

NATIONAL ABORIGINAL GUARDIAN PROGRAM REVIEW

8 December, 1999 – draft: R. Warren

EXECUTIVE SUMMARY

The Aboriginal Fisheries Officer/Guardian Program has been a cornerstone of the new relationship between DFO and Aboriginal people established under the Aboriginal Fisheries Strategy. It has improved fisheries management through improved monitoring and compliance in Aboriginal fisheries and through the work of Aboriginal Fisheries Officers/Guardians in habitat monitoring and stock assessment. It has also contributed greatly to capacity building within Aboriginal communities in the areas of law enforcement and resource management.

The Aboriginal Fisheries Officer/Guardian Program has also generated much confusion and contention. This confusion led to program development coming to a virtual halt in about 1995. The launching of the AFS in 1992 placed DFO in the unaccustomed position of being in the forefront of the development of Aboriginal capacity for self-governance. In the area of law enforcement, there is much to be learned from the development of Community Policing by other federal and provincial agencies. Aboriginal Community Policing programs has tested many concepts and these lessons can reinforce the development of aboriginal resource management and enforcement.

The current review was undertaken with the objective of resolving this confusion and re-establishing the progressive development of the program. During the review, the views of both DFO personnel and First Nation persons who have been involved with the program were sought. Consultations were national in scope. Rather than merely reciting the many valuable and diverse views and suggestions which were forthcoming from participants in the review, an attempt has been made to define the central policy and administrative issues which underlie the comments and problems. Having analyzed the issues, this report proceeds to offer a number of recommendations on how to address them and re-establish the momentum of the program.

The first finding of the report is that there is significant uncertainty about the value and objectives of the program. There has been no clear statement of the program objectives of the roles to be developed for Aboriginal Fisheries Officers/Guardians and of administrative structures necessary to support these roles. The "program" cannot be said to have been established as such in an administrative sense.

The fundamental recommendation of this report is that these issues be addressed through the clear establishment of the AFS Guardian initiative as a program administered by DFO, and by engaging in the internal and external consultations necessary to establish clear objectives, policies and administrative guidelines for the implementation and evaluation of the program.

The objective of the Aboriginal Fisheries Officer/Guardian Program should be to provide the necessary renewable resource management skills and experience that will facilitate resource management under Aboriginal self-reliance and self-governance. Further, it should provide the foundation to renew a co-operative resource management model with non-Aboriginal peoples and governments.

It is recommended that the administration of those aspects of the program relating to enforcement be transferred to the Conservation and Protection Branch of DFO. Support for other technical roles of persons designated as Aboriginal Fisheries Officers/Guardians should be provided outside of the newly defined Aboriginal Fisheries Officer/Guardian (AFO/Guardian) program by the Aboriginal Fisheries Branch, other parts of DFO and the Aboriginal groups themselves. Funding for the AFO/Guardian programs of individual Aboriginal groups should continue to be administered through AFS negotiations and agreements.

A National Program Steering Committee (Steering Committee) should be established to make policy recommendations to senior management in response to this review and any subsequent tasks assigned as a result. The Steering Committee should be co-chaired by a C&P designate and a representative of the Assembly of First Nations and report to ex officio's, the Native Affairs Director General and the national Director of Enforcement. Representation of respective DFO sectors and representative Aboriginal Groups would ensure that program policy considerations are responsive to the needs of all participants. Representation of other government agencies, such as Indian and Northern Affairs Canada, Human Resources Development Canada, Solicitor General of Canada and the Canada Aboriginal Policing Program should also be considered to explore prospective collaborative inter-departmental initiatives that could shape program renewal within broad national program interests.

The review also identified much other policy and administrative issues, which generally fall under one of five categories:

- the level of authority of AFO/Guardians;
- standards for supervision, control and support;
- training standards and methods;
- coordination with DFO enforcement personnel; and
- funding.

A series of questions or issues is defined in each of these areas and detailed recommendations are provided in answer to each question.

With respect to the first two categories, the general recommendation is that there continue to be flexibility as to the authority of AFO/Guardians, including the option of assigning them the full authority available to Guardians and Fishery Officers under the *Fisheries Act*. The only limit to the authority of a Guardian should be that they meet standards for control, supervision, support and training for that level of authority. These standards should be established based on the recommendations of the Steering Committee.

Training should be exactly the same for Aboriginal and non-Aboriginal guardians having equivalent authority and duties. A number of detailed recommendations are made on the delivery of training. It is evident that a national training management regime needs to be incorporated.

