



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

Resolution no. 21/2024

TITLE:	First Nations' Continued Inclusion in Canada's Oceans Protection Plan and Marine Safety Emergency Planning
SUBJECT:	Fisheries
MOVED BY:	Chief Dalton Silver, Sumas First Nation, BC
SECONDED BY:	Tyler Sack, Proxy, Annapolis Valley First Nation, NS
DECISION	Carried by consensus.

WHEREAS:

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

- i. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
- ii. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
- iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
- iv. Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- v. Article 32(2): States shall consult and cooperate in good faith with the 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.

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- vi. 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.
- B. The Assembly of First Nations (AFN) passed Resolutions 93/2016, *Marine Emergency Information Management Protocol*; Resolution 05/2018, *First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas*; Resolution 06/2018, *Engaging First Nations on Marine Vessels and Salvage Operations*; and Resolution 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan* that address issues of First Nations' roles in marine safety and their responsibility to protect and manage oceans and waterways.
- C. In 2016, the Government of Canada launched the Oceans Protection Plan (OPP), a \$1.5 billion investment to protect Canada's coasts and waterways, improve marine safety and responsible shipping, protect Canada's marine environment, and offer new possibilities for Indigenous and coastal communities. In 2022, the Government of Canada renewed the OPP, investing an additional \$2 billion over 9 years with \$50 million to directly support Indigenous partnerships.
- D. First Nations were not sufficiently included at the outset of the OPP.
- E. First Nations require adequate resourcing, emergency management planning, and timely responses to instances of marine emergencies that may result in life loss or life-threatening circumstances.
- F. First Nations have Inherent rights to govern and manage ocean resources related to fisheries, navigation, energy, protection, monitoring, transportation, economics and transboundary issues, including international law of the sea.
- G. First Nations have Inherent rights to protect their distinctive spiritual and cultural relationships with the land, water and resources for future generations, which are threatened by marine shipping and transportation activities.
- H. While First Nations have Inherent jurisdiction, their marine plans and role in marine safety was not respected and properly integrated in the rollout of the OPP.
- I. First Nations are often not adequately consulted, and their free and informed consent obtained prior to projects being implemented that affect their coastal territories, traditional waters, and marine resources.
- J. First Nations are often not provided just and fair redress, compensation, or mitigation measures for adverse environmental, economic, social, cultural, or spiritual impacts resulting from marine shipping and transportation related activities.

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

1. Direct the Assembly of First Nations (AFN), subject to the availability of adequate financial resources, to collaborate with Transport Canada, Fisheries and Oceans Canada, and the Canadian Coast Guard to assess First Nations partnerships under the Oceans Protection Plan (OPP) with respect to capacity, co-development, co-design, co-delivery, and co-governance.
2. Direct the AFN, subject to the availability of adequate financial resources, to collaborate with Transport Canada, Fisheries and Oceans Canada and the Canadian Coast Guard to address funding needs (i.e.,

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flexible arrangements, core and long-term capacity funding) for First Nations in areas and regions relevant to the OPP.

3. Call on the AFN to advocate that any legislative, regulatory, policy and program reform related to the OPP must respect First Nations' Inherent rights, Treaties, title and jurisdiction, and must recognize First Nations Inherent and everlasting responsibilities to their traditional territories.
4. Call on the AFN To fully support First Nations leadership in advocating that the Government of Canada work with First Nations to seek adequate marine and inland waters emergency response strategies that meet the unique needs of affected First Nations to avoid the loss of life of First Nations fishers who practice their traditional ways of life on their traditional waters.
5. Direct the AFN to advocate that funding to assess ocean protection, marine shipping, and development in the ocean go only to the title and rights holders.

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