



## Strengthening Our Relationship

### The Aboriginal Fisheries Strategy and Beyond

October 2003

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**The following are some of the comments made by representatives of Aboriginal groups during the 2002 AFS discussions**

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DFO and First Nations need to work together. If they do not, there can be no advancement

*AFS meeting  
Chilliwack, BC  
22 March 2002*

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Both sides need the capacity to manage. There is a need for long-term direction and to establish more partnerships so First Nations may better

#### I) OVERVIEW

In the Spring of 2002, officials from Fisheries and Oceans Canada participated in a series of meetings with Aboriginal groups interested in the Aboriginal Fisheries Strategy (AFS). These discussions were meant to find out what works, what does not work, and what can be changed over the short and long term to make the AFS more efficient and effective.

We received honest and frank feedback on a full range of issues, and are grateful to all who attended or provided input. We came to understand concerns relating to the Guardian Program, funding, training, use of Aboriginal traditional knowledge, reporting requirements, commercial fishery access and AFS agreement duration, to name a few.

At the same time, we talked with our own program managers about DFO's needs - how to make the AFS better, and ways to link programming to the government's broader quality of life, relationship-building and accountability priorities.

Many Aboriginal participants proposed concrete solutions to some of the above concerns, and presented examples where innovative Aboriginal-led strategies were yielding positive results. The dialogue was wide-ranging and creatively explored ideas that went well beyond the boundaries of the current AFS.

There appeared to be mutual agreement on potential guiding principles for addressing the limitations of the Aboriginal Fisheries Strategy. First, we must develop stable programs that reflect and reinforce our long-term involvement together. Second, the scope of the relationship between DFO and Aboriginal groups has become richer, broader and more complex. This should be recognized, embraced and acted upon. Third,

understand the DFO framework

*AFS meeting  
Charlottetown, PEI  
16 April 2002*

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Above all, the AFS works (where it does) because of the relationship developed at the local level between the Aboriginal resource managers and their DFO counter parts

*B.C. Aboriginal Fisheries Commission (BCAFC) 2002*

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The AFS is the Main tool for DFO interaction with Aboriginal groups. Regardless of whether bands sign agreements, they are affected by DFO policy

*AFS meeting  
Terrace, BC  
18 March 2002*

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AFS is a good vehicle for action

*AFS meeting  
Moncton, NB  
10 May 2002*

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We must develop an

durable structures and capacity need to be put in place that allow DFO and Aboriginal groups to work together effectively. Finally, we should build upon what works well in our present relationship.

With these principles in mind, we are proposing several initiatives at this time that we hope will speak to concerns raised during the 2002 discussions, and at the same time renew and further develop our relationship. Specifically, DFO proposes the following:

- A renewed AFS that emphasizes simpler, broader, longer-term agreements.
- A new aquatic management initiative that provides eligible Aboriginal groups with the capacity to better participate in areas of DFO responsibility, and includes potential funding for Aboriginal Fishery Officers - Aboriginal people designated as fishery officers under the Fisheries Act.
- More strategic and efficient use of resources available to DFO - leading to better coordination within the department, and better linkages with other government programming and objectives.

We hope these proposals will contribute to more effective DFO programming and decision-making, and a stronger DFO-Aboriginal relationship built on mutual respect and benefits.

Over the coming weeks and months, we would like to talk again with Aboriginal groups, and ask the questions: Have we heard your concerns correctly? Did we learn the proper lessons? Are we headed in the right direction? We also would like to talk about some of the improvements that DFO feels should be made based on our departmental objectives.

Other issues of concern to Aboriginal groups could also be addressed: this paper is meant to serve as a backgrounder and a starting point for discussion.

We recognize that these initiatives will be unable to address all concerns raised during the 2002 discussions. Resources are limited and the need is great. DFO does pledge, however, that the proposals are under development and that we seek input into the practical details of program design and implementation.

The department understands that fisheries, fish habitat and oceans are of strong social, cultural and historical significance to many Aboriginal groups, and recognizes the broad diversity of Aboriginal peoples in terms of culture, values, capacity and expectations. It is in this open spirit that we present the following observations and proposals.

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## II) AFS ENGAGEMENT

### Present Scope of the Aboriginal Fisheries Strategy

The AFS, announced in June 1992, was designed as a framework for the management of fisheries in a manner consistent with the 1990 Supreme Court of Canada Sparrow decision. The program was further designed to serve as a bridging arrangement in fisheries matters during the negotiation of comprehensive land claims and self-government agreements.

ongoing dialogue

*AFS meeting  
Charlottetown, PEI  
16 April 2002*

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The AFS has helped to create a strong working relationship between DFO and the Federation of Newfoundland Indians

*AFS meeting  
Gander, NFLD  
6 March 2002*

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The relationship has improved, but is still somewhat adversarial

*AFS meeting  
Port Alberni, B.C.  
24 March 2002*

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Multi-year agreements would be a positive move and very beneficial

*St. Mary's and  
Oromocto  
First Nations, NB  
29 April 2002*

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The West Coast Vancouver Island Aquatic Management Board is the way to go in the future - because co-management is the answer....We must fast-track the WCVI approach to other

DFO negotiates annual agreements with Aboriginal groups that provide communal food, social and ceremonial fishing opportunities, co-operative management arrangements and economic development opportunities.

The AFS has provided further benefits through the issuance of commercial communal licences to Aboriginal groups under the Allocation Transfer Program and through limited pilot sales opportunities. The Excess Salmon to Spawning Requirements (ESSR) policy has also allowed commercial fishing opportunities for some Aboriginal groups in certain terminal freshwater areas.

The AFS is applicable where DFO manages the fishery and where land claims settlements have not already put a fisheries access and management regime in place. Since 2000, annual program funding for AFS has been approximately \$35 million per year. Most eligible groups have now entered into agreements, with an average total of 150 agreements signed annually involving some 235 Aboriginal communities.

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## The Changing Context

Overall, we believe that the Aboriginal Fisheries Strategy has done well in meeting its specific objectives. The AFS has supported management of fisheries in a manner consistent with Sparrow and other case law. It has also helped many groups begin to participate in the management of the fishery, and has led to the creation of approximately 1,700 seasonal jobs in Aboriginal communities annually in such areas as commercial fishing, and fisheries and habitat monitoring and enhancement activities.

However, we recognize that it has been a challenge for the AFS to fully keep pace in a rapidly changing context. Potential pressures and opportunities for change and renewal of AFS have come from several areas.

First, DFO's core mandate has broadened considerably since 1992. We have taken on new ecosystem-based management responsibilities under the Oceans Act. We now have an expanded presence in inland habitat management, and have taken a developing interest in aquaculture. Our science has become more sophisticated - in terms of technological innovation, and in recognizing the importance of Aboriginal traditional knowledge in our decision-making processes.

Species at risk legislation, environmental assessment obligations, restorative justice, Marine Protected Areas and other cross-cutting issues present added complexity.

Second, the length of time required to conclude modern land claims agreements, and calls for greater fishing and administrative capacity have placed further pressures on the AFS.

Third, the AFS and the regulations that support it have come under significant scrutiny from Members of Parliament, and from different parties with an interest in the fishery. Changes in internal government processes with respect to program auditing and evaluation have brought on additional challenges.

Finally, and most significantly, Aboriginal groups that work with the AFS and have direct experience with the program have raised concerns and made recommendations for improvement. These include better links to other government programming.

In light of these opportunities and challenges, the ten-year anniversary of the Aboriginal Fisheries Strategy in 2002 was a timely opportunity to take stock of the program.

areas also

*AFS meeting  
Port Alberni, BC  
24 March 2002*

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Capacity building should be increased.... The need for increased training will have to be addressed

*AFS meeting  
Charlottetown, PEI  
16 April 2002*

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DFO needs to learn from Aboriginal people. This is needed for true co-operative management

*AFS meeting  
Port Alberni, BC  
24 March 2002*

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Unama'ki [Institute of Natural Resources] has operated in partnership with DFO and seeks to do the same with others

*Cape Breton  
First Nations, NS  
24 April 2002*

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We need the capacity to be consulted on a myriad of issues

## The 2002 AFS Engagement Process

The 2002 discussions with Aboriginal groups were designed to find what works and what does not work in the AFS; and to see what could be changed over the short and long term to make the program more effective.

Invitations were sent to all groups with AFS agreements, as well as to those eligible for the AFS. Based on the response, twenty-three meetings were held - nine across British Columbia, two in Quebec and twelve throughout Atlantic Canada. The level of participation was encouraging, with representation from most agreement holders, as well as from some Aboriginal groups that had not signed agreements.

These meetings included presentations by Aboriginal groups on both coasts that demonstrated various innovative approaches to AFS administration. In addition, there have been ongoing AFS discussions on a more informal basis, both in Ottawa and through the department's regional and local offices.

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## What We Heard from Aboriginal Groups

Aboriginal participants discussed examples of how the AFS had made a positive impact on community members and institutions, and identified areas for improvement.