Four models for the supervision and employment of Guardians are recommended:

- The first model is the continuation of the currently prevalent system of employment by Aboriginal groups of AFO/Guardians having essentially a monitoring, “observe, record and report” role. Enhanced authority should be considered commensurate to achievement of qualification, standards and command and control structure, yet to be determined. These arrangements will be improved if the AFO/Guardians are employed by an organization at arms-length from the political bodies of the group.
- The second model is continuation of the current system of Community Fisheries Officers, under which fully empowered officers are employed by DFO and deployed back into the Aboriginal Community under the direction of an advisory committee. This is a workable model where it meets the needs and objectives of the Aboriginal group.
- The third model suggested is the direct employment by an Aboriginal group of fully empowered Guardians or Officers. This model has not yet been adopted. The keys to adoption of this model are the development of standards for supervision, control and support and arrangements to ensure that the officers conform to DFO enforcement policies, guidelines and procedures.
- The fourth model would take advantage of the development of Community Police Forces within Aboriginal Communities. These forces could provide the necessary supervision, control and support for fully empowered Aboriginal Fisheries Officers/Guardians, or persons otherwise employed as law enforcement officers could be given Fishery Officer designations akin to other police institutions. A *Community Justice Services Model* is presented to demonstrate collaborative values of integrating common Aboriginal enforcement agencies or units, enabling senior peace officer administrative and supervisory authority to govern professional service and development.

Standard procedures should be developed for the coordination of AFO/Guardian activities with those of DFO enforcement personnel. The current practice of negotiating Enforcement Protocols at the local level should be continued with a focus on detailed operational enforcement procedures, but should not become encumbered by micro-management regulations which are provisions of the respective Communal Licence and may be subject to in-season change. Enforcement Protocols should also serve as a tool for formal consultation and as a record of understanding and enforcement proceedings. Protocols should also incorporate a dispute resolution process. Detailed administration and day-to-day operational procedure scheduling should be provided through a jointly developed “Policy and Procedures Manual –

Administration” and “Policy and Procedures Manual – Operations”, in order to ensure operational stability of the program from year to year even with administrative or personnel changes.

Many of the current issues surrounding the program relate to funding levels. There is frustration that the developing AFO/Guardian corps could provide a much larger contribution to fisheries and habitat management if there was more funding to expand their period of employment. DFO should, in the context of increased resources for all conservation and protection works, seek additional resources to expand the role and period of employment of the developing Guardian corps. The question of “cross delegation of authority” for Aboriginal Fisheries Officer/Guardians should be explored for qualification of incorporating resources to serve other agency responsibilities. (i.e. provincial game management, habitat referrals and enforcement, management of migratory birds, park wardens).

This report identifies Inter-departmental and aboriginal community common interests in collaborative and innovative approaches to development and implementation of aboriginal policing, renewable resource management and regulatory enforcement, which is consistent with findings and recommendations of the report of the Royal Commission on Aboriginal Peoples. It is also recommended in this AFO/Guardian report that collaborative pilot projects be selected through recommendations of the proposed National Program Steering Committee to test program renewal.

The Aboriginal Fisheries Officer/Guardian Program has not yet fulfilled its full potential to contribute to the cost-effective management and protection of Canada’s fishery resources and the self-sufficiency of Aboriginal people. Much enthusiasm was generated at the outset of the Aboriginal Fisheries Strategy for the AFO/Guardian component of the program. Support of many Fishery Officers waned with the realization that program policy and resources were not forthcoming to reinforce the professional development and implementation of the program. It is hoped the recommendations resulting from this review will re-establish the program on a sound footing so that it can resume its progress towards these objectives.

The following is a listing of Key Recommendations for senior management review for policy consideration which are identified by this report as critical to framing program renewal.

Key Recommendations:

- The Aboriginal Fisheries Officer/Guardian (AFO/Guardian) Program should be continued and re-established as a DFO program housed within C&P with defined objectives, policies and procedures. Provision must be made for ongoing evolution and improvement of the program through, among other avenues, serious consideration of proposals put forth by Aboriginal groups. (AFS would continue to lead Agreement negotiations).
- The AFO/Guardian Program should advance DFO and First Nations objectives for improved fisheries and habitat management and Government objectives for the

- Development of Aboriginal self-reliance and self-governance through contributing to the development of Aboriginal capacity to conduct law enforcement activities in the area of fisheries and habitat management.
- A National Program Steering Committee (Steering Committee) should be struck to make policy recommendations to senior management. The Steering Committee should be co-chaired by a C&P designate and a representative of the Assembly of First Nations, and report to DFO ex officio's, the Native Affairs Director General and the national Director of Enforcement. Representation of respective DFO sectors, representative aboriginal groups and inter-departmental representation of INAC, HRDC, and SGC should be considered.
- The AFO/Guardian Program should be defined around compliance, enforcement and perhaps monitoring activities. While the AFS as a whole should encourage the use of Aboriginal group employees (who may also be AFO/Guardians) in all other areas of fisheries management, training and other programs in these areas should be administered separately from the AFO/Guardian program to ensure compatibility with DFO organization and the maintenance of profession law enforcement standards.
- The Steering Committee should make recommendations to Senior Management on command, control and support standards which must be met for organizations employing AFO/Guardians at each level of designated enforcement power to be provided under the program.
- Consideration must be given to methods of ensuring the independence of Aboriginal Fisheries Officer/Guardian forces from political bodies.
- Consideration must be given to methods of ensuring uniform and equal application of the law by enforcement personnel employed by Aboriginal groups and by DFO, including requirements that the former adhere to DFO policies, procedures, directives and standards.
- Training and recruitment standards for all Fishery Officers and AFO/Guardians having unrestricted powers under the Fisheries Act should be identical.
- Conservation and Protection should work with AFS negotiators and Aboriginal groups to develop three-year plans for the development of Aboriginal Fisheries Officer/Guardian and forces with accompanying training plans (including field training). These training plans should be reviewed annually.

- DFO should explore methods of increasing the capacity of Conservation and Protection to deliver field training while maintaining the equivalency of training for all Aboriginal and non-Aboriginal guardians and Fishery Officers.
- The Conservation and Protection Branch should consider seeking increases in DFO's reference levels to support increased conservation and protection activities, including expanding the role and period of employment of AFO/Guardians. When seeking new resources from outside DFO, consideration should be given to the contributions of the program to government objectives relating primarily to Aboriginal people.
- Notwithstanding the foregoing, consideration should be given to the automatic extension of AFO/Guardian Agreements and funding for AFO/Guardian Programs over the normal negotiation period for renewing AFS agreements. Ultimately, earlier negotiations and multi-year agreements scheduled to avoid lapse of AFS agreements.

DFO senior management should consider the implementation of selective pilot AFO/Guardian projects through the National Steering Committee in order to test concepts put forward by this review for implementation of program renewal.

AFO/Guardian Program Funding Levels

- 1997 assessment (funding levels have generally remained static through 1999)

Atlantic Region:	\$2,139,011
Pacific Region	\$3,889,076

AFO/Guardian Training Cost Estimates:

(Note – Training costs are not allowable costs under present AFS administration policy).

1998/99, the Haida Community Skills Centre Program, in the Pacific Region, offered training at costs per individual of :

Phase 1	\$4285.00 plus gst, plus travel to Queen Charlotte Islands
Phase 2	\$3250.00 plus gst, plus travel
Phase 3	\$9903.00 plus gst, plus travel

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PART 1: INTRODUCTION

The AFS Aboriginal Fisheries Officer/Guardian Program

The Review

Intent:

To work with C&P HQ (Dennis Brock), C&P Chiefs and Fishery Officers, AFS Managers and First Nations to evaluate the future of the AFS Aboriginal Fisheries Officer/Guardian Program and to explore other opportunities for partnerships with First Nations and other government agencies responsible for or associated with renewable resource management and enforcement. The mandate was to make recommendations on the following:

- The best means to enhance the focus of the Aboriginal Fisheries Officer/Guardian program (including evaluation of the existing Aboriginal Guardian program) and to reestablish the progressive development of the program.
- The establishment of national standards for Aboriginal candidates who may choose to pursue a career as law enforcement officers or fisheries/habitat specialists, either working within DFO or a partner assisting government in fisheries conservation.
- A long-term plan for Aboriginal candidates to meet national standards, including education, training (classroom/field) and funding requirements to stabilize these initiatives.

- Profile potential partnership arrangements to strengthen organizational structures, reduce costs and overlap jurisdictions for DFO/First Nations with other common interest authorities or agencies. This would include community policing programs, provincial conservation officers, Parks Canada warden program, forest ranger programs and coordinated resource management and enforcement initiatives, i.e; Canada/B.C. M.O.U. Habitat Enforcement initiative.
- A plan to recruit Aboriginal people into the DFO Fishery Officer ranks over the course of the next three to five years.

