

First Nations Fisheries Council

Strategic Direction Update

Presented to:

Visions / Quesnel, October 5, 2011 Meeting



FIRST NATIONS
FISHERIES COUNCIL

Housekeeping

The FNFC has a new office:

202-100 Park Royal South (Black Tower)
West Vancouver, B.C.
778-279-2900



The Fall Fisheries Assembly will be

November 7-9, 2011
Penticton Lakeside Resort
Focus on Governance

Introduction

- The role of the FNFC is evolving because;
- Management of Pacific Fisheries will change in coming years
 - Sunset of PICFI program (2012)
 - Release of Cohen Commission Report (2012)
 - Introduction of DFO's evolving decision making frameworks

Evolving issues

- IHPC /IFMP – ensuring understanding, wkshp October
- IMAP rollout proposed wkshp November
- SCMF – specific to Southern Chinook
- Consultation and Accommodation – Draft
- RoadMap – Fraser
- Halibut Allocations – 88/12
- Case law implementation (lack thereof)

FNFC queries – in a complex environment

How do we work together to collectively advance our interests?

- Although continuing to respond to emerging issues is essential, a clear governance mechanism is required
- Requires cooperative relationships
 - between the FNFC and the First Nations Leadership Council
 - Between the FNFC and various watershed or regional organizations or initiatives

First Nations queries - Fisheries Council: Internal Governance

- What is the First Nations Fisheries Council's relationship with the First Nations Leadership Council?
- What is the First Nations Fisheries Council's relationship with Watershed Organizations or Initiatives?
- What is the nomination and appointment process for the First Nations Fisheries Council?

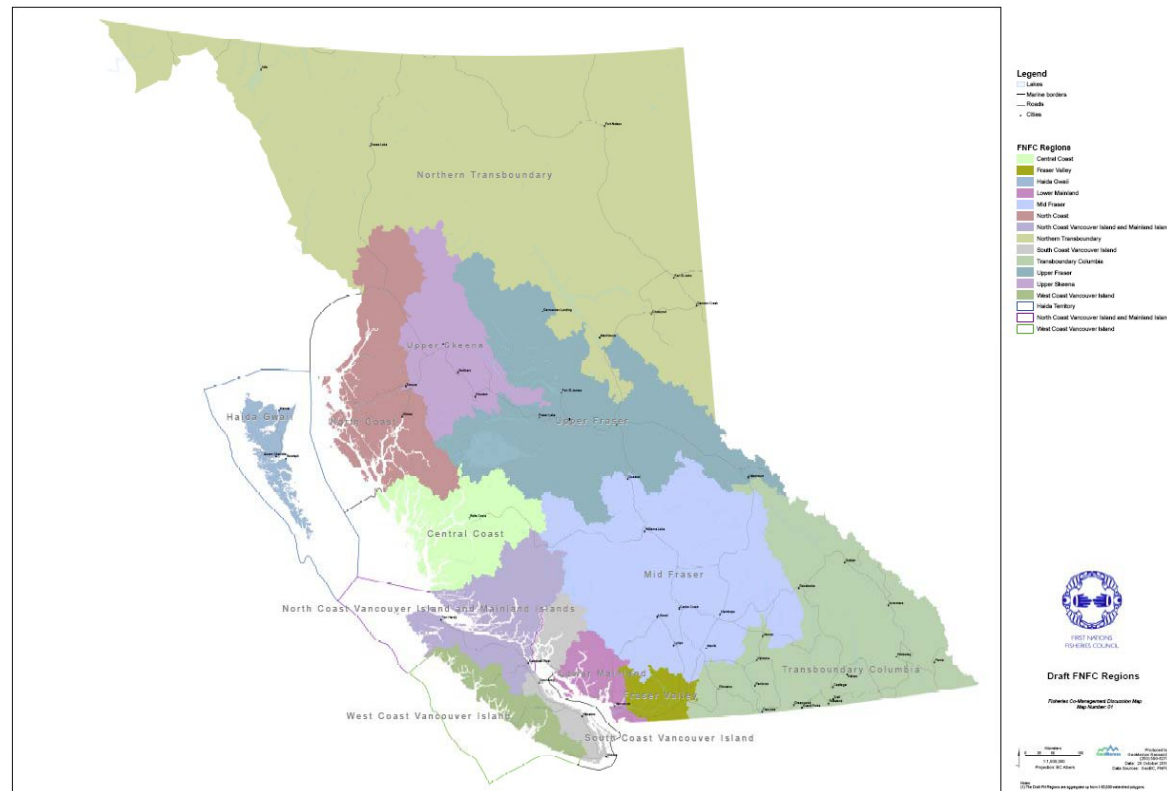
First Nations Fisheries Council Structure

Membership: Chiefs or delegates of each of British Columbia's 203 First Nations, which will meet in an annual Fisheries Assembly to provide overall guidance and direction to the Council.

Executive: Comprised of delegates selected by First Nations in each of 14 regions in British Columbia through whatever appointment process they deem to be appropriate, and with the support and assistance of the Fisheries Council in making their appointments.

Directors: 6 people appointed from and by the Executive (1 coastal chair, 1 interior chair, and 4 directors with portfolios).

