TITLE:	Consultation and Engagement on Amendments to the *Fisheries Act*
SUBJECT:	Fisheries; Environment
MOVED BY:	Chief Byron Louis, Okanagan First Nation, BC
SECONDED BY:	Chief Isadore Day, Serpent River First Nation, ON
DECISION:	Carried by consensus

WHEREAS:

A. Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples states that "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative changes that may affect them".

B. The United Nations Declaration on the Rights of Indigenous Peoples has been endorsed by Canada.

C. As part of Bill C-38: *Jobs, Growth & Long-term Prosperity Act*, the Government of Canada has introduced, debated and passed changes to the *Fisheries Act* without engaging and consulting with First Nations.

D. The Crown has a clear duty to consult and accommodate First Nations on matters impacting First Nations' rights to fish and the honour of the Crown is always at stake in these scenarios.

E. Amendments to the *Fisheries Act* will result in multiple new regulations and policies to direct how the Department of Fisheries and Oceans (DFO) can and will protect fish, fish habitat and waters for the use and enjoyment of future generations.

F. Failure to adequately protect fish, fish habitat, and waters will negatively affect First Nations' rights to fish and access fisheries, as well as First Nations' human rights to health and the rights recognized within the United Nations Declaration on the Rights of Indigenous Peoples.

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SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

G. In a letter, dated June 19, 2012, the National Chief informed the Prime Minister and Minister of Fisheries and Oceans, among others, of the concerns of First Nations and their "opposition to the unilateral and wide-sweeping changes to legislation, regulations and policy contained in Bill C-38, in particular those relating to our lands and resources". The letter further notes that "the amendments to the *Fisheries Act* […] fail to respect First Nation rights".

H. The Government of Canada has not allocated specific resources to consult and accommodate First Nations who will be affected by changes to the *Fisheries Act* and subsequent policies and regulations resulting from these changes.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Direct the National Chief to call upon the Minister of Fisheries and Oceans and the Minister of Finance to allocate new funding sources for the purpose of engaging, consulting and accommodating First Nations affected by new policies and regulations.

2. Direct the National Chief to emphasize to the Minister of Fisheries and Oceans and the Minister of Finance that funding for engagement, consultation and accommodation must not come from existing Aboriginal fisheries programs since these programs provide seed funding for important economic activities.

3. Direct the AFN to work directly with the Department of Fisheries and Oceans to ensure that engagement and consultation processes are robust, thorough, accountable, respectful and appropriate prior to the implementation of these processes.

4. Direct the AFN to notify the Crown that it has failed to fulfill its fiduciary duty to First Nations and condemn the Government of Canada for failing to fully brief, engage, consult and accommodate First Nations during the legislative process for Bill C-38: *Jobs, Growth & Long-term Prosperity Act*, including the amendment process for the *Fisheries Act*.

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SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF