What is the history of this issue and how does it impact First Nations?

**ECONOMIC DEVELOPMENT AND INFRASTRUCTURE BRANCH: FISHERIES:**

July 2022

First Nations have pursued a fishery since time immemorial and have Inherent, Aboriginal and Treaty Rights to fish, as confirmed by the Constitution Act, 1982 and Supreme Court of Canada decisions.

As the national political representative organization of First Nations, the AFN is responsible for supporting and promoting inherent, aboriginal and treaty rights to aquatic and oceans resources. In accordance with the direction of the Chiefs across Canada, the AFN Fisheries Sector seeks to assist First Nations in fostering resource management, conservation, and protection, as well as securing the recognition and protection of rights to aquatic and oceans resources. In this regard, the AFN Fisheries Sector continues to actively pursue and develop its capacity to provide the needed technical support and coordination on First Nation aquatic and oceans resource issues at the national level. The AFN Fisheries Sector has a responsibility to monitor and engage Department of Fisheries and Oceans in discussions about federal aquatic and oceans policy development and management issues.

The AFN Fisheries Sector is advised by the National Fisheries Committee and works closely with First Nation communities and technicians, academic institutions, and government partners. The AFN Fisheries Sector convenes regular meetings with the NFC representatives to share information and move issues forward between meetings; these calls are open to any interested First Nation representatives. The AFN Fisheries Sector also facilitates information sessions at the Annual General Assembly and Special Chiefs Assembly to provide information on priority issues and opportunities for discussion.

How has the AFN’s recent advocacy affected this area?

AFN Fisheries advocates for implementation of Inherent, Aboriginal and Treaty Rights in legislation, regulation, policy and DFO programming. AFN Fisheries also encourages front-end engagement, resourcing, and meaningful fulfillment of the legal duty to consult and accommodate on various legislative, policy and program reforms impacting fisheries and oceans. AFN Fisheries Sector continues to provide updates and technical briefings on new developments in legislative, policy and program reform.

The Assembly of First Nations “Lets Talk Fish Habitat” workshop brought together participants virtually on May 18th, 25th and June 1st. The individuals that attended included Chiefs, Technicians, biologists, and other First Nations Organization representatives from coast to coast. The three-part workshop series that focused on fish and fish habitat policies and regulations specific to the Fisheries Act. Specific policy areas discussed included (1) codes of practice, (2) prescribed works and waters regulations, (3) cumulative effects, and (4) modernizing offsetting and fish habitat banking. The AFN Fisheries Sector facilitated a “what we heard” session to provide participants the opportunity to validate their input provided throughout the first two days.

In June 2016, the Standing Senate Committee on Fisheries and Oceans tabled a report “An Ocean of Opportunities: Aquaculture in Canada” recommending the federal government adopt a comprehensive federal Aquaculture Act to make it clearer to aquaculture operations how to start a business. In December 2021 Minister of Fisheries, Oceans and the Canada Coast Guard announced in their mandate letter work to introduce Canada’s first-ever Aquaculture Act*.* Development of the Aquaculture Act must be done in accordance with the *10 Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, the *Truth and Reconciliation Commission of Canada’s Calls to Action*, andDFO’s *Reconciliation Strategy.* AFN is mandated by Resolution no. 33/2017 to request that DFO work with First Nations to co-draft any legislation regarding the proposed Aquaculture Act, as well as provide the funding required to allow First Nations to engage in technical and legal reviews. The Fisheries Sector hosted a virtual workshop series from January 2022 to April 2022 on a proposed federal Aquaculture Act to facilitate the engagement of First Nations in the co-development and co-design of the proposed Aquaculture Act. These workshops highlighted and gained understanding of First Nations’ perspectives, rights, and interests in aquaculture and the proposed Aquaculture Act.

In 2016, the government of Canada launched the Oceans Protection Plan (OPP), a $1.5 billion strategy aimed at protecting Canada’s coasts and waterways under the core pillars of a state-of-the-art marine safety system, stronger evidence base, increased community participation and public awareness, preservation and restoration of marine ecosystems, and Indigenous partnerships. There is interest from First Nations as well as the federal government to assess the OPP to ensure that it includes the needs, priorities, and contributions of First Nations to build stronger protection measures for Canada’s oceans for present and future generations. The Oceans Protection Plan Subcommittee of the Assembly of First Nations and Transport Canada are participating in a joint national assessment of the OPP. The OPP Subcommittee’s goals for the assessment are to:

* Incorporate Indigenous marine values and ways of knowing into assessment design and methods.
* Provide an opportunity for First Nations to collaborate; and
* Provide recommendations and an assessment framework for the next phase of the OPP.

Where do we hope to go in the future?

AFN Fisheries Sector will continue advocacy work related to the Fisheries Act and its implementation.

The AFN Fisheries Sector will continue to to support First Nations co-development and co-design of a new Aquaculture Act reflecting First Nations perspectives and strengthen advocacy and awareness of First Nations Aquaculture issues. AFN Fisheries will continue build relationships with the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM) to facilitate First Nations’ engagement in this body (Resolution no. 51/2018).

The AFN Fisheries Sector will continue to work with the Oceans Protection Plan Subcommittee in the assessment of the Oceans Protection Plan by systematically gauging the impact of the OPP on First Nations’ goals with respect to their communities, and marine governance, protection, and ecosystems, and identify successes, gaps, and areas for improvement.

May 23, 2022 was National Day of First Nation Fishing Rights! Chiefs in Assembly have recognised the First Monday immediately preceding May 25 as National Day of First Nation Fishing Rights to reaffirm and exercise Inherent Rights to fish and manage resources (Resolution no. 75/2017). AFN Fisheries Sector encouraged people to go out and exercise their Inherent Right to fish, take photos along the way, and post them to social media with the hashtags #FirstNationFishingRights and #AFNFisheries2022. Check out the submissions online!