### Benefits of the AFS

In particular, we were told:

1. The AFS provides a number of Aboriginal groups with the opportunity to play a meaningful role in management of the fisheries. It also provides a relatively stable framework in which to negotiate fisheries arrangements with DFO.
2. Multi-year working arrangements have been beneficial. Although they have their limitations, they promote capacity-building and longer-term planning, and give some assurance that the program will continue from year to year.
3. The AFS has led to improved relationships between Aboriginal groups and DFO and with the federal government in general. As an example, Joint Management and Technical Committees have provided a helpful tool for DFO and Aboriginal groups to work together and with other stakeholders.
4. Stock assessment, habitat and science projects carried out under AFS agreements provide Aboriginal groups and DFO with better species and habitat information for decision-making.
5. The program provides economic opportunities through new or expanded jobs in areas where there can often be unfavourable employment prospects. Training initiatives have also had a positive impact on Aboriginal communities.
6. The AFS provides beneficial commercial fisheries opportunities through the Allocation Transfer Program.
7. In some cases, the AFS is useful for leveraging funds from other sources to build a broader resource management program.

*AFS meeting  
Richmond, BC  
4 April 2002*

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DFO should not be afraid of innovation

*AFS meeting  
Port Alberni, BC  
24 March 2002*

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There is a need to continue developing the capacity of fishers

*Annapolis Valley First Nation, NS  
20 March 2002*

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There needs to be more connection between Ottawa and First Nation communities

*Cape Breton First Nations, NS  
24 April 2002*

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The Innu and other Aboriginal groups need to have a meaningful role in overall decision-making processes - similar to the way that we ourselves practice an open spirit of inclusion

*AFS meeting  
Sept-Iles, Quebec*

## Concerns about the AFS

We also heard concerns on a broad range of issues from many participants, most of which seemed to centre around the following:

1. The annual nature of AFS funding does not promote long-term, strategic planning, and reduces partnering opportunities with other organizations.
2. AFS agreements are too long and complicated, with overly detailed and stringent reporting requirements.
3. Some Aboriginal groups feel that there should be some form of general recognition of the constitutional protection provided to Aboriginal and treaty rights in the language of AFS agreements.
4. The AFS should be better linked to other DFO sectors, as well as other government programs and initiatives.
5. The AFS needs to provide a greater management role for Aboriginal groups in the fisheries.
6. Programming should be expanded to the entire ecosystem or watershed to facilitate more accurate resource monitoring and analysis efforts.
7. DFO does not sufficiently take into account Aboriginal stock assessment and traditional knowledge into its decision-making processes.
8. Professional development training should be provided to fishers, guardians, and to those who administer AFS agreements.
9. Some Aboriginal groups have pointed out that the Guardian Program should be re-designed to provide full-time jobs, and that Guardians should also have the same enforcement authority as DFO fishery officers.
10. DFO should provide more commercial access for Aboriginal groups, and make available more licences under the Allocation Transfer Program.
11. Some Aboriginal groups would like economic opportunities to be built into the overall management of the fishery.
12. DFO does not sufficiently take into account AFS program administration costs incurred by Aboriginal groups, nor provide enough emphasis on contracting with Aboriginal groups.
13. Issues of fairness and clarity need to be addressed with respect to the Marshall Response Initiative.
14. Some skepticism was expressed about the purpose of the 2002 engagement process, itself, with many Aboriginal groups noting that DFO did not make significant changes following the 1996 AFS review. Similarly, many expressed the belief that DFO would ignore the results of the 2002 meetings, as many Aboriginal groups believed the department had with respect to the National Aboriginal Guardian Program Review.
15. The department needs to communicate more effectively with Aboriginal groups.

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## What We Learned from the 2002 Discussions

We learned that AFS agreements need to be longer term, more flexible

30 April 2002

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The First Nations' job is to teach our Federal counterparts how to get out of the compartmentalized view

*Joint Fisheries Policy Dialogue Forum  
Richmond, BC  
6, 7 November 2002*

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We need to rebuild the relationship - this will need a new approach

*AFS meeting  
Chilliwack, BC  
22 March 2002*

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There are too many important meetings, and not enough resources to attend them all

*AFS meeting  
Antigonish, NS  
17 April 2002*

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DFO should make funding available to assist Aboriginal groups to work together, themselves, on common goals around the fishery.

*AFS meeting*

and less complex, that programming scope should be expanded and that Aboriginal groups want more capacity building and employment opportunities to better participate in fisheries management and other areas within DFO's mandate such as science, habitat and oceans.

