



What is the history of this issue and how does it impact First Nations?

The Assembly of First Nations (AFN) Fisheries Sector is supported by the National Fisheries Committee (NFC), who advise and support the collective interests of First Nations in Canada on priorities related to fisheries, aquaculture and oceans. The AFN Fisheries Sector continue to monitor activities impacting First Nations inherent and Treaty-protected rights, including monitoring Canada's considerations of the adverse effects of decisions on the rights of Indigenous Peoples when it unilaterally makes decisions under the *Fisheries Act*. The NFC has also been active in supporting the Sipekne'katik First Nation and all Mi'kmaq and Wolastoqey Nations in their pursuit to implement their livelihood fisheries as recognized in the Peace and Friendship Treaties (1752 and 1760/61), upheld and affirmed by *R. v. Marshall* (1999).

The AFN's recent Resolution 08/2020, *Systemic Racism in all Federal Agencies including Fisheries and Oceans Canada's Response to Sipekne'katik First Nation's Inherent Rights-based Fishery*, directed the AFN and the National Fisheries Committee to hold DFO accountable for the violence and crimes perpetuated against the Mi'kmaq fishers of Sipekne'katik First Nation in the Fall of 2020.

How has the AFN's recent advocacy affected this area?

The AFN Fisheries Sector completed virtual technical workshops on changes to the *Canadian Navigable Waters Act and the Fisheries Act*. These workshops gave the opportunity to share information and discuss First Nations' rights and interests on policies and regulations on legislative amendments to the Acts. A summary report will be produced to inform these policy and regulation changes to reflect First Nations priorities.

Through guidance from the Indigenous Knowledge Working Group, the AFN Fisheries Sector coordinated and facilitated four national technical workshops to share and exchange information on Indigenous knowledge systems in fisheries. A final technical summary report was created through participant feedback that identified key messages that will help inform capacity building requirements for First Nations to establish or advance Indigenous knowledge protocols. The Indigenous Knowledge Advisory Group met with the Department of Fisheries and Oceans (DFO) in March 2021 for an initial review of the workshop feedback and DFO's Guidance Document. Further sessions are needed to continue work that reflects First Nations inherent and Treaty rights.

The National Aquaculture Working Group (NAWG) collaborated on a discussion paper response

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to capture First Nations priorities and interests on the proposed Aquaculture legislation. The AFN Fisheries Sector plans to collaborate with the First Nations Fisheries Council (FNFC) in British Columbia to coordinate First Nations engagement efforts with the guidance of the NAWG.

The Fisheries Sector organized a series of virtual workshops on highlighting pathways to marine Indigenous Protected and Conserved Areas (IPCA). The workshops gathered coastal First Nations marine and fisheries practitioners to share experiences, needs, and considerations for advancing Indigenous-led marine conservation. A discussion paper is being developed to illuminate potential technical, policy, and legal pathways to marine IPCA designations under First Nations' authorities. This paper could be used to initiate dialogue among First Nations about the future of marine IPCAs in Canada and could potentially form the basis for further discussions and future policy development between DFO and First Nations on marine IPCAs.

Where do we hope to go in the future?

The AFN Fisheries Sector will continue to advocate for the implementation of provisions of the modernized *Fisheries Act* that allow for the Minister to delegate authorities under the *Fisheries Act* to First Nations. Additionally, the Fisheries Sector will advocate that the Department of Fisheries and Oceans (DFO) work with First Nations, provinces and territories, to revise regulations and policies to respect First Nations' Treaty-protected inherent right, and to empower First Nations' authorities in fisheries protection and enforcement.

The AFN Fisheries Sector will continue advocacy work related to the Fisheries Act and its implementation, especially in relation to Indigenous Knowledge Systems. The Sector will also continue to call on DFO to fund work for First Nations to develop their community Indigenous Knowledge protocols and related activities.

As a result of the changes to the *Fisheries Act* in 2019, the Inland Working Group will also turn its focus on policy development for DFO's The Fish and Fish Habitat Protection Program, responsible for the conservation and protection of fish and fish habitat under the *Fisheries Act*. The outcome of this work is to examine safeguards for the participation in the consultation process of Indigenous groups whose rights may be affected by the *Fisheries Act* and *Species at Risk Act* and work toward more collaborative activities relating to fish and fish habitat conservation across coastlines. The Inland Working Group will also continue to engage with the Freshwater Fisheries Marketing Corporation as it transforms itself to better represent the Indigenous fishers and their communities.

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On aquaculture, the AFN Fisheries Sector will work with the NAWG and FNFC to facilitate engagement and input on General Aquaculture Regulations and to co-develop, design, and deliver the proposed federal Aquaculture Act, regulations, policies, and programs. The AFN Fisheries Sector will continue to support and help build relationships with the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) to facilitate First Nations' engagement in this body.

Mandated by AFN Resolution 07/2019, *First Nations Oceans Priorities at the Convention on Biological Diversity*, the AFN Fisheries Sector will continue to ensure that First Nations priorities are reflected in the development of a new Global Biodiversity Framework, to be negotiated and finalized at COP-15 in October 2021 in Kunming, China. Ongoing work on oceans governance and conservation will focus on addressing the gaps between the implementation of IPCAs in terrestrial and marine environments in collaboration with the Environment, Lands, and Water Branch. The Oceans Working Group's Protection Plan subcommittee will continue work to assess and improve the Oceans Protection Plan and ensure that it includes the needs, priorities, and contributions of First Nations to build stronger protection measures for our oceans for present and future generations.

Upcoming Events

The following meetings and sessions will be coordinated in the summer and fall:

- Oceans Protection Plan Subcommittee Meeting – Summer 2021
- National Aquaculture Engagement Sessions – Fall 2021
- Inland Working Group – Fall 2021
- National Fisheries Committee – Fall 2021