

Aboriginal Fisheries Strategy Program

DISCUSSION PAPER



**NATIONAL INDIGENOUS
FISHERIES INSTITUTE**

Indigenous Program Review

**INSTITUT NATIONAL DES
PÊCHES AUTOCHTONES**

Examen des programmes autochtones

indigenousfisheries.ca

Program Overview

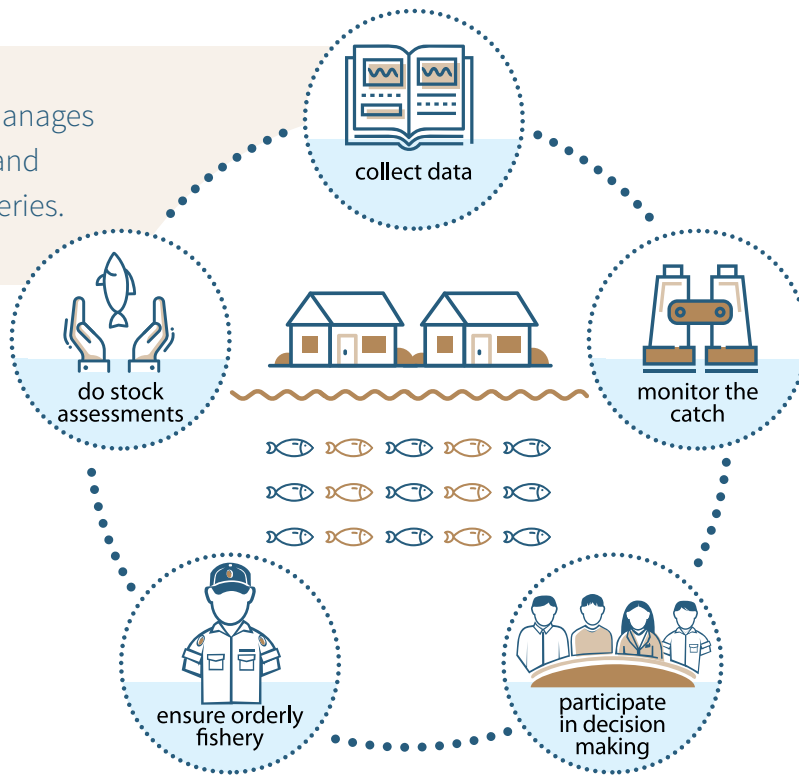

In *R. v. Sparrow* (1990), the Supreme Court of Canada ruled that First Nations have an Aboriginal right, as defined in the Constitution under section 35.1, to fish for food, social and ceremonial purposes. It also ruled that this right takes priority, after conservation, over other users.

The Aboriginal Fisheries Strategy program helps Fisheries and Oceans Canada manage the fishery in a manner consistent with the *Sparrow* decision and subsequent Supreme Court decisions. It provides a framework for Indigenous fishing for food, social, and ceremonial purposes under the authority of a communal licence issued through the *Fisheries Act*.

The program also helps Indigenous communities build capacity so they can meaningfully participate in the management of their food, social and ceremonial fisheries. This includes the capacity to undertake scientific stock assessments and habitat management activities in the field, to monitor their catch and fishing activities, and to enforce the rules set for fishing in the communal licence.

Activities and related training plans are featured in contribution agreements which are negotiated between communities and Fisheries and Oceans Canada. Approximately 125 of these agreements have been signed each year since the Aboriginal Fisheries Strategy program began. There are 85 agreements in the Pacific which involve 162 First Nations. The majority of the rest are with Indigenous groups in Atlantic Canada and Quebec.

A community manages its food, social and ceremonial fisheries.

Program Objectives

1. Orderly food, social and ceremonial fishing
2. Participation in fisheries management
3. Fisheries management skills and capacity

Desktop Review Summary

When the Aboriginal Fisheries Strategy program began in 1992, Fisheries and Oceans Canada did not have a lot of experience addressing Indigenous issues. However, the program evolved over time; especially, as Supreme Court of Canada decisions continued to define the Indigenous right to fish and to sell that fish.