First Nations Fisheries Council Regions



PHASE ONE (political)

First Nations Fisheries Council relationship with First Nations Leadership Council

Timeline: September 2011

203 First Nation Communities

	FNS		BCAFN		UBCIC
First Nations Leadership Council					

Document: Declaration and Protocol (September 2011)

Purpose: Affirm intentions to work together in a cooperative and mutually supportive manner in order to coordinate political and technical assets towards specific objectives

First Nations Fisheries Council

PHASE TWO

First Nations Fisheries Council relationship with Watershed Organizations or Initiatives

Timeline: September 2011

First Nations Fisheries Council

Document: Charter (September 2011)

Purpose: The Charter represents the foundation of a working relationship among the respective parties to coordinate technical assets towards specific objectives

First Nations
Technical Fisheries
Groups

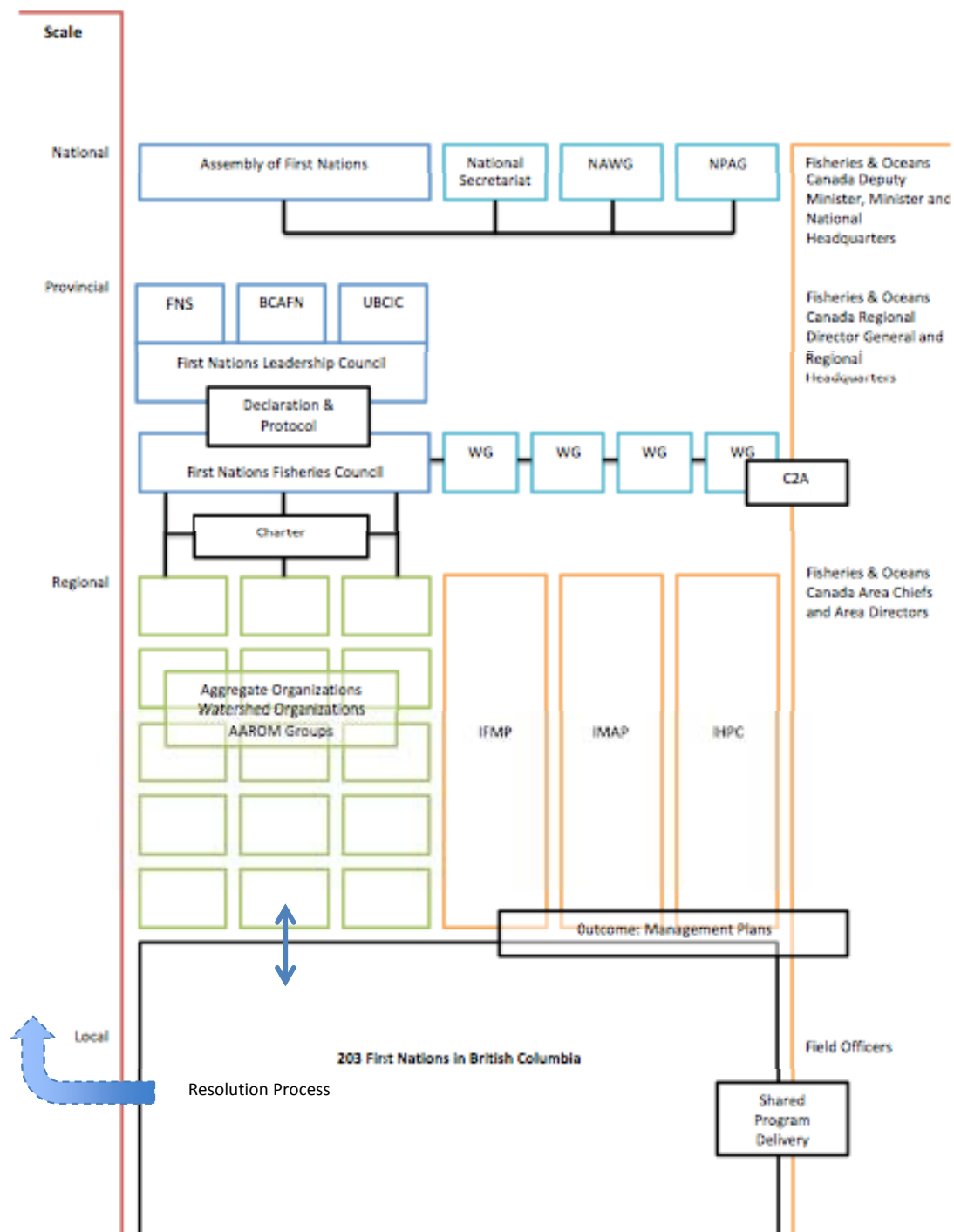
First Nations
Technical Fisheries
Groups

First Nations
Technical Fisheries
Groups

First Nations
Technical Fisheries
Groups

First Nations
Technical Fisheries
Groups

Snapshot of First Nations Engagement with DFO at Different Scales



PHASE THREE

**Developing a nomination and appointment process
for the First Nations Fisheries Council**

Timeline: November 2011

First Nations Fisheries Council

IMAWG, NTC & AFS			FRAFS, UFFCA & LFFA		ONA	SFC, NCSFNSS & CFN			HN	
Note: The existing watershed processes provide a critical communications linkage to First Nation communities										
West Coast Van. Island	North Coast Van. Island	South Coast Van. Island	Fraser Valley-Lower Mainland	Mid Fraser-Upper Fraser	Trans Columbia	Upper Skeena	North Coast	Central Coast	Haida Gwaii	North Trans

First Nations Fisheries Council: *Operational* Delegates for Advisory and Management Processes

Current Process:

- 28 Integrated Fisheries Management Plans
- South Coast Integrated Harvest Planning Committee
- North Coast Integrated Harvest Planning Committee

Increasing First Nations Involvement:

- Establish an Integrated Fisheries Management Plan Subcommittee
- Establish an appointment process for the South Coast Integrated Harvest Planning Committee (expand from 4-5 ?)
- Establish an appointment process for the North Coast Integrated Harvest Planning Committee (expand from 4 to 5 ?)

Future Considerations: Process

- Establish a First Nation Integrated Harvest Planning Committee with communication
- Develop an annual First Nations Integrated Fisheries Management Plan

STAGE ONE

Developing a Nomination Process

Timeline: November 2011

First Nations Fisheries Council

IMAWG, NTC & AFS			FRAFS, UFFCA & LFFA		ONA	SFC, NCSFNSS & CFN			HN	
Note: The existing watershed processes provide a critical communications linkage to First Nation communities										
West Coast Van. Island	North Coast Van. Island	South Coast Van. Island	Fraser Valley-Lower Mainland	Mid Fraser-Upper Fraser	Trans Columbia	Upper Skeena	North Coast	Central Coast	Haida Gwaii	North Trans

List of Nominations

STAGE TWO

**Developing a Legitimate Interim Appointment
Process for advisory - Subcommittee**

Timeline: Winter 2011-2012

List of Nominations as a Resolution to Planning
Committees and Subcommittees



All Chiefs' Assembly for Endorsement by Resolution

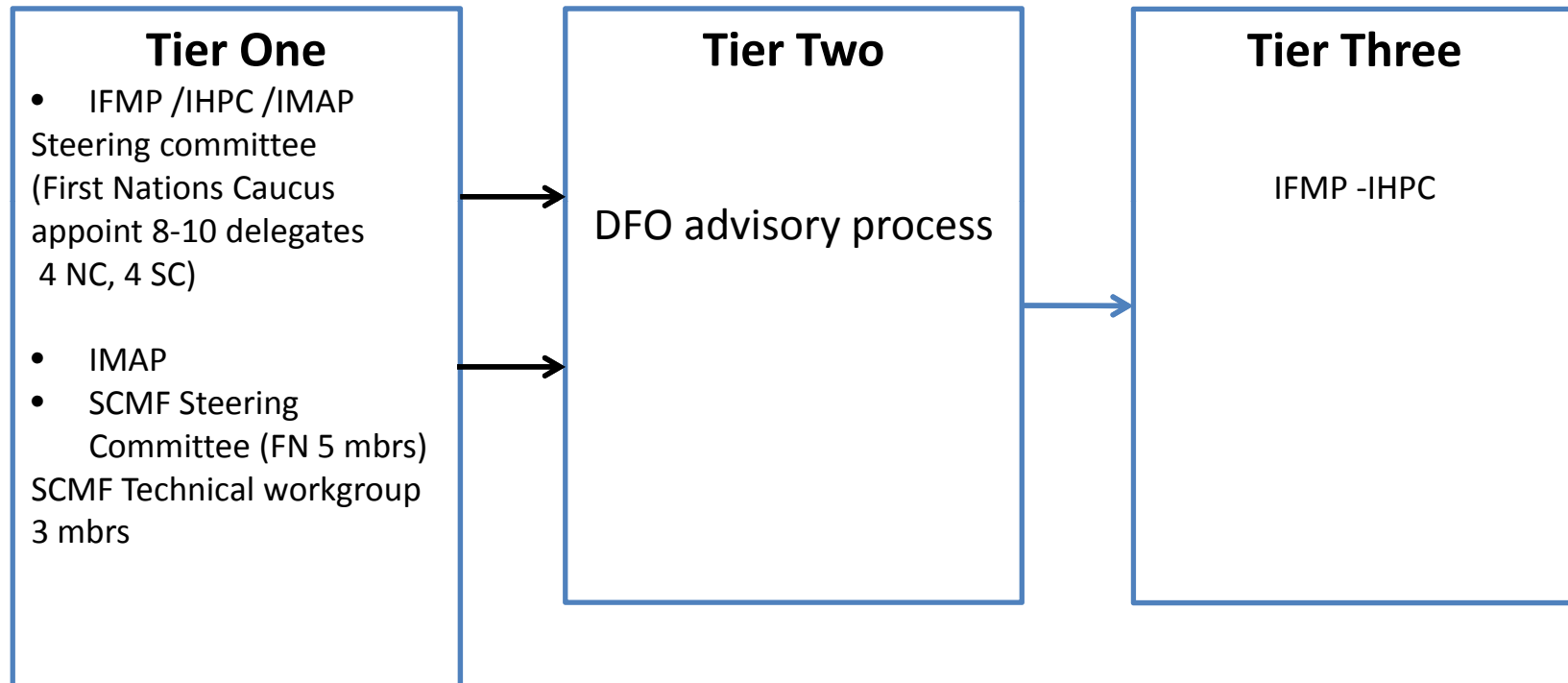


List of Nominations forwarded to Fisheries & Oceans
Canada

STAGE THREE

First Nations Interfacing with Tier 1,2,3 Processes

Timeline: 2011-2012



Lastly, Visions for Joint Management

What about the future ?

- **FNFC – long term workplan activity, Priority objective**
- **FN Fishery focused Governance;** BC First Nations, stemming from the Sparrow (s 35) Aboriginal Right, - asserted in OPATT - the authority and general aspirations for “Joint Management”, and 50 % of harvest of all fish species. The difficult task ahead, is for first Nations to ask themselves the hard governance questions, related to a frank assessment of;
- **where we are currently in management capacity as a *collective*, and,**
- **where specifically is the destination of Joint Management... what does this include? Science, data, compliance, enhancement,**
- Are the appropriate structures in place for collaboration on overlapping species ? (Salmon)

Some current examples of co-management structures that are effective, demonstrate that establishing these structures is complex and time consuming and takes years. So where to begin?

