
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
May 1 & 2, 2018, Gatineau, QC

Resolution no. 05/2018

TITLE: First Nations Oceans Working Group and the Oceans Act and Marine Protected Areas

SUBJECT: Bill C-55; Fisheries

MOVED BY: Chief Dalton Silver, Sumas First Nation, BC

SECONDED BY: Chief Scott McLeod, Nipissing First Nation, ON

DECISION: Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. 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.
 - ii. Article 19: States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - 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 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

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- B. The Assembly of First Nations (AFN) has passed Resolution 34/2017, *First Nation Engagement and Consultation on Bill C-55 Oceans Act and Marine Protected Areas*.
- C. The First Nations Oceans Working Group has held its first meeting with the Department of Fisheries and Oceans, Oceans Management Program to initiate the joint working group led by First Nations as described in Resolution 34/2017.
- D. The Prime Minister's mandate letters to the Minister of Fisheries, Oceans and the Canadian Coast Guard directs the Minister to "... increase the proportion of Canada's marine and coastal areas that are protected to 5% by 2017 and to 10% by 2020." The direction provided to the Minister included the work with "provinces, territories, Indigenous Peoples, and other stakeholders to better co-manage our three oceans."
- E. Since Bill C-55 amendments have been tabled, there have been concerns raised by First Nations in how the work related to Marine Protected Areas has been handled in the absence of First Nations input and participation, and the overall lack of consultation and engagement by the federal government.
- F. First Nations have an inherent right to govern and manage oceans resources related to fisheries, energy, protection, monitoring, transportation, economics, and transboundary issues including international laws of the sea.
- G. First Nations inherent jurisdiction, First Nations-led marine plans, relevant research and studies have not been properly recognized and integrated into the Marine Protected Areas Network equal decision making, and the recognition and support of Indigenous Protected and Conservation Areas.

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

1. Direct the Assembly of First Nations (AFN) National Fisheries Committee to oversee the work of the First Nations Oceans Working Group and address the partnership between First Nations and the Government of Canada in relation to the development of the Marine Protected Areas (MPA) network.
2. Direct the AFN to call on the Department of Fisheries and Oceans to identify how they plan to implement an engagement strategy that is consistent with other tools and strategies with First Nations concerning the regulation and policy development as a result of changes to the *Oceans Act*, including the MPA network.
3. Mandate the AFN National Fisheries Committee and the First Nations Oceans Working Group to inform the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM), specifically the Oceans Task Group, of the issues related to the changes to Bill C-55, the *Canada Petroleum Resources Act*, and related regulations and policies that First Nations must be fully engaged in and co-develop where the rights of First Nations may be impacted or infringed upon. In particular, Canada's legislation must recognize First Nations' inherent and everlasting responsibilities to their traditional territories.

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