

**OCEANS PROTECTION PLAN
COMMITMENT TO ACTION AND RESULTS**

Effective date of this agreement is March 22nd, 2019

BETWEEN

THE FIRST NATIONS FISHERIES COUNCIL OF BRITISH COLUMBIA

("FNFC")

AND

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by Transport Canada, Fisheries and
Oceans Canada, Canadian Coast Guard, and Environment and Climate Change Canada**

("Canada")

(Collectively, the "Parties")

1. PURPOSE:

The purpose of this document is to provide a non-legally binding framework that facilitates the effective and respectful working relationship between the Parties with a focus on overcoming barriers and improving approaches to supporting First Nations involvement in the implementation of the Oceans Protection Plan. Through joint work planning the Parties will partner to determine areas of collaborative work and timelines for completion of the identified work.

2. PRINCIPLES:

The discussions and collaborative efforts of the Parties will be guided by the following principles:

- a. Respect
- b. Inclusiveness
- c. Flexibility
- d. Sustainability
- e. Stewardship
- f. Accountability

3. CONTEXT:

In entering into cooperative discussions, the Parties acknowledge:

- a. The fundamental importance of protecting the marine environment and ecosystems to First Nations in British Columbia;
- b. That Canada and First Nations in British Columbia share common goals of maintaining healthy ecosystems and promoting the sustainable and safe use of those resources;

- c. That effective working relationships between Canada and First Nations in British Columbia are important to advancing these goals and the interests as they relate to the Oceans Protection Plan;
- d. For the purpose of this agreement Transport Canada will be the lead federal department on behalf of Canada regarding coordination of Oceans Protection Plan engagement;
- e. That there are other avenues and agreements for Indigenous partnerships and participation in the Oceans Protection Plan broadly, and at the Oceans Protection Plan initiative level, for First Nations and other Indigenous groups;
- f. That the scope of the issues relevant to First Nations in British Columbia includes those related to the protection, stewardship, and safe use of the marine environment that may be addressed under the Oceans Protection Plan;
- g. That First Nations in British Columbia have developed a *BC First Nations Fisheries Action Plan* that provides a basis for the Parties to discuss collaborative initiatives and priorities related to the Oceans Protection Plan;
- h. That as Section 35(1) of the *Constitution Act, 1982* states: “the existing aboriginal and treaty rights of the Indigenous Peoples of Canada are hereby recognized and affirmed”;
- i. That Canada has a fiduciary relationship with the Indigenous Peoples of Canada, and the relationship between Canada and First Nations is therefore different in character than the relationship between the federal government and other stakeholder groups; and
- j. That Canada is guided in its relationship with Indigenous Peoples by the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Principles Respecting the Government of Canada’s relationship with Indigenous Peoples*.

4. ROLES AND RESPONSIBILITIES:

The Parties recognize:

- a. That Canada has responsibilities with respect to developing and implementing policies and programs in support of Canada’s scientific, ecological, social, safety and economic interests in the marine environment, and to ensure the safe movement of people and goods by water;
- b. That First Nations in British Columbia also have responsibilities with respect to aquatic resources and seek to take on greater leadership and stewardship responsibilities;
- c. That the FNFC, on behalf of its affiliated organizations (as outlined in the *FNFC Strategic Plan 2015-2018*), is responsible for:
 - i. Identifying areas of mutual interest and potential collaboration on Oceans Protection Plan initiatives;
 - ii. When appropriate, including Oceans Protection Plan initiatives at regular province-wide forums and assemblies to increase open dialogue, cooperation and support;
 - iii. Sharing information on fisheries, marine and aquatic resources, and issues related to the Oceans Protection Plan with First Nations in British Columbia and supporting improved information collection and collaboration;

- iv. Advancing the interests of First Nations in British Columbia as they relate to the Oceans Protection Plan by supporting and building effective working relationships with First Nations, First Nations organizations (provincial and national), governments, and others;
 - v. Working in collaboration with Canada, and providing a coordinating and advisory role with First Nations in British Columbia to support the building of long term relationships; and
 - vi. Supporting reconciliation amongst First Nations, First Nations and governments, and third parties;
- d. The importance of supporting local, regional, and sector-specific approaches to, and expertise on, Oceans Protection Plan initiatives. The Parties recognize the importance of effective community engagement, regular communications, and incorporating the expertise of First Nations professionals into the collaborative work of the Parties; and
 - e. The importance of working together to increase opportunities for integrated planning between the Parties and third-party interests.

5. WORK PLANNING:

- a. The Parties will develop a joint work plan(s) describing joint project areas, timelines, roles, responsibilities and deliverables.
- b. The core work of the joint work plan(s) will be accomplished through:
 - i. Regularly scheduled meetings between the FNFC and regional Oceans Protection Plan officials;
 - ii. Activities as agreed upon by the Parties per the work plan.
- c. The Parties will jointly identify when meetings with senior federal officials, other federal departments or other First Nations organizations are required, and will work together in the organization of such sessions.
- d. The Parties will jointly identify when broader dialogue between First Nations in British Columbia, Canada, and others are required, and will work together in the organization of such sessions.

6. AMENDMENT and TERMINATION:


- a. A Party may request that this document be reviewed, or amended at any time. Any amendments to this document must be in writing and agreed to by both Parties.
- b. A Party can terminate its participation in this agreement by providing three (3) months written notice to the other Party.
- c. The Parties will work together to define timelines and processes to review the progress of collaborative discussions, and processes for reviewing, amending or terminating this document.

Signed on behalf of the First Nations Fisheries Council:


Signed on behalf of Her Majesty the Queen in Right of Canada:



Ken Malloway
President
First Nations Fisheries Council



Robert Dick
Assistant Deputy Minister
Transport Canada
Pacific Region



Hugh Braker
Vice President
First Nations Fisheries Council




Rebecca Reid
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