

TRANSFORMING RELATIONSHIPS FOR SUCCESSFUL INDIGENOUS FISHERIES

FNFC STRATEGIC PLAN
2019-2021

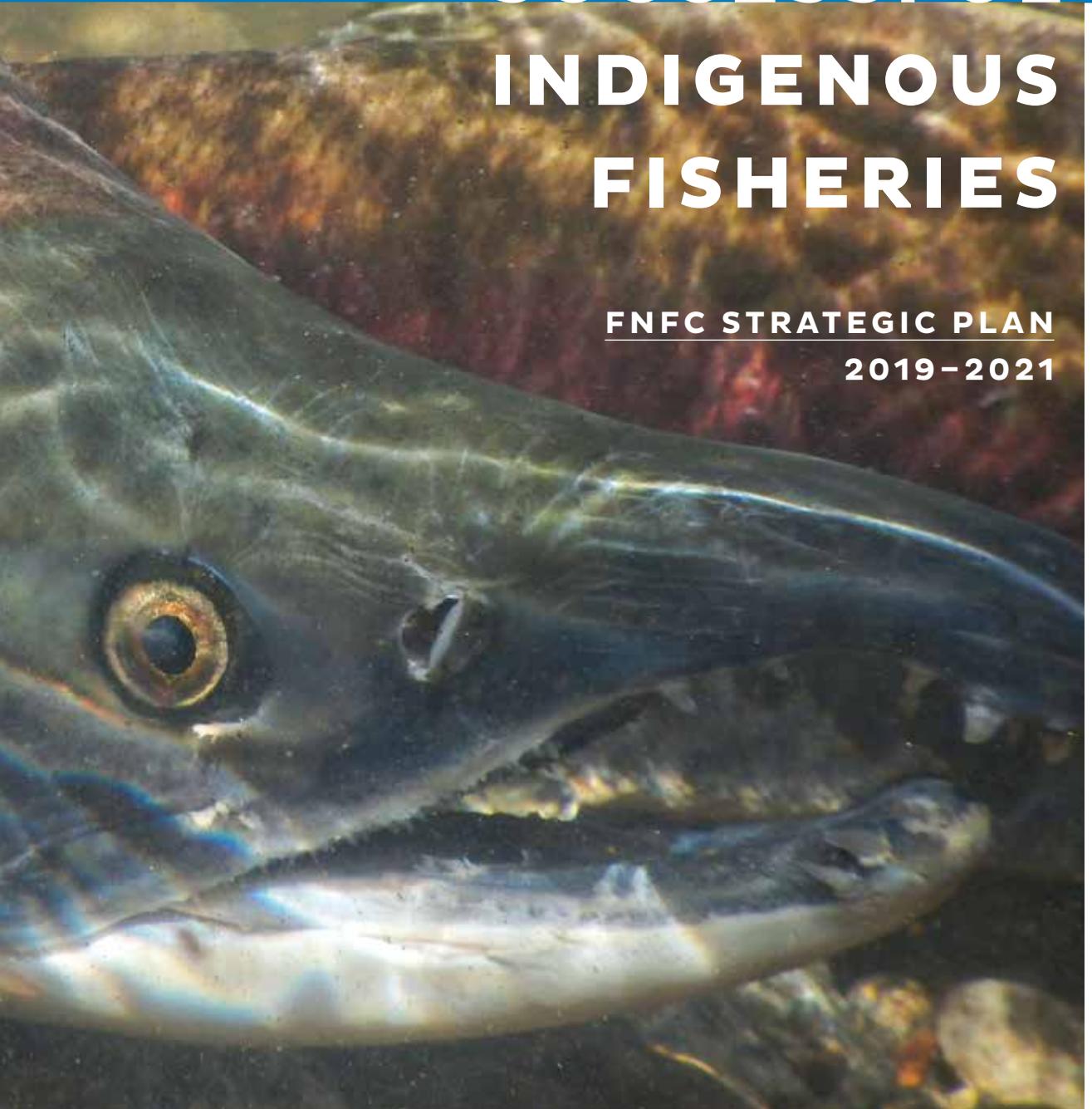




Photo Credits L-R: Penny White / Dawn Foxcroft / Sally Hope



Photo Credits L-R: Pictographic Creative / Secwepemc Fisheries Commission
Front & Back cover: Billie Johnson