Methodology:

- A review of DFO historical documentation and records of Aboriginal Fisheries Officer/Guardian projects: pre-AFS to present,
- Aboriginal Community consultations: Atlantic Regions – New Brunswick Chiefs; Prince Edward Island Chiefs and Councils; Newfoundland Federation/Conn River, Labrador Guardians; Nova Scotia; Pacific Region - British Columbia.
- DFO consultations and record review: C&P-Headquarters; Aboriginal Affairs–Headquarters; Atlantic Region Director General, C&P Chiefs and Fishery Officers; Laurentien Region Managers; Pacific Region Post Season Enforcement Reviews; Questionnaires provided to all Pacific Region Fishery Officers; Interviews with key C&P staff responsible for Guardian projects; National AFS Workshop hosted by the Laurentien Region–Quebec City; Pacific Region AFS Workshop, Vancouver, B.C; Sector Consultations; Canada/B.C. M.O.U. Habitat Enforcement committee, AFS staff interviews.
- Aboriginal Organization Conference presentations and exchange; Tribal Councils and First Nation Fisheries Authority interchanges; B.C. Aboriginal Fisheries Officers Conference.
- Inter-Department/inter-government consultations: INAC; HRDC; SGC; Parks Canada; RCMP; B.C. Ministry of Environment; Federal Treaty Negotiation Office.

PART 2: IDENTIFICATION OF ISSUES

Perhaps the most important finding of the review is that persons both inside and outside of DFO continue to raise fundamental issues concerning the Aboriginal Fisheries Officer/Guardian Program. These **fundamental issues** are:

- Should there be an Aboriginal Fisheries Officer/Guardian Program?
- What are/should be the objectives of the Program?
- What should be the administrative arrangements for the program?
- What would be the most appropriate title to honour the role of an Aboriginal person serving in this position?

It is of the highest priority that fundamental issues of program design are resolved in the minds of DFO staff, participants in the program, First Nation's persons, and the public.

In addition, participants in the review have identified many specific issues relating to the design and implementation of the Aboriginal Fisheries Officer/Guardian Program. These specific issues are listed in Appendix 2. They can be grouped under five subject matters:

- levels of authority;
- supervision, control and support;
- training standards and methods;
- coordination with DFO enforcement personnel;
- funding.

Stated as questions, the main issues in each of these areas seem to be:

Levels of authority and role

- What should be the minimum powers of Aboriginal Fisheries Officers/Guardians?
- What should be the maximum powers of Aboriginal Fisheries Officer/Guardians?
- Should Aboriginal Fisheries Officers/Guardians be enforcement specialists or resource Management generalists?

Supervision, control and support

- What should be the standards for supervision, control, and support of Aboriginal Fisheries Officer/Guardians?
- Who should be the employer of Aboriginal Fisheries Officer/Guardians?

Coordination with DFO enforcement personnel

- How do we ensure coordinated and effective deployment of DFO and First Nations Enforcement personnel?

Training standards and methods

- What should be the training standards for Aboriginal Fisheries Officer/Guardians?
- To what level should Guardians be trained?
- Who should deliver training?
- What should be the priority of Aboriginal Fisheries Officer/Guardians and Fisheries Officers for field training?

Funding

- How do we ensure adequate levels of funding for the program?
- Can we improve the continuity of funding to First Nations participating in the program?
- How should Guardian Program funds be administered within DFO?

DFO officials and the Aboriginal representatives have managed to arrive at well-reasoned compromise solutions to many of these issues, through largely ad hoc arrangements. This report will attempt to identify many of these solutions.

The primary need is not for radical change in practices, but rather to organize and codify practice into authoritative policy and program guidelines, which are understood and supported by DFO as a whole, and by First Nations.

PART 3: DISCUSSION AND RECOMMENDATIONS

THE FUNDAMENTAL ISSUES

- *Should there be an Aboriginal Fisheries Officer/Guardian Program?*
- *What/are should be the objectives of the Program?*
- *What should be the administrative arrangements for the program?*

Introduction

It is perhaps surprising that these fundamental issues should still be debated after the program has been in place for approximately seven years. Nevertheless, it is clear that they are the subjects of an ongoing and active debate, both inside and outside DFO. Failure to provide clear answers to these questions is a major barrier to the progress of the program. For example, lack of clear program objectives, training capability and funding certainty were the main reasons given for a C&P moratorium on further DFO sponsorship of classroom training of AFO/Guardians which began in 1997. AFS senior management in the Pacific Region supported this moratorium.

An understanding of history often helps one to understand current issues. This principle is perhaps nowhere more true than when considering why fundamental issues relating to the AFS Guardian Program remain a subject of debate.

