



ASSEMBLY OF FIRST NATIONS  
**Special Chiefs Assembly**

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

*Ottawa is located on the unceded unsundered Territory of the Algonquin People.*

ASSEMBLÉE DES PREMIÈRES NATIONS  
**Assemblée extraordinaire des Chefs**

Du 5 au 7 décembre 2023 - Centre Shaw - Ottawa ( Ontario)

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## Fisheries

### History

First Nations communities have deep connection to all of Canada's coasts and waterways and all the fish and wildlife that use those water bodies. As such, they have a deep interest in protecting those environments and the life they support. Assembly of First Nations (AFN) Resolution 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan*, provided AFN with a mandate to work collaboratively with the Government of Canada to address long-term capacity funding to affected First Nations, to promote and respect the inherent rights, Treaties, title and jurisdiction of First Nations, and to secure funding for First Nations on the Oceans Protection Plan (OPP). The OPP aims to protect Canada's coasts and waterways under four pillars: state of the art marine safety systems, preservation and restoration of marine ecosystems, Indigenous partnerships, and a stronger evidence base and increased community engagement.

At the same time, provincial governments continue to assume administration over fish and fish harvesting in the 1930s through the Natural Resources Transfer Agreements. Affected First Nations have not been afforded regular and consistent opportunity to co-develop laws, regulations, and policies in the area of fisheries. In fact, many decisions by provincial governments have been carried out without First Nations' free, prior, and informed consent. Other harmful provincial practices include harassment of fish harvesters by enforcement officers, the removal of fish quotas from First Nations communities and a general reluctance to support or acknowledge First Nations fisheries.

In response to this, affected First Nations are challenging the legitimacy of the Natural Resources Transfer Agreements and have supported the passing of AFN Resolution 73/2023, *First Nation Rights-Based Inland Fisheries Framework*, to support the exercise of their rights to inland fisheries. As a first step, the AFN hosted an Inland Fisheries Engagement, which took place on November 21-23, 2023, in Scantbury, Manitoba, in partnership with the Keewatinook Fishers of Lake Winnipeg and the Prince Albert Grand Council.

### AFN's recent advocacy

In September 2023, the AFN sought and obtained funding to fully support a three-day engagement to implement Resolution 73/2023, *First Nation Rights-Based Inland Fisheries Framework*. Approximately 70 delegates from Alberta, Manitoba, Saskatchewan, and the Northwest Territories created space for meaningful discussions around the challenges posed by the Natural Resources Transfer Agreements. This engagement was designed to create space for participants to share their experiences as inland fish harvesters, and to identify both the barriers to their involvement in the management of those fisheries and the ways to remove or modify those barriers.

The AFN continues to advocate for federal funding to First Nations in support of exercising jurisdiction over Fisheries. Federal Budget 2022 committed an additional \$2.0 billion over nine years to renew and expand the OPP.



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Additionally, the AFN, Transport Canada and the Canadian Coast Guard formed a working group to conduct a joint assessment of the OPP. The Working Group, under the revised and updated work plan, meets approximately every two weeks. The OPP Assessment aims to incorporate First Nations' marine values and ways of knowing into assessment design and methods, provide an opportunity for First Nations to collaborate with each other, gain clarity about OPP activities, and provide recommendations and an assessment framework for the second phase of the OPP.

### Next Steps

The AFN is producing a "What We Heard" report from its Inland Fisheries Engagement, which will be used as a primary guide in the development of a work plan to develop a Rights-Based Inland Fisheries Framework. This work will continue to be a joint effort between AFN, affected First Nations, and their communities.

The AFN, Transport Canada, and the Canadian Coast Guard have also developed a best practices framework and assessment methods that will guide and inform the assessment. The assessment methods will be piloted using the first phase of the OPP. Once the assessment results are available, they will be shared at regional engagement sessions and assessment methods revised based on feedback. Assessment results are also expected to monitor and improve how the second phase of the OPP is implemented.

The AFN continues to promote First Nations fisheries and advocate to all levels of government to work with First Nations to revise regulations and policies to respect First Nations' Treaty and inherent rights, and to empower First Nations' authorities in fisheries protection and enforcement.

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