

## IMPLEMENTATION OF THE COMMITMENT TO ACTION AND RESULTS ACCORD (MAY 2010)

### Background:

The **Commitment to Action Accord** (C2A) was signed in **2010**, as a mechanism to support a shared vision of priorities for FNFC and DFO to identify and collaborate on shared objectives and outcomes that could be implemented through existing programs and other structures.

In 2016 the Federal government formally and fully adopted the **United Nations Declaration on the Rights of Indigenous Peoples**, (UNDRIP) and in particular the intention to adhere to the articles intention for Free, prior and informed consent (FPIC). Given the new collaborative direction of this government, concerning commitment to UNDRIP, and FPIC, the department of Justice further set out a statement of the 10 Principles respecting the Government of Canada's relationship with Indigenous people.

It is in the context of these actions and commitments, that the *First Nations Fisheries Council of British Columbia*, and *Fisheries and Oceans Canada* ( Pacific Region) agree to develop this annual workplan document, with the purpose and intent to implement the Commitment to Action Accord, UNDRIP, FPIC, and the 10 principles statement of Canada.

The Commitment to Action and Results **joint work plan** was initiated in 2012 and focuses on developing an effective working relationship between First Nations in BC (coordinated through the First Nations Fisheries Council) and the Department of Fisheries and Oceans (DFO) Canada. This work plan describes:

- 1) The collaborative DFO /FNFC governance and working structure to support ongoing implementation of the *Commitment to Action* and Results and implementation of the *Memorandum of Understanding* (MOU) between the First Nations Leadership Council (the Leadership Council) and The Minister of Fisheries and Oceans ([Annex 1](#)).
- 2) An overview of work plan activities for 2017-2018 ([Annex 2](#)). In addition, there is a placeholder for potential activities that the parties identify and share an understanding of priority tasks that *could be acted on* – should appropriate resourcing be identified.
  - Successful Aboriginal Fisheries (could include legislative, programs and policy issues such as FSC access, harvest, economic fisheries etc.
  - Fisheries Governance – respecting the rights of Indigenous peoples, UNDRIP etc. Would include things like governance, collaborative management, shared decision making, policy and program review and development etc.
  - Sustainability of Pacific Fisheries – commitments to protect fish and fish habitat, respond to “global” and large scale problems such as climate change, cumulative decline in stock abundance, planning for robust and resilient fisheries, rebuilding fisheries, the future of wild capture fisheries

- 3) In addition to broad priority areas jointly identified by the First Nations Fisheries Council (FNFC) and DFO, the FNFC is also expected to address emerging issues related to fisheries and aquatic resources as identified by BC First Nations ([Annex 3](#)).

## **IMPLEMENTATION OF THE MEMORANDUM BETWEEN THE FIRST NATIONS LEADERSHIP COUNCIL AND DFO**

On September 24, 2013, the Minister of Fisheries and Oceans Canada signed an MOU with the Leadership Council that commits both parties to bi-annual meetings between political representatives of the Department and the Leadership Council and to quarterly technical meetings between the Fisheries Council and Pacific Region staff for three years, unless the MOU is formally terminated.

The MOU, *“establishe[s] and define[s] a collaborative and constructive relationship to achieve concrete outcomes that are mutually beneficial to all Parties, and support the aspirations of First Nations in British Columbia, through establishing a joint dialogue process regarding general and specific issues relating to fisheries and aquatic resources in British Columbia.”* Implementation of the MOU is described under its own work plan.

## ANNEX 1:

### TERMS OF REFERENCE FOR THE JOINT DFO – FNFC COLLABORATING STRUCTURES

The C2A and associated governance structures and work plan support the development of an effective process and dialogue between DFO and BC First Nations (Tier 2). To be effective, the FNFC and DFO have agreed that dialogue regarding the priorities and work taking place under the C2A and the work plan needs to take place at a variety of levels and more broadly. This engagement includes reporting to their respective audiences (e.g. First Nation communities, other DFO staff and related structures ) to ensure that this work is supported by those concerned and is linked to broader efforts being advanced by First Nations and DFO.

