
EXECUTIVE GROUP POSITION DESCRIPTION

POSITION TITLE:	Director General, Aboriginal Policy & Governance
DEPARTMENT:	Fisheries and Oceans
SECTOR:	Fisheries Management
DIRECTORATE:	Aboriginal Policy and Governance
POSITION NUMBER:	26472
LOCATION:	Ottawa, Ontario

GENERAL ACCOUNTABILITY

Is accountable for providing professional leadership in coordinating DFO's development and implementation of strategic policy frameworks, approaches, and programs required to enable the participation of Aboriginal people in DFO's management of the Canadian fishery and aquatic species in a manner that is consistent with "Our Waters, Our Future", Fisheries Management Policy Renewal, and the Oceans to Plate Approach to fish and fish product management, and for the development, and delivery of DFO positions with respect to Aboriginal fisheries access and management in the negotiation of national treaties to address Aboriginal comprehensive land claims and traditional fishing rights

ORGANIZATION STRUCTURE

This is one of eight senior executive positions reporting to the Assistant Deputy Minister, Fisheries Management. The others are the Associate Assistant Deputy Minister, Fisheries Management; Director General, Conservation and Protection; Director General, Resource Management; Director General, Program Planning and Co-ordination; Director General, International Affairs; Special Advisor to the ADM; DG Special Projects.

Specific functions of the positions reporting to the Director General, Aboriginal Policies & Governance are:

Director, Strategic Policy (Staff of three (3)): responsible for developing and implementing the strategies and approaches to lead the implementation of Integrated Aboriginal Policy Framework in all DFO relations with Aboriginal communities, and the ongoing development of DFO strategic Aboriginal policy direction with respect to all DFO programs and policies.

Director, Aboriginal Programs (Staff of eight (8)): responsible for developing policies and strategies for leading the management of the development and delivery of the Aboriginal Fisheries Strategy (AFS), Aboriginal Aquatic Resources and Ocean Management (AAROM), and Species At Risk Act (SARA) Aboriginal programs through headquarters and regional staff to all First Nations and other Aboriginal groups across Canada

Director, Atlantic Integrated Commercial Fisheries Initiative (AICFI) (Staff of two (2); functional staff in Atlantic Region of sixteen (16)): responsible for leading the the design, development, and delivery of Atlantic Integrated Commercial Fisheries Initiative (AICFI) to First Nations in Atlantic Canada and such other regions as may be appropriate to assist First Nations develop fisher skills and fisheries management and governance capacity for the cooperative management of the Aboriginal fisheries under governance structures to be negotiated as part of First Nations-Government of Canada comprehensive treaties.

Director, Pacific Integrated Commercial Fisheries Initiative (PICFI) (Staff of two (2); functional staff in Pacific Region of twenty (20)): responsible for leading the management of the design, development, and delivery of the Pacific Integrated Commercial Fisheries Initiative (PICFI) , engaging key federal departments in PICFI, for leading the negotiation process on PICFI with BC First Nations and with regional and national First Nations Associations and commercial fisheries leaders, and for providing departmental leadership in for the delivery of PICFI to ensure the sustainable development of Canada's commercial fisheries in the Pacific.

Director, Treaty Policy and Programs (Staff of nine (9) in Ottawa and Gulf/Maritimes; functional staff in Pacific, Central and Arctic, Quebec, and Newfoundland and Labrador Regions of twenty-seven (27)): responsible for leading the design, development, and delivery of DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of treaties led by Indian and Northern Affairs Canada to address Aboriginal comprehensive land claims and traditional fishing rights, leading the design and development by DFO of ways and means to achieve in treaty implementation a strong Aboriginal participation in DFO's management of a sustainable integrated fishery while reflecting the interests of all harvesters, and for providing expertise in constitutional questions and litigation regarding Aboriginal fisheries claims and rights.

NATURE AND SCOPE

The Department of Fisheries and Oceans (DFO), on behalf of the Government of Canada, is responsible for developing and implementing policies and programs in support of Canada's scientific, ecological, social and economic interests in oceans and fresh waters. DFO is the Government of Canada's national and international leader in marine safety and in the management of oceans and freshwater resources. Departmental activities and presence on Canadian waters help to ensure the safe movement of people and goods. As a sustainable

development department, DFO is responsible for integrating environmental, economic and social perspectives to ensure Canada's oceans and freshwater resources benefit this generation and those to come. The Department's guiding legislation includes the *Oceans Act*, which charges the Minister with leading oceans management and providing coast guard and hydrographic services on behalf of the Government of Canada, and the *Fisheries Act*, which confers responsibility to the Minister for the management of fisheries, habitat and aquaculture. The Department is also one of two responsible authorities under the *Species at Risk Act*.