There is one obvious source for this confusion over the parameters of the program. When DFO examined how it managed the fisheries in the context of what the Supreme Court stipulated in the 1990 *Sparrow* case, the Department had to quickly make substantial changes in regulations, legislation and management practices. In 1991, before the AFS was developed, Aboriginal people became involved as never before in the design and delivery of projects to manage their fisheries. When the AFS was developed in 1992, it reflected these experiences and developed a program whereby negotiated agreements with First Nations would cover a spectrum of fisheries management activities, including:

- fixed, commercial harvest levels;
- enhanced self-management of Aboriginal fishing;
- Fish habitat improvement and fishery enhancement;
- research;
- fisheries-related economic development and training;
- demonstration projects in B.C. to test the sale of fish caught by Natives.

The enhanced self-management component was essentially the Guardian Program. This was particularly true in the Atlantic region where some Guardians had been previously hired by the Bands to monitor Native fisheries, collect harvest data, conduct patrols and report on fishery activities.

As mentioned earlier, at the outset there was no clear statement of objectives for the Guardian program. However, at the same time, the appointment of persons employed by First Nations as

Guardians became a key element of the AFS on both coasts.

The AFS was a “strategy” of negotiation of agreements with Aboriginal groups on the management of Aboriginal fisheries and, to a lesser extent, participation in other aspects of fisheries management and in other fisheries. To provide flexibility in negotiations, negotiations were conducted under the broad policy framework or mandate established by Cabinet. Due to the level of discretion being exercised, AFS negotiators were given rapid recourse to senior managers for interpretation of mandates (and indeed often were senior managers).

Given the magnitude of this national AFS and immediate need for its implementation, there was a lack of detailed objectives and policy guidelines which characterize a program designed to be implemented by lower level officials. It proceeded under a negotiation mandate rather than a set of program guidelines, posing a difficult circumstance given the uncertainty and ambivalence of this unprecedented program. Reference to “programs” under the AFS arose more or less spontaneously as officials and clients sought to establish a familiar framework and more detailed policy within which to implement the mandate of the AFS.

While this was perhaps an effective approach to developing a new relationship with Aboriginal groups, it was not without its difficulties. This negotiation approach requires strong policy development support at the official level. While provision was made for recourse to senior management for decision-making, DFO policy making, for a number of reasons primarily due to the aforementioned magnitude and urgency of the AFS, failed to keep pace with negotiations.

Responsibility for negotiation of AFS agreements rested with the Policy and Program Planning Sector of DFO. This arrangement expedited the negotiation of agreements by providing a strong focus for the negotiations and excellent access to senior management decision-making. Unfortunately, it also lessened the involvement of the operational sectors of the Department: Science and Fisheries Management (the latter of which is responsible for enforcement). These sectors were the main reservoirs of technical knowledge within the Department.

These initial weaknesses in policy development and articulation have haunted the Aboriginal Fisheries Officer/Guardian Program from its inception, particularly in the area of enforcement. The reasons for this are that enforcement was an important part of early negotiations; in many cases First Nations lacked the expertise to negotiate the intricacy of financing and developing an enforcement program. This situation was compounded by a lack of training capacity within C&P to meet demands of an expanding Guardian program, thereby posing a serious technical support problem.

Almost from the beginning of negotiations, First Nations focused on Guardians or “Aboriginal Fisheries Officers” as an important component of agreements. In Atlantic Canada, this enthusiasm for Guardians was based not so much on a desire for a law enforcement role, but rather on a practice of referring to all First Nations employees engaged in implementing AFS agreements as Guardians.

In Pacific Canada, Guardians also became a hot topic in negotiations, but for a different reason.

Pacific First Nations were eager to assume an enforcement role, not just as seasonal AFO/Guardians monitoring the Aboriginal fishery, but as an equivalent to C&P Fishery Officers enforcing all aspects of the *Fisheries Act* and regulations within their traditional territories. They wished to use the AFS to re-assert control of traditional territories and were deeply dissatisfied with DFO's enforcement efforts (particularly in the area of fish habitat and terminal fisheries).

These early demands for a more fulsome enforcement role for First Nation's employees raised policy and resource issues with which DFO was poorly positioned to deal. From a policy standpoint, the Government of Canada as a whole had not yet (and has not yet) addressed the issue of the powers of Aboriginal governments outside of their membership and land base. Fisheries were an unpromising area for leadership on these issues. DFO is not the lead agency in the areas of Aboriginal self-governance and justice. There also has been resistance from some quarters of fisheries interest groups to increased First Nation involvement in enforcement.

Enforcement authority also raised many complex issues of training, safety, supervision, control and liability. Experts in law enforcement within the Department were moving away from the use of part-time regular Guardians with low levels of training and towards higher standards of training and specialization among Fishery Officers, similar to trends in other occupations. Further, the importance attached by the law enforcement community to training, detailed rules and organizational unity and loyalty were underestimated by the main architects of the AFS, none of whom had a law enforcement background.