We learned that funding levels, the Guardian Program, pilot sales, the integrity of our engagement with Aboriginal groups, and recognition of the constitutional protection of Aboriginal and treaty rights continue to be of great concern.

We learned of Aboriginal groups that have creatively pooled AFS programming and their own resources to achieve greater benefits for their communities - benefits in terms of employment and training opportunities and access to the broader co-management activities related to DFO's habitat, science and oceans mandates.

For example, some have used the AFS to leverage access to funding and partnering opportunities from other federal departments, provincial agencies, conservation societies and the private sector. These groups see the AFS as just one resource among many to advance the goals of their communities. Others work together along a watershed or ecosystem through common management structures. For many smaller communities, this has proven to be a creative and effective way to share costs, develop capacity, and contribute to a more integrated approach to both conserving and deriving economic benefits from the resource.

Benefits also seem to be enhanced when resource management structures were separate from, but accountable to, political leadership.

Together, these ideas and practices speak to the benefits of a holistic, long-term and professional approach to resource management.

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## Principles for Renewal

The department has also learned - both from Aboriginal representatives and its own staff attending the 2002 meetings - that there appears to be general agreement on a number of key points on how to strengthen the DFO-Aboriginal relationship.

1. We must develop stable programs that reflect and reinforce our long-term involvement together.
2. The growing breadth and complexity of our relationship needs to be further acknowledged, embraced and acted upon.
3. Durable structures and capacity should be put in place that allow DFO and Aboriginal groups to work together more effectively.
4. We need to build upon what works well in our present relationship.

As we move forward to renew and strengthen the relationship, these principles will guide and inform our approach, new initiatives, and future work together.

The department is grateful for all the suggestions made in the course of the 2002 engagement process.

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## III) IDEAS FOR MOVING FORWARD

### Comprehensive Approach

*Sept-Iles, Quebec  
30 April 2002*

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DFO should allow First Nations to undertake the enforcement of their fisheries

*AFS meeting  
Miramichi, NB  
15 April 2002*

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Success has not been rewarded - it makes it difficult for communities to continue trying

*AFS meeting  
Cape Breton  
First Nations  
24 April 2002*

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We need capacity

*AFS meeting  
Westbank, BC  
3 April 2002*

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We need access to economic development through DFO

*AFS meeting  
Moncton, NB  
10 May 2002*

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We need to have the capacity to understand what DFO is saying

As a first step, the department has begun to develop a more comprehensive policy and programming framework that seeks efficient and effective coordination of Aboriginal initiatives across all DFO sectors and programs.

The framework would not only take into account the AFS and the Marshall Response Initiative; but would also encompass ongoing and extensive participation of Aboriginal groups in our oceans mandate, habitat management and planning, restorative justice proposals, scientific cooperation and species at risk issues.

This increased cooperation is also reflected in the ongoing B.C. Joint Fisheries Policy Dialogue Forum and a proposed broader national process - bringing DFO and Aboriginal representatives together in a more regularized context.

Consistent with this more cohesive and coherent approach, we would like to propose:

1. Renewed commitment and approaches to the AFS;
2. A new Aboriginal aquatic resource and oceans management initiative;
3. Better programming coordination with other federal departments, and potential changes to DFO's own practices and approaches.

We believe that these initiatives, as outlined below, while continuing to focus on fisheries management will contribute to a stronger DFO-Aboriginal relationship, better departmental programming and decision-making, and ultimately, healthier fisheries, fish habitat and oceans.

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## Proposal 1. Renewal of the Aboriginal Fisheries Strategy

### **Maintaining the AFS core mandate**

DFO believes that the original objectives of the AFS continue to have merit and should remain the heart of the program. As such, the AFS would remain an initiative that supports the management of the fishery in a manner consistent with Sparrow and subsequent case law, and that

engages Aboriginal groups in the management of the fisheries in which they participate. A renewed AFS would therefore:

*AFS meeting  
Victoria, BC  
3 April 2002*

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In order to build co-operation, DFO needs to change its decision-making process and work on developing trust with the First Nations through actions and words

*AFS meeting  
Chilliwack, BC  
22 March 2002*

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Can we be more cost effective by working together? -by using First Nations' ingenuity at stretching the dollar and being flexible and by the Federal department' sharing their mandates

*Joint Fisheries Policy  
Dialogue Forum  
Richmond, BC  
6,7 November 2002*

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There needs to be better communications between band councils and DFO...The department to better understand the different communities

*AFS meeting  
Sept-Iles, Quebec  
30 April 2002*

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There is a need for more and improved communications from DFO to First Nations

*AFS meeting  
Miramichi, NB  
15 April 2002*

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When talking about the ecosystem we are talking about ourselves

*Joint Fisheries Policy  
Dialogue Forum  
Richmond, BC  
6,7 November 2002*

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There should be opportunity for integration or partnership with other government agencies in order to provide alternate economic development opportunities for Aboriginal communities

*Joint Fisheries Policy  
Dialogue Forum  
Richmond, BC  
9,10 April 2002*

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Consultations with First Nations need to be meaningful and conducted in good faith

*Nuu-chah-nulth  
Tribal Council - 2002*

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- Continue to provide a means and a regulatory framework to enable DFO to address legal obligations;

- Continue to relate to access and management of the fishery.

