OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 22ND – NOVEMBER 23RD, 2011
VANCOUVER, B.C.

Resolution no. 2011-58

RE: Successful Aquaculture Governance

WHEREAS we are sovereign Indigenous Nations with the right to protect and manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;

WHEREAS First Nations in British Columbia have constitutionally protected Title and Rights that have been affirmed by the Supreme Court of Canada and by international conventions and local and international treaties, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which Canada endorsed on November 12, 2010;

WHEREAS Articles 26, 27, 29, and 32 of the UNDRIP affirm the duty of States to consult with Indigenous peoples over their rightfully owned and occupied lands, territories, and resources, and acknowledge the Rights of Indigenous peoples to make decisions about the use of their lands, territories and resources;

WHEREAS First Nations acknowledge the interdependence we have with one another, and we respect that as First Nation peoples, we have the right to determine our level of involvement and perspectives on the aquaculture industry based on each of our community's needs, aspirations and priorities;

WHEREAS B.C. First Nations have the right to be fully informed and involved in any legislative, policy and/or decision-making process pertaining to the aquaculture industry as these actions have the potential to adversely impact on First Nations title and rights, and treaty rights. At a minimum, the honour of the Crown requires both the federal and provincial governments to minimize any infringement to title and rights, and to engage in appropriate consultation and accommodation processes;

WHEREAS by Resolutions 2009-35 and 2009-36, the UBCIC Chiefs Council mandated the B.C. Aquaculture Working Group to engage with the Department of Fisheries and Oceans to address and advocate for First Nations title and rights issues that have a bearing on the management and regulation of

the aquaculture industry, and the First Nations Summit and the B.C. Assembly of First Nations passed similar resolutions*;*

WHEREAS on November 2, 2011 the First Nations Fisheries Council and the B.C. Aquaculture Working Group co-hosted a meeting where B.C. First Nations came together to recommend potential structures and processes for integrated planning of aquaculture that link to existing First Nations governance processes in B.C. The outcomes of this meeting were subsequently discussed at the 2011 First Nations Fisheries Council Annual General Assembly.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council hereby affirms the following principle statements for aquaculture, as endorsed by First Nations leaders and participants at the Aquaculture Meeting held on November 2, 2011 and discussed at the 2011 First Nations Fisheries Council Annual General Assembly:

a. Both First Nations and the First Nations Fisheries Council require dedicated resources to establish a Tier One process. Through this Tier One process, First Nations will collectively develop common perspectives and discuss an appropriate mechanism for accountability and appointments to the Integrated Management of Aquaculture Plans (IMAP) steering committee, technical committees and any national processes associated with the Department of Fisheries and Oceans (DFO)'s National Aboriginal Engagement Initiative. New additional resources are required as current resources available to First Nations and the First Nations Fisheries Council (from programs such as Aboriginal Fishing Strategy and Aboriginal Aquatic Resource and Ocean Management Program) are already fully subscribed;

b. First Nations will not tolerate a system in which their Aboriginal Title and Rights are subject to Tier 3 IMAP decision-making processes. Decisions that have the potential to impact the Title and Rights of First Nations must occur through a resourced government-to-government Tier 2 process. First Nations and the DFO must work collectively to define a Tier 2 process that upholds the Honour of the Crown and the duty to consult and accommodate;

c. First Nations recommend two levels for engagement in Tier 3 IMAP processes within B.C. – a First Nations technical committee that support a First Nations caucus of the IMAP steering committee -
    i. Aquaculture is a complex and highly technical industry. As such, we recommend establishing a First Nations technical committee to review information on behalf of First Nations and to be responsible for providing summary analysis to assist First Nations in decision-making processes across the province.
    ii. As all aquaculture operations occur within the traditional territories of First Nations, First Nations require a minimum of 50% of the seats on the IMAP steering committee to ensure First Nation views and Title and Rights are adequately represented in the integrated planning structure for aquaculture.
    iii. First Nations require sufficient resources in order to participant in these management processes;

d. The DFO must establish a First Nation focused program and provide dedicated resources for First Nations to play a major role in the monitoring and compliance of this industry in their

respective territories. First Nations around the province have clearly articulated the need for increased involvement and proper designations of authority - which flow from our inherent Rights, traditional governance and protocols - for the monitoring of this industry and that industry self-monitoring is unacceptable;

e. In the developmental stages, consistent staffing and training is necessary on the part of DFO in order to ensure continuity, predictability and the success of the BC Aquaculture Regulatory Program;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Leadership Council, the First Nations Fisheries Council and the B.C. Aquaculture Working Group to communicate the above endorsed statements for successful aquaculture governance to the DFO and to the Federal and Provincial governments, advocating for the engagement of First Nations at all scales in aquaculture management, regulation and decision-making.

Moved: **Chief Fred Sampson, Siska First Nation**
Seconded: **Chief Bob Chamberlin, Kwicksutaineuk/Ak-Kwa-Mish Tribes**
Disposition: **Carried**
Date: **November 23rd, 2011**