In 1998, the Department started publishing annual reports on the program to highlight key activities, including the number of jobs created for guardians and other technical staff hired to do habitat restoration, stock assessment, and fisheries enhancement work. The reports also featured expenditure statistics and regional projects. These were published until 2011.

A comprehensive review of the Aboriginal Fisheries Strategy program was undertaken in 2002 and 2003, which included 34 discussion sessions with Indigenous groups across Canada. The review set out to find what was working and what was not, and what could be changed to make the program better. It also examined whether the program could meet the expectations of Indigenous groups for fisheries and fisheries management, the changing mandate of Fisheries and Oceans Canada, and the federal government's objectives for Indigenous Peoples.

The review concluded that the program was benefitting Indigenous communities and groups, but it also needed some improvements:

Benefits to Indigenous Communities and Peoples

The program was benefitting Indigenous communities and groups by providing (among other things):

- a means to build capacity and to plan activities
- a role in the management of fisheries
- job creation and training
- the potential to leverage funds to build a broader resource management program

Some Indigenous groups were already pooling their own resources with funding from the program (and, in some cases, other funding sources) to achieve greater benefits for their communities. For

example, pooled resources were being used to fund employment and training opportunities, cost-effective collaboration along a watershed or ecosystem, and activities related to habitat, science, and oceans co-management.

Fisheries and Oceans Canada was also benefitting from the program by receiving better species and habitat information from technical staff.

Recommended Improvements

Indigenous participants in the review recommended a number of improvements be made to the Aboriginal Fisheries Strategy program:

- standardized agreements: simpler, more flexible and for a longer-term
- longer-term funding to allow for long-term, strategic planning and partnership opportunities
- greater role for Indigenous groups in fisheries management
- better reflection of Indigenous input in decision-making processes
- professional training for harvesters, guardians, and agreement administrators
- expanded coverage to the entire ecosystem or watershed for more accurate resource monitoring and analysis
- better links to the programs of other Fisheries and Oceans Canada sectors or other government departments
- more effective communications

Review Outcomes

As a result of the 2002-2003 review, and the recommendations put forward by Indigenous participants, Fisheries and Oceans Canada reported that it began to work on:

- multi-year, simpler agreements
- streamlined, straight-forward reporting requirements
- flexible approach to capacity-building
- ongoing dialogue to address other concerns

The Department also began to develop a more comprehensive policy and program framework to co-ordinate Indigenous initiatives across all of its sectors and programs. The creation of the Aboriginal

Aquatic Resource and Oceans Management program was a third outcome. This longer-term program was designed to build capacity and strengthen professional relationships among Indigenous communities wishing to collaborate voluntarily within a common aquatic management group along a watershed and ecosystem.¹

It does not appear, however, that the Department's efforts to respond to the 2002-2003 review recommendations were all followed through to completion.

In 2007, a formative evaluation and an audit of the Aboriginal Fisheries Strategy showed that the program had yet to create the right reporting requirements, among other program needs. The evaluation, for example, recommended that Fisheries and Oceans Canada and Indigenous groups reach an agreement on the activities to be undertaken by the program, that these activities be reflected in agreements, and that reporting requirements be clearly stated. It also recommended that reporting requirements be able to measure the impact of the program.

Likewise, the 2007 audit concluded that the program lacked consistent direction on how to determine the eligibility of activities and items. It also found that deficiencies in program administration processes had resulted in payments being issued improperly and with insufficient validation. In addition, it found that the agreement negotiation process varied among regions, with some simply renewing the previous year's agreement without proper review.

In 2011, Fisheries and Oceans Canada committed once again to use multi-year, simpler agreements that featured (among other things):

- a common template for all Indigenous program agreements
- a work plan structure with greater flexibility to describe how activities met community needs
- streamlined reporting requirements that focused on achieving results

A 2013 evaluation of the Aboriginal Strategies and Governance Program, however, revealed that further steps still needed to be taken to reduce the complexity of agreements and reporting processes from the perspective of Indigenous program participants.