MESSAGE FROM THE COUNCIL

As our ancestors did for thousands of years before us, First Nations in what is now called British Columbia have always honoured, protected, and relied on fish and other aquatic resources. We've actively managed fisheries and ecosystems according to our inherent Indigenous laws and governance structures, and we take seriously our responsibility to protect our natural environment for future generations. We're inextricably bound to our lands, waters and resources, and this connection forms the very foundation of our identities, communities, cultures, health, wellbeing, knowledge systems, languages, and economies. We are fishing peoples, and fisheries are truly at the centre of our way of life.

The environment in which we operate has changed considerably since our last Strategic Plan in 2015. For example, we've seen changes in provincial and federal governments in BC and Canada, the development of a new and improved federal *Fisheries Act* that restores lost protections and encourages a more precautionary approach to management, and a new focus on renewing government-to-government relationships based on respect, recognition of rights, and partnerships as the foundation for transformative change. With recent commitments from provincial and federal governments to implement the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Truth and Reconciliation Commission Calls to Action*, we are optimistic about reconciliation in fisheries and what meaningful progress we can achieve together.

While we are seeing positive incremental change on the policy front, we still have a long road to travel. We must not only re-set the relationship between First Nations and Crown governments, but also ensure that management approaches are focused less on wild capture fisheries for other sectors and more on ensuring that BC First Nations have appropriate allocation and access to fisheries and aquatic resources that reflects our priority rights. We must also continue to fight for the protection, conservation and rebuilding of fish populations and habitats as we face impacts such as competing fisheries interests, industrial development, resource extraction, and climate change.

The relationships among our communities and Nations and the strength of our unity continues to drive the work of the FNFC as we work to assert our rights to access and manage our fisheries. We look forward to our continued work together as we implement this new strategic plan.

WILELEQ / KEN MALLOWAY

President, First Nations Fisheries Council

OUR VISION

- » We are responsible, as our ancestors were before us, for protecting our land, waters and resources and passing on our traditional values and practices to future generations.
- » First Nations in BC will work together with respect for each other and the natural world to address issues in the fishery for our common good and for the well-being of our communities.
- » We will strive to maintain, and restore where necessary, healthy aquatic ecosystems and species.
- » We will work as partners and share management responsibility based on our ownership of our territories and our right to manage the fishery.
- » We will work with other governments and third parties to ensure recognition and respect of Aboriginal Title and Rights and Treaty Rights and to ensure conservation and appropriate management of the resource.

OUR MANDATE

Through the BC Assembly of First Nations (BCAFN), Union of BC Indian Chiefs (UBCIC) and First Nation Summit (FNS), BC First Nation Chiefs endorsed the following mandate for the First Nations Fisheries Council:

The First Nations Fisheries Council (FNFC) works with and on behalf of BC First Nations to protect and reconcile Aboriginal Title and Rights and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources. The FNFC will achieve this mandate by working to:

