First Nations, Oceans Governance and Indigenous Knowledge Systems

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Pacem in Maribus 1998

I met Elisabeth Mann Borgese only once, early in my career. It was during the Pacem in Maribus International Conference hosted in Halifax in 1998. I was an employee of the Canadian federal Department of Fisheries and Oceans (DFO) and was invited by a colleague to attend the oceans sector papers. I was unaware of the profile of the international event and felt out of place amongst the world elites of the ocean sector at the week-long meeting. The respect that Professor Mann Borgese was given became apparent and I learned about the impact she had made towards oceans governance and its role on humanity.

The other person whom I met was Charlie Labrador, a Mi’kmaq Elder from a small community in Nova Scotia. Once we were introduced, I was able to spend the majority of my three days at the conference as his companion. He was very soft-spoken and humble, similar to many Elders I have met over my lifetime. Being Maliseet from a native community called Tobique in New Brunswick (wolastoqkew neqotkuk), he immediately felt comfortable with me; we were able to openly share our thoughts and feelings on this major event filled with scientists, business leaders, diplomats, and others with great responsibilities and influence over how international ocean laws, policies, and regulations were developed and enacted.

The conference chair had approached Charlie the morning of the last day and asked if he would be able to speak at the closing. Charlie was a man who understood the importance of responsibility and given that the conference was being conducted on unceded Mi’kmaq traditional lands, he obliged. I remember him coming to the microphone in front of several hundred delegates. He held an eagle feather as he spoke. Because he was so soft spoken, the crowd had quieted to allow his words to be carried by the microphone. I watched him physically shaking with the feather in hand and heard a slight tremble in his

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1 “Pacem in Maribus (PIM) Conferences,” International Ocean Institute, accessed 5 November 2017, https://www.ioinst.org/about-1/ioi-story/pacem-in-maribus-pim-conferences/.
voice. He addressed the crowd by saying, “I’ve been watching you all this week and listening to your presentations. What I have learned is that you really don’t know how to fish.” I was shocked when he said this. He went on to say that he is a simple Mi’kmaw man from a small community a couple of hours away and that he has spent his life fishing, hunting, and gathering plants for medicine. He said that the key to his existence was to respect the natural resources and only take what was needed. He followed this with a closing prayer.

The words that he spoke were delivered with humility and respect; they left me with two significant teachings which were pivotal to my young career. The first was in his courage to speak truth to power. Although he was an under-employed Mi’kmaq Elder with a simple vision and message, he brought in the courage of the ancestors to deliver a message to high-powered world leaders in a respectful manner. The second lesson was in the way we had heard about all the challenges of balancing the many interests for ocean resources, such as oil and gas extraction, coastal erosion, threatened fish stocks, and international boundary disputes. His message was simple (as opposed to simplistic, which eliminates relevant factors). His message of only using what you need and respecting the natural world as you would a relative is a deep rooted value amongst all Indigenous tribes that I have encountered over my lifetime. It is clouded by the complexities of economics and governance but it is still a fundamental basis which has guided my thinking throughout my adult life.

The Marshall Decision and the Elders of Unama’ki

On 17 September 1999, the Supreme Court of Canada found Donald Marshall Jr. not guilty of commercial fishing for eels, on the strength of the Peace and Friendship Treaty of 1760. This decision produced a fundamental change in Canadian law with respect to Treaty rights, commercial fisheries, aboriginal relations, and governance. At the time, I was a Hydrographer-in-Charge with the Canadian Hydrographic Service, a branch of DFO Science in Dartmouth, Nova Scotia. I had not paid much attention to court cases and had only a general knowledge of First Nations rights in Canada. My ambition at the time was to become the Dominion Hydrographer in Canada, and I had worked hard to attain knowledge and respect in the field of ocean mapping.

The Marshall decision caught everyone off guard. Both the federal DFO and Atlantic First Nation leadership were unprepared for the breadth of the decision and the chaos that followed. A number of First Nation community
members took to the water to exercise their rights. There was a brutal response from the Canadian authorities, who sent in the Royal Canadian Mounted Police, DFO officers, and eventually the Canadian military to suppress Native fishers. This was a national and international embarrassment for Canada, as pictures and videos were broadcast almost nightly on the national news.