DFO would nonetheless seek to build on success and develop more durable, sophisticated and forward looking fisheries management arrangements that can support longer term and more stable management structures. New program approaches to support this renewed vision would be built around the following elements:

### **Longer term, simpler AFS agreements**

We propose multi-year AFS agreements that are simpler and easier to read, and which contain new language that addresses concerns that some groups have with respect to particular wording.

### **Straightforward, streamlined reporting requirements**

Aboriginal groups have increasingly expressed a concern about having to prepare many reports for different programs, many of which are duplicative. At the same time, however, the standard of accountability and open and transparent decision-making and reporting for all levels of government is increasing.

In a renewed AFS, we would work with Aboriginal groups and other federal departments to develop a reporting system that is streamlined, relevant to both Aboriginal groups and government, and that will support an effective evaluation of the program.

### **Flexible approach to capacity-building and economic opportunities**

A renewed program would focus on the specific needs and priorities of Aboriginal groups and DFO. With longer term arrangements, we can work with Aboriginal groups and other government departments to develop plans and programs specific to their circumstances. This means that if there is a desire for a certain type of training in one or another group, program funding can be appropriately directed.

Accordingly, there would be a renewed and flexible focus on developing Aboriginal capacity to participate effectively over the long term in areas

related to fisheries management. There would also be a renewed recognition of the importance of economic opportunities related to fisheries management.

With limited overall funds for the AFS program, we believe that a flexible, community-focused approach is the most effective and efficient way of addressing both Aboriginal and DFO priorities.

### **Better communications**

A communications strategy would be developed for the AFS program that clearly outlines the department's objectives and key messages, and introduces a series of products and activities aimed at increased understanding of the program - for Aboriginal groups, other stakeholders and government employees.

### **Ongoing dialogue**

The proposed changes to the AFS will not be able to reflect all comments and suggestions received from Aboriginal groups during the 2002 discussions. Certain issues such as the Guardian Program, economic development, and expansion of the AFS to other areas of DFO responsibility are addressed in later sections of this paper.

Other concerns, such as those surrounding funding levels, pilot sales or some rights issues, are not addressed. The department recognizes and appreciates that these issues are controversial, and have long-standing importance to the Aboriginal groups involved. Others have also expressed strong views on these subjects.

With respect to pilot sales in particular, the Attorney General of Canada has filed an appeal of the decision in *R. v. Kapp*. DFO is working with First Nations and with other stakeholders to explore potential arrangements that will support the interest of Aboriginal communities to enjoy economic benefits from the fisheries, and provide certainty and stability for all participants.

We would like to keep the channels of communication open on these and other challenging issues, try

to find common ground and see what can be done to make the AFS, and more generally the DFO-Aboriginal relationship, more effective and more responsive.

It is our hope that the proposals for AFS renewal that we have put forward will contribute to these goals.

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## Beyond the AFS

While the AFS will continue to focus on fisheries management as it has in the past, we have to find ways to address other issues related to fisheries management, to DFO's broader mandate, and to needs identified by Aboriginal groups.

Aboriginal groups are seeking greater participation in decision-making and advisory processes used for aquatic resource and oceans management. DFO's expanding responsibilities require engaging with Aboriginal groups on a broad range of issues, including oceans management, habitat management and planning, environmental assessment and species at risk. Finally, existing Aboriginal programming is focused on fisheries management, limiting the department's ability to respond effectively to the evolving aspirations of Aboriginal people.

To address these realities and some of the broader proposals and innovative practices presented to us, the 2003 federal budget committed two years of funding to enhance the ability of Aboriginal communities, working together, to participate in aquatic resource decision-making and advisory processes.

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## Proposal 2. The Aboriginal Aquatic Resource and Oceans Management Program (AAROM)

To this end, the Minister of Fisheries and Oceans recently announced the new Aboriginal Aquatic Resource and Oceans Management Program, the proposed centrepiece of a longer term strategy focused on capacity building and strengthening professional relationships.