To address these issues, senior DFO officials needed the participation, cooperation and unbiased advice of the experts in this area, the Conservation and Protection Branch (C&P). This support was not forthcoming for several reasons:

- suspicion between First Nations and Fishery Officers engendered by years of confrontation;
- uncertainty of many members of C&P of the motives and objectives of DFO senior management in attempting to achieve a new relationship with Aboriginal people;
- a belief that re-direction of some departmental resources to support the AFS was reducing the effectiveness of the enforcement effort and perhaps the job security of individuals;
- C&P lacked the capacity to provide the training required to meet the expectations of aboriginal communities;
- C&P was engaged in a major reorganization of Fishery Officer duties in 1993, moving from generalist duties to that of enforcement specific.

An expanded enforcement role for First Nation employees also raised financial resource issues to provide for training, salary, and benefits. The AFS was introduced at a time of growing government austerity. Its initial financial resources were designed to provide for the hiring of seasonal AFO/Guardians with modest training and pay compared to full-time Fishery Officers. In the period after the introduction of the AFS, it was clear that the Department could obtain no additional resources to support advances in these areas. Further, at a time of departmental downsizing, few re-allocations of existing resources were possible.

To some extent these themes of First Nation's aspirations outstripping the policy development and financial resources of the Department and of lack of integration between the Aboriginal Fisheries Officer/Guardian Program and the Conservation and Protection Program has impeded the AFO/Guardian Program from reaching its full potential.

Should there be an Aboriginal Fisheries Officer/Guardian Program?

Designating Aboriginal persons as Guardians has many potential benefits for DFO. Aboriginal Fisheries Officer/Guardians can provide additional monitoring and enforcement capacity at certain times and in certain fisheries with the prospect of relieving C&P enforcement voids due to budget constraints. Aboriginal communities often are located in close proximity to the resource and fisheries. Many Aboriginal people still grow up close to the land and have excellent knowledge of the local resource and field skills. Further, many have an intense commitment to the conservation of the resource. Given resource conservation challenges facing DFO and recent commitments announced by the federal government for implementation of policy for hereditary right to self-government; Aboriginal community socio-economic development; capacity building and the ongoing treaty process; costs for continuing development of the Guardian program should be considered a worthy investment for DFO.

Aboriginal persons have additional advantages when monitoring and enforcing in Aboriginal fisheries including: language skills, understanding of the community, and instilling acceptance of the program by the community. Along with community acceptance comes an offering of the sharing of traditional knowledge. Acceptance is increased when the AFO/Guardian is employed by, or at least working with, the community authorities and the community is part of the process.

Through the AFO/Guardian Program, DFO has realized many of these benefits, particularly as they relate to increased monitoring within the Aboriginal fishery and compliance by Aboriginal community members. All observers agree that these benefits could not have been attained without the AFS, including the AFO/Guardian Program.

In addition to these tangible fisheries management benefits, the AFO/Guardian Program also helps advance wider Government goals for the development of Aboriginal Self-government.

DFO has not yet fully realized the potential of the program to generate fisheries management benefits. Increased use of Guardians could improve monitoring and enforcement capability in fisheries other than the Aboriginal fishery and in fish habitat protection. DFO, working in collaboration with First Nation groups, other departments or agencies responsible for law enforcement, could provide leadership in advancing Government objectives for the development of Aboriginal Self-Governance.

I do not believe anyone would suggest giving up these benefits by terminating the program. The question is, how can we improve the program? The answer given here is to firmly establish it as just that, a program, with objectives, policies and administrative rules and structures. However, in doing so, it must not become rigid and unresponsive to the suggestions, needs and aspirations of Aboriginal groups.

Recommendation

The Aboriginal Fisheries Officer/Guardian Program should be continued and re-established as a DFO program housed within C&P with defined objectives, policies and procedures. Provision must be made for ongoing evolution and improvement of the program through, among other avenues, serious consideration of proposals put forth by Aboriginal groups.

What should be the objectives of the Program?

The Aboriginal Fisheries Strategy (AFS) was launched in 1992 in response to:

- evolution of the law on Aboriginal fishing rights, most notably the Supreme Court of Canada decision in the *Sparrow* case;
- continued failure to effectively manage Aboriginal fisheries, in a large part due to the poor relations between DFO and many Aboriginal communities; and
- Government-wide initiatives to negotiate modern day treaties in British Columbia and Aboriginal Self-governance agreements nation-wide.

The main thrust of the AFS is the establishment of a new partnership between DFO and First Nations through the negotiation of agreements on aspects of fisheries and fish habitat management. In British Columbia, these agreements were viewed as steps towards the fisheries provisions of treaties. In all areas of Canada they were intended to fulfil a similar function in the development of arrangements for Aboriginal Self-governance (under the predecessor to the current policy of negotiations on the inherent right to self-government).