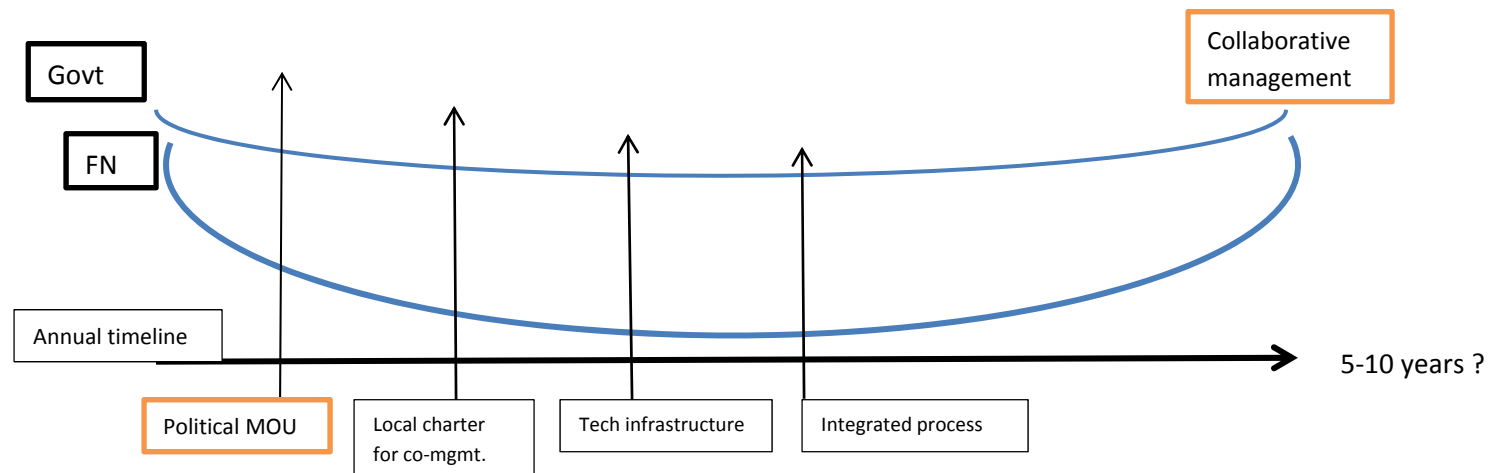
Building the Canoe. *For illustrative purposes;*

Over time FN and DFO must lay out a clear destination point together, and determine what is required from each party to reach the destination, and what are the timelines to get there.

As DFO (government) current has the capacity, and resources – reaching a collaborative “joint Management “ *destination , may be a shorter trip than for FN.* Govt will need to determine how to adjust to accommodate where agreed to;

FN, for their part, have a lot of collective work to do (200 tribes) - to reach agreement on structure, process, decision making, accountability, etc. thus the route may be longer.

The FNFC proposes to begin working with the Institute on Governance to elicit and design a strategic direction and planning process for viable Collaborative Management. This activity will be an evolving iterative process – which may require multiple annual dialogue sessions, which is part of the Policy Dialogue activity in C2A amendment \$127 500.



Stay involved – think big

Collaborate in your area



Raise the issues to the appropriate level - together



For more information:

- Please visit our website – www.fnfisheriescouncil.ca
- Visit our new office at 202-100 Park Royal South or call 778-279-2900
- Attend the Fall Fisheries Assembly November 8-9, 2011 in Penticton
- Participate in our Bi-weekly calls (next ones are Wednesday 9:00 – 10:30 on Sept. 21, Oct. 5, 2011)

First Nations Fisheries Council

Implementation of new Council Structure



FIRST NATIONS
FISHERIES COUNCIL

Executive Summary

At the 2009 Fisheries Assembly, and subsequently at meetings of the Union of B.C. Indian Chiefs and the First Nations Summit, a new mandate, structure, and function were approved for the First Nations Fisheries Council. The new Fisheries Council mandate strengthens the direction laid out for the Council in the *B.C. First Nations Fisheries Action Plan* (2007). The new structure increases the number of Fisheries Council members from 6 to 14, based on a system of geographic representation. These recommendations came about after more than a year of discussions within the First Nations Fisheries Council, with the B.C. First Nations Regional Fisheries organizations, and following a series of community meetings which took place around British Columbia in 2008.

For additional background with respect to the changes to the Council or the appointment process, the *First Nations Fisheries Council: Mandate, Structure and Function Discussion Paper*, is available on the Fisheries Council website at www.FNFisheriesCouncil.ca.

New Mandate

The First Nations Fisheries Council will continue to be guided by the B.C. First Nations Fisheries Action Plan. Further discussions, however, yielded the recommendation that the Council should create a mandate statement which succinctly describes the key objectives of the Council. This was done as a part of the ongoing discussions related to the new Council structure. The following mandate was approved:

The First Nations Fisheries Council works with and on behalf of B.C. First Nations to protect and reconcile First Nations rights and title as they relate to fisheries and the health and protection of aquatic resources. The Council 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 a variety of scales (local, regional, national, international); and*

- *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.*

New Structure & Function

One of the key concerns identified with the original Fisheries Council structure was that six Council representatives were not sufficient to adequately allow B.C. First Nations to feel that their interests and concerns would be represented. After discussing many options, B.C. First Nations approved a new structure for the Council which included the following elements:

- *Membership* – which will meet in an annual Assembly to which each of B.C.'s 203 First Nations will appoint delegates.
- *Executive* – which will be comprised of representatives which will be selected by the First Nations in each of 14 Regions in B.C., through whatever means they deem appropriate, and with the support and assistance of the Fisheries Council in making their appointments.
- *Directors* – which will include 6 people appointed from and by the Executive. These will include two (2) co-chairs (one from the Coast and one from the Interior) and four (4) Directors with portfolio (two from the Coast and two from the Interior).

The Executive of the Council is based on a network of fourteen Regions. The following Regions were approved at the 2009 Fisheries Assembly and by resolution at the First Nations Summit and Union of B.C. Indian Chiefs meetings:

<i>North Coast</i>	<i>Haida Gwaii</i>
<i>Central Coast</i>	<i>Northern Vancouver Island</i>
<i>South-East Vancouver Island</i>	<i>West Vancouver Island</i>
<i>Lower Mainland/ Lower Fraser</i>	<i>Fraser Valley</i>
<i>Mid-Fraser East</i>	<i>Mid-Fraser West</i>
<i>Upper Fraser</i>	<i>Upper Skeena</i>
<i>Transboundary-Yukon</i>	<i>Transboundary-Columbia</i>

The Council has not outlined which First Nations would be in each geographic area, and will not dictate to First Nations how they should go about appointing their representative for each area.

Next Steps: Appointing the New Executive

Effective immediately, the First Nations Fisheries Council is accepting recommendations from First Nations with respect to the appointment of new Council members. First Nations may use whatever method they deem appropriate for selecting a Council member, which may include, but is not limited to: appointment through a fisheries aggregate group, tribal council or natural resource council; appointment by hereditary chiefs who have customarily taken a lead in fisheries issues within the territory; or through a local nomination and selection committee.

The Council will be receiving nominations for a first round of Council appointments immediately. The goal is to have the first 7 new Council members appointed in late summer/early fall 2009. The remaining seven Executive members would be appointed by early fall 2010.

If First Nations would like support in the development of a process to select an Executive member for their specific geographic area, the First Nations Fisheries Council will work to provide assistance in order to help foster effective communications and to help to group develop an effective appointment process.

Duration of Appointments

The Council recommends that appointments made will be for a duration of a minimum of two years. It is not recommended that areas change their representative more frequently than once every two years for the sake of continuity. If a member misses more than two consecutive meetings the Fisheries Council will contact the groups who authorized the appointment and the groups will jointly assess if it is necessary to select a replacement.

Alternates

Areas may want to consider the appointment of alternates who can participate in Fisheries Council meetings should the Council member be unable to attend. For the sake of continuity among the Executive and Directors it would be ideal if the candidate selected would be able to participate in most meetings of the Council.

Qualities of Executive Members

The First Nations Fisheries Council conducted community meetings around British Columbia. The following qualities of Council members were ranked by communities around B.C. as being important to consider in the appointment of members to the Council Executive. Communities may want to outline these qualities and consider them when making their appointments.

- Political Leadership skills
- Communications skills
 - Communicate regularly with their communities
- Management and Administration
 - Sustainability of vision – short, mid, long term perspective

- Strong fisheries knowledge (was recommended perhaps 5 years involvement in fisheries, either on a practical, technical or leadership level),
 - understanding of how fisheries decision-making takes place and how government operates.
 - Understanding of various aspects of fisheries (marketing/ commercial/economic; fishing; habitat; management; science; traditional ways and customs)
- Act in a respectful manner
 - Regular attendance
 - Act honestly and declare any conflicts of interest
- Relationship of leadership to a demonstrated local constituency/have a strong mandate rooted in community
- Need to balance representing your local community, while also being able to play a leadership role on a B.C-wide basis.

Responsibilities of Executive Members

Executive Members will be expected to make themselves available for Council business on an ongoing basis. The full executive of the Council will meet on a quarterly basis in person in Vancouver. Other communications will be conducted via e-mail. The Council will reimburse Executive members for their travel expenses, and will pay a 'consulting fee' for approximately 20 days per year, half of which will be related to attending FNFC meetings and the annual assembly, and half of which will be for keeping up to speed on Council business via e-mail and to support participation in local community fisheries initiatives, in order to support effective two way-communication.

It is expected that Executive members will be able to play a leadership role in their involvement in B.C. First Nations Fisheries issues. They will be expected to participate in the Council meetings in a collaborative way, looking to further the interests of all B.C. First Nations.

Appointment Requirements

Effective immediately, the First Nations Fisheries Council is accepting recommendations for appointments to the new structure of the Executive. First Nations within one of the approved geographic areas are asked to facilitate a discussion in order to engage First Nations discussion within their area among those who are likely to be interested in the process of a Council Executive appointee.

When a process has been confirmed, and an appointee decided upon, the First Nations within the area should designate a representative to complete the attached appointment form and to submit it to the First Nations Fisheries Council.

The First Nations Fisheries Council will review the appointments to ensure that they confirm to the spirit and objectives outlined in this paper and the approved Mandate, Structure and Function. Specifically the Council will ensure that the appointment reflects some sort of a process that reflects engagement of fisheries interests and leadership at the community levels within one of the fourteen geographic areas.

Following receipt of the appointment request, the First Nations Fisheries Council will review the information provided and will recommend that the group provide additional information or that the nominee be formally appointed. The goal of the Council is to have seven appointments made in 2009, and the remaining seven made in fall 2010.

Appointment to the First Nations Fisheries Council

Name of geographic area (see list of approved areas):

Name of appointee to the Executive to the First Nations Fisheries Council:

Does the appointee have a link to existing First Nations fisheries-related organizations in the area?

Summary of Qualifications (please attach resume if available):

Summary of process used to authenticate appointment:

Summary of the geographic scope covered for this area (if possible, please provide a map or list the First Nations who are included within this area):

Are there any First Nations within the area who have not been consulted or who are in opposition to the appointment? If so, what steps have been taken to engage them in the process of appointment?

Contact information of person submitting the appointment recommendation:

Name

Organization

e-mail

Address

telephone

fax

Please print this form and scan/send it to Brenda@FNFisheriesCouncil.ca or fax it to (250)949-7656.



FIRST NATIONS
FISHERIES COUNCIL



Document: Charter (2012-2015)

Prepared for: First Nations Fisheries Council

Prepared by: First Nations Fisheries Council Staff

Date (draft): September, 2011

Introduction:

The Charter:

The Charter is an inclusive good-faith agreement among the respective parties to promote enduring relationships and constructive dialogue among First Nations for the purpose of developing adaptive and functional First Nation-to-First Nation processes. The Charter represents the foundation of a working relationship among the respective parties to align technical assets with the strategic elements outlined in the *First Nations Fisheries Council Strategic Plan (2012-2015)*, including: **protection of rights and sustainable fisheries, capacity development, enhanced economic performance and strategic outreach through effective communication.**

The Charter is not a legally binding document nor does it interfere with any existing mandates, laws, agreements, treaties or policies. The respective parties recognize that any government-to-government relationship is between individual Nations and the Crown (as represented by the Governments of British Columbia and Canada), as the Crown's duty to consult is with individual Nations and not with organizations or initiatives that advance the interests of their membership. Further, the Charter does not create, limit, define, prejudice, abrogate or derogate from any of the Aboriginal title, rights and interests or treaty rights of any First Nation.

The Charter does not create any financial obligations for any party, nor does the Charter limit or affect the mandate or the ability of any party to pursue their respective operational or political mandates provided by their membership.

The individuals, organizations, governments and communities who support the Charter accept the overall intent and principles of the Charter and agree to participate in the advancement of the aforementioned strategic elements.

