunity to discuss it and my questions have been answered to my satisfaction. I understand that I have been asked to take part in an interview that will occur at a location acceptable to me. I agree to take part in this study. I realize that my participation is voluntary and that I am free to withdraw from the study at any time, until 4 weeks after my interview is completed.

_____	_____	_____
Name	Signature	Date

Please check all that apply:

I agree that my interview may be audio-recorded Yes No

I agree that I may be contacted for a follow-up interview Yes No

I agree that direct quotes from my interview may be used without identifying me Yes No

I would like to receive a copy of the entire study Yes No

_____	_____	_____
Name	Signature	Date

Participant contact information:

Phone #:

Email:

CONSENT FORM

(Mi'kmaq participants)

Project title: Understanding Indigenous Engagement in MPA Governance: Mi'kmaq and Eastern Shore Islands Case Study

Lead researcher: Magena Warrior, B.Sc.
Master of Marine Management Candidate
Marine Affairs Program
Dalhousie University
Halifax, Nova Scotia, Canada
Tel: (250) 217 7673
Email: Magena.warrior@dal.ca

Supervisor: Lucia M. Fanning, Professor
Marine Affairs Program
Room 800, Life Sciences Centre
Dalhousie University
Halifax, Nova Scotia, Canada
Tel: (902) 494-8390
[email: lucia.fanning@dal.ca](mailto:lucia.fanning@dal.ca)

Funding provided by:

Funding for this research is provided by the Natural Sciences and Engineering Research Council (NSERC).

Introduction

We invite you to take part in a research study being conducted by me, Magena Warrior, a Masters student at Dalhousie University as part of my Marine Management degree program. Choosing whether or not to take part in this research is entirely your choice. There will be no impact on your employment or the services you receive if you decide not to participate in the research. The information below tells you about what is involved in the research, what you will be asked to do and about any benefit, risk, inconvenience or discomfort that you might experience.

Purpose and Outline of the Research Study

The purpose of this study is to provide a deeper understanding of the current Indigenous engagement processes in place within MPA governance in Canada. The Eastern Shore Islands "Area of Interest" (AOI) MPA process will be used as a case study to explore Mi'kmaq, government and stakeholder perspectives on Mi'kmaq involvement in MPA governance, and assess barriers and opportunities to integrating Mi'kmaq values, interests and knowledge within MPA governance. I will be conducting a series of 12-15 interviews with Indigenous, federal and provincial governments, and non-government organizations representatives. With these interviews I hope to achieve a deeper understanding of the consultation processes within the MPA process and identify opportunities that improve legitimacy, crown-Indigenous relationships, and enhance MPA governance that respects Indigenous rights and values.

Researcher

The principle investigator is Magena Warrior, Master of Marine Management Candidate at Dalhousie University in Halifax, Nova Scotia. My supervisor is, Dr. Lucia Fanning.

Who Can Take Part in the Research Study

Participants that are involved in the MPA consultation processes of the Eastern Shore Islands AOI are invited to take part in this study. This includes members of the Mi'kmaq Nation, Mi'kmaq Nation representatives, federal and provincial representatives, and non-governmental organization representatives (fishery, conservation), and other members of the Advisory Committee and Working Groups.

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You will be asked to complete a single interview either in person, over the phone or by video conferencing. Prior to the interview, the researcher will review the consent form and request your signature. For telephone or video conferencing interviews, an email acknowledging your consent is required.

The interview will consist of a series of semi-structured questions and is expected to take approximately one hour to complete. You will have the opportunity to provide clarification of your responses for use in the study following the interview. The interview will be conducted in one visit, however, as the project develops there may be another interview requested. Phone calls and emails will be used to clarify responses if needed.

Compensation / Reimbursement

As a participant of this study, a gas card of 25\$ will be provided to compensate for any travel expenses. In addition, a small gift will be offered prior to or at the interview date.

Possible Benefits, Risks and Discomforts

The likelihood of any direct benefits to participating in this study is not assumed, however hopefully you will feel positively about your contribution to the study.

It is anticipated that this research will contribute to enhancing marine protected area processes and improve MPA governance and Indigenous participation within federal government initiatives.

Risks: Every effort was made to reduce the risk of your participation in the study. Risks to participants include discomfort in answering a question, should the participant choose to answer. This risk is minimal due to the nature of the questions, which could occur in everyday conversations. There is a risk of participants feeling uncomfortable with the meeting locations. To mitigate this risk, participants will be informed before the interview that they can choose to not answer the questions. When arranging interview locations, participants will be given option to choose the location or have the interview conducted over the phone. The responses you provide should be based on your professional expertise.

How your information will be protected

Anonymity: Anonymity cannot be guaranteed, but your name will not be identified in the research. Options for disclosure of quotes is at the discretion of the participant.

Confidentiality: The knowledge and information that you share will remain confidential. Participants will be assigned a randomly generated alpha-numeric identifier or pseudonym. Digital copies (files) of the interview notes and transcripts will be password protected and stored on my password protected computer. Paper versions will also have the same coding and will be stored in a locked filing cabinet. The data will be securely saved for five years after publication date and then destroyed. Should you wish to have your responses removed from the analysis, the researcher must be contacted, and it will be removed prior to submission or wider research dissemination.

If You Decide to Stop Participating

You are free to stop the interview process at any time during the interview and to withdraw from the study. If after completing the interview, you decide to withdraw from the study, you can also decide whether you want any of the information that you have contributed up to that point to be removed or if you will allow us to use that information. Please be aware that you should let the researcher know of your decision to withdraw from the study within 4 weeks of the interview being conducted as after that time data will not be able to be removed from the study because it will already be analyzed. However, the results will be aggregated so individual participant's results will not be disseminated.

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We will provide you with a short description of group results when the study is finished. Should you wish to receive a copy of the entire study once completed, please indicate this when signing the consent form.

Questions

We are happy to talk with you about any questions or concerns you may have about your participation in this research study. Please contact Magena Warrior at 250-217-7673, magena.warrior@dal.ca or Lucia Fanning at 902-494-8390, lucia.fanning@dal.ca at any time with questions, comments, or concerns about the research study (if you are calling long distance, please call collect). We will also tell you if any new information comes up that could affect your decision to participate.

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Signature Page

Project Title: Enhancing the Marine Protected Area developmental processes in Atlantic Canada to improve MPA governance and Indigenous Participation

Lead Researcher: Magena Warrior, B.Sc.
Master of Marine Management Candidate
Marine Affairs Program
Dalhousie University
Halifax, Nova Scotia, Canada
Tel: (250) 217 7673
Email: magena.warrior@dal.ca

I have read the explanation about this study. I have been given the opportunity to discuss it and my questions have been answered to my satisfaction. I understand that I have been asked to take part in an interview that will occur at a location acceptable to me. I agree to take part in this study. I realize that my participation is voluntary and that I am free to withdraw from the study at any time, until 4 weeks after my interview is completed.

_____	_____	_____
Name	Signature	Date

Please check all that apply:

- I agree that my interview may be audio-recorded Yes No
- I agree that I may be contacted for a follow-up interview Yes No
- I agree that direct quotes from my interview may be used without identifying me Yes No
- I would like to receive a copy of the entire study Yes No

_____	_____	_____
Name	Signature	Date

Participant contact information:

Phone # :

Email:

Appendix C: Dalhousie Ethics Approval Letter



Social Sciences & Humanities Research Ethics Board Letter of Approval

June 28, 2019

Magena Warrior
Science\Marine Affairs Program (Science)

Dear Magena,

REB #: 2019-4765

Project Title: Enhancing the Marine Protected Area process in Atlantic Canada to improve Indigenous Engagement within MPA governance

Effective Date: June 28, 2019

Expiry Date: June 28, 2020

The Social Sciences & Humanities Research Ethics Board has reviewed your application for research involving humans and found the proposed research to be in accordance with the Tri-Council Policy Statement on *Ethical Conduct for Research Involving Humans*. This approval will be in effect for 12 months as indicated above. This approval is subject to the conditions listed below which constitute your on-going responsibilities with respect to the ethical conduct of this research.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen Beazley".

Dr. Karen Beazley, Chair

Post REB Approval: On-going Responsibilities of Researchers

After receiving ethical approval for the conduct of research involving humans, there are several ongoing responsibilities that researchers must meet to remain in compliance with University and Tri-Council policies.

1. Additional Research Ethics approval

Prior to conducting any research, researchers must ensure that all required research ethics approvals are secured (in addition to this one). This includes, but is not limited to, securing appropriate research ethics approvals from: other institutions with whom the PI is affiliated; the research institutions of research team members; the institution at which participants may be recruited or from which data may be collected; organizations or groups (e.g. school boards, Aboriginal communities, correctional services, long-term care facilities, service agencies and community groups) and from any other responsible review body or bodies at the research site

2. Reporting adverse events

Any significant adverse events experienced by research participants must be reported **in writing** to Research Ethics **within 24 hours** of their occurrence. Examples of what might be considered “significant” include: an emotional breakdown of a participant during an interview, a negative physical reaction by a participant (e.g. fainting, nausea, unexpected pain, allergic reaction), report by a participant of some sort of negative repercussion from their participation (e.g. reaction of spouse or employer) or complaint by a participant with respect to their participation. The above list is indicative but not all-inclusive. The written report must include details of the adverse event and actions taken by the researcher in response to the incident.

3. Seeking approval for protocol / consent form changes

Prior to implementing any changes to your research plan, whether to the protocol or consent form, researchers must submit a description of the proposed changes to the Research Ethics Board for review and approval. This is done by completing an Amendment Request (available on the website). Please note that no reviews are conducted in August.

4. Submitting annual reports

Ethics approvals are valid for up to 12 months. Prior to the end of the project’s approval deadline, the researcher must complete an Annual Report (available on the website) and return it to Research Ethics for review and approval before the approval end date in order to prevent a lapse of ethics approval for the research. Researchers should note that no research involving humans may be conducted in the absence of a valid ethical approval and that allowing REB approval to lapse is a violation of University policy, inconsistent with the TCPS (article 6.14) and may result in suspension of research and research funding, as required by the funding agency.