The AFS, therefore, was intended to advance both DFO objectives for improved fisheries management and Government wide objectives for the development of Aboriginal self-governance.

Canada's response to the report of the Royal Commission on Aboriginal People clearly, establishes as a continued objective of the government, the development of a new relationship with Canada's Aboriginal people. This relationship is to be characterized by increased Aboriginal capacity to control their affairs and increased independence, culminating in Aboriginal self-governance.

Capacity among Aboriginal groups to conduct law enforcement is undergoing development through programs of other agencies of the federal and provincial governments. These agencies include the Office of the Solicitor General of Canada, Provincial Attorney General Ministries and the natural resource departments of the provinces. DFO has played a lead role for resource management capacity building for aboriginal fisheries management and enforcement programs dating back to pre-AFS such as the Community Economic Development Program (CEDP), pilot AFO/Guardian programs, Cooperative Management program and the subsequent AFS program.

Many aboriginal enforcement development issues identified in this review are common with review results of some aboriginal community policing programs in Canada. There is much to be gained for DFO and First Nations to work collectively with other enforcement agencies to support First Nations in their capacity development initiatives.

The objectives of the Guardian program should continue to be the advancement of both, DFO and First Nations objectives for improved fisheries management and, Government wide objectives for the development of a new relationship with Aboriginal peoples.

This relationship is to be based on mutual respect and increased aboriginal community capacity for resource management and self-reliance through self-governance.

The original intent of appointing persons, working for Aboriginal groups as AFO/Guardians was to provide them with some legal authority to monitor and ensure compliance with the *Fisheries Act*, regulations and AFS agreements, primarily with respect to the Aboriginal fishery. The possibility of AFO/Guardians assisting in improving enforcement in other fisheries and of the fish habitat provisions of the *Fisheries Act* also was raised. The extent of Aboriginal AFO/Guardian authority in these areas has been a continuing area of debate between DFO and Aboriginal groups.

The Government's policy on Aboriginal affairs is centered on giving Aboriginal groups greater control over things which are internal to the group and the management of their land base (reserve or land claim settlement lands). In keeping with this policy, the prime objective of the Aboriginal Fisheries Officer/Guardian Program should be the development of capacity within Aboriginal groups to conduct compliance and enforcement activities among their group membership and in their Aboriginal fisheries. This does not mean that AFO/Guardians should not be trained and empowered to enforce all aspects of the *Fisheries Act* and regulations and in other fisheries. Such an arrangement is recommended as a cost-effective way of improving enforcement given the Government's commitment to resource management capacity building for aboriginal communities of Canada. What it does mean, is that in designing AFO/Guardian Programs with Aboriginal groups, there is no compelling policy reason to provide them with capacity to carry out these activities, except as incidental to their core responsibilities.

Recommendations

The AFO/Guardian Program should advance DFO and First Nations objectives for improved fisheries and habitat management and Government objectives for the development of Aboriginal self reliance and self-government through contributing to the development of Aboriginal capacity to conduct law enforcement activities in the area of fisheries and habitat management.

The long term objective should be the development of full time professional resource based law enforcement officers within the Aboriginal community. Due to resource restrictions it is likely that, for most Aboriginal groups, this objective can

only be obtained through coordination of the AFO/Guardian Program with the programs of other federal and provincial government agencies aimed at the development of law enforcement capacity within Aboriginal communities.

In keeping with Government objectives for the development of Aboriginal self-government, the main focus of the AFO/Guardian program should be the development of Aboriginal capacity to conduct law enforcement activities relating to their own fisheries, membership and land base.

The Aboriginal Fisheries Officer/Guardian Program should advance DFO objectives for improved enforcement in other fisheries and of the habitat provisions of the Fisheries Act through providing AFO/Guardians with the ability to conduct enforcement activities in these areas as secondary objectives, incidental to their main role in the Aboriginal community.

What should be the administrative arrangements for the program?

If the AFO/Guardian Program is to be re-established as an “enforcement” program, it seems most appropriate that it be administered by the Conservation and Protection Branch, so that it can be integrated with and supported by other enforcement and compliance programs administered by this Branch.

However, the Aboriginal Fisheries Officer/Guardian program also requires consideration of wider interests and input from other areas of specialty. Within the Department, Resource Management and Aboriginal Affairs have relevant expertise. Aboriginal groups also should have their views considered in formulating policy. The Office of the Solicitor General and the Department of Indian and Northern Affairs (DIAND), as the agency responsible for self-government, also have relevant expertise. These considerations could be taken into account through establishing a national committee to provide recommendations on program policy.

