
EXECUTIVE GROUP POSITION DESCRIPTION

POSITION TITLE: Director, Strategic Aboriginal Policy

DEPARTMENT: Fisheries and Oceans

SECTOR: Fisheries Management

DIRECTORATE: Aboriginal Policy and Governance

POSITION NUMBER: 25991

LOCATION: Ottawa, Ontario

GENERAL ACCOUNTABILITY

Is accountable for developing, overseeing and monitoring the development and implementation of the strategic policy and operational frameworks, strategies and programs to articulate and advance departmental initiatives with respect to the participation of the Department in national and regional treaty and claims negotiations and the participation of aboriginal people in the various fisheries.

ORGANIZATION STRUCTURE

This is one of three positions reporting to the Director General, Aboriginal Policy and Governance. The others are: Director, Aboriginal Fisheries; Executive Director, Marshall Program.

Reporting to the **Director, Strategic Aboriginal Policy** are Project Teams assembled to address specific policy and strategic issues associated with the Department's mission, role and functions related to integrating the claims and rights of aboriginal communities into the Department's overall mandate for the management of the fisheries developing policy advice to further the Aboriginal-DFO relationship; and liaising with other departments in broader federal-Aboriginal policy development, such as the RGMAP process. The members of the team are responsible for carrying out the research, analytic and development activities usually required for effective policy and strategy development, as well as liaison and coordination functions with other government departments, Aboriginal groups and other stakeholders. The Director also has direct managerial responsibility for three professional staff to assist in carrying out his/her responsibilities.

NATURE AND SCOPE

The Department of Fisheries and Oceans is engaged in the management of major scientific and technical, renewable fisheries resources, and aquatic and oceans research and management programs of national and

international consequence. These programs are delivered through six research and operational centres across Canada.

The Department is unique within the federal government in that it maintains a custodial responsibility over a natural resource for the people of Canada. As the custodian of the resource, the Department has a responsibility to ensure the supply, quality and safety of fish and fish products. The Department exercises its custodial responsibility in the face of competing interest for the resource: commercial, recreational and aboriginal. The Department, in the past, has relied heavily on developing and administering regulations to carry out its responsibilities for inspection and enforcement. Native land claims and aboriginal rights are major constitutional issues, highly visible to the public and constantly in the political arena. Further, these questions are associated with issues in the commercial and recreational fisheries areas, as natives attempt to use their fish harvesting activities as a means of improving their economic situation.

In response to the increasing emphasis which the government is placing on creating and maintaining partnerships with stakeholders in the administration of regulations. One of the elements of this new approach is the Aboriginal Fisheries Strategy. This is a national program that has been in effect since 1992. The aim of the strategy is to negotiate Working and eventually Interim Agreements with Aboriginal First Nations on Aboriginal fishing.

It is in this context, the Director, Strategic Aboriginal Policy is responsible for addressing fundamental policy, strategic and operational issues raised by the harvesting of fish by Aboriginal peoples and the fiduciary relationship which exists between the federal government and Aboriginal peoples. The Supreme Court of Canada found that Aboriginal people have a right to fish, at least for food, social and ceremonial purposes, which takes precedence over fishing by other Canadians. The Director is called upon to establish the strategic priorities and policy positions for the Region within the framework of the national policies flowing out of the Supreme Court decision and the Aboriginal Fisheries Strategy. The Director, is also responsible for the developing of an integrated approach to Aboriginal programming both within DFO and vis-à-vis the broader federal government mandate.

More recently, the government put in place the Marshall program to implement the Supreme Courts decision in Marshall regarding limited commercial access to fish resources. This program will be in place over the 1999 to 2006 period.

Finally, the government has launched a major review of Aboriginal programming, with a view to increasing its effectiveness at improving the livelihood of Aboriginal people.

The Director is confronted with three distinct but interrelated challenges:

- ensuring that the Department discharges the fiduciary obligations of the federal government to Aboriginal communities on their fishing rights;
- ensuring that Aboriginal fisheries, while in priority second only to conservation are integrated with other fisheries in an orderly manner; and

- facilitating the economic development of Aboriginal communities utilizing fisheries resources.

