
Assembly of First Nations

55 Metcalfe Street, Suite 1600
Ottawa, Ontario K1P 6L5
Telephone: 613-241-6789 Fax: 613-241-5808
www.afn.ca



Assemblée des Premières Nations

55, rue Metcalfe, Suite 1600
Ottawa (Ontario) K1P 6L5
Téléphone: 613-241-6789 Télécopieur: 613-241-5808
www.afn.ca

**Special Chiefs Assembly
December 7, 8, 9, 2021, Ottawa (Ontario)**

Resolution no. 41/2021

TITLE: Marine Indigenous Protected and Conserved Areas

SUBJECT: Fisheries, Environment, Water

MOVED BY: Chief Greg Louie, Ahousaht First Nation, BC

SECONDED BY: Wapastim Harper, Proxy, Chemawawin Cree Nation, MB

DECISION Carried; 2 abstentions

WHEREAS:

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

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and use lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- ii. Article 29 (1): Indigenous peoples have the right to the conservation and protection of their environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for Indigenous peoples for such conservation and protection, without discrimination.
- iii. Article 32 (2): States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iv. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

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- B. Indigenous-led governance and approaches to conservation such as Indigenous Protected and Conserved Areas (IPCAs) are increasingly recognized as effective and socially-just mechanisms to addressing the growing global biodiversity crisis.
- C. Assembly of First Nations (AFN) Resolution 64/2018, *Indigenous Protected and Conserved Areas – Pathway to Canada Target 1: Conservation 2020 Initiative*, mandates AFN's involvement in the Pathway Initiative and to support the ongoing establishment and implementation of Indigenous Protected and Conserved Areas.
- D. The marine component of Canada's Pathway to Canada Target 1: Conservation 2020 Initiative was led by the Department of Fisheries and Oceans Canada. A 2018 National Advisory Panel on marine protected areas adopted the report of the Indigenous Circle of Experts (ICE) in its recommendations to recognize and support the implementation of marine IPCAs as a means to further Indigenous reconciliation in Canada while contributing to Canada's marine conservation targets.
- E. While the work of the ICE was focused on terrestrial protected areas, ICE recognized that the separation of the terrestrial and marine environments did not align with Indigenous worldviews and stewardship responsibilities and that IPCAs apply to both lands and waters.
- F. Environment and Climate Change Canada has taken significant steps since the 2018 ICE report to facilitate and support the implementation of IPCAs in the terrestrial environment through the Pathway to Canada Target 1: Conservation 2020 initiative.
- G. The December 2019 Prime Minister's mandate letter to the Minister of Fisheries and Oceans Canada directed the Minister to "work with the Minister of Environment and Climate Change to introduce a new ambitious plan to conserve 25 per cent of Canada's land and 25 per cent of Canada's oceans by 2025, working toward 30 per cent by 2030", which "should be grounded in science, Indigenous knowledge and local perspectives".
- H. The Department of Fisheries and Oceans Canada has yet to collaborate with Environment and Climate Change Canada or address the recommendations of the National Advisory Panel to enable IPCAs in the marine and coastal environment.
- I. This inconsistent approach towards support for IPCAs by the Crown, rooted in a colonial worldview, continues to create confusion and uncertainty for coastal First Nations' stewardship of their marine and coastal territories.

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- J. First Nations are uniquely positioned through their intimate relationship with their lands and waters, and their traditional ways of knowing and management practices to lead efforts to protect, conserve and sustainably manage the environment and biodiversity contained within.
- K. The AFN is committed to the promotion and protection of Treaty and inherent rights of First Nations and to advancing the collective interests of First Nations relating to self-determination, stewardship, protection and conservation of the lands and waters of First Nations.

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

1. Support the Assembly of First Nations' (AFN) continued advocacy for the establishment of Indigenous Protected and Conserved Areas (IPCAs) as one mechanism to support First Nations' leadership in the conservation, protection, and management of their lands and waters.
2. Direct the AFN to urge the Minister of Environment and Climate Change Canada to ensure a whole-of-government approach for recognizing and supporting the establishment of IPCAs in terrestrial and marine environments, in collaboration with the Minister of Fisheries and Oceans Canada and in partnership with First Nations.
3. Direct the AFN to call upon the Ministers of Environment and Climate Change Canada and Fisheries and Oceans Canada to ensure the full and effective participation of First Nations in all aspects of environmental and marine conservation and protection by dedicating resources to enhance capacity and leadership in governance and management processes including through policy, program, and regulatory decision-making processes related to Canada's 2025 and 2030 conservation targets.
4. Direct the AFN to engage with the Minister of Fisheries and Oceans Canada to implement the 2018 recommendations of the National Advisory Panel for the government of Canada to recognize and support the establishment of IPCAs in the marine and coastal environment.
5. Direct the AFN to work with the relevant Chiefs' and technical bodies, such as the National Fisheries Committee (NFC) and the Advisory Committee on Climate Action and the Environment ('ACE'), to identify priorities, issues, synergies, and concerns as they relate to the establishment and implementation of IPCAs in marine and coastal areas.

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