

POSITION DESCRIPTION

POSITION TITLE: Regional Director, Treaty and Aboriginal Policy Directorate

POSITION NUMBER: 27938

REGION: Pacific

DEPARTMENT: Fisheries and Oceans

LOCATION: Vancouver, British Columbia

SUPERVISOR'S TITLE: Regional Director General, Pacific Region

DATE: June 2001

General Accountability

The Regional Director Treaty and Aboriginal Policy Directorate is accountable for providing leadership to:

- the development and implementation of policies , strategies, tactics and programs in support of the Aboriginal Fisheries Strategy(AFS);
- the participation of the Department in the negotiation of Aboriginal land claims and self government agreements, *through the BC Treaty Commission(BCTC) process*, with a primary goal of ensuring Aboriginal access to fisheries and integration into the management of the fishery resource for Aboriginal claimants;
- the coordination of Regional *and Headquarters* participation in land claims negotiations *through BCTC*;
- consultation with leaders of Aboriginal communities to establish and implement an agenda for *their participation* in the effective management of the fisheries resource *in conjunction with the Regional Director, Fisheries Management and the Area Directors*;
- Departmental initiatives to improve the economic base of Aboriginal fishing communities.

Organization Structure

This is one of sixteen positions reporting to the Regional Director General Pacific Region. The others are: Regional Director Corporate Services; Regional Director Fisheries Management; Regional Director Science; Regional Director Habitat and Enhancement; Regional Director Human Resources; Regional Director Oceans; Regional Director Realty and Facilities; Regional Director Coast Guard; Regional Director, Policy and Communications; Area Director BC North Coast; Area Director BC Central Coast; Area Director BC South Coast; Area Director Yukon and Transboundary Rivers; Area Director Lower Fraser River; Area Director Interior BC.

Reporting directly to the Regional Director Treaty and Aboriginal Policy Directorate are:

Manager, Policy Analysis and Treaty Support (Staff of 25) - Accountable for directing the integration of long-term Treaty directions into operational guidelines, standards and procedures relating to First Nations. Directs the management of Treaty support, and AFS program management, to ensure effective linkages, while each group focuses on delivering their specific responsibilities. Provides focal point for the development of short and medium term Aboriginal policy *relating to various DFO sectors/areas*. Leads, or directs the leadership by others, of multi-disciplinary interdepartmental aboriginal policy development teams.

Senior Negotiator (No Staff) - Accountable for developing long-range Treaty goals and strategies for Pacific Region. Identifies barriers (legislative, political, policy, resources) to the achievement of Fisheries and Oceans' Treaty goals and develops strategic plans to surmount these obstacles. Leads, or directs the leadership by others, of the development of policy relative to Treaty fisheries options. Provides leadership coaching and mentoring to a team of Regional Negotiators. Acts as the primary resource of departmental expertise on complex Treaty issues.

Regional Negotiators (x9)(No Staff)- Accountable for negotiating fisheries agreements at Treaty Tables on behalf of Canada and fisheries and Oceans. Develops complex long-range (one to three years) negotiating strategies in concert with the Senior Negotiator, the FTNO's Chief Negotiator, other departments/agencies representatives and Fisheries and Oceans' Sector and Area staff. Each Negotiator carries a specific portfolio for Economics, Fisheries Management, or Environmental Assessment, etc. The Negotiators lead and participate in *interdepartmental, multi-level* and multi-disciplinary teams

charged with the development of Treaty policy under the direction of the Senior Negotiator, and participate in other joint Treaty / Aboriginal Policy projects as required.

Nature and Scope

The Department of Fisheries and Oceans 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 legislated mandates 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.

The Pacific Region is large and geographically diverse, The Pacific Region encompasses an area extending 200 miles into the ocean and including 560,000 sq. km of ocean and 27,000 km of rugged coastline. The Region, as the largest in the Department, manages approximately 20% of the Department's total financial and human resources and a higher percentage of departmental physical assets. Fisheries management operates from six area offices, with over fifteen field offices as well as a large number of other field sites.

The Region is characterized by a number of competing interests. There is a lucrative aboriginal fishery which includes numerous and widely dispersed Aboriginal groups that have cooperated to a degree in the development of comprehensive land and resource claims and established in the courts their right to fish for food, societal and ceremonial purposes. *In some cases aboriginal commercial fishing rights have also been established* There is an immensely popular and economically significant sport fishing industry dependent on maintaining current access to salmon stocks. There is also a commercial fishery that produces very high dollar yields over very short periods of the year; and a significant American presence in the fishery. There are also significant environmental issues because of major commercial exploitation of natural resources through extensive logging and mining operations.

The Fisheries Management Pacific's Program Delivery Renewal (PDR) initiative, which decentralizes program and service delivery to the area level, is intended to allow the Region's "corporate" functions, such as those within the Treaty and Aboriginal Policy Directorate, to focus on the development of policies, longer-term strategies, standards and guidelines and evaluation frameworks. *However,*

the Branch still maintains significant onus of accountability for the delivery of these initiatives through participation in the negotiation process.

In response to the increasing emphasis which the government is placing on creating and maintaining partnerships with stakeholders, the Department has embarked upon a series of legislative reforms that shift emphasis from *harvest management* to the concept of sharing the stewardship responsibility for the resource with all participants in the fisheries. This change in the Department's operating philosophy profoundly effects the Department's clients, stakeholders *and employees* as the policies governing this resource directly affect people's jobs, communities and their way of life. This is particularly *significant to* DFO's relationships with Aboriginal communities. One of the elements of this new approach is the Aboriginal Fisheries Strategy. This strategic initiative provides a framework for the management of the Aboriginal Fishery in a manner consistent with the 1990 Supreme Court of Canada Sparrow decision.

In this context the Regional Director, Treaty & Aboriginal Policy Directorate is accountable for providing leadership to the development and implementation of DFO operational and general Aboriginal Affairs policies, in support of the AFS, through effective regional consultation processes, and for acting as the DFO focal point for the development of Pacific Regional approaches to the negotiation of Aboriginal land claims and self government agreements.

The incumbent is challenged by the uniqueness of the Pacific Region's Aboriginal affairs environment which has at its core the lack of resolution of ownership and autonomy issues which have been outstanding for one hundred years. Aboriginal perceptions that they have been victimized over time by insensitive and draconian central government policies and decisions has created an atmosphere where distrust and traditional confrontational approaches are difficult to overcome. This is compounded by the large number of diverse and geographically dispersed Aboriginal communities located on the BC coast and inland waterways. These communities are each separate identities *often* with little true affiliation one with the other, with only basic issues in common, and often viewing each other with suspicion and even enmity. This is further complicated by the multiplicity of Aboriginal Affairs governance mandates including those of the Provincial Government, various Departments of the federal government in addition to DFO, and of the Aboriginal communities themselves. The Aboriginal government governance models present a unique challenge because of the number of communities, the short two year term of office of elected band council members, the small size and parochial nature of each community, and because of underlying serious social and cultural issues. *All of these environmental complexities are exacerbated by the continuously changing "legal landscape" with fundamental changes occurring every few months.*

The key responsibility of the Regional Director is to ensure that all initiatives and programs of the Treaty and Aboriginal Policy Directorate effectively support and are consistent with the *evolving* objectives of *Canada's Treaty mandate and that necessary changes to the Department's AFS applications are identified, approved and implemented*. The other key responsibility is coordinating overall direction of AFS preparation. The main objectives of the AFS are:

- To provide Aboriginal people with the opportunity to fish for food, social, and ceremonial purposes in a manner consistent with the Sparrow decision and to provide for the co-operative management of these fisheries.
- To provide a role *for Aboriginal communities in the management of fisheries activities* through AFS agreements, which include - Cooperative fisheries management; economic development opportunities for First Nations; Pilot projects for the sale of fish. (\$16 Million annually)
- To *implement these programs so as to* avoid or minimize disruption of non-aboriginal fisheries. This is *supported by* the voluntary license retirement of commercial licenses, transfer of allocation to Aboriginal communities for pilot sales projects, and the issuance of commercial licenses to Aboriginal communities. (\$9 Million annually)

The AFS also serves as a bridging arrangement in fisheries matters during the negotiation of treaties in BC and in the development of self-government.

The Regional Director provides leadership to the Department's participation in the negotiation of land claims and self-government agreements. Access to fisheries and integration into the management of the fishery resource for Aboriginal claimants are important components of most land claim settlements. The Department participates as part of the Federal negotiation team to achieve settlements to - meet conservation requirements; satisfy Aboriginal aspirations regarding fisheries; and to take into account the needs of third party users of the fishery. It is the incumbent's responsibility to ensure that the Department meets its Treaty obligations efficiently and cost effectively. The negotiating process model is logistically complex requiring a high level of expertise in the engineering of agreements with a range of negotiation participants who come to the table with disparate priorities and perceptions of issues. The lead Federal agency in the tripartite negotiations process is the Federal Treaty Negotiations Office, Indian and Northern Affairs Canada. The other participants are the Provincial government and First Nations. The BC Treaty Commission was established to facilitate these tripartite treaty negotiations between Canada, BC, and British Columbia First Nations. The Department's Treaty Negotiation Unit

under the leadership of the Regional Director represents the Department as a participant in the tripartite Treaty negotiations. *Complex strategies to advance departmental goals over a 3 to 5 year time frame are required.*

The Regional Director represents the Department in Fisheries related aboriginal matters with senior managers of the department within the Region and at Headquarters and with senior officials of other federal and provincial government departments, representatives of industry, sports fishing associations and Aboriginal groups, and other stakeholders. The incumbent acts as the advisor to other Division Directors within the Region. This is a key responsibility in that there is no Branch whose activities do not impact on the department's relationship with First Nation communities.

The Regional Director is continually challenged by a working environment that is complex and often emotionally highly charged and confrontational. The incumbent must be politically aware of and sensitive to the unique legal and constitutional position of Aboriginal peoples whom in British Columbia and Yukon, comprise 30 cultural-linguistic groups. *Managing through the political complexities of the federal-provincial jurisdictions over fisheries management, and sensitivity to, and accommodation of, the political directions of the BC government are key to the success of the Department's initiatives. Socio-political and cultural linkages with Washington State and Alaskan First Nations are also essential to the knowledgeable understanding of the environment.* The incumbent must also direct the activities and initiatives of the Division in a manner which reflects an understanding of the importance of the fisheries to the economy of the Province and to the many small communities that rely upon the fishery for employment and a way of life.

As a member of the Regional Management Committee and the Pacific Policy Committee, and as one of the principal subordinates of the Regional Director General, the Regional Director is expected make a meaningful contribution to the development of overall regional strategic and tactical plans and to group decision making.

Dimensions

Salaries and Overtime	\$1,800,000
Variable O&M	\$286,000
Fixed O&M	\$98,000
Staff	

<i>Program Delivery</i>	<i>\$895,200</i>
<i>Grants and Contributions</i>	<i>\$10,900,000</i>

Specific Accountabilities

1. Provides authoritative policy advice on Aboriginal fishery matters to Regional management and senior Headquarters management of *DFO and INAC and other Federal and Provincial agencies* on Aboriginal fishery matters and represents the Region's Aboriginal fisheries interests and concerns to Headquarters.
2. Establishes the Region's priorities and develops the Region's Aboriginal fisheries strategic plans and policies, consistent with the Department's overall priorities, strategies and policies.
3. Ensures consistent and compliant implementation of the Aboriginal fisheries strategy by the treaty and Aboriginal Policy Directorate and by all other Branches within the Region.
4. Directs the consultations and negotiations of the Branch with Aboriginal *umbrella* groups toward the successful conclusion of Working and Interim Agreements for the cooperative management of fishery resources, *or supports efforts of colleagues in negotiating such agreement for HEB, CG, etc.*
5. Ensures that Regional concerns and interests are effectively represented in the development of strategies and priorities for fisheries related issues in land claims and directs the Department's participation in negotiations with Aboriginal groups with regard to land claims and self government issues.
6. Ensures that Aboriginal fishing plans are reflected in the region's integrated fisheries management plans.
7. Promotes the development and implementation of alternative approaches to *assist* Aboriginal communities to achieve greater economic autonomy.
8. Resolves major crises between Aboriginal communities, other stakeholders and the federal Government on matters pertinent to the fisheries, *or supports Area Directors in such activities*
9. Ensures that the activities of the Division are supported by the appropriate financial and human resources and administrative services.

10. Ensures continuous review and reassessment of Department policies and operating procedures relative to the implementation of Aboriginal Fisheries Strategy.