

Position Description

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| Position Title: | Executive Director, Aboriginal Programs |
| Position Number: | 4822 |
| Department: | Fisheries and Oceans |
| Sector: | Fisheries Management |
| Classification: | EX-1 |
| Supervisor's Title: | Director General, Aboriginal Policy and Governance |
| Location: | Ottawa |

General Accountability:

Accountable for planning and managing the delivery of programs for the development and negotiation of fishery and related provisions of Aboriginal claims and self-government and treaty issues, and provides direction and leadership with respect to regional negotiations. Monitors litigation before the courts related to Aboriginal fishery rights and ongoing negotiations across the country and provides analysis and expert advice to management and stakeholders. Manages research, analysis and input with regard to the Aboriginal Affairs programming, the Aboriginal Fisheries Strategy and related policies and provides authoritative advice and intelligence on emerging Aboriginal fishing issues.

Organizational Structure:

This is one of four senior positions reporting to the Director General, Aboriginal Policies and Governance. The others are: the Senior Director, Fisheries Access Programs; the Director, Aboriginal Policy; and the Chief, Marshall Secretariat.

Reporting to the Executive Director, Aboriginal Programs are the following senior positions:

Chief, Claims and Self-Government (Staff of 3):

Accountable for the formulation and negotiation of fishery and other provisions to support DFO management and government's objectives with respect to claims/self-government and co-management agreements.

Chief, Aboriginal Fisheries (Staff of 4):

Accountable for the undertaking of research, analysis and evaluation of the Aboriginal Affairs program, policies, plans and strategies to support DFO management and government's objectives and negotiating positions with regard to Aboriginal Fisheries, Aboriginal Fisheries Strategy agreements and contributions. Provides authoritative advice and strategic direction on the negotiation of Aboriginal Fisheries agreements.

Chief, Special Projects (Staff of 3):

Accountable for conducting research, analysis and evaluation of the Aboriginal Affairs program, policies, plans and strategies regarding Aboriginal fishing including the provision of authoritative advice and strategic intelligence on emerging Aboriginal fishing issues and Aboriginal litigation.

Nature and Scope:

The Department of Fisheries and Oceans (DFO) is engaged in the development and delivery of policies and programs in support of Canada's economic, ecological and scientific interests in oceans and inland waters and the safe, efficient and environmentally sound movement of commercial and other traffic over Canada's oceans and inland waterways. The Department is responsible for the development of operational programs and policies, standards, directives and cost recoverable services related to the legislated mandate of the Canadian Coast Guard and the management of major scientific and technical activities related to the management of renewable fisheries habitats and resources, and aquatic and oceans research and management programs of national and international consequence.

One of the department's core mandates is the conservation and sustainable utilization of fisheries resources and the Fisheries Management Sector provides the operational focus for the achievement of this mandate. Within this Sector, the Aboriginal Fisheries Directorate is accountable for the development and implementation of the strategic framework and approaches for the management of the participation of Aboriginal people in fisheries. As well, the Directorate is responsible for the formulation of a national policy for treaty and claims negotiations and for the provision of direction and leadership with respect to regional negotiations.

Now, however, the department is facing a number of challenges regarding Aboriginal fishery participation. For instance, the Supreme Court of Canada's decision in *R. v. Marshall* in September 1999 and as clarified in November 1999, has better defined treaty rights for Aboriginal participation in the commercial fishery, a sector plagued with collapsed, declining or severely limited stocks. Given the state of Atlantic stocks and that Atlantic commercial fisheries are fully subscribed, the introduction of new Aboriginal fishers into the fishery has been a source of conflict and tension with existing users in that region. At the same time, the decision has stimulated pressures from Aboriginal groups elsewhere in the country for increased access to the fisheries.

The Executive Director, Aboriginal Programs manages several key programs that facilitate the development of effective responses to these and other challenges related to Aboriginal fishery participation. With regard to Aboriginal claims and self-government, for example, access to fish resources is a major issue under negotiation, and the Executive Director provides an operational framework for the development and negotiation of fishery and related provisions with Aboriginal groups. The incumbent directs the formulation of strategic positions, alternative proposals for settlement and recommendations on controversial ministerial-level comprehensive claims, and self-government and treaty issues. Moreover, the incumbent oversees the provision of authoritative advice, information, and liaison and consultation services to the Minister, Federal Negotiators, central agencies, senior departmental management, provincial and territorial governments and First Nations Negotiators on intricate, complex and politically sensitive issues and provides a centre of expertise upon which regional officials in DFO and DIAND engaged in fisheries negotiations can draw.

In addition, the Executive Director is accountable for the management of DFO participation in and the provision of support for negotiations between the Department and Aboriginal groups on the delivery of the Aboriginal Fisheries Strategy, a \$35M per year grant and contribution program for which the Executive Director is responsible for managing. He/she manages the provision of expert input into the development of DFO negotiation mandates and national policies to guide negotiations, and the formulation of detailed federal interest papers, sub-agreements and reports for tabling in negotiations. The incumbent and his/her team also represent DFO and take the lead for the department in the negotiation of comprehensive claims, self-government issues and treaty claims. As well, he/she coordinates negotiations with DFO programs of interest to First Nations and ensures consistency with DFO mandates, policies and operations. Likewise, the incumbent leads the development of detailed implementation mandates for inclusion in Treasury Board submissions and the negotiation of implementation plans for insertion in agreements.

Furthermore, the Executive Director manages the formulation of negotiation strategies and positions to establish solid grounds for negotiations with Aboriginal groups and to ensure that DFO is strategically positioned. He/she is also responsible for the ongoing evaluation of positions, for the origination and development of negotiating proposals and approaches, for the recommendation of terms of reference and for ensuring the compatibility of positions and approaches with DFO's Aboriginal Fishery Strategy, plans and policies. As well, the incumbent provides critical support to senior management in the establishment of strategic partnerships which have a sustainable effect on the management of commercial Aboriginal fisheries across Canada and the implementation of Aboriginal fisheries agreements.

The Executive Director is also accountable for the undertaking of extensive consultations with stakeholders and complex research, analysis and evaluation with regard to DFO's management of Aboriginal fisheries frameworks and the government's policies, strategies, negotiating positions and relationships in the context of the Aboriginal Fisheries Strategy. He/she manages the identification of critical and contentious issues, the definition of program objectives, the development of strategic positions and critical paths and the assessment of

their socio-economic impact, and the recommendation of pathfinding approaches for the development of successful Aboriginal fisheries agreements that cultivate harmonious relations and enhance the effectiveness of contributions to Aboriginal groups.

Additionally, the incumbent plans and manages monitoring activities with respect to the numerous pieces of litigation before the courts related to Aboriginal fishery rights as well as the scores of ongoing negotiations across the country. The Executive Director plans and manages the review, analysis and synthesis of evolving case law, liaison and consultation with the Department of Justice and the provision of expert advice to the Minister, senior management and DFO/DIAND negotiators with regard to the impact of rulings and decisions on negotiations with various Aboriginal groups.

The Executive Director manages the conduct of comprehensive consultation and liaison activities with other areas in DFO and brings a horizontal perspective and an integrated approach to the resolution of issues that impact on Aboriginal affairs and programs. He/she oversees the analysis and evaluation of on-going programs and projects to ensure that DFO's responses to emerging issues and/or opportunities for action in the Aboriginal fisheries fora are consistent and supportive of governmental and departmental objectives, and recommends, through briefings and briefing notes to the Minister and senior departmental management, remedial action and revised approaches. The incumbent is also accountable for undertaking extensive consultation with inter-departmental and intergovernmental representatives and private stakeholders concerning Aboriginal issues and the preparation of detailed analysis and integration of proposed actions and programs.

As well, the Executive Director directs the assessment and reporting on relevant trends, positions and developments affecting the management of Aboriginal fisheries and the tracking and analysis of current developments in the fisheries sector. He/she identifies emerging and potentially politically sensitive issues, anticipates the need for briefing material for the Minister, Deputy Minister and other senior management and formulates and provides related strategic advice and intelligence for various stakeholders.

The Executive Director is presented with many challenges in the performance of this work including the requirement to manage the delivery of programs within a rapidly evolving policy and legal context and an environment characterized by ambiguity, Aboriginal client variability and large potential for the flaring up of Minister-level political crises. In addition, the Executive Director is responsible for contributing to the achievement of objectives, such as the orderly management and conservation of fisheries and the enhancement of social harmony in numerous coastal communities, through the negotiation of effective agreements.

He/she is also challenged with identifying new and innovative ways to meet First Nation expectations for more culturally appropriate management and harvesting regimes for their domestic fishery while contributing effectively to the Sector objective of conserving, protecting, restoring and maintaining fisheries stocks/fish habitats. As well, the incumbent is required to contribute to greater cooperation and shared stewardship in the management of the fishery between Aboriginal and non-Aboriginal groups. Another overriding challenge for

the Executive Director is to redefine and reshape the participation of First Nations in the fishery to ensure an integration within the department's general strategies for Fisheries of the Future, the requirements and entitlements for First Nations as negotiated during the resolution of claims and as stipulated by the decisions of the courts.

Dimensions:

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| Number of Staff: | 15 |
| Salary Budget: | \$802,000 |
| Operating Budget: | \$500,000 |
| Grants and Contributions: | \$35 million |

Specific Accountabilities:

1. Provides an operational framework for the development and negotiation of fishery and related provisions of Aboriginal claims, and self-government and treaty issues.
2. Directs the formulation of strategic positions, alternative proposals for settlement and recommendations on controversial ministerial-level comprehensive claims, and self-government and treaty issues.
3. Furnishes authoritative advice, information, and liaison and consultation services to the Minister, negotiators and other stakeholders on intricate, complex and politically sensitive issues.
4. Provides direction and leadership with respect to regional negotiations and develops and maintains a centre of expertise upon which regional officials in DFO and DIAND engaged in fisheries negotiations can draw.
5. Manages the provision of expert input into the development of DFO negotiation mandates and national policies to guide negotiations, and the formulation of detailed federal interest papers, sub-agreements and reports for tabling in negotiations.
6. Represents DFO and takes the lead for the department in the negotiation of comprehensive claims, self-government issues and treaty claims.
7. Coordinates negotiations with DFO programs of interest to First Nations and ensures consistency between negotiations and DFO mandates, policies and operations.
8. Manages the evaluation of negotiating positions and the origination and development of negotiating proposals and approaches, and ensures the compatibility of positions and approaches with DFO's Aboriginal Fishery Strategy, plans and policies.

9. Supports the establishment of strategic partnerships which have a sustainable effect on the management of commercial Aboriginal fisheries across Canada and the implementation of Aboriginal fisheries agreements.
10. Manages monitoring activities with respect to the numerous pieces of litigation before the courts related to Aboriginal fishery rights as well as the scores of ongoing negotiations across the country.
11. Plans and manages the review, analysis and synthesis of evolving case law, liaison and consultation with the Department of Justice and the provision of expert advice to the Minister, senior management and DFO/DIAND negotiators with regard to the impact of rulings and decisions on negotiations with various Aboriginal groups.
12. Manages the conduct of comprehensive consultation and liaison activities with other areas in DFO and brings a horizontal perspective and an integrated approach to the resolution of issues that impact on Aboriginal affairs and programs.
13. Undertakes extensive consultation with inter-departmental and intergovernmental representatives and private stakeholders concerning Aboriginal issues and manages the preparation of detailed analysis and integration of proposed actions and programs.
14. Directs the assessment and reporting on trends, positions and developments affecting the management of Aboriginal fisheries and the tracking and analysis of current developments in the fisheries sector and advises the Minister and senior management.

Approved by: _____ Date: _____