Recommendations

The Aboriginal Fisheries Officer/Guardian Program should be administered by the Conservation and Protection Branch.

A National Program Steering Committee (Steering Committee) should be struck to make policy recommendations to senior management. The Steering Committee should be co-chaired by a C&P designate and a representative of the Assembly of First Nations, and report to DFO ex officio's, the Native Affairs Director General and the national Director of Enforcement. Representation of respective DFO sectors, representative aboriginal groups and inter-departmental representation of INAC, HRDC, SGC and the Canada Aboriginal Policing Program should be considered.

The Steering Committee should be mandated to review program standards, objectives, policy, administrative and funding guidelines and procedures for the administration and evaluation of the Aboriginal Fisheries Officer/Guardian Program and to explore prospective collaborative inter-departmental initiatives to support program renewal.

LEVELS OF AUTHORITY AND ROLE

- *What should be the minimum powers of Aboriginal Fisheries Officer/Guardians or Community Fisheries Officers?*
- *What should be the maximum powers of Aboriginal Fisheries Officer/Guardians or Community Fisheries Officers?*
- *Should AFO/Guardians be enforcement specialists or resource management generalists?*

Introduction

Section 5 of the *Fisheries Act* provides for the appointment of fishery guardians and officers who can be given any or all of a wide range of monitoring enforcement powers as set out by the Minister in individual designations.

In practice, the term Fishery Guardian is applied to persons having restricted powers, while Fishery Officers all receive the full range of powers set out in the Act. Generally, persons designated as Fishery Officers are in the employ of DFO or another law enforcement agency, such as the RCMP or provincial natural resource departments (conservation officers). DFO or contractors may employ Guardians. The term Community Fisheries Officer or Fisheries Officer is derived from pilot enforcement models in the Pacific Region. Under this initiative Community Fisheries Officers are recruited from the Aboriginal Fisheries Officer/Guardian corps under a cooperative enforcement agreement. These officers work under the direct supervision of C&P and upon meeting standards set out in the agreement are eligible to receive equivalent Fishery Officer powers.

Guardians usually have been persons with lesser levels of training than Fishery Officers have. They usually are employed in monitoring of catches or "observe, record and report" roles and often are seasonally employed. Designation as a guardian always provides some level of legal authority, as reflected in the certificate of designation and also the protection of sections 62 and 63 of the Act, which make it an offence to obstruct a Fishery Officer or Guardian or make a false or misleading statement to a Fishery Officer or Guardian.

In the past, guardians have been relied upon extensively by DFO in Atlantic Canada to provide supplementary monitoring and enforcement capability at particular seasons or in particular fisheries. DFO ship crews can now receive designations as Fishery Officers.

Questions have been raised over both the minimum and maximum powers which should be given to an Aboriginal Fisheries Officer/Guardian.

What should be the minimum powers of Aboriginal Fisheries Officer/Guardians?

The Department seems to be moving away from the use of regular guardians. The motivation for this movement has its roots in society-wide trends. Today, there are expectations for higher levels of training and safety in all occupations; higher standards of care for law enforcement personnel (reflected in developments in tort law); increased complexity of law and regulations; and a perceived increase in the propensity of persons engaged in offenses to resort to violence and to carry arms.

Most DFO enforcement capacity in Canada, with the exception of contract guardians in Newfoundland and AFS AFO/Guardians, are full time and seasonal Fishery Officers. Seasonal Fishery Officers are viewed as not being a cost effective program, as not being full time employees, training requirements cannot be met in the off season, continuity of operations can be lost, employee benefit qualification are limited. Most AFO/Guardians also are seasonal employees and face similar issues. This poses a critical challenge for training program development in light of required enforcement standards.

Improved training, equipment and support are all laudable goals. DFO cannot countenance a reduction in employee or public safety through the substitution of AFO/Guardians for fishery officers. However, the use of AFO/Guardians in situations commensurate with their powers, training, equipment, and support should not result in a loss of safety for either the AFO/Guardians or the public. The key is to find the balance between duties, powers, training, equipment and support.

Recommendations

The designation of individuals as Aboriginal Fisheries Officers/ Guardians with varying levels of power under the Fisheries Act should be continued.

The powers, training, equipment and support of Aboriginal Fisheries Officer/Guardians must be matched to their duties and the circumstances in which they are exercised and conducted.

What should be the maximum powers of Aboriginal Fisheries Officer/Guardians?

To date, Aboriginal Fisheries Officer/Guardians in the employ of an Aboriginