

Section 35.1 Constitution Act (1982)

Recognizes and affirms existing Aboriginal and Treaty rights of Indigenous peoples of Canada, including the right to fish



Sparrow Decision (1990)

Confirmed Aboriginal Right, as defined in the Constitution, to fish for food, social and ceremonial purposes. This right takes priority, after conservation, over other users.

First of many court cases to test the scope of section 35.1 rights

Aboriginal Fisheries Strategy Program

Framework for Indigenous fishing for food, social and ceremonial purposes under the authority of a communal licence issues through the Fisheries Act

Rights Component

Harvest agreement

Technical Components

Build capacity so Indigenous communities meaningfully participate in the management of food, social and ceremonial fisheries

- Stock assessments
- Habitat restoration
- Fisheries enhancement
- Monitor catch and fishery
- Enforce rules set for fishing

Aboriginal Fishery Guardian Program 1992

Technical expert designated under the Fisheries Act and given certain enforcement powers under the authority of the act

Jobs and Training

- Administrators
- Harvesters
- Guardians
- Technicians

Economic Components

Pilot Sales Program 1992

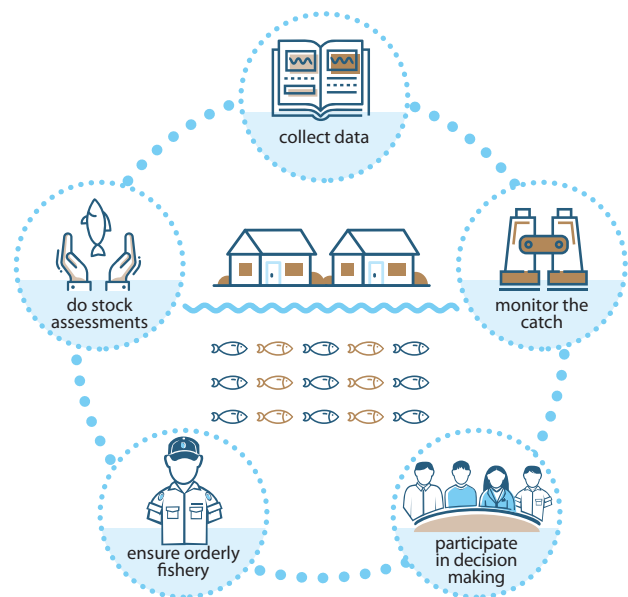
Helps First Nations in British Columbia achieve economic self-sufficiency by licensing the sale of Pacific salmon

Distinct programs in three areas:

- Lower Fraser
- Alberni Inlet–Somass River
- Skeena River

Agreements:

- 85 in British Columbia, 162 First Nations
- 40 elsewhere in Canada; primarily, in Atlantic Canada and Quebec



Program Objectives:

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

Allocation Transfer Program 1994 *Permanently retires licences from interested commercial harvesters on voluntary basis by buying licences at fair market value*

- 16 years since program reviewed by participants
- 11 years since program internally evaluated