

FIRST NATIONS LEADERSHIP COUNCIL

March 29, 2012

Honourable Stephen Harper
Prime Minister of Canada
Langevin Building
80 Wellington St
Ottawa, ON K1A 0A6

Honourable Keith Ashfield
Minister of Fisheries and Oceans
Parliament Buildings, Wellington St
Ottawa, ON
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OPEN LETTER: POTENTIAL CHANGES TO THE *FISHERIES ACT*

Dear Prime Minister Harper and Minister Ashfield,

In follow-up to our March 2, 2012 letter regarding the Department of Fisheries and Oceans (DFO) *Fisheries Act* Modernization Initiative, we reiterate our deep concern about the initiative, particularly in respect of the federal government's lack of meaningful consultation with First Nations. Equally disturbing are recent media reports of the government's intentions regarding section 35 of the *Fisheries Act* as part of this process to "modernize" the *Fisheries Act*.

Any changes or removal of habitat protection within the Act would put many fish stocks and the environment at further risk and would be a step backward rather than modernization of the legislation. Habitat protection is essential for the maintenance of healthy ecosystems and is the foundation of the survival of all species. Any erosion of this protection would impact the environment and the fish stocks in a way that may be irreversible. This is fundamentally irresponsible and reckless. It will also undeniably impact First Nations rights and interests- government must ensure that any changes to the *Fisheries Act* will not infringe upon our Aboriginal Rights in any way.

We are similarly concerned with the changes we understand may be included in the Budget to environmental assessment legislation, and other environmental protection laws. These environmental laws and the processes established under them are a central part of the Crown's relationship with First Nations. Changes to these laws, as with the *Fisheries Act*, should only be undertaken in meaningful consultation with First Nations, and to the extent these protections are changed they should be improved rather than weakened.

A recent report by the United Nations Committee on the Elimination of Racial Discrimination further emphasized the need for Canada to include Indigenous peoples in decision making, recommending that Canada "Implement in good faith the right to consultation and to free, prior and informed consent of Aboriginal peoples whenever their rights may be affected by projects carried out on their lands, as set forth in international standards and the State party's legislation." Further, the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 26(1) that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired." We ask Canada to uphold its commitment to this important international doctrine. We also point out that Canada must uphold its commitments in existing treaties to protect fisheries under those treaties.



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Although your government is moving forward with potential economic development projects, this cannot be at the risk of the surrounding environment. We remind you that the Crown cannot legislate itself out of its duties to consult and accommodate First Nations. Removing or weakening environmental reviews for projects will only result in greater uncertainty and conflict. We urge you to reconsider your position and work with First Nations to strengthen habitat protection for the continued survival of fish stocks and for the benefit of our future generations.

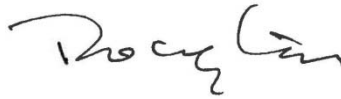
Yours truly,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT:



Grand Chief Edward John



Chief Douglas White III Kwulasultun



Dan Smith

On behalf of the UNION OF BC INDIAN CHIEFS:



Grand Chief Stewart Phillip



Chief Bob Chamberlin



Chief Marilyn Baptiste

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Jody Wilson-Raybould

CC: First Nations Fisheries Council