It has been a decade since the Aboriginal Fisheries Strategy program was evaluated and 15 years since it was reviewed by participants. Over the course of this 25-year program, its funding levels did not increase until the 2017 federal budget.

¹ The Aboriginal Aquatic Resource and Oceans Management Program is featured in a separate discussion paper.

Input of the Indigenous Program Review Panel

Indigenous executives with experience in fisheries and aquaculture programs agreed that program agreements needed to be simplified and improved. They reported that there were inconsistent technical capacity-building components between agreements and that agreements had not kept up with the growth of community populations.

Indigenous executives also noted that there was a limited basis on which to measure the outcomes of the Aboriginal Fisheries Strategy; especially, the relative efficacy or success of the program overall and the agreements themselves. They raised questions about whether agreements were being used for the same purposes today as they were intended in 1992 – and whether the original intent was fully developed at the outset by the Department or participants.

The need to balance and clarify the interconnectivity of the Aboriginal Fisheries Strategy and the Aboriginal Aquatic Resource and Oceans Management programs was another important point brought forward by these experts because the programs were not properly integrated from the start. They also emphasized the need for proper funding to improve program delivery and outcomes for involved communities.

The rights need to be respected, not managed.

Experiences of Fisheries and Oceans Canada Program Administrators

Staff at Fisheries and Oceans Canada who are involved in the day-to-day operations and administration of the Aboriginal Fisheries Strategy thought that the program's work plans could be improved to achieve greater results and to extend involvement. They also reported that there is a growing need for food, social and ceremonial catch data and other information gathering done through the program.

While multi-year components of Aboriginal Fisheries Strategy agreements have been successful for many communities, program administrators found that they are not always feasible. They also noted that capacity-building needs, which lead to longer-term agreements, have been the biggest obstacle to overcome.

Points of Discussion

The Aboriginal Fisheries Strategy was a promising initial program in which Fisheries and Oceans Canada and Indigenous communities and groups could meet and build a relationship.

However, the desktop review and the input of Indigenous experts and the Department's staff also show that the program has serious shortfalls:

- Complicated agreements
- An inadequate science, monitoring, and enforcement component despite the importance of data and information gathering
- Inconsistent technical capacity-building components between agreements
- Limited basis on which to measure outcomes
- Inconsistent regional administration practices
- Unclear links with the Aboriginal Aquatic Resource and Oceans Management program

In addition, many recommendations to improve the program made by Indigenous groups in 2002 do not appear to have been addressed. These include:

- Better reflection of Indigenous input in decision-making processes
- Professional training for agreement administrators
- Longer-term funding to allow for strategic planning and partnership opportunities
- Greater role for Indigenous groups in fisheries management
- Better links to the programs of other Fisheries and Oceans Canada sectors or other government departments

This discussion paper seeks to explore some solutions to these issues by asking for input on the following questions:

Managing Community Fisheries

1. Does your work plan help you meet community fishery objectives or do you need more or different capacity, such as staff or equipment, to do so?
2. Do the activities in your community fishery work plan repeat every year or have they changed over time? List examples.

3. Should the program be adjusted to improve data collection and information gathering? If so, how?

Making Contribution Agreements Less Complicated

4. What would help simplify contribution agreements and reporting on activities and outcomes?

Addressing Program Component Overlaps

5. Are your science and monitoring activities done with the support of the Aboriginal Fisheries Strategy or the Aboriginal Aquatic Resource and Oceans Management program (or both)? Should science and monitoring activities be in both programs?
6. How often do you interact with your aquatic resource and oceans management group regarding a fisheries management matter? List examples.

Addressing Training Needs

7. What training has your community had access to? Do you plan for ongoing training to transition your team to new positions or careers?

Improving Internal Awareness and Coordination

8. How do you interact with different parts of Fisheries and Oceans Canada? Is there a standard way to work collaboratively and to share information?
9. Does your community participate in local and regional resource management processes? Is your input included and used effectively?

Improving how Performance is Measured and Reported

10. How do you think the performance or the success of the Aboriginal Fisheries Strategy program should be measured? Which elements show the most benefit in your community?