The Charter is a province-wide initiative designed to encourage the development of economies of scale¹, as it is recognized that First Nations benefit from the coordination and maximization of existing and emerging resources, capacity and expertise in advancing common interests.

In recognition that the Charter is a basic good-faith agreement, a party may enter into a protocol agreement with the First Nations Fisheries Council by which the respective parties can coordinate technical assets towards specific objectives or projects. The protocol agreement will be attached to the Charter as an appendix.

¹ **What are economies of scale?** In microeconomics, economies of scale are the characteristics of a production process in which an increase in the scale of the firm causes a decrease in the long-term average cost of each unit. In the context of fisheries management, the formal expansion of information sharing networks to a provincial scale and the aggregation of technical advice generates efficiencies with respect to First Nations responses to the highly technical documents and processes Fisheries & Oceans Canada currently uses to engage First Nations.

The Context:

In recent years, confronted by a competitive and adversarial fisheries sector as well as problematic environmental and ecological outcomes, First Nation communities, individually and collectively, have recognized the need for a strong, collective vision and strategy to address an array of regional and provincial fisheries issues. In 2007, following broad dialogue among British Columbia First Nations, the First Nations Leadership Council, a collaborative political partnership and process between the British Columbia Assembly of First Nations (BCAFN), the Union of British Columbia Indian Chiefs (UBCIC) and the First Nations Summit (FNS), published the *BC First Nations Fisheries Action Plan*. One of the priorities identified in the *Action Plan* was the establishment of the First Nations Fisheries Council, a province-wide organization that is supported by, accountable to, and has balanced representation of, British Columbia's 203 First Nations.

The preliminary undertaking of the First Nations Fisheries Council was to initiate dialogue among First Nations in the interests of developing a long-term organizational plan for the council, establishing a robust work plan based on the *Action Plan*, and responding to critical issues of importance for First Nations in British Columbia. The First Nations Fisheries Council has continued to incrementally implement objectives outlined under the *Action Plan* by facilitating dialogue among First Nations and between First Nations and Fisheries & Oceans Canada on a number of issues of collective and critical concern.

The *First Nations Fisheries Council Strategic Plan (2012-2015)* provides direction for the establishment of an improved governance mechanism that enables First Nations to meaningfully engage and participate in the planning and management of fisheries and aquatic resources at various scales and with respect to multiple issues, species and socio-economic contexts. As a province-wide organization, it was determined that the formalization of the relationship between the First Nations Fisheries Council and the First Nations Leadership Council was an immediate and necessary action to advance elements of the *Strategic Plan*. In 2011, the First Nations Leadership Council endorsed a Terms of Reference and Accountability Framework that provide clarity around the mandate, roles and responsibilities of the political partnership and process as well as guidelines for accountability, reporting and information sharing. The endorsement of these documents also established the expectation that the First Nations Fisheries Council would enter into protocols with the First Nations Leadership Council that set out the respective roles and responsibilities of each party in addressing sectoral issues and priorities identified by First Nations. In response, the First Nations Fisheries Council and First Nations Leadership Council developed a *Declaration and Protocol of Mutual Support, Cooperation and Coordination*, which signals a new era of strength and unity by affirming collective intentions to work together in a cooperative and mutually supportive manner in order to coordinate technical and policy-related assets toward specific objectives.²

Building on this relationship, it is acknowledged that the First Nations Fisheries Council cannot operationalize the ongoing implementation of the *Strategic Plan* in isolation, as First Nation organizations and initiatives maintain an integral role in achieving collective goals.

First Nation organizations and initiatives assume an immense volume of work, which is of vital importance to the communities and Nations that constitute their membership. First Nation organizations and initiatives accept a range of responsibilities, which may include, but is not limited to:

- The establishment of collaborative management structures;
- Accessing skilled professional, administrative and technical expertise from within communities;
- Participating in aquatic resource and oceans management planning;

² See First Nations Fisheries Council document, *Declaration and Protocol of Mutual Support, Cooperation and Coordination*. The specific objectives include: advancing the full and proper implementation, recognition, reconciliation and accommodation of Aboriginal title and rights, and treaty rights; improving the socio-economic conditions of First Nations people and communities in British Columbia; and ending the denial by the Crown, as represented by the Governments of Canada and British Columbia, of the existence of Aboriginal title and rights to traditional territories, lands and resources.

- Developing models, structures and processes to guide interactions of external bodies and agencies with the respective communities;
- Planning and hosting engagement sessions with communities;
- Participating in various government technical committees;
- Developing, implementing and monitoring capacity building strategies;
- Developing enforcement capacity;
- Collaborating in scientific research efforts related to aquatic resource and oceans management;
- Participating in and providing input to various aquatic and oceans resource policy and management processes;
- Undertaking scientific research activities to support appropriate watershed or ecosystem-based management efforts;
- Conducting community outreach, stewardship and awareness activities;
- Conducting liaison activities with other relevant parties; and
- Ongoing program planning, administration and reporting activities.

In recognition of this immeasurable commitment, it is imperative to identify and develop clarity in process for First Nations to exchange information and expertise internally.

The Vision:

Where We Want To Be:

The Charter establishes a collective long-term vision for the future of fisheries and aquatic resources and the people and communities that depend on the resources for their social, economic and cultural prosperity and longevity.

1. As a healthy environment represents the basis for all social and economic activities, First Nations are leaders in the long-term and enduring stewardship of natural resources.
2. First Nations in British Columbia have access to healthy and resilient ecosystems and species to nourish people and communities for food, social, spiritual, educational and ceremonial purposes.
3. Within the limits of healthy and resilient ecosystems and species, that First Nations have the ability to exercise their right to determine the responsible use of their resources, which may include the following practices: economic, sharing, trading, subsistence activities and other opportunities.
4. Collaborative relationships and partnerships among First Nations are established that facilitates the meaningful engagement of the 203 First Nation communities in British Columbia with an interest in fisheries and aquatic resources.
5. That First Nations, the Government of Canada and the Government of British Columbia jointly manage fisheries and aquatic resources as well as ecosystems and habitats in an accountable, transparent and equitable manner.

