

RE: B.C. First Nation's Statement of Solidarity on Aquaculture

WHEREAS First Nations in British Columbia have constitutionally protected title and rights that have been affirmed by the Supreme Court of Canada and by international conventions and local and international treaties, including the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS First Nations in British Columbia have title and rights to our lands, waters and resources, and these rights include the right to be self-determining and to manage our lands, waters, and resources according to our sovereign, inherent and collective responsibilities, laws and jurisdictions for the benefit of future generations and the protection of indigenous species;

WHEREAS as sovereign First Nations we have the right to protect, manage and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;

WHEREAS Article 26 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

WHEREAS Article 27 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that, "States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

WHEREAS Article 29 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

WHEREAS Article 32 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

WHEREAS First Nations acknowledge the interdependence we have with one another and respectfully honour our commitment to work with one another where we share lands, waters and resources to maintain and develop resource development strategies and cooperative relationships built upon respect, transparency, openness, accountability and mutual trust;

WHEREAS we respect as First Nation peoples that we have the right to determine our level of involvement and perspectives on the aquaculture industry based on each of our community's needs, aspirations and priorities;

WHEREAS we acknowledge that the impacts of the aquaculture industry to ecosystems, to fisheries and to aquatic resources are not well understood and in particular that the geographic scope of the potential impacts continue to be studied and analysed. Indeed, we understand that there is a strong possibility that impacts of this industry may extend beyond the proximity of the aquaculture farm sites into marine and freshwater ecosystems which includes the river systems of the interior;

WHEREAS B.C. First Nations have the right to be fully informed and involved in any legislative, policy and/or decision-making process pertaining to reform of the aquaculture industry as these changes have the potential to adversely impact on First Nations title and rights;

WHEREAS the principles of reconciliation, respect and recognition of First Nations title and rights must be paramount in any legislative, policy or decision-making process regarding changes to the aquaculture industry. At a minimum, the honour of the Crown requires both the federal and provincial governments to minimize any infringement to title and rights, and to engage in appropriate consultation and accommodation processes;

WHEREAS the Aquaculture Working Group was established, by resolution of the Union of BC Indian Chiefs, First Nations Summit and the BC Assembly of First Nations to engage with the province of British Columbia to address and advocate for First Nations title and rights issues that have a bearing on the management and regulation of the aquaculture industry;

WHEREAS the First Nations Fisheries Council has been empowered by First Nations leadership in B.C. to implement the B.C. First Nations Fisheries Action Plan and part of this task includes advocacy to advance title and rights, to build capacity, and to help facilitate discussions with the federal and provincial governments regarding the recognition of First Nations inherent rights with respect to the management of fisheries and aquatic resources;

WHEREAS on September 15, 2009 the First Nations Fisheries Council and the Aquaculture Working Group co-hosted a B.C. First Nations' Aquaculture meeting to discuss the development of a statement of solidarity among B.C. First Nations relating to aquaculture.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs in Assembly affirms the following principle statements for aquaculture, as endorsed by First Nations leaders and participants at the Aquaculture Meeting held on September 15, 2009:

- a. That we recognize and respect each other's autonomy and support each other in exercising our respective title, rights and jurisdiction. This recognition and respect applies to each First Nation in terms of their involvement and stance on the aquaculture industry.
- b. On a Nation-to-Nation basis, First Nations need to be engaged from the most initial discussions when farm sites are being considered within our territories. Holding governments to their fiduciary obligations, we require involvement within the planning, management and decision-making process for siting of farms in our territories. This involvement is required in order to protect environmentally, socially, and culturally significant areas, to safeguard our traditional food sources, to secure the long-term health of wild salmon, and to protect our right to manage our territories.
- c. That as Indigenous Nations of our respective territories', we require input into the day-to-day management of the aquaculture industry, as these decisions directly or indirectly impact on our communities, our title and rights, as well as our ways of life. We will work with Canada and British Columbia to incorporate a holistic or area management approach with respect to aquaculture that is responsive to local environmental factors and considerations, and which engages First Nations in a meaningful management role.
- d. As Indigenous Nations of our respective territories, we require engagement in the science that guides decision-making on the management and regulation of the aquaculture industry. We need to be engaged and benefit from the open sharing of scientific information, the development and acceptance of new scientific tools, and the collection and analysis of data. We expect decisions to be made based on the best scientific information available. We further expect that our local and traditional knowledge will be respected and safeguarded as it is incorporated into the science that informs aquaculture decision-making.
- e. That as the inherent stewards of our respective territories, we recognize the need to be involved in the monitoring and compliance of this dynamic industry to ensure that our title and rights are respected, our resources are safeguarded for future generations, and our indigenous species protected from unjustified harm or possible extinction.

- f. That we commit to working in accordance with the messages outlined in this resolution to ensure that any actions taken in respect of the aquaculture industry are respectful of our rights, title, lands, waters and resources, are consistent with our common cultural belief systems, and improve our overall quality of life.

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs in Assembly call upon the First Nations Fisheries Council and the Aquaculture Working Group to communicate the principle statements outlined in this resolution to the federal and provincial governments, advocating for the engagement of First Nations at the Nation and community level in aquaculture management, regulation and decision-making.

Moved: Ko'waintco Michel, Nooaitch First Nation
Seconded: Chief Joe Dennis, Lower Similkameen
Disposition: Carried
Date: September 18, 2009