The Director faces these challenges in a working environment that is complex and can be extremely difficult, at times highly charged and confrontational. The incumbent must be politically aware of the unique legal and constitutional position of Aboriginal peoples, who comprise a significant number of broadly diverse cultural-linguistic groups. He/she must also be aware of and sensitive to the importance of the fisheries to the economy of the provinces and the territory and the many small communities that rely upon them for employment and a way of life.

The Court also directed that, where an Aboriginal fishing right exists, the Department should consult with native people before regulating fishing for food, social and ceremonial purposes and indicated that regulation could only be justified by compelling reasons, citing conservation as an example. The incumbent directs and oversees the development and implementation consultative approaches and processes with Aboriginal communities throughout the Country. The Director is called upon to ensure that the interests and concerns of commercial and recreational fishers, other stakeholders, the general public and provincial and territorial government are factored into the Department's policy and strategic frameworks with regard to the negotiation of Aboriginal land claims and fisheries strategies.

The Supreme Court in *Marshall* spoke to a (limited) Aboriginal fishery for commercial purposes, though restricted to Atlantic First Nations. In addition, recent decisions of British Columbia courts have stated that Aboriginal fishing operations are restricted by harvesting regulations on the same footing as all other commercial fishing operations. The Director is responsible for ensuring that agreements reached with Aboriginal peoples respect the regulatory framework for commercial fishing. The responsibility of the Director extends to defining and articulating the strategies and approaches to be used in the negotiation to determine the means of devolving to Aboriginal groups the responsibility for monitoring and controlling the fishing by Aboriginal communities. The Director is also called upon to integrate the policies and programs related to aboriginal fisheries with regional fishery and habitat management plans.

The Director is also called upon to manage and oversee the development and implementation of a variety of elements of the over-all AFS to enhance Aboriginal participation in the cooperative management of the resource, such as research, habitat restoration and fish enhancement. The challenge for the incumbent is to ensure that aboriginal interests and concerns are not isolated but rather that they are considered within the overall context of the management of the fisheries.

The Director is the Department's principal architect of the frameworks to guide the conduct of comprehensive and specific land claims negotiations, which affect the fishery. The incumbent establishes the Department's overall policies and negotiating strategies. The incumbent is called upon to ensure that these reflect the Department's interests and concerns in these matters.

The Director represents the Department in dealings, negotiations and in-depth consultations with senior managers of the Department at Headquarters and in the Region, and with senior officials of other federal and provincial departments, representatives of industry, sports fishing associations and Aboriginal groups,

and other stakeholders.

DIMENSIONS

Staff	3 Full Time Equivalents
Operating Budget:	\$ 0.5 million

SPECIFIC ACCOUNTABILITIES

- 1 Provides authoritative policy advice on all Aboriginal matters to senior management at Headquarters and in the Regions.
- 2 Develops and oversees the implementation of the policy frameworks and strategies to ensure that the Department's policies are consistent with the government's over-all priorities and policies affecting native peoples.
- 3 Develops and oversees the implementation of the policy frameworks and strategies to ensure the consistent resolution of native concerns relative to federal provincial and territorial legislation, while maintaining the balance between native interests and those of other citizens with respect to the use of fisheries resources.
- 4 Develops and oversees the implementation of the policy frameworks and strategies to promotes greater participation of native people in the management of their fisheries through the negotiation of fisheries provisions in land claim settlements or agreements.
- 5 Ensures that the mechanisms are in place to effectively represent aboriginal and regional concerns and interested in the development of strategies and priorities for fisheries related issues in land claims and participates in negotiations with Aboriginal groups over land claims.
- 6 Ensures that the Division has the appropriate policy capacity to articulate and advance the Department's agenda with respect to Aboriginal groups.
- 7 Represents the department at interdepartmental meetings as well as with First Nations and other stakeholder.

CERTIFICATION

The foregoing is an accurate and comprehensive statement of the duties and responsibilities assigned to this position.

Incumbent

Date

Signature

Director General

Date

Signature