Principles:

The principles identified in the *British Columbia First Nations Fisheries Action Plan* (2007) will guide the collective long-term vision. It is recognized that the First Nations Leadership Council's *Terms of Reference* and *Accountability Framework* (2011) establish standards for tools and procedures for seeking community direction, external reporting and communication, coordinated strategies and reciprocal accountabilities.

Strategic Elements:

The Charter establishes a new working relationship among the First Nations Fisheries Council and respective parties to facilitate and coordinate First Nations collaboration in the development and review of strategic direction as well as the development of structures to support the respective parties consensus direction concerning any existing or emerging legislation, policies, programs and agreements that maintain the potential to impact First Nations fisheries. The enactment of this Charter is guided by four strategic elements:

1. **Sustainable Fisheries:** Promote increased First Nations engagement and participation in joint management and advisory processes, as ensuring the vitality and longevity of all fisheries in British Columbia and the communities that rely on these resources is of the utmost importance.
2. **Capacity Development:** Increasing First Nations engagement and participation in joint management and advisory processes is contingent on the ability for communities and organizations to manage their affairs successfully, which includes the skills, structures, processes, resources, and powers that together provide a range of governance, managerial, and technical capabilities.
3. **Economic Performance:** Support First Nations to have enhanced economic development opportunities related to the sustainable use of fisheries and aquatic resources.
4. **Strategic Outreach:** Communicate in a timely and transparent manner with First Nations through coherent and accessible mechanisms that support the genuine engagement of all First Nation communities in British Columbia.

The Action Plan:

The First Nations Fisheries Council Strategic Plan (2012-2015) outlines a series of actions in order to achieve measurable, and timely, objectives under each of the four strategic elements above.³ Through the adoption of this Charter, the parties agree to work together on, and within the scope of their respective mandates and existing obligations, on areas of mutual concern and interest.

The relationship between the First Nations Fisheries Council and each respective party will be unique. In order to provide clarity on the scope and intricacies of each relationship, an Appendix to this Charter can be developed for each party to further define, delineate, and clarify the working relationship between the respective parties and the First Nations Fisheries Council.

³ See the *First Nations Fisheries Council Strategic Plan (2012-2015)*, pages 13-17.

**DECLARATION & PROTOCOL of
RECOGNITION, SUPPORT, COOPERATION
AND COORDINATION**

Between

**THE FIRST NATIONS LEADERSHIP COUNCIL
(FIRST NATIONS SUMMIT, UNION OF BC INDIAN CHIEFS, BC ASSEMBLY OF FIRST
NATIONS)**

And

**THE B.C. FIRST NATIONS FISHERIES SOCIETY
(OPERATING AS THE FIRST NATIONS FISHERIES COUNCIL)**

DECLARATION

As the original and Indigenous Peoples to this great land, we have the inalienable right of self-determination. By virtue of this right, we are free to determine our political status and free to pursue our economic, social, health and well-being, and cultural development.

We recognize and affirm that we continue to exist and live as the original and Indigenous Peoples and that this is a fundamental human right.

We recognize and affirm the continued existence of the Indigenous and Aboriginal title and rights of our respective First Nations and their people to their traditional territories, lands and resources, and that we continue to exercise our collective and inherent authorities and jurisdictions over and in the territories, lands and resources which we have traditionally occupied, used or otherwise acquired.

We recognize and affirm that, as the original and Indigenous Peoples, we have the right to redress by means of restitution or, where this is not possible, of just, fair and equitable compensation for the territories, lands and resources which we have traditionally owned or otherwise occupied or used and which have been confiscated, taken, occupied, used or damaged without our free, prior and informed consent.

We have been involved in and support:

- The development and adoption of the United Nations Declaration on the Rights of Indigenous Peoples,
- The development of the Declaration of the II Summit of the Indigenous Peoples of the Americas,
- The New Relationship with the Province of British Columbia, and
- The Transformative Change Accord with the Governments of British Columbia and Canada

Therefore we agree to coordinate our political and technical strengths and efforts toward the objectives of:

- Advancing the full and proper implementation, recognition, reconciliation and accommodation of Aboriginal title and rights, and treaty rights,

- Improving the lives and socio-economic circumstances of First Nations people and communities in British Columbia,
- Ending the denial by the Crown, as represented by the Governments of British Columbia and Canada, of the existence of our Peoples and our Aboriginal title and rights to our traditional territories, lands and resources.

PROTOCOL

Recognizing:

- We agree that First Nations and Aboriginal organizations with mandates in BC must coordinate their political and technical strengths toward the objectives of the above *Declaration* and advancing Aboriginal title and rights, and treaty rights, and improving the socio-economic conditions of First Nations people and communities in British Columbia. We wish to unite and cooperate in their efforts to advance these objectives.
- The First Nations Leadership Council has undertaken an ongoing formal political process to work cooperatively together to politically advance and support the interests and initiatives of all First Nations, First Nations people and First Nations communities in British Columbia, as set out in the *Leadership Accord* signed on March 17, 2005.
- The First Nations Fisheries Council has a mandate to work with, and on behalf of British Columbia First Nations 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, management and decision-making at a variety of scales (local, regional, national and international); and 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. The First Nations Fisheries Council supports the mandate of the First Nations Leadership Council in accordance with the structure, mandate and function of the First Nations Fisheries Council.
- The First Nations Leadership Council has:
 - developed, with the Province of British Columbia, a vision for a new government-to-government relationship between First Nations Governments and the BC Government based on respect, recognition and accommodation of Aboriginal title and rights (the “*New Relationship*”), and
 - signed a *Transformative Change Accord* with the Province of British Columbia and the Government of Canada, and
 - been involved in, and supports, the *United Nations Declaration on the Rights of Indigenous Peoples*, which commit the First Nations Leadership Council and the provincial and federal governments to work together to improve the socio-economic conditions of First Nations in BC, and to advance recognition and reconciliation of pre-existing Aboriginal title and rights with the assertion of Crown sovereignty.
- Cooperative efforts to advance the *New Relationship* and the *Transformative Change Accord* are ongoing.
- Each of us has an important role to play in advancing these and other initiatives to

improve the lives of First Nations people in British Columbia.

We agree as follows:

Purpose

We recognize and affirm that First Nations Peoples continue to exist in British Columbia and Canada and have traditional ownership over and in their territories, lands and resources and continue to exercise their authority in and over their territories, lands and resources.

We recognize and affirm the Aboriginal title and rights, and any treaty rights of First Nations in British Columbia, including their autonomy, jurisdiction and authority with respect to their traditional territories and, within this context, the purposes of this Protocol are to:

- a. affirm our intentions to work together in a cooperative manner, and to provide support for one another's efforts, advance the recognition, respect and accommodation of Aboriginal title and rights, and treaty rights, to improve the lives of First Nations people in British Columbia, and to support First Nations in their efforts,
- b. establish a mechanism by which we can:
 - i. identify areas where we can work together within our respective mandates, to advance the *New Relationship*, the *Transformative Change Accord*, and any other initiatives or processes aimed at improving the conditions of First Nations communities, and
 - ii. identify how we will communicate, exchange information, effectively organize activities, and streamline their efforts.
- c. any other purpose we identify and agree to.

This Protocol is only for communications and political advocacy for the protection of Aboriginal title and rights and is not a process to support the funding requirements of any First Nation organizations.

Principles

We agree that the implementation of this Protocol will be guided by the following principles:

- a. respect for and recognition of the Aboriginal title and rights, and treaty rights, of First Nations,
- b. respect for and recognition that Indigenous Peoples have the right of self-determination and, by virtue of that right, they freely determine their political status and freely pursue their economic, social, health and well-being, and cultural development;
- c. respect and recognition of and respect for our respective mandates;
- d. respect for existing agreements outside of this Protocol we may have in place; and,
- e. recognition that cooperation requires an effective communication process between us.

We recognize that other First Nations and Aboriginal organizations have mandates and a role to play with respect to advancing the objectives of this Protocol and that our coordination of efforts and cooperation with each other and with other First Nations and Aboriginal organizations, will better maximize benefits to First Nations in British Columbia and, so, we will:

- a. seek opportunities and endeavor to work with other organizations, and
- b. encourage other organizations to coordinate their efforts with us and with one another,

to advance the objectives set out in this Protocol.

Cooperation

We commit to engage in an ongoing, cooperative dialogue to achieve the purposes of this Protocol.

We commit to participate in bi-annual assemblies of the First Nations Leadership Council and all organizations that enter into a Protocol with the First Nations Leadership Council, to be hosted by the First Nations Leadership Council.

We commit to participate in regular meetings (i.e. quarterly) of the Executive Directors (or their equivalent) and policy staff of all organizations that enter into a Protocol with the First Nations Leadership Council.

The First Nations Fisheries Council commits to provide to the First Nations Leadership Council quarterly written reports on their successes, progress, barriers or issues in order to increase understanding and awareness of issues and to identify opportunities for support and coordination.

We commit to ongoing support for the *Transformative Change Accord*, the ongoing *New Relationship* process, and other initiatives aimed at addressing the needs of First Nations.

We may develop strategies or work plans, and/ or establish joint working groups/ committees, including Terms of Reference on issues of common concern or priority to advance the purposes of this Protocol.

General

We may amend this Protocol from time to time by our agreement in writing.

This Protocol does not create any financial obligations on either of us.

This Protocol does not limit or affect the mandate or the ability of any member organization of the First Nations Leadership Council to pursue their respective political mandates.

This Protocol will continue until such time as we agree it is no longer required.

Signed this ____ day of _____, 2011

FIRST NATIONS LEADERSHIP COUNCIL

*On behalf of the FIRST NATIONS SUMMIT
On behalf of the UNION OF BC INDIAN CHIEFS
On behalf of the BC ASSEMBLY OF FIRST NATIONS*

FIRST NATIONS FISHERIES COUNCIL

PROCEDURAL APPENDIX

The purpose of the Procedural Appendix is to outline specific elements in addition to the aforementioned Protocol and Declaration.

In addition to the areas outlined in the Protocol and Declaration, we commit to work together and provide mutual support and cooperation at political and technical levels for the purposes of this Protocol, and processes will include, but are not limited to:

- a) Meetings:
 - i. Annual meetings, at a minimum, between the First Nations Leadership Council and the First Nations Fisheries Council at the political level;
 - ii. The First Nations Fisheries Council will provide reports and critical updates at assemblies of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs, and other public meetings as necessary;
 - iii. The First Nations Leadership Council will attend assemblies of the First Nations Fisheries Council and other public meetings as invited by the First Nations Fisheries Council, to provide support and critical updates as necessary and within capacity.
- b) Advocacy:
 - i. The First Nations Fisheries Council will provide technical support as requested and within existing capacity, when First Nations Leadership Council members are engaged in sectoral advocacy on behalf of Nations.
 - ii. The First Nations Fisheries Council will identify as necessary, sectoral regional, provincial and national matters that impact Aboriginal title and rights and treaty rights, in order to highlight issues that need to be addressed with political advocacy by the First Nations Leadership Council.
- c) Communications and Information-Sharing:
 - i. At the request of the First Nations Leadership Council, within existing capacity, the First Nations Fisheries Council will conduct research, analysis and options for consideration on sectoral issues, including federal and provincial policy and legislative initiatives;
 - ii. In addition to existing respective communications mechanisms, the First Nations Fisheries Council will provide regular communications to Nations on progress in addressing priority sectoral issues through including but not limited to First Nations Leadership Council information bulletins.
 - iii. The First Nations Fisheries Council and the First Nations Leadership Council will engage in regular and ongoing communication and information-sharing, including providing copies of relevant correspondences and other sectoral political and technical materials to each other.