



FISHERIES

OVERVIEW

The Assembly of First Nations (AFN) Environment Sector provides support to the National Fisheries Committee (NFC). The NFC provides advice to the National Chief and

Chiefs-in-Assembly on First Nation fisheries, as they exercise their inherent rights to peacefully exercise their jurisdiction(s) and management of their natural resources.

UPDATE

Inherent Rights to Fish

Chiefs-in-Assembly recently passed Resolution 75/2017, *National Day of First Nations Fishing Rights*, recognizing the first Monday immediately preceding May 25, 2018, as a National Day of First Nations Fishing Rights to reaffirm and exercise First Nations inherent rights to fish and manage First Nations resources.

Canadian Legislation, Law & Policy

Resolution 21/2017, *Respecting Inherent Rights-based Fisheries in Parallel with the review of Canada's Fisheries Act*, outlines the First Nations advocacy work to protect our Section 35 rights within the legislative process that seeks to amend Canada's Fisheries Act and its self-appointed role in protecting all fisheries in Canada.

Resolution 34/2017, *First Nations Engagement and Consultation on Bill C-55 Oceans Act and Marine Protected Areas*, directs the AFN to request that the Department of Fisheries and Oceans (DFO) Canada provide their engagement plan on Bill C-55 and identify

where First Nations will have an opportunity to be fully engaged and provide meaningful consultation. Additionally, the resolution directs the AFN to call on the Minister of DFO to provide financial resources to create a First Nations Oceans Act Working Group on the proposed changes to the Act. As a result, the AFN will host the first ever national Oceans Working Group on March 27 and 28, 2018, in Montreal, QC.

For greater clarity, across the reconciliation spectrum of efforts, Resolution 74/2017, *Fisheries Legislative Amendments and the Ten Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*, directs the AFN to call on the Government of Canada to identify the legislation, regulations and policies under the scope and review of the Working Group of Ministers on the Reviews of Laws and Policies Related to Indigenous Peoples. The resolution seeks clarity on current and future legislative and regulatory amendments that impact First Nations.

ISSUE UPDATE

April 2018

Resolution 76/2017, supports the *Establishment of a National Secretariat for the Negotiation and Implementation of Supreme Court Decisions regarding Fisheries*, and the efforts by First Nations organizations, like the Gladstone Reconciliation Society and communities, to address their concerns during the amendments to Federal Fisheries and fisheries-related policy and legislation as well as their efforts to have their Supreme Court decisions rights recognized within a Federal framework.

Resolution 33/2017, *Aquaculture Legislative and Policy Review*, directs the AFN to engage with DFO to provide financial resources to the National Aquaculture Working Group that will address existing policy and regulatory reforms. It also requests that DFO work with First Nations to co-draft any legislation regarding a proposed Aquaculture Act, as well, to provide the funding required for First Nations to

engage in technical and legal reviews. DFO has advised the AFN that the preliminary engagement on the potential development of a new Aquaculture Act has begun. The Engagement Framework to guide this work is currently under discussion with the National Aquaculture Working Group.

The Environment Sector continues to follow the work of other AFN sectors on emergent policy efforts, like the Ministerial Law and Policy Working Group and associated impacts on First Nations fisheries laws and policies due to the nature of their mandate and scope as described in Resolution 35/2017, *Clarify the Mandate and Scope of the Ministerial Law and Policy Working Group*.

NEXT STEPS

The following confirmed activities will take place in upcoming months:

- National Fisheries Committee (Resolution caucus), April 30, 2018, Gatineau, QC.
- National Policy Analysis Group (Inland Fisheries), September 2018, in Manitoba.
- National Aquaculture Working Group meeting, TBD.