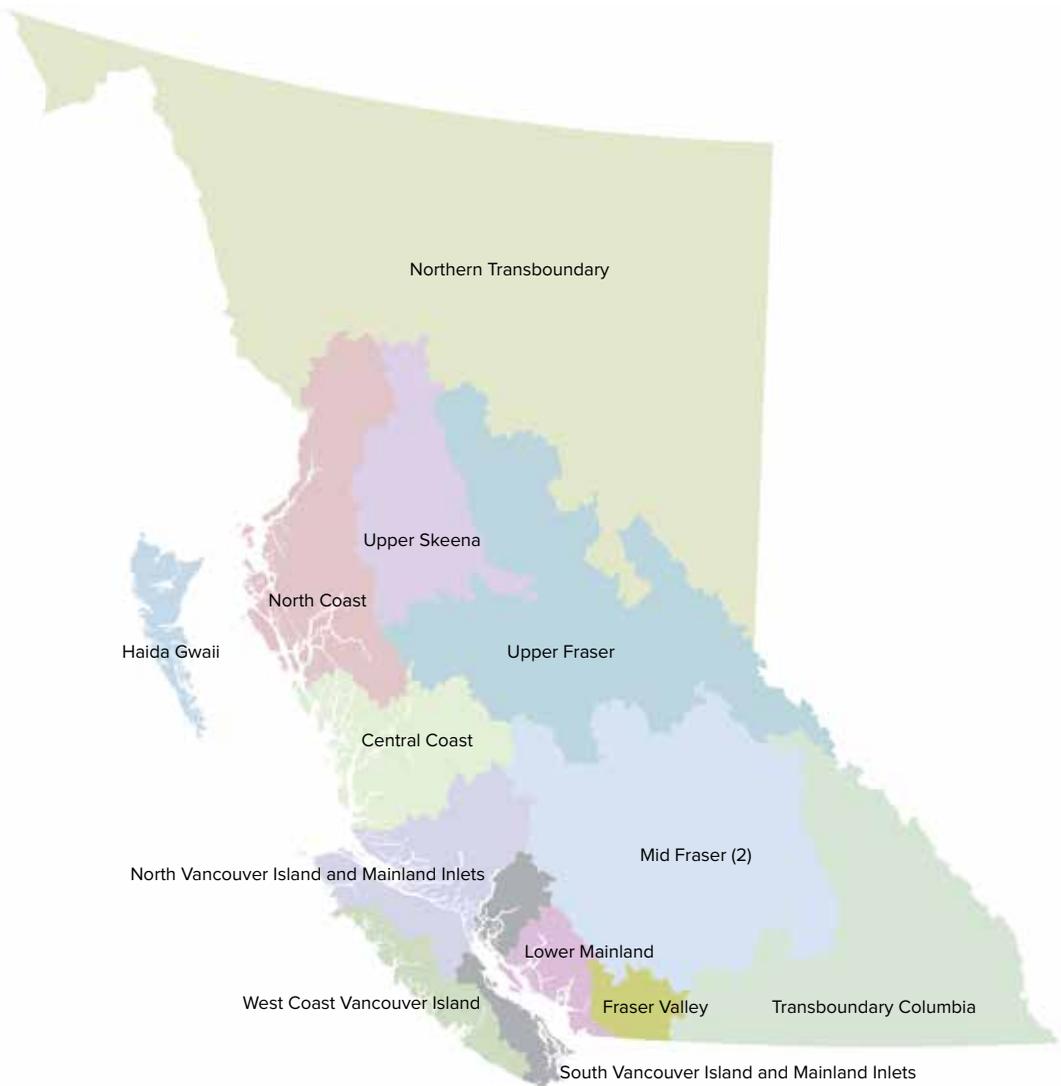
- » Advance and protect First Nations title and rights related to fisheries and aquatic resources, including priority access for food, cultural and economic purposes.
- » Support First Nations to build and maintain capacity related to fishing, planning, policy, law, management and decision-making at various scales (local, regional, national, international).
- » Facilitate discussions related to the development of a British Columbia-wide, First Nations-based collaborative management framework that recognizes and respects First Nations jurisdiction, management authority and responsibilities.

Photo Credit: Doreen Peter



OUR REGIONS AND STRUCTURE

Ratified at the 2009 Fisheries Assembly in Nanaimo and by resolution of the First Nations Summit, Union of BC Indian Chiefs and BC Assembly of First Nations, the FNFC structure is organized into 14 geographic regions identified by BC First Nations. Through whatever appointment process the First Nations within each region deem appropriate, one Delegate per region is appointed to sit on the Council for a three-year term. These 14 Delegates make up the FNFC membership, and they choose from among themselves 6 Directors of the Society, and from the Directors, they select a President, Vice President, and Treasurer.



COMMUNICATION, OUTREACH AND COLLABORATION



Photo Credits Top to Bottom: FNFC / D. Levy / Dawn Foxcroft / Doreen Peter / Rose-Ann Billy
Right: Jonathan Hand

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, 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. As per the 2010 All Chiefs Task Force recommendations for BC First Nations to develop coherent and cohesive positions, 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.