The Fisheries and Aquaculture Management Sector (FAM) of DFO is charged with providing corporate, federal, national, and international leadership in the sustainable development of Canada's fisheries and aquaculture development through sound policy, program, and management initiatives developed and implemented in cooperation with other federal departments, provincial and territorial governments and Aboriginal communities including Canada's First Nations. However, any attempt at managing Canada's fisheries that reflects the multiple interests of all communities with a stake in the current fisheries and their future as a sustainable resource, must incorporate the interests of those communities.

Since 1982 section 35 of the Constitution Act has created a significant duty on the government to recognize and respond to Aboriginal and treaty rights, and starting in 1990, the Supreme Court of Canada (SCC) issued the first of three decisions that would significantly alter DFO's obligations in the management of Canada's aquatic and oceans resources, and its relations to Aboriginal groups. These three decisions were the *Sparrow* decision of 1990 and the *Marshall* decision of 1999 both on Treaty rights to fish, and the *Powley* decision of 2003 on traditional fishing rights. While Supreme Court decisions have recognized Aboriginal rights, the courts have not identified what specifically is required to satisfy those rights. These court decisions provide a general framework for DFO's relationship with Aboriginal groups, and preparations for transfer of access to fisheries under Aboriginal or treaty rights, Aboriginal treaty negotiations, and the implementation of treaty settlements. These, in turn, have and continue to shape DFO programs, the governance of the fisheries economy, the need for Aboriginal people to obtain the capacity to more effectively participate in the various advisory and multi-stakeholder processes used for aquatic resource and oceans management. These multi-stakeholder processes include the need for federal-provincial and territorial cooperation as well as the cooperation of all other stakeholders in the fishery in its full manifestation as marine and freshwater resources and their supporting habitat environments, and all stakeholders in oceans management both as an environment for the fishery and as a resource by itself for the well-being of all.

The Aboriginal Policy and Governance Directorate (APG), under the leadership of the Director General APG, was established to assume the responsibilities of DFO and of FAM for providing corporate, federal, and national leadership in renewing DFO's relationship with Aboriginal peoples and developing and implementing policies, programs, and other initiatives for facilitating the participation of Aboriginal groups in modern fisheries and aquatic resource management. To this end a number of programs and initiatives have been established to achieve the outcomes

sought. However, “Our Waters, Our Future” and events of 2007 brought both the challenge of fisheries management and the role of DFO and of APG to new levels of complexity, and new levels of responsibility. That is, the commitment of the Minister of Fisheries and Oceans in 2007 to pursue a Fisheries Management Renewal and the Oceans to Plate Approach to fish and fish product management, combined with the release of the new framework for the management of DFO-Aboriginal relations significantly changed the role of APG with respect to promoting the role of Aboriginal communities in the co-management of Canada’s fishery within DFO, and with respect to establishing DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of treaties with Canada to settle comprehensive land claims and traditional fishing rights

Perhaps the most important role of the Director General, Aboriginal Policy & Governance (DG APG) is that of providing professional corporate leadership within DFO and with DFO’s external partner organizations for coordinating the addressing of 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. However, this corporate leadership also encompasses the key responsibilities of promoting both Aboriginal involvement with DFO in the co-management of the Canadian fishery, promoting the co-management of Canada’s aquatic species writ large (under SARA), and promoting DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of Aboriginal comprehensive land claims and traditional fishing rights treaties with Indian Affairs and Northern Development Canada. The Supreme Court Decisions, and changes in the international market for fishery products requiring changes in all aspects of sustainably developing, harvesting, and managing the aquatic species that inform and go beyond the Canadian fishery, present a major challenge for the incumbent of this position, and are having and will continue to have a profound impact on the Department’s strategic agenda for shaping and managing the competing interests.

To this end the Director General APG directs the development and implementation of strategies and approaches to lead the implementation of Integrated Aboriginal Policy Framework in all DFO relations with Aboriginal communities, and the ongoing development of DFO strategic Aboriginal policy direction with respect to all DFO programs and policies to ensure that the Department discharges the fiduciary obligations of the federal government to Aboriginal communities on their fishing rights; ensure that Aboriginal fisheries, while in priority second only to conservation for food, social, ceremonial, and commercial purposes are integrated with other fisheries in an orderly manner; and facilitating the economic development of Aboriginal communities utilising fisheries resources.

The Director General APG directs the development of policies and strategies for leading the management of the development and delivery of the Aboriginal Fisheries Strategy (AFS), Aboriginal Aquatic Resources and Ocean Management (AAROM), and Species At Risk Act (SARA) Aboriginal programs through headquarters and regional staff to all First Nations and

other Aboriginal groups across Canada to achieve the strategic outcomes sought through these programs

The Director General APG directs the design, development, and delivery of Atlantic Integrated Commercial Fisheries Initiative (AICFI) to First Nations in Atlantic Canada and such other regions as may be appropriate to assist First Nations develop fisher skills and fisheries management and governance capacity for the cooperative management of the Aboriginal fisheries under governance structures to be negotiated as part of First Nations-Government of Canada comprehensive treaties and the delivery of Pacific Integrated Commercial Fisheries Initiative (PICFI), and in particular engaging key federal departments in PICFI, for leading the negotiation process on PICFI with BC First Nations and with regional and national First Nations Associations and commercial fisheries leaders, and for providing departmental leadership required to obtain funding for the PICFI in its delivery ensuring the sustainable development of Canada's commercial fisheries in the Pacific.

The Director General APG directs the design, development, and delivery of DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of treaties led by Indian and Northern Affairs Canada to address Aboriginal comprehensive land claims and traditional fishing rights, the design and development by DFO of ways and means to achieve in treaty implementation a strong Aboriginal participation in the management of a sustainable integrated fishery respecting the Minister's authority to manage the Canadian fishery while reflecting the interests of all harvesters, and the provision of expertise to the senior management of DFO and others in constitutional questions and litigation regarding Aboriginal fisheries claims and rights.

The Director General APG is responsible for representing DFO directly or through subordinate executives and experts from the Directorate or under the functional direction of the Directorate to Aboriginal communities and associations, commercial fishers, Provincial and Territorial Government organizations, and to Indian and Northern Affairs Canada (INAC) led negotiations of treaties to address Aboriginal land claims and traditional fishing rights, in INAC-led negotiations to establish the terms for implementing treaty terms, and in other negotiations to establish programs in anticipation of or pursuant to the settlement of comprehensive land claims and traditional fishing rights in a manner satisfactory to all parties and respecting the authority of the Minister of Fisheries and Oceans to manage the Canadian fishery. The Director General APG is also responsible for representing DFO directly or through subordinate executive and experts in consultations with Department of Justice lawyers in addressing constitutional issues arising out of section 35 with regard to defining Aboriginal rights and the definition of what constitutes addressing Aboriginal rights, in clarifying terms of final settlements of comprehensive land claims for treaty purposes, and in consultation with Treasury Board, the Privy Council Office and INAC in developing the Government of Canada treaties policy.

The Director General APG must possess a comprehensive knowledge of the Departmental roles,

responsibilities, and programs, for fisheries management and sustainable development under the Fisheries Act, other federal legislation (e.g., Oceans Act, SARA, CEAA), and court decisions (in particular, Sparrow (and the Aboriginal Fisheries Strategy), Marshall, Larocque, and Powley) and the mandates and challenges of all DFO organizations, both in the Headquarters Region, and the Regions and their importance or and relationship to Aboriginal peoples, Aboriginal land claims, treaties, and treaty settlement implementation plans in order to bring all DFO organizations together from Oceans, Habitat, and Species At Risk, Science, Fisheries and Aquaculture Management, and Coast Guard to integrate the DFO approach to Aboriginal relations, and develop comprehensive positions from a Departmental perspective on Aboriginal fishing rights, food and ceremonial access to fisheries, access to commercial fisheries, and the co-management of the fishery under the Minister of Fisheries and Oceans.

The Director General APG must possess an extensive knowledge of Aboriginal peoples' cultures and their leadership models in order both to consult with and direct consultations with Aboriginal peoples' leadership for fostering the development of improved working relationships between Aboriginal peoples and the department. The Director General APG must also have a command of the legal and constitutional issues relating to Aboriginal rights and Aboriginal claims to fisheries resources under s.35 of the Constitution Act of 1982, under Supreme Court of Canada Sparrow, Marshall, and Powley decisions, and under precedent-setting case law gradually reducing the uncertainty with respect to Aboriginal rights. The Director General APG must also have a command of the policies, plans, and practices of INAC with respect to comprehensive land claims and the time-table for their resolution, as well as with policies, plans, practices, and programs of other federal agencies capable of assisting in the development or delivery of programs for Aboriginal people across Canada.

The individual must possess strong leadership, change management, negotiation, managerial, and executive skills combined with a command of fields of knowledge required for this work, as demonstrated in a professional level of knowledge and competence, in fisheries management theories and practices, sustainable development theories and their application to domestic and international fisheries management, economic development theories as their relate to regional and small business economic development and international trade and , and in the fields of public policy and program development and implementation, performance measurement and program evaluation, in order to lead in the achievement of the objectives for which responsible.

The Director General APG must address a number of major challenges perhaps the greatest of which is leading in the change of the culture of DFO executives, scientists, and program managers to integrate the right of the Aboriginal communities to participate in the management of Canada's aquatic species and the Canadian fishery. What makes this most challenging is moving the perception of the Department from one of exclusive legal authority over the management of the fishery and aquatic species, to one of co-management of the same; the Minister remains having the ultimate legal authority, but must exercise that authority with recognition of Aboriginal rights, and in a manner that will obtain buy-in from all other stakeholders. This will require exceptional

leadership and interpersonal relations skills to develop the trust required of DFO and other executives to enter into this new approach to the management of the Canadian fishery.

A second major challenge that the Director General APG must address is the need to convince the leaders and negotiators of the Aboriginal communities and Aboriginal organizations, that while DFO recognizes their right to access to the Canadian fishery, this access must be tempered by the physical sustainable capacity of the fishery to support a harvest shared by other participants (commercial, recreational, or ceremonial), and by the requirements of the international markets for proof of the sustainable management of the fishery by Canadians. Given that the Aboriginal communities including First Nations have only recently had their rights recognized, and acted upon, it will take exceptional leadership and interpersonal relations skills delivered directly or through subordinate executives (and hence the ability to assess and coach the leadership of subordinate executives) to gain and retain the trust of all participants in developing strategies and programs that can address all requirements for a continued economically viable fishery.

A third major challenge that the Director General APG must address is providing the best advice to the AADM FMP, to the FAM Executive Committee, to the DM and to the Minister, Minister on what should constitute DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of treaties led by Indian and Northern Affairs Canada to address Aboriginal comprehensive land claims and traditional fishing rights. This will require the DG APG to exercise a very high level of managerial skills and profound knowledge of both all of DFO's programs, policies, and activities and of constitutional and Supreme Court determined Aboriginal rights of access to aquatic resources, and of Aboriginal community and organizations' goals and aspirations. It will require the incumbent to coordinate the development of these integrated positions within only generally defined constitutional rights and Court defined rights of access with little or no concrete guidance from precedent, as each First Nation's treaty rights tend to be unique as are other Aboriginal traditional resource access rights. These variable situations will require the highest order of analytical, evaluative and constructive thinking to develop the guidance required, and to coordinate DFO's embracing of the new era of co-management of Canada's fishery and its aquatic species.

The Director General APG is a member of the FMP Management Committee, serves as an alternate to the Associate ADM FMP on the Departmental Management Committee, and 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.

DIMENSIONS (2008-2009)

Primary:

Staff	28 Full Time Equivalents (FTE's)
Regional Functional Staff	100 FTE's

Operating Budget:	\$ 3.07 Million
Grants and Contributions	\$ 100 Million

Contributory: DFO Total Main Estimates - \$1.682 Billion

Indirect Impact (Canadian Fisheries and Aquaculture sector and communities)

\$12 Billion - Industry value to the Canadian economy- including fish harvesting, processing, recreational fisheries and Aboriginal fisheries; employment of some 125,000 workers, the core industry of more than 200 communities, and the livelihood of more than 500,000 Canadians primarily in rural communities)

SPECIFIC ACCOUNTABILITIES

- 1 Provides professional corporate leadership in coordinating DFO's management of its relationship with Canada's Aboriginal communities and community organizations and in promoting the participation of Aboriginal communities and community organizations in DFO's management of the Canadian fishery and its aquatic species
- 2 Directs the development and implementation of strategies and approaches to lead the implementation of Integrated Aboriginal Policy Framework in all DFO relations with Aboriginal communities, and the ongoing development of DFO strategic Aboriginal policy direction with respect to all DFO programs and policies
- 3 Directs the the development and delivery of the Aboriginal Fisheries Strategy (AFS), Aboriginal Aquatic Resources and Ocean Management (AAROM), and Species At Risk Act (SARA) Aboriginal programs through headquarters and regional staff to all First Nations and other Aboriginal groups across Canada
- 4 Directs the design, development, and delivery of the Atlantic Integrated Commercial Fisheries Initiative (AICFI) to First Nations in Atlantic Canada and such other regions as may be appropriate to assist First Nations develop fisher skills and fisheries management and governance capacity for the cooperative management of the Aboriginal fisheries, the delivery of Pacific Integrated Commercial Fisheries Initiative (PICFI) to ensure the sustainable development of Canada's commercial fisheries in the Pacific.
- 5 Directs the design, development, and delivery of DFO departmental integrated positions with respect to Aboriginal fisheries access and management in the negotiation of treaties led by Indian and Northern Affairs Canada to address Aboriginal comprehensive land claims and traditional fishing rights, and the provision of authoritative expertise to the senior management of DFO and others in constitutional questions and litigation regarding Aboriginal fisheries claims and rights.

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- 6 Represents the Department in negotiations and consultations with Aboriginal communities and organizations, with First Nations, Provincial and Territorial governments, industry, and others with respect to Aboriginal access to and management of the fisheries and aquatic species, and with Indian and Northern Affairs Canada in the negotiation of the settlement of comprehensive land claims and traditional fishing rights.
 - 7 Manages resources assigned with probity and efficiency.

CERTIFICATION

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

Director General APG

Date

Signature

Associate Assistant Deputy Minister

Date

Signature