



**ANNUAL GENERAL ASSEMBLY**  
July 9, 10, 11, 2024, Montreal, QC

**Resolution no. 22/2024**

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**TITLE:** *2024 Fisheries Act 5-Year Review to Ensure Alignment with the United Nations Declaration on the Rights of Indigenous Peoples*

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**SUBJECT:** Fisheries, Legislation

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**MOVED BY:** Chief Dalton Silver, Sumas First Nation, BC

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**SECONDED BY:** Tyler Sack, Proxy, Annapolis Valley First Nation, NS

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**DECISION** Carried by consensus.

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**WHEREAS:**

**A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.
- ii. Article 20(1): Indigenous Peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
- iii. Article 20(2): Indigenous Peoples deprived of their means of subsistence and development are entitled to just and fair redress.
- iv. Article 26(1): Indigenous Peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- v. Article 26(2): Indigenous Peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- vi. Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the Indigenous Peoples concerned.

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- B. Reforms to the *Fisheries Act* were enacted in 2019, which included a mandatory 5-year review, in accordance with section 92 of that Act, by the committee of the Senate, the House of Commons, or both.
- C. The House of Commons Standing Committee on Fisheries and Oceans passed a motion on February 9, 2024, to “undertake a study of up to eight meetings to conduct a comprehensive review of the *Fishery Act, 2019*.”
- D. The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) was proclaimed on June 21, 2021, and affirms, among other matters, that the Government of Canada is committed to taking effective measures—including legislative, policy and administrative measures—at the national and international level, in consultation and cooperation with Indigenous peoples, to achieve the objectives of the UN Declaration.
- E. In keeping with the UNDA, the Government of Canada engaged Indigenous peoples to identify necessary measures to ensure federal laws are consistent with the UN Declaration and subsequently published the National Action Plan on June 21, 2023, as the main strategy to achieve the objectives of the UN Declaration.
- F. Action Plan Measure 3 commits the Government of Canada to, where a statute requires periodic review, conduct that review in a manner that ensures consistency with the UN Declaration and meets applicable consultation and cooperation requirements in the UNDA.
- G. Action Plan Measure 36 commits the Government of Canada to pursue amendments and reforms to fisheries legislation, regulation, or policies to support self-determination and the meaningful implementation and exercise of Indigenous fishing rights, including Aboriginal and Treaty rights.
- H. Action Plan Measure 37 commits the Government of Canada to enhance collaborative tools, agreements, and transparent approaches to better deliver on the collaborative design, development, delivery, and management of fisheries, as well as conservation and protection of fish habitat.
- I. Action Plan Measure 38 commits the Government of Canada to provide predictable and flexible funding to ensure First Nations have the capacity to meaningfully participate in advisory, co-management, and decision-making processes tied to fisheries, aquatic resources, and oceans management.
- J. Action Plan Measure 42 commits the Government of Canada to advance marine Indigenous Protected and Conserved Areas (IPCAs) through meaningful consultation, collaboration, and partnerships with Indigenous Peoples to support Canada’s commitments to reconciliation and marine conservation.

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Direct the Assembly of First Nations (AFN) to urge the Government of Canada to properly fund the engagements needed for First Nations’ full engagement, collaboration and consultation in the statutory 5-year review of the *Fisheries Act* in alignment with Action Plan Measure 38.
2. Direct the AFN to advocate that the statutory 5-year review of the *Fisheries Act* be undertaken in full cooperation and consultation with First Nations, including appropriate timelines, and with the purpose of implementing amendments to achieve the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*.

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3. Direct the AFN to engage with the Department of Fisheries and Oceans (DFO) and propose amendments to enable the Fisheries Act to be a legal instrument for the proper recognition and affirmation of Inherent and Treaty-protected rights-based fisheries, in addition to the protection and conservation of marine and coastal waters.
4. Direct the AFN to advocate to the federal government to provide adequate funding to First Nations rights and title holders on the Lower Fraser River for addressing major developments.

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