



FIRST NATIONS
FISHERIES COUNCIL

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Prepared for: First Nations Fisheries Council
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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.

DRAFT FOR DISCUSSION

- 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.