

JOINT RESOLUTION OF BRITISH COLUMBIA FIRST NATIONS
September 2009

SUBJECT: B.C. FIRST NATIONS STATEMENT OF SOLIDARTY ON AQUACULTURE

WHEREAS:

- A. First Nations in British Columbia have constitutionally protected title and rights that have been affirmed by the Supreme Court of Canada and by international conventions and treaties, including *UN Declaration on the Rights of Indigenous Peoples*;
- B. Through the *New Relationship*, the *First Nations-Federal Crown Political Accord on the Recognition and Implementation of Title and Rights*, and the *Transformative Change Accord*, the federal and provincial governments have agreed to work toward the implementation of a government-to-government relationship with First Nations based on respect, recognition and accommodation of title and rights;
- C. First Nations in British Columbia have title and rights to our lands, waters and resources, and these rights include the right to be self-determining and to manage our lands, waters, and resources according to our sovereign, inherent and collective responsibilities, laws and jurisdictions for the benefit of future generations and the protection of indigenous species;
- D. As sovereign First Nations we have the right to protect, manage and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;
- E. First Nations acknowledge the interdependence we have with one another and respectfully honour our commitment to work with one another where we share lands, waters and resources to maintain and develop resource development strategies and cooperative relationships built upon respect, transparency, openness, accountability and mutual trust;

AND WHEREAS:

- A. We respect that each First Nation has the right to determine their level of involvement and perspectives on the aquaculture industry based on each community's aspirations, priorities and needs;
- B. We acknowledge that the impacts of the aquaculture industry to ecosystems and to fisheries and aquatic resources are not well understood and in particular that the geographic scope of the potential impacts continue to be studied and analysed. Indeed, we understand that there is a strong possibility that impacts of this industry may extend beyond the proximity of the aquaculture farm sites into neighbouring marine and freshwater ecosystems;
- C. As a result of the *Morton*¹ case, management of the aquaculture industry will require significant reform in order to balance the management responsibilities and jurisdictions of both the federal and provincial governments. Although it is unclear whether the federal government will assume a more

¹ *Morton v. British Columbia (Agriculture and Lands)*, 2009 BCSC 660.

active role in aquaculture management in B.C., what is clear is that B.C. First Nations must be actively involved in any legislative, policy and or decision-making process to reform the aquaculture industry in B.C.;

- D. B.C. First Nations have a right to be fully informed and involved in any legislative, policy and or decision-making process pertaining to reform of the aquaculture industry as these changes have the potential to adversely impact on First Nations title and rights. We request immediate action on behalf of both the federal and provincial governments to work with First Nations to ensure our title and rights are respected in the areas of, but not limited to:
- The siting of aquaculture operations within B.C.;
 - The day-to-day management, including the development and implementation of legislation and policy pertaining to aquaculture operations and the industry in general;
 - The development and use of science in the day-to-day management of aquaculture operations; The monitoring and compliance of the industry to ensure ecosystem health;
- E. The principles of reconciliation, respect and recognition of First Nations title and rights must be paramount in any legislative, policy or decision-making process regarding changes to the aquaculture industry. At a minimum, the honour of the Crown requires both the federal and provincial governments to minimize any infringement to title and rights, and to engage in appropriate consultation and accommodation processes.
- F. With direction from First Nations leadership in B.C., the First Nations Leadership Council's Aquaculture Working Group is mandated to engage with the province of British Columbia to address First Nations title and rights issues that have a bearing on the management and regulation of the aquaculture industry;
- G. The First Nations Fisheries Council has been empowered by First Nations leadership in B.C. to implement the B.C. First Nations Fisheries Action Plan and part of this task includes working to advance title and rights, to build capacity, and to help facilitate discussions with the federal and provincial governments regarding the recognition of First Nations inherent rights with respect to the management of fisheries and aquatic resources;

THEREFORE BE IT RESOLVED:

1. That we recognize and respect each other's autonomy and support each other in exercising our respective title, rights and jurisdiction. This recognition and respect applies to each First Nation in terms of their involvement and stance on the aquaculture industry.
2. That we demand respect for our title and rights, including our resource management rights, when farm siting is being determined within our territories. We demand involvement within the management and decision-making process if farms are proposed within our territories. This involvement is required in order to protect environmentally, socially, and culturally significant areas, to safeguard our traditional food sources, to secure the long-term health of wild salmon, and to protect our right to manage our territories.
3. That we demand input into the day-to-day management of the aquaculture industry, as these decisions directly or indirectly impact on our communities, our title and rights, as well as our ways of life. We demand that Canada and British Columbia incorporate a local or area management

approach with respect to aquaculture that is responsive to local environmental factors and considerations and which engages First Nations in a meaningful management role.

4. That we demand engagement in the science that guides decision-making on the management and regulation of the aquaculture industry. We want to be engaged and benefit from the open sharing of scientific information, the development and acceptance of new scientific tools, and the collection and analysis of data. We expect decisions to be made based on the best scientific information available. We further expect that our local and traditional knowledge will be respected, and incorporated into the science that informs aquaculture decision-making.
5. That we recognize the need to be involved in the monitoring and compliance of this dynamic industry to ensure that our title and rights are respected, our resources are safeguarded for future generations, and our indigenous species protected from unjustified harm or possible extinction.

FURTHER BE IN RESOLVED:

1. That the [UBCIC/FNS/BCAFN] Chiefs in Assembly call upon the First Nations Fisheries Council and the Aquaculture Working Group to carry the messages as outlined in this resolution to the Federal and Provincial governments, advocating for the engagement of First Nations at the Nation and community level in aquaculture management, regulation and decision-making.
2. That the [UBCIC/FNS/BCAFN] Chiefs in Assembly commit to working in accordance with the messages outlined in this resolution to ensure that any actions taken in respect of the aquaculture industry are respectful of our lands, waters and resources, are consistent with our common cultural belief systems, and improve our overall quality of life.
3. That the [UBCIC/FNS/BCAFN] Chiefs in Assembly affirm our commitment, our unity, and our moral, spiritual, traditional, and political accountability to work together in a Nation-to-Nation and community-driven process to secure the long term health of our communities, territories and resources.