DRIVING TRANSFORMATIVE CHANGE IN FISHERIES GOVERNANCE AND MANAGEMENT / STRATEGIC PRIORITIES 2019–2021

The FNFC strategic plan is developed to implement and advance the vision and aspirations of First Nations leaders to achieve transformative changes in the BC Fishery as described in the 2007 BC First Nations Fisheries Action Plan. While responding to emerging issues is essential, a key focus of the FNFC is to develop effective governance mechanisms, form collaborative relationships among First Nations organizations, and work together with First Nations to speak with a strong and unified voice on fisheries. Working together enables First Nations to harness the collective capacity needed to generate the transformative change needed for the governance and management of Pacific fisheries and for meaningful engagement and participation of First Nations in fisheries planning and management. The FNFC will seek the necessary resources to implement our strategic priorities for 2019–2021:

Strategic Priority 1

Recognition, Respect and Implementation of Indigenous Rights

First Nations in Canada have inherent Aboriginal and Treaty Rights recognized and affirmed in section 35(1) of the Constitution Act, 1982. The process of reconciliation with respect to Indigenous laws, inherent and treaty rights and self-determination relating to fisheries will include transformation in all aspects of the governance and management of fish, fisheries, and their habitats.

- » Facilitate integrated policy dialogue with federal and provincial Crown agencies whose organizations have responsibilities for reconciling Aboriginal Rights and Treaty Rights, fisheries, marine and freshwater habitats, and environmental management.
- » Facilitate dialogue among BC First Nations to review existing and future federal and provincial legislation, regulations, and policies as they relate to fisheries or aquatic resources and marine and freshwater environments and collaborate with BC First Nations on developing unified responses and shared approaches.
- » Ensure that First Nations' rights to fish and to protect and manage fisheries and their habitats in their traditional territories are maintained by integrating First Nations authority, roles, and priorities into all levels of decision-making.

Strategic Priority 2

Collaborating for Improved Management and Sustainable Fisheries

Build and foster increased First Nation technical, policy and science capacity to meaningfully participate in joint management of fish, fisheries and their aquatic environments.

- » Indigenous Knowledge Systems must be respected and integrated with governance, management and science processes.
- » Convene and facilitate meetings, workshops, and other forums to engage First Nations in meaningful Tier 1 and Tier 2 dialogue and decision making related to fisheries, fish habitat and aquatic resources, and marine and freshwater environments. (See page 8 for definitions of Tiers.)
- » Develop a collaborative Tier 1 process to address shared First Nations priorities related to the management and regulation of aquaculture as a federally managed fishery, including protection of wild salmon, science and assessment, regulatory development, and monitoring.

Strategic Priority 3

Re-building First Nation Fisheries Economies

Support First Nations to benefit from the resources in their territories and successfully develop economic opportunities through the sustainable use of fish and aquatic resources, self sufficient businesses, and healthy First Nation economies.

- » Establish and maintain meaningful relationships and partnerships which foster and support First Nations self-sufficiency in fisheries and marine economies.
- » Strengthen capacity to advance fisheries and marine business and to support operational success and independence of BC First Nations.
- » Explore and facilitate opportunities allowing for diversity of long-term and self-sufficient First Nations business initiatives in the fisheries and marine sector.
- » Explore opportunities for First Nations in responsible aquaculture ventures, including freshwater aquaculture, shellfish aquaculture, and land-based closed containment aquaculture.

Photo Credit: Aiden Neil



FIRST NATIONS FISHERIES RIGHTS

By virtue of a long history with fisheries that preceded non-Indigenous settlement in North America, First Nations in Canada have a different legal relationship to fisheries than non-Indigenous Canadians. Aboriginal rights are entrenched in Canadian law in Section 35(1) of the *Constitution Act, 1982* which states “*The existing Aboriginal and Treaty Rights of the Aboriginal Peoples of Canada are hereby recognized and affirmed.*” This constitutional status is meant to ensure protection of and eliminate the potential for their unjustified infringement. The Crown has a legal obligation to consult and accommodate First Nations in relation to any action or decision that has the potential to infringe upon constitutionally protected Aboriginal Rights and Treaty Rights.