During the first year (2003-04), DFO intends to undertake discussions on programming design and implementation with Aboriginal groups and other interested parties. In the second year (2004-05), \$7 million has been identified to get the program started.

### Program Overview

The AAROM program is a key element of a more proactive and sustainable approach to DFO's Aboriginal programming.

It is designed to assist Aboriginal groups in developing the capacity to play a more active role in key areas of fisheries and oceans management. Particular emphasis is placed on Aboriginal participation in multilateral decision-making and advisory processes that involve fishers, scientists, industry representatives, conservation groups, DFO officials, and other government departments. At the same time, the new initiative would contribute to the broader government objective of improving the socio-economic situation of Aboriginal people.

The program is designed around: 1) support for Aboriginal groups that come together on a voluntary basis to create common aquatic management structures; 2) potential funding for Aboriginal Fishery Officers; 3) capacity-building assistance; and 4) commercial fisheries access and aquaculture opportunities.

Multi-year funding could be available to groups in areas where DFO manages the fishery, and where the above elements have not been addressed through a comprehensive land claims settlement. At the same time, there would be a requirement for Aboriginal groups to meet specific criteria to be eligible for AAROM program funding.

These ideas arose out of the 2002 AFS discussions, and from the innovative practices used by Aboriginal groups that have come together, used DFO program funding to develop their own capacity, and then leveraged additional government and private sector funding. The AAROM has also been designed around practical considerations of watershed and ecosystem management, and best use of

the limited funds available.

### **Cooperative, cost-effective participation in areas of DFO responsibility**

The AAROM program would provide funds to groupings of Aboriginal communities to assist them in jointly establishing common aquatic management bodies. These bodies would be designed to serve at a level between member-communities and multi-stakeholder processes, and as such, could serve as a cost-effective focal point for interaction with the full range of DFO sectors and programs.

The role, structure and staffing would be up to the member-communities involved. The proposed aquatic management organization could play a more advisory, coordination and information management role; or choose to become involved at a more operational level on behalf of member-communities and oversee project management, monitoring and enforcement, training or scientific research activities.

Depending on the priorities and capacity of the membership, program funding may provide access to professional personnel such as a coordinator, fisheries manager, biologist or technologist, as well as administrative staff. This may also include support for office space, computer and liaison-related expenses.

The program is designed to support the creation of new bodies or the enhancement of existing structures where appropriate.

It should be noted that the AAROM program in general would not fund projects. AAROM focuses instead on sharing expertise among member-communities in a cost-effective manner, and facilitation of Aboriginal participation in aquatic resources and oceans management processes through capacity development.

Program funding constraints as set out in the 2003 federal budget would limit the number of Aboriginal aquatic management bodies supported under the program and the scope of their activities. As a result, it is anticipated that the program would support only a limited number of common management structures in the first few years.

Such support is not intended to replace the vital and essential relationship between DFO and Aboriginal groups - but to strengthen and complement it for practical and mutual benefit. Accordingly, DFO would continue to respect its existing obligations to individual member-communities under AAROM.

### **Aboriginal Fishery Officers (AFOs)**

One of the functions of a proposed aquatic management body could be the engagement of Aboriginal Fishery Officers - Aboriginal people designated as fishery officers under the Fisheries Act.

AFOs could be employees of Fisheries and Oceans Canada or the Aboriginal aquatic management body, depending on whether a proper command and control structure is in place. In either case, they would undergo the same training and exercise the same enforcement authorities as DFO fishery officers, and would be assigned to the participating member-communities. Specific roles, functions and reporting relationships would be outlined in arrangements between DFO and the AAROM body. It should be noted that proposed programming may only support the training and hiring of a limited number of AFOs.

### **Programming criteria**

To be eligible for programming support, a number of criteria would need to be met.

For example, there would need to be a demonstrated commitment to establish an aquatic management body serving a number of Aboriginal communities situated, to the extent possible, along a watershed or ecosystem, that would operate independently of day-to-day political influence, and that would possess open and transparent reporting mechanisms to member-communities. Preference would be given to Aboriginal communities with sound business and resource management planning and practices, a record of complying with DFO reporting requirements, and a commitment to the core principles of conservation and sustainable development. Applications for funding would also be considered on the basis of need.

### **Building Aboriginal capacity in aquatic resource management**

Capacity-building funding could be made available to assist Aboriginal communities unable to meet the above programming criteria. This is part of a flexible approach that recognizes that Aboriginal groups are at different stages of capacity development and have different priorities. Funding may be provided, for example, to assist in the development of sound business and resource planning practices or in the design of a preliminary feasibility study as part of an AAROM funding submission.