5. Submitting final reports

When the researcher is confident that no further data collection or participant contact will be required, a Final Report (available on the website) must be submitted to Research Ethics. After review and approval of the Final Report, the Research Ethics file will be closed.

6. Retaining records in a secure manner

Researchers must ensure that both during and after the research project, data is securely retained and/or disposed of in such a manner as to comply with confidentiality provisions specified in the protocol and consent forms. This may involve destruction of the data, or continued arrangements for secure storage. Casual storage of old data is not acceptable.

It is the Principal Investigator's responsibility to keep a copy of the REB approval letters. This can be important to demonstrate that research was undertaken with Board approval, which can be a requirement to publish.

Please note that the University will securely store your REB project file for 5 years after the study closure date at which point the file records may be permanently destroyed.

7. Current contact information and university affiliation

The Principal Investigator must inform the Research Ethics office of any changes to contact information for the PI (and supervisor, if appropriate), especially the electronic mail address, for the duration of the REB approval. The PI must inform Research Ethics if there is a termination or interruption of his or her affiliation with Dalhousie University.

8. Legal Counsel

The Principal Investigator agrees to comply with all legislative and regulatory requirements that apply to the project. The Principal Investigator agrees to notify the University Legal Counsel office in the event that he or she receives a notice of non-compliance, complaint or other proceeding relating to such requirements.

9. Supervision of students

Faculty must ensure that students conducting research under their supervision are aware of their responsibilities as described above, and have adequate support to conduct their research in a safe and ethical manner

Appendix D: Mi'kmaq Ethics Watch Approval Letter



May 13, 2019

Magena Warrior
Marine Affairs
Dalhousie University
Halifax, Nova Scotia B3H 4R2

Dear Magen:

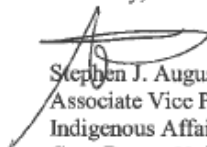
I wish to inform you that the Mi'kmaq Ethics Watch committee has reviewed and approved *"Enhancing the Marine Protected Area process in Atlantic Canada to improve Indigenous Engagement within MPA governance"*

As your project moves forward with the approval of the Mi'kmaq Ethics Watch, I must note that individual communities have their own perspective on research projects and it is your responsibility to consult them to ensure that you meet any further ethical requirements. Governments, universities, granting agencies, and the like also have ethical processes to which you might have to conform.

When your project is completed, the Mi'kmaq Resource Centre at Unama'ki College would be pleased to accept the results in a form that could be made available to students and other researchers (if it is appropriate to disseminate them). Our common goal is to foster a better understanding of the Indigenous knowledges.

If you have any questions concerning the Mi'kmaq Ethics Watch review of your project please do not hesitate to contact me and I will forward them to the committee members.

Sincerely,



Stephen J. Augustine,
Associate Vice President
Indigenous Affairs & Unama'ki College
Cape Breton University

SJA/km

CAPE BRETON UNIVERSITY | UNAMA'KI COLLEGE

Tel: (902) 563-1871 | PO Box 5300, 1250 Grand Lake Road, Sydney, NS B1P 6L2 CANADA | WWW.CBU.CA/UNAMA'KI

Appendix E: Eastern Shore Island Area of Interest Consultation Participant Profile

Caption: Eastern Shore Island Area of Interest Consultation Participant Profile (DFO, 2019f)

Category	Organization
Federal Departments	Environment and Climate Change Canada – Canadian Wildlife Service
	Transport Canada
First Nations/Indigenous Peoples	Millbrook First Nation
	Sipekne'katik First Nation
	Kwilmu'kw Maw-klusuaqn Negotiation Office
	Maritimes Aboriginal Peoples Council
	Native Council of Nova Scotia
	M'ikmaw Conservation Group
Province of Nova Scotia	Intergovernmental Affairs
Municipal Government	Halifax Regional Municipality
	Municipality of the District of St. Mary's
Fisheries	Eastern Shore Fisherman's Protective Association
	Groundfish Enterprise Allocation Council
	Nova Scotia Swordfishermen's Association
	Seafood Processors/Buyers

Category	Organization
	Aquaculture Association of Nova Scotia
Marine Plant Industry	Acadian Seaplants Ltd.
Environmental nongovernmental organizations (ENGOS)	Oceans North
	Canadian Parks and Wilderness Society
	Nova Scotia Salmon Association
Academia	Dalhousie University
Community Groups	Musquodoboit and Area Chamber of Commerce
	Sheet Harbour and Area Chamber of Commerce
	Wild Islands Tourism Advancement Partnership
	Nova Scotia Federation of Anglers and Hunters
	Association for the Preservation of the Eastern Shore
	Eastern Shore Forest Watch Association
	Association of Eastern Shore Communities Protecting
	Environment and Historical Access
	Eastern Shore Wildlife Association