SPECIAL CHIEFS ASSEMBLY
DECEMBER 14, 15 & 16, 2010, GATINEAU, QC

Resolution no. 68/2010

TITLE:	Snow Crab Fishing Rights and Compensation Resolution
SUBJECT:	Fisheries
MOVED BY:	Chief Keith Matthew, Simpcw First Nation, British Columbia
SECONDED BY:	Grand Chief Doug Kelly, Proxy, Soowahlie First Nation, British Columbia
DECISION:	Carried by Consensus

WHEREAS:

A. First Nations have Aboriginal Rights and Title and Treaty rights in and to the marine, aquatic and ocean waters and resources of their traditional territories, including fisheries access, governance and revenues.

B. First Nations have priority access rights to the snow crab fishery in the Southern Gulf of St. Lawrence, including the right to economically benefit from access and participation.

C. Supreme Court decisions have recognized and affirmed that First Nations rights have an inescapable economic component.

D. The conservation of resources and respect for the exercise of Aboriginal rights and title and Treaty rights are compatible goals; conservation concerns do not mean catch reductions can be validly applied without regard for the priority constitutional nature of First Nation fishing rights.

E. Any proposed action or policy undertaken by the Government of Canada that would limit or infringe First Nations' fisheries rights can proceed only if the test of justification is met and the Crown duty of timely consultation and accommodation is respected.

F. The Government of Canada unilaterally cut total allowable catches of snow crab without prior consultation, accommodation, or consent of First Nations, and these actions resulted in unjustifiable infringements on First Nations priority access to fisheries and have caused measurable damages, including loss of revenue and other financial burdens.

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G. Chiefs of the Atlantic Policy Congress prefer negotiation and cooperation with the Crown on a government to government basis, to ensure that First Nations rights are respected and fisheries resources are governed in a mutually-agreeable, transparent, and predictable way.

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

1. Direct the Assembly of First Nations to call on the Government of Canada to revisit its decision to lower snow crab quotas by compensating affected First Nations for losses resulting from the Department of Fisheries and Ocean's April 2010 decision to the value of the full economic and social impacts, including the financial resources lost necessary to support community programming for the fiscal year.
2. Direct the Assembly of First Nations to call on the Government of Canada to take immediate steps to respect the priority of Aboriginal and Treaty rights to access and benefit from fisheries in Canada, including snow crab.
3. Direct the National Chief and AFN Executive Members to meet with the Minister of Fisheries and Oceans and the Minister of Indian and Northern Affairs to discuss bilateral joint governance and management of fisheries, including revenue sharing, joint decision making mechanisms, and priority access for First Nations.
4. Direct the Assembly of First Nations and National Chief to continue to provide support to First Nations impacted by the reduction in snow crab quota.

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