### **Commercial fishing and aquaculture opportunities**

Under this programming component, Aboriginal communities could be provided access to commercial fisheries on the basis of need. This would take place through the voluntary retirement of licences from existing commercial licence holders and issuance of communal commercial licences to specific communities, or through other arrangements mutually agreed upon.

Funding may also be available to promote the development of capacity related to aquaculture. This could include support for information, training or educational initiatives that promote innovative, profitable and environmentally sound aquatic farming.

It is proposed that these opportunities would be provided to member-communities of the Aboriginal aquatic management body funded under AAROM, and on condition that a portion of gross revenues be applied against the AFS funding of the member-community.

### **Advantages of AAROM for Aboriginal Groups**

It is our hope that the proposed aquatic programming will be attractive to Aboriginal groups for a number of reasons. We believe that it can:

1. Provide for greater access to a broad range of DFO and federal government programming;
2. Contribute to building Aboriginal administrative and scientific capacity in aquatic resource and oceans management;
3. Provide the potential for a greater Aboriginal role in monitoring and enforcement activities;
4. Contribute to the economic self-sufficiency of member-communities through commercial access and aquaculture opportunities;
5. Support and encourage integrated watershed/ecosystem planning and management, and facilitate the use of Aboriginal traditional knowledge in DFO decision-making;
6. Provide a vehicle for more fisher and administrative training;
7. Reduce and consolidate costs for Aboriginal communities in resource management decision-making processes;
8. Provide greater access to technical and scientific expertise at the Aboriginal local community level;
9. Encourage and support professional and expert interaction with other Aboriginal aquatic management bodies and with the non-Aboriginal stakeholder community.

### **The relationship between the AFS and AAROM**

The AFS and the proposed AAROM differ in four key respects. First, the AFS focuses more on developing Aboriginal management capacity at the operational, project-based level, while AAROM emphasizes strategic capacity to participate in DFO and multi-stakeholder decision-making processes. Second, the AFS is more concerned with effective fisheries management whereas the AAROM may serve as a platform and catalyst to broader, leveraged access to other DFO sectors and to other government departments. Third, the AFS is largely a community-based, local application, while the new initiative encourages cooperation at a broader, inter-community level. Finally, the AAROM offers the potential for enhanced monitoring and enforcement opportunities.

At the same time, the AAROM is meant to be closely integrated with the AFS, and is designed to complement the AFS, not replace or weaken it. The AFS will continue to be available for all eligible groups. Moreover, since we believe AAROM to be forward looking and focused on longer term capacity

building, some capacity funding currently delivered under AFS could be consolidated under an AAROM agreement. Groups participating in AAROM would be asked to contribute (or combine) a portion of this AFS funding to their new AAROM program funding. The details of how the two programs would interact together remain to be worked out on a case-by-case basis. We would therefore like to talk with Aboriginal groups about the relationship between AFS and AAROM.

### **A flexible and voluntary approach**

As mentioned earlier, the new initiative takes into account the differing capacities and priorities of Aboriginal groups. Some groups may simply prefer involvement in the AFS and a limited engagement with DFO. Some may wish to come together on a voluntary, cooperative basis along a watershed or ecosystem and participate more substantially in the management of the resource. Other groups may even be interested in developing undertaking contracts and participating in Alternative Service Delivery. The AFS-AAROM framework can accommodate all of these options.

We would also like to emphasize that the AFS would remain available for groups that do not initially qualify for AAROM or that are not interested in participating in the new programming.

While modest in scope and funding, we hope that AAROM programming will begin to address some of the broader Aboriginal concerns raised during the 2002 AFS meetings.

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## **Proposal 3. Strategic opportunities within and beyond DFO**

### **Internal DFO capacity development**

The department fully understands that to be effective and relevant, DFO must also build its own capacity to better engage with Aboriginal groups. We need to foster recognition of Aboriginal perspectives as an important component of DFO's program design and implementation, and ensure that our sectors address Aboriginal issues in a more consistent manner. The department is therefore looking at potential changes to its own practices and approaches in a number of areas.

This could include cross-cultural training of departmental employees, and human resource initiatives such as personnel interchange with Aboriginal communities. Inter-sectoral coordination could also be encouraged through development of an internal DFO Working Group on Aboriginal Issues at the national level and through similar groups at the DFO Regional level.