ABORIGINAL RIGHT A practice, custom or tradition integral to the distinctive aboriginal Aboriginal group in question.

ABORIGINAL TITLE A right to use the land and right to choose how the land will be used.

TREATY RIGHT Rights held by First Nations that have been affirmed or granted through a treaty-making process with the Crown.

The historic and present struggles between First Nations in BC and DFO are well demonstrated by the body of case law that has emerged from the province and which has shaped the Canadian legal landscape on fisheries management. These legal decisions have confirmed Aboriginal title to the land and resources of the territory, Aboriginal and Treaty rights to fish, and the continuing rights of self-government. Indigenous inherent rights and s. 35(1) Aboriginal and Treaty rights are not frozen in time; the modern expression of a right must be part of its logical and natural evolution. These rights have and will always include the rights and responsibilities of First Nations to govern and manage fish, fisheries, marine and freshwater habitats, and the lands and waters in their territories.

In 1990, the Supreme Court of Canada issued a landmark ruling in the Sparrow decision, stating that First Nations have an Aboriginal right to fish for food, social and ceremonial (FSC) purposes, and that this right takes priority, after conservation, over all other uses of the resource.

Photo Credit: Sally Hope



RECONCILIATION IN FISHERIES

Recently, the Federal Government and the Province of British Columbia have each committed to achieving reconciliation with Indigenous Peoples through a renewed government-to-government relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change. Moving forward, the process of reconciliation will be informed through the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and the *Truth and Reconciliation Commission Calls to Action*.

As identified by the Truth and Reconciliation Commission of Canada, “reconciliation’ is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior”

(What We Have Learned: Principles of Truth and Reconciliation, p.113).

In the context of reconciliation in fisheries, there needs to be acknowledgement and understanding that for nearly 150-years, Crown policies and laws have been used to strip First Nations of their governance and management of fisheries and to severely restrict their access, harvest and use of fish and other aquatic resources for food, social, ceremonial and economic purposes. First Nations have experienced marginalization in fisheries, competition with Crown-created commercial and recreational fisheries, significant social, health and economic impacts due to the decline of fisheries, degradation of marine and freshwater habitats, and bearing the brunt of conservation efforts.

During this time, First Nations have had to navigate an increasingly complex legislative, policy and regulatory environment in their efforts to have their inherent Aboriginal rights and treaty rights recognized and accommodated. Despite the policies and practices of Crown governments, BC First Nations have continuously exercised practices, customs and laws associated with the fisheries resources and habitats in their territories.

First Nations’ vision of reconciliation in fisheries includes having jurisdiction and authority over their own territories and resources and having the ability to meet their communities’ food, social, cultural and economic needs. First Nations must be supported in developing and implementing their own laws and policies that can be exercised in a more harmonious manner and afforded due respect alongside Crown laws and policies.

Reconciliation includes respect and implementation of First Nations' inherent priority right to access fisheries, and for First Nations to fully benefit from the wealth and diversity of fisheries in their territories. First Nations envision food security and a healthy environment that supports healthy fisheries and healthy communities, which may only be achieved through restoring habitats and rebuilding fish populations. If thoughtfully and meaningfully implemented, these are some initial concrete actions that would have a major impact on First Nations aspirations towards reconciliation with the Crown.

We recognize that reconciliation with respect to fisheries governance and management is not easy work and nor will it be completed overnight, but what is absolutely required is a continual commitment from both the Crown and First Nations to the process of reconciliation. True reconciliation must include the full restoration of the deep connections and integrated relationship that BC First Nations have with their fisheries, equal participation in the governance and management of lands, waters and resources, and for First Nations to enjoy without restriction the full values and benefits of aquatic resources now and into the future.

Photo Credit: Jazzelle Titian



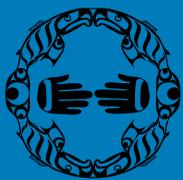




Photo Credits L-R: Secwepemc Fisheries Commission / Kerry Carlick / Sally Hope



Photo Credits L-R: Kelsey Campbell / Tina Donald
Left: Frankie Victor



FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

info@fnfisheriescouncil.ca / 778 379 6470

FNFISHERIESCOUNCIL.CA