The FNFC and DFO share responsibility for advancing the C2A and the key elements and objectives identified in the associated work plan. In that context, it is important to ensure that overall strategic priorities and direction for collaborative work related to the C2A is provided jointly by the FNFC and DFO. To advance these objectives, an Executive Committee and a Steering Committee have been formed. The Committees may also establish working groups or request an Integrated Engagement and Dialogue Process.

Both Parties agree to the following:

**Roles and Responsibilities** – Parties will share hosting (agenda development and meeting venue) and chairing of the meetings. FNFC will be responsible for meeting note takers.

**Schedule or meetings** – Joint Committees will meet at least four (4) times per year (for a total of eight (8) meetings) and will establish a meeting schedule – January, September, March, and June. Meetings may also be convened as needed.

**Decision-making** – parties bring their respective mandates and authorities to the table to seek constructive activities and objectives to support shared, mutually beneficial outcomes. If disagreements arise within joint working structures as described in this document, the Executive will work to resolve these issues.

**Code of Conduct** – discussions and collaborative efforts will be guided by the principles of respect, inclusiveness and accountability.

**Support** – analytical, advisory, operational and logistic support will be provided by FNFC and DFO staff, as required. FNFC staff also provides an additional conduit for advice and engagement between First Nations, the FNFC, and DFO.

**Reporting** – FNFC and DFO Secretariat to disseminate meeting notes to the Executive committee, ensuring information is also shared with relevant regional area staff.

#### Joint Executive

**Purpose** – provide formal approval and monitor progress of C2A work plan and other proposals and initiatives related to, and supportive of the implementation of the C2A;

articulate key priorities and provides strategic direction for the joint work of the FNFC and DFO; and serve as a technical table to carry out the direction under the MOU with the Leadership Council, including identifying priority issues and establishing mutual agendas.

**Scope** – domestic fishery and aquatic resources issues and topics outlined in the C2A Accord and C2A work plan.

**Membership** – The Executive committee of the FNFC and the Regional Director General, Pacific Region. The FNFC Executive Director and the DFO Regional Management Team provide support and attend meetings as requested.

### **Steering Committee**

**Purpose** – assess and provide advice on strategic priorities to the Executive; provide updates and recommendations to the Executive that will foster collaboration and increased coordination; Develop, implement, provide operational or specific guidance for, and monitor progress of work plan (including identify and attempt to resolve issues around resourcing).

**Scope** – domestic fishery and aquatic resources issues and topics as identified by the Joint Executive.

**Membership** – four representatives of the FNFC, and four representatives from DFO.

**FNFC** representatives are:

- FNFC Executive Council Delegate, Howie Wright
- FNFC Executive Director (co-chair), Jordan Point
- FNFC Strategic Development Manager, Deana Machin
- FNFC Operations Manager, Wanli Ou

**DFO** representatives are:

- Regional Director, Fisheries Management (co-chair), Andrew Thomson
- Director, Aboriginal Programs Division, Tyler Collie
- Director, Aboriginal Negotiations Division, Mel Kotyk (reconciliation agenda, UNDRIP)
- Other senior officials as required

\*Supported by Integrated Aboriginal Programs unit, Aboriginal Programs Division

### **Working Groups**

The Executive or Steering Committee may establish working groups at any time, to support strategic priorities of the Department and the FNFC or to address new and emerging issues. The Executive and/or Steering Committees must approve the operations, deliverables, and any associated budgets of the working groups. Working groups operate through consensus-based decision-making. Where consensus cannot be reached the parties will identify and report issues

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requiring resolution to the Steering Committee and, if necessary, the Executive. The working groups may also refer topics to the Steering Committee for its consideration.

**Integrated Engagement and Dialogue Process**

Where substantive, priority, policy and operational issues arise, the Executive or Steering Committee may initiate Integrated Engagement and Dialogue Process to provide for broader First Nations engagement. This process will focus on issues that are complex and have Region-wide implications, and are therefore not easily resolved through local or ad hoc discussions.

## ANNEX 2:

### 2017-18 COMMITMENT TO ACTION WORKPLAN

#### 1. Building First Nations Aquatic Resource Governance Structures

- a. Continuing development of a First Nations fisheries governance and management processes, including but not limited to:
  - i. Co-ordinate the First Nations Salmon Coordinating Committee (**FN-SCC**) to support the provision of strategic advice and recommendations in relation to Pacific Salmon programs, plans, and policies to First Nations and DFO. Specifically, the Joint Committee will:
    - Support effective engagement between First Nations and DFO;
    - Co-ordinate and share information with other First Nations organizations; and
    - Wild Salmon Policy/Cohen implementation (*consistent with mandate*)
    - As needed, identify opportunities for collaboration with other parties to advance common fisheries interests and support improved outcomes (i.e. Tier 3), which may include defining and/or designing a functional Tier 3 process for salmon management and planning; and
    - Co-ordinate and support First Nations engagement on potential implementation of updates to the commercial salmon allocation framework.
  - ii. Provide advice on First Nations membership on Tier 3 processes, and develop Terms of Reference for Tier 2 and for First Nations participation in DFO's planning and management processes across all major fisheries.
- b. Continuing engagement with First Nation organizations and communities related to **Aquaculture Management** and the Advisory Committees (AMAC ), First Nations Aquaculture Coordinating Committee (FN-ACC), and related Tier 1, 2, and 3 processes; enhanced collaboration on aquaculture/science activities, and support for implementation of AMAC structures and broader provision of First Nations advice and recommendations related to Integrated Management of Aquaculture Plans (IMAPs).
- c. Support **sustainable economic fisheries opportunities** that maintain long-term benefits to First Nation communities through the Commercial Fisheries Enterprise network, the implementation of the Pacific Integrated Commercial Fisheries Initiative (PICFI) Business Development Team (BDT), to support implementation of the Business Development Source (BDS) and the Pacific Commercial Fisheries Diversification Initiative (PCFDI),
- d. Indigenous Programs Renewal (*consistent with mandate*): participation in the National Indigenous Program Review and development of a National Indigenous

- Fisheries Institute. This activity to be guided by a First Nations Coordinating Committee to provide informed advice and collaboration to the FNFC
- e. *Supporting where practical and within available resources*, the implementation of the **Memorandum of Understanding** between the Minister and the First Nations Leadership Council, including developing and implementing a joint work plan, and implementing the 2015-2018 First Nations Fisheries Council Strategic Plan and joint priorities and performance measures.
2. Identify issues, and engage First Nations, and advise on improving communications and coordination between First Nations and DFO related to PICFI objectives related to enhanced accountability and ensure alignment with DFO's Strategic Framework for Fisheries Monitoring and Catch Reporting in the Pacific Region (Catch Reporting Framework) by collaboratively:
    - a. Participate in up to three (3) DFO Tier 2 food, social and ceremonial (FSC) fisheries monitoring and catch reporting implementation group' meetings.
    - b. Participate in up to three (3) the Monitoring and Compliance (M&C) Panel meetings in an effort to build processes to bring forward First Nations perspectives.
  3. Identify issues, and engage First Nations, and advise on DFO's policy and programs through quarterly DFO-FNFC Executive and Steering Committee meetings, FNFC Executive meetings, FNFC Annual General Assembly, FNFC bi-weekly calls, FNFC communiqué, FNFC email list-serve, and other Tier 1 and 2 fisheries processes. Key priorities for 2016-17 are:
    - a. Fisheries dispute resolution and safety protocol
    - b. Aquaculture policy (e.g., build functioning Tier 2 as per TOR, BC Aquaculture Regulatory Program (BCARP) decision-making processes, siting guidelines, improve First nations engagement in advisory proceses, etc.)
    - c. Integrated Natural Resource Secretariat (Tier 1 activity)
    - d. Fisheries Policy Dialogue Forum and policy development (eg, protocol agreements, FSC allocation framework)
    - e. FNFC/Science partnership projects
    - f. Aboriginal Guardian program NIFI - IPR
    - g. Oceans Protection Plan/Marine Safety activities

## ANNEX 3: FNFC STRATEGIC PRIORITIES FOR 2015-18

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In 2007, the First Nations Leadership Council, (Assembly of First Nations, Union of BC Indian Chiefs and First Nations Summit) published the *BC First Nations Fisheries Action Plan*, and through formal resolutions, mandated the establishment of the First Nations Fisheries Council (FNFC). The FNFC is a province-wide organization that is supported by, accountable to, and has balanced representation of, First Nations in British Columbia. As the roles and responsibilities of the FNFC have dramatically expanded since its inception in 2007, the organization has developed *Charting a Course Forward, FNFC Strategic Plan, 2015-2018*.

Building on the previous strategic plan, the 2015-2018 Strategic Plan is meant to ensure that the FNFC remains a healthy, vibrant and sustainable organization that maintains adequate capacity to effectively and cohesively advance the interests of First Nations concerning fisheries and aquatic resources as outlined in the 2007 *BC First Nations Fisheries Action Plan*. In the context of shifting fiscal and policy environments, the FNFC Strategic Plan (2015-2018) provides direction to leverage the relationships and processes established over the past several years to organize for change that positively influences policy and management of fisheries and aquatic resources at various scales and across various departments with mandates that may influence the policies, management or sustainability of marine and freshwater aquatic species or their habitats.

*Charting a Course Forward, FNFC Strategic Plan, 2015-2018* (pages 6 and 7) identifies the FNFC's priorities and strategic directions:

- 1. Protection of Rights and Sustainable Fisheries**  
*Ensure the vitality and longevity of all fisheries in British Columbia and the communities and people that rely on these resources. First Nations Section 35(1) priority access is entrenched in case law, and is a foundation to ensure the sustainability of natural resources and the indigenous communities that rely on them for future generations.*
- 2. Governance and Management**  
*Build and foster increased First Nation technical, policy and science process capacity to meaningfully participate in collaborative management.*
- 3. Enhanced First Nation Economic Performance**  
*Support First Nations to have enhanced economic development opportunities related to the sustainable use of fisheries and aquatic resources.*
- 4. Strategic Outreach Through Effective Communication**  
*Effectively communicate with all First Nations through clear mechanisms that support the genuine engagement of all communities in British Columbia.*

The Strategic Plan aligns principles and priorities identified by First Nations with the required objectives and actions that foster mechanisms for improved communication, accountability,



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governance, and mechanisms that establish the necessary organizational stability to advance annual and multiyear work plans.

Addressing fisheries and aquatic resource issues is a complex task that involves political, technical and financial factors, as well as multiple parties (First Nations, government, industry, non-governmental organizations, etc.) and geographic scales (community, regional, provincial, national, international). Given these factors, the FNFC must communicate effectively with BC First Nations through clear mechanisms that support the engagement of all communities on matters related to the protection, conservation and management of fisheries and aquatic resources and to the protection of First Nations fishing rights.

The FNFC has worked to develop two-way communication mechanisms between our organization and BC First Nations to ensure that our work;

- a) reflects the fisheries aspirations and priorities of First Nations, and
- b) supports the work of First Nations on fisheries matters.

Clear and effective communication enhances the FNFC's ability to understand the interests and concerns of First Nation communities and to develop and express positions with wide First Nations support. As per the 2010 All Chiefs Task Force recommendations for BC First Nations to develop coherent and cohesive positions, the FNFC strives to develop a strong, united voice on fisheries that supports Aboriginal Title and Rights and Treaty Rights and the diverse values and interests of First Nations across the province.