### **Better Linkages with other federal government departments**

Aboriginal representatives and DFO program managers have emphasized the importance of providing Aboriginal groups with effective linkages to other federal departments with programs outside of DFO's mandate. We have been told that:

- DFO is the largest on-the-ground federal presence in many parts of the country and is effectively a window on the government for many remote communities.
- There are many fisheries management and other DFO-related matters that require an economic development mandate that DFO does not have, but that other federal government departments do have.
- The government is moving towards a model of horizontal management to improve service delivery for all Canadians.
- As Aboriginal groups gain experience in the commercial fishery and other areas related to DFO's mandate, their interest in related matters such as markets has grown.

While we will continue to focus on DFO's core mandate, we will attempt to respond more effectively to requests for assistance outside of our mandate by bringing other departments and programs to the table, by facilitating a more cross-departmental approach to dealing with issues, and by supporting Aboriginal groups with related programming.

Particularly, we are committed to improving linkages for Aboriginal groups to the federal Procurement Strategy for Aboriginal Business (PSAB) and other initiatives for Aboriginal business, and to federal departments with economic development mandates.

In short, we wish to emphasize better Aboriginal programming coherence and understanding within and among DFO sectors, closer DFO ties with other federal government departments, and better Aboriginal access to government economic development initiatives. AFS renewal and the proposed AAROM program, as part of the comprehensive policy and programming framework (mentioned at the beginning of section III), are intended to support this new focus.

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## IV) SUGGESTED NEXT STEPS

### 2003 Discussions

In the coming weeks and months, DFO representatives would like to meet with interested Aboriginal groups and organizations to discuss potential changes to the AFS, the proposed AAROM program, and to explore opportunities within and beyond the department. As with the 2002 engagement meetings, invitations will be sent to all Aboriginal groups with AFS agreements, as well as to those eligible for the AFS.

It is expected that discussions would begin during Fall 2003, to be followed by negotiations with eligible Aboriginal groups. We hope to have the renewed AFS ready by the end of this engagement process, and to have the first new AAROM agreements in place in the spring of 2004. Work on internal changes within DFO is still in the early stages.

Discussions would also be scheduled with inland Aboriginal groups with respect to a new Inland Habitat Program, designed to foster the development of Aboriginal capacity in fish habitat management. We would also like to meet with commercial and recreational fishers, provincial and territorial governments, and other interested parties.

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### Meaningful Engagement

With respect to the issue of "consultations", the department realizes that this is an area of significant concern. Although DFO and Aboriginal groups may not agree on what consultation is, we can all agree on the need to work together on issues that matter to us. Rest assured that these discussions will not take away from our responsibility to consult with Aboriginal groups on food, social and ceremonial fisheries.

Moreover, we pledge that the above meetings with Aboriginal groups will play an important part of the department's decision-making process. Discussions will take place while options for program development are still open. Objectives and limitations will be made known before the discussions begin, and findings shared with all participants in a timely and open manner. All documentation that we provide to discussion participants will be written in plain language without government jargon and excessive use of acronyms.

The engagement will also be carried out with a view to balancing listening with leadership, and undertaken with the full recognition of the broad diversity of Aboriginal peoples in terms of culture, values, capacity and expectations. DFO believes that this document can form a first step in meeting these goals.

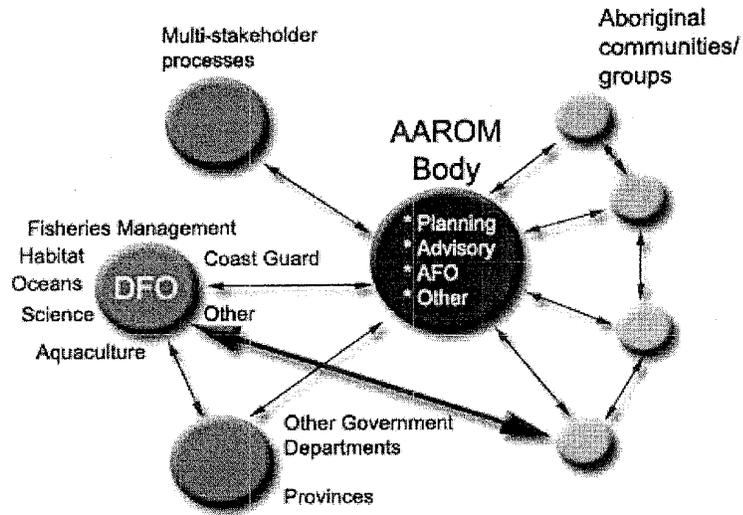
Comments on this paper may be addressed to:

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Aboriginal Policy and Governance Branch  
Fisheries and Oceans Canada  
200 Kent Street*

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ANNEX

**Proposed Aboriginal Aquatic Resource and Oceans Management Body**



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