

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 27TH TO 28TH, 2018
RICHMOND, B.C., X^wMƏӨK^wƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-23

**RE: FNFC Coalition Submission to the Standing Committee on Fisheries and Oceans regarding the
Fisheries Act Review**

WHEREAS without consultation with BC First Nations, in 2012 the Conservative Federal Government introduced changes to the *Fisheries Act* as part of Omnibus Bill C-38, which weakened habitat protections, attempted to limit the scope of Aboriginal fisheries, and reduced oversight of projects that could negatively affect aquatic resources and habitats;

WHEREAS in June 2016, Prime Minister Trudeau directed the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the 2012/2013 changes to the *Fisheries Act*, to restore lost protections and incorporate modern safeguards. The Standing Committee on Fisheries and Oceans (FOPO) was tasked with conducting the review. The First Nations Fisheries Council of British Columbia (FNFC) made submissions to FOPO and to the Minister of Fisheries and Oceans in the first 2 phases of engagement (November 2016 to January 2017, and August 2017);

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

Article 19: States shall consult and cooperate in good faith with the 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.

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired.

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources [...];

WHEREAS by UBCIC Resolution 2017-02 “Support for FNFC Submission to the Parliamentary Standing Committee on Fisheries and Oceans regarding the *Fisheries Act* Review,” the UBCIC Chiefs Council fully supported the First Nations Fisheries Council of BC’s (FNFC) submission to the Parliamentary Standing Committee on Fisheries and Oceans regarding the review of the 2012/2013 changes to the *Fisheries Act*;

WHEREAS by UBCIC Resolution 2017-42 “FNFC Coalition Submission to the Department of Fisheries and Oceans Canada on the *Fisheries Act Review*,” the UBCIC Chiefs Council fully supports the FNFC’s Coalition submission to the Minister of Fisheries and Oceans and the Canadian Coast Guard regarding the review of changes to the *Fisheries Act*, including recommendations on restoring lost protection, modernizing the Act, and the necessary systemic and comprehensive changes to truly achieve transformation and evolve First Nations-Crown relations from the colonial denial that has resulted from over a century of conflict and distrust, to effective and efficient nation-to-nation, government-to-government relations on how fish, fish habitat and fisheries are governed and managed;

WHEREAS *Bill C-68: An Act to amend the Fisheries Act and other Acts in Consequence* was tabled in Parliament on February 6, 2018. Bill C-68 was assigned to the Minister of Fisheries, Oceans and the Canadian Coast Guard for review, and FOPO was tasked with the review;

WHEREAS the FNFC worked as a Coalition in partnership with regional First Nations organizations throughout the province and Mandell Pinder LLP to develop a brief to FOPO, submitted April 20, 2018. The Coalition submission provides recommended revisions to Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence* for the Standing Committee’s consideration. The Coalition submission focuses on revisions to modernize fisheries governance and management in a manner that protects, conserves and restores fish and fish habitat and supports reconciliation with Indigenous peoples;

WHEREAS the Coalition submission stresses that the *Fisheries Act* needs to enable, facilitate, and support the proper recognition and respect for First Nations’ inherent and constitutional rights and responsibilities within all aspects of the governance and management of fish, fish habitat and fisheries, and as such the fundamental purpose of reconciliation with Indigenous peoples, including respect for the existing rights of the Indigenous peoples of Canada recognized and affirmed under section 35 of the *Constitution Act, 1982*, and that the inherent Indigenous rights and responsibilities affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* needs to be embedded in the purpose section of the *Fisheries Act*; and

WHEREAS implementation of the recommendations put forward in the submission would recognize and respect First Nations’ inherent and constitutional rights and responsibilities, improve fisheries management practices and increase protection for the fish and aquatic resources on which First Nations across the province have always relied for nutritional, cultural, spiritual and economic wellbeing.

THEREFORE BE IT RESOLVED the UBCIC Council fully supports the First Nations Fisheries Council’s Coalition submission to the Standing Committee on Fisheries and Oceans regarding Bill C-68 and proposed revisions to the *Fisheries Act* including recommendations on restoring lost protections, modernizing the Act, and the necessary systemic and comprehensive changes to truly achieve transformation and evolve First Nations-Crown relations from the colonial denial that has resulted in over a century of conflict and distrust, to effective and efficient nation-to-nation, government-to-government relations in how fish, fish habitat and fisheries are governed and managed; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate their support to the Standing Committee on Fisheries and Oceans regarding Bill C-68 and the proposed revisions to the *Fisheries Act*.

Moved: Kukpi7 Shelley Loring, Simpcw First Nation
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 28, 2018