My world had changed significantly as well. I went from being an engineer with the Hydrographic Service to the Indian who works for DFO, literally overnight. I was only one of two Native people working for the federal department at the time, which led to my colleagues challenging me for answers on the Treaty at the water fountain, the cafeteria, or any other common area within the Bedford Institute of Oceanography where my office was located. It became obvious that none of my colleagues had any knowledge of Native peoples in Atlantic Canada and saw me as a target for expressing their frustrations and curiosities. The choice I had was either to educate myself to prepare for questioning that came from many different places or to leave the department. An Elder that I became close to, Gwen Bear, advised me to stay with my current employer saying, “The Creator had put me here for a specific purpose. You will be able to influence and help non-Natives understand our people.”

To that end, I had a few supportive colleagues in DFO Science. One thing they asked me to do was to figure out a way to share the DFO science with our communities. I had worked with Charlie Dennis of the Eskasoni Fish and Wildlife Commission in Unama’ki (the Mi’kmaq name for Cape Breton Island) to set up a talking circle with community Elders and senior DFO scientists. There were approximately 15 Elders from the five Unama’ki communities who participated along with 17 DFO scientists. With such a large circle, I knew that we would only have a chance to do one round where each participant, in a clockwise order (to follow the path of the sun, moon and stars across our skies), would be permitted to talk about themselves and anything else that they felt necessary to share. To my surprise, every single scientist identified themselves by their job title and then followed with explaining their area of responsibility. Each Elder, without exception, identified themselves by the community where they were from. A few of them gave their talk in Mi’kmaq without translation into English. I received criticism for not providing translation in a follow-up meeting with my fisheries colleagues. The message I received from Charlie was that the Elders felt the scientists were not speaking to them in language they could understand, so they decided they would do the same. Although this was a first meeting of its kind, it stressed the importance of communication and also reminded me that the stories and knowledge of our Elders are rooted in place.
Fisheries Management and Traditional Knowledge Systems

Following a 20-year career with the Canadian public service, I accepted a position with an Atlantic Chiefs’ organization responsible for fisheries policy, research and advocacy. During my three months, I met with senior DFO officials in New Brunswick who were responsible for managing the commercial snow crab (Chionoecetes opilio) fishery. Most of our Atlantic First Nations communities have entered into interim agreements to fish under DFO rules, in order to gain access to economic opportunities and to allow Canada and the Atlantic First Nations time to fully implement the 1760 Treaty right to fish commercially.

The DFO regional manager asked me to look at the fisheries management plan for snow crab. It has a number of sections regarding the science assessment, fishing gear type, delineated areas, and numerous other directives on the health of the stock and how it should be fished. In the science assessment area, there was a section called ‘Aboriginal Traditional Knowledge’ that had an empty box beneath it. The manager asked if I could help the department fill in this box as a way to include First Nations in the fisheries management regime.

I had to decline this offer. While I appreciated that the department was open to including Aboriginal Knowledge into this science assessment, I knew instinctively that there are many pitfalls to going down this path. If there were holes in the information, there could be legal claims by Canada that First Nations had no claim to ocean resources. Also, contributing to federal management plans without legal oversight could be misconstrued as endorsement. However, this also forced me to think deeply about what people are seeking when they talk about Aboriginal Traditional Knowledge.

Traditional Knowledge and Oceans Governance

The idea of traditional knowledge brings out the image of respectful learning from Elders. Our Elders are indeed our knowledge keepers and are amongst our most respected persons in Mi’kmaq, Maliseet, and Passamaquoddy society. It is understandable that many policy-makers and Western scientists are enamored with the idea of gaining deep Elder knowledge to enhance their own understanding. It is also envisioned that this would be an enriching interaction,
as Elders are viewed by mainstream society to be wise, soft-spoken individuals with a link to a more natural and ancient wisdom.

While this may be true in many cases, there is little appreciation for the process of traditional knowledge. There is an emphasis in Western society to value knowledge over other attributes, and that attaining knowledge is an objective pursuit. However, Aboriginal (or Indigenous) Traditional Knowledge is something attained through a process. It takes a lifetime of observation and spending time on the land to understand how our plant and animal relatives interact with us and each other. Observing weather patterns and landscapes allows for planning for individual and community activities. Additionally, First Nations spirituality comes from having ceremonies to honor the Earth and the ancestors and allows for a deepened connection to the land.

Albert Marshall and Murdena Marshall are two Mi’kmaq Elders from Eskasoni, located in Unama’ki (Cape Breton Island). They have forwarded the concept of ‘two-eyed seeking’ which pays respect to both Mi’kmaw Traditional Knowledge and Western science as two ways of knowing. By bringing both knowledge systems together, one will arrive at the best possible science. This concept elevates traditional knowledge of the natural world as a vital system of learning, independent of a Western scientific (deductive, inductive) methodology, while simultaneously acknowledging that the two approaches could and should work together.

When acknowledged as a knowledge 'system', traditional knowledge must then be supported with the modern tools necessary to gathering and sharing information for learning and interpretation. Because the acquisition and sharing of traditional knowledge is a process, First Nations are now training and investing in the latest technologies such as geographic information systems (GIS) databases, video equipment, social media, scientific laboratories, satellite imagery and drones, and any number of new innovations. The Atlantic First Nations have been able to bridge the gap, keeping traditional approaches to knowing, while utilizing Western science and tools to understand traditional lands and resources in order to help all peoples living in our territories.

Another important understanding is embedded in traditional values within the process of acquiring and sharing traditional knowledge. I have concluded that the reason why I had an immediate negative reaction to the invitation to

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4 Advisory Panel for the Review of Federal Support for Fundamental Science, *Investing in Canada’s Future: Strengthening the Foundations of Canadian Research* (Government of Canada, 2017), 98–99. http://www.scientificreview.ca/eic/site/059.nsf/vwapj/ScienceReview_April2017-rv.pdf/$file/ScienceReview_April2017-rv.pdf.
fill in the empty box in the snow crab management plan was that it would have been irresponsible to gather information that could have been used out of context. Instead, traditional knowledge systems would be better understood if First Nations were able to infuse traditional values throughout the entire fisheries management plan. This would be applicable to the basics of any plan by asking questions such as: What are we fishing? How are we doing this sustainably? When and where do we fish? Who is allowed to fish and who is receiving it for the food and monetary benefits? Which other species are affected by the fishing activity? These traditional values relate to governance. Again, through my understanding from the time I spent with Elders, I believe deeply that if First Nations were given any voice in the management of ocean resources, there would be much healthier fish stocks and less destructive impacts on the ocean from human activity.

Oceans Governance and Atlantic First Nations

While in Canada we have a number of historic treaties between First Nations and the Crown that allowed for the peaceful coexistence of visitors to our lands and waters, Mi’kmaq, Maliseet, and Passamaquoddy peoples have not been given any voice or position of influence in Canadian or international governance. Our treaties have enshrined the right to fish, but Canada has not acknowledged inherent Indigenous rights to self-governance or the management of ocean resources. As the negotiations between Atlantic First Nations and the Crown continue to try to determine how to bring a modern interpretation to treaties from the 1700s, many of our First Nations Chiefs are asserting themselves or working towards having jurisdiction over natural resources, including those in the oceans. These approaches will include using all the tools available in modern Western society but also will embrace and be rooted in traditional knowledge and traditional values.

Ideally, we will see openness by Canada and Canadians to allow First Nations to co-govern ocean resources. Up to now, any gains made by First Nations in Canada have been achieved through the court systems. Co-governance will demonstrate action towards Canada’s commitment to reconciliation and a true Nation-to-Nation relationship. Regardless, the demographics of First Nations (a growing population), the awareness shared by social media, and

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5 “Reconciliation,” Department of Indigenous and Northern Affairs Canada, last modified February 2017, https://www.aadnc-aandc.gc.ca/eng/1400782178444/1400782270488.
the strength of our communities will see a dramatic change in the capabilities, ambitions, and performance of our next generation of First Nations Elders and leaders. This hope gives me optimism that Aboriginal (or Indigenous) Traditional Knowledge will continue to adapt and contribute to resolving the challenges facing our relationship with the oceans.