

Purpose of the Plenaries

The plenaries were an opportunity for participants in the Aboriginal Fisheries Strategy and Aboriginal Fishery Guardian programs to comment on what the National Indigenous Fisheries Institute heard during Indigenous Program Review engagement about how these programs could be improved. This includes by confirming that the Institute captured the views of program participants (and others) correctly, and by adding other information for the Institute to reflect in its Program Review Phase Two final report.

What We Heard

Aboriginal Fisheries Strategy

Program Objectives

- Participants agreed with the conclusions captured in the presentation. *“There should be a strong objective to build capacity.”*

Lack of Funding

- Participants agreed with the conclusions captured in the presentation.
 - Several underscore the importance of adequate funding for this program, noting that funds have not increased since the program began and that funding for some Nations has even decreased.
 - Some think lack of funding has not only prevented capacity-building over the years, it has set back any capacity-building initially developed. *“I’ve had to cut my clerical staff to meet DFO’s priorities, even though my priority is capacity-building.”*

Administration and Reporting

- Participants agreed with the conclusions captured in the presentation.
 - Several stress that reporting requirements cause unnecessary and redundant work for Nations, and that a simple, multi-year reporting summary should suffice. A few also question whether funding through the program warrants the time it takes to complete reports.
 - One asked if the report card (RCAT) used by the Department was discussed during any workshops and questioned why Nations had no equal mechanism to be able to rate the performance of departmental officials. *“The RCAT tells us how we can report. It grades us, but we had no say in how it was developed. Even when we do report on time, it still takes DFO a long time to get funding to us. There are too many reviewers.”*

- One wants the Department to be more transparent about how program funding is distributed to regions, and how much is used internally to support program administration. *“How much of this funding is used to pay DFO workers?”*
- Another pointed out that grants and contribution funding is based on Treasury Board policy, and that this should be better explained to Nations – and then streamlined and simplified.

Aboriginal Fisheries Strategy Agreements

- Participants agreed with the conclusions captured in the presentation; particularly, that ‘one size does not fit all’ and that agreements must be flexible to meet the preferences of Nations, such as having a separately funded guardian program.
 - A few discussed the reasons why a Nation may or may not sign an agreement. One said they sign under duress, another said they are not able to use the agreement as a way to negotiate what they want with the Department, and still another thinks First Nations are in a unique position to exercise their powers when negotiating a comprehensive fisheries agreement. *“Our power is an option.”*

Economic Components

- Participants agreed with the conclusions captured in the presentation.
 - One requested that the first bullet be reworded to ensure that it was clear that societal needs include economic (the ‘social’ in food, social and ceremonial).
 - Another stressed the importance of economic opportunity licences to many Nations – and negotiations between Nations and the Department for access. *“The only other course of action is to take them to court. It’s the reality we live with.”*

Technical Activities

- Participants agreed with the conclusions captured in the presentation.
 - One recalled that fishery officers initially were generalists who did all of the technical activities listed on the slide – not just enforcement. *“It’s not like that today. We only have one enforcement officer and a gap in technical activities. It worked better when DFO had generalists.”* Another thinks this is an advantage for fishery guardians because their job description has flexibility.
 - One stressed the importance of this slide translating into action. *“We need adequate funding from DFO to go out and do these activities.”* A member of the Institute said the need for the Department to commit A-base funding toward activities that contribute to science was being discussed at the Board level.
 - One asked that the second sub-bullet be reworded to ensure that it was clear that First Nations are not just concerned about the gaps left by the lack of departmental scientists and habitat officers – First Nations want to fill those gaps. *“And, we want First Nations scientists working in our Nations.”*
 - In agreeing with the priority technical activities, one stressed that First Nations requirements are also important – and need to be blended with the Department’s

approach to technical activities. *“We work with the seasons and other ways of doing – and they need to work with us and our timing.”*

Training

- Participants agreed with the conclusions captured in the presentation.
 - One asked that the second bullet include reference to more control and authority for Nations to be a result of training. *“DFO controls – they tell me to just observe, but I’m alone and if something comes up, I’m told to take of it myself. I’ve gone through the training with them, and I know how to de-escalate, but I have no authority or equipment.”*
 - With regards to the sub-bullet, ‘training is an opportunity to build relationships,’ a few asked for ‘cultural sensitivities’ to be added. One also asked how the United Nations Declaration on the Rights of Indigenous Peoples 15(2) fit in this section. *“We need to break down the barriers of discrimination. There’s a whole sector saying we’re the bad people, but it’s the commercial industry and DFO who caused the fish stocks to decline.”*

Relationships

- Participants agreed with the conclusions captured in the presentation.

Priority Access and Rights

- Participants agreed with the conclusions captured in the presentation.
 - A few think conservation is used as a tactic against First Nations to prevent them from fishing for food, social and ceremonial reasons, even though other fishing may be taking place. One pointed out that priority access has already changed for Nations that depend on early-time chinook, as this is now just for southern resident killer whales. *“We’ve been trying to rebuild and protect this population but other species are starting to bump us from our food needs.”*
 - One asked that Indigenous knowledge be added to the slide because it is key to the First Nations’ approach to management. Another questioned why there is no compensation for Nations that no longer have enough fish to meet their needs.
 - One member of the Institute’s Board noted the delayed response of the Department in implementing Court decisions into policies and regulations – and the steps being taken by the First Nations Fisheries Council to work with the Department to fix this. Another Institute Board member noted the work of the Institute to get priority access and rights reflected in the integrated fisheries management planning process.
 - There was also some discussion about the need to address the lack of management, data collection, and enforcement in the recreational sportfishery. One thinks a socio-economic valuation should occur (which is currently underway). Another stressed the importance of First Nations consensus to close the recreational fishery at the beginning of the season. *“We can’t achieve this if you*

boycott the IFMP process.” Still another wants harsher consequences. “Lodges should lose their licences if people break the rules.”

Food and Culture

- Participants agreed with the conclusions captured in the presentation.
 - Several stressed the connection of conservation and protection with the health and well-being of First Nations, fish species, and the ecosystem as a whole. *“We are part of the ecosystem – and we are more in tune with the resource than they are. When fish are gone, we’re gone.”*

Co-management

- Participants agreed with the conclusions captured in the presentation.
 - One wants a clear definition about what co-management really means. Another wants more recognition of the conservation and protection efforts made by First Nations. *“When it’s our boats and our fishery, it’s so controlled, but we spend most of our time protecting the species.”*

Initial Conclusions

- Participants agreed with the conclusions captured in the presentation.
 - Several agree that the redesign of this program needs to come from the First Nations technical table, like the Indigenous Program Review. *“A lot of Supreme Court decisions have been bolted on the AFS program. We need to take a look at these aspects and then add the various individual needs from that point.”*
 - A few want to ensure Indigenous knowledge is protected because traditional use studies have been misused in the past. *“I don’t trust the government and how they may use it.”* One is concerned about how Indigenous knowledge may be used in species at risks discussions.
 - One asked that ‘renewed fishing culture in communities – and the interest of youth’ be added as a measure of success equal to meeting food needs and achieving healthy/sustainable fish stocks.
- There was some discussion about the co-management to self-governance trajectory, including how it could become reality. *“We’re not even close to co-management today. We need to define what this means and we need a government commitment to get to that point.”*
 - One stressed the co-management role in protecting the resource. *“Until we get that authority and our advice is respected, declines are going to continue.”* Another wants to see co-management reflected in the monitoring of fish farms and the protection of wild species from these operations. *“These have caused drastic changes and declining stocks – not just salmon, but shellfish and other species.”*
- There was also some discussion about the economic component to program:
 - One asked that ‘building economies’ be added to the food, societies and culture sub-bullet in terms of its import. *“We’re not benefitting from our resources and*

others are – we want to build an economy for our communities, too.” But others point out that this is not an opportunity for every Nation. “We’re at the end of the line – we’re in conservation mode only.”

- One suggested the Bolt decision, which said 50% of the fish belong to First Nations should be a nominal starting point and characterized as what Nations need, including for economic purposes. Others agreed with this point.

Aboriginal Fishery Guardian Program

Program Objectives and Historical Intent

- Participants agreed with the conclusions captured in the presentation. There was also agreement that a *“true, functioning fishery guardian program no longer exists”* and that this should be added to the slide.

Funding and Support

- Participants agreed with the conclusions captured in the presentation, with one asking whether there is a budget now to help Nations bring in guardians.

Technical Activities

- Participants agreed with the conclusions captured in the presentation; especially, lack of Conservation and Protection follow-up to guardian-reported incidents and the capability and willingness of some guardians to charge violators. *“I’ve charged people – they showed me how to do it, and it’s not hard. We should all be trained to do this.”*

Resource Guardian

- Participants agreed with the conclusions captured in the presentation, with several noting that it keeps people working longer.
 - One member of the Institute’s Board encouraged participants to consider the timing of adding other resource responsibilities to their fishery guardian’s duties. *“We need to first identify the path to achieve jurisdiction and authority – then, we can choose to go to other resources.”*

Training Needs

- Participants agreed with the conclusions captured in the presentation; particularly, the point that communities have sought out education centers and developed their own curricula to train their guardians. A few have sent their guardians to the Justice Institute, one went to North Island College, and others have taken Coastal Stewardship training.
 - One said the resistance of fishery officers to fishery guardians was made apparent when they refused to train the guardians. *“They were able to kill the program by taking away the field training aspect – and guardians have no authority to talk to anyone without a fundamental shift in the policy.”*

- Participants support the formal standard training protocol covering both technical and enforcement components.
 - One asked that a sub-bullet be added to ensure First Nations received their training in communities by First Nations trainers. *“When I was trained, the trainer didn’t know what our tools were; he had never fished.”*
 - Another wants it clear that there should be two-way training. *“We need a co-existing way to train – and this needs to be formalized.”*

Relationships

- Participants agreed with the conclusions captured in the presentation. *“Getting fishery officers to work with me has been the biggest barrier – the resistance of C&P to work with us has led this program to fail.”*

Authority and Recognition

- Participants agreed with the conclusions captured in the presentation – and want to ensure that this slide (and the technical activities slide) is clear that jurisdiction and authority means over any violator in their territory. *“I’m hearing guardian program is to catch us, not others, and I want a program to guard our resources in my territory.”*
 - One pointed out that First Nations justice is different. *“A person is made to apologize, stand up and be accountable for their actions.”* Another said disciplinary actions must go through Chief and Council. *“You have to respect that.”*
 - One asked that ‘enforcement authority’ be changed to ‘jurisdictional authority.’ Another wanted Hereditary Chiefs added to the sub-bullet: ‘need support of Chief and Council.’

Filling the Gap

- Participants agreed with the conclusions captured in the presentation.
 - One wants to see a year-round program. *“Illegal fishing begins when the fishery is closed and it takes place at night. DFO won’t go out at night, but we will.”*

Some Confusion

- Participants agreed with the conclusions captured in the presentation, with one explaining the benefits of the Coastal Guardian Watchmen ‘coast tracker’ tool to capture the data of guardians. *“We developed this ourselves.”*
 - One asked what the future holds for Nations that have not been able to get a fishery guardian. *“There’s been no RFP process – only a brick wall from both the feds and the province.”*
- There is agreement that the federal guardian pilot initiative needs to be clarified and for First Nations to understand the difference between the fishery guardian program, which is focused on jurisdiction and authority – and the pilot initiative, which is focused on sovereignty. *“We need to get on the same page.”*

- Participants also want clarity about the Department’s recent training and redesignation offerings. *“How can [DFO] be doing this when the review is going on?”*

Initial Conclusions

- Participants agreed with the conclusions captured in the presentation.
 - One asked that recognition of the role of guardians in successful incidents include the recognition of other sectors – and that the government be involved in promoting the role of guardians and their jurisdiction and authority. *“People need to be recognized according to their own protocols, laws and values, too.”*
- There was some discussion about the need to engage Chiefs in the future of this program to ensure that:
 - Nations can work together to achieve economies of scale
 - there is a retention strategy in place
 - guardians receive equitable pay and benefits
- There was also some discussion about the career progression pathways for designated and undesignated guardians.

Next Steps

Participants expressed support for the conclusions presented during the plenaries and they want to be part of a campaign to endorse the report once the recommendations are finalized. *“Tell us what you need from us to make it clear to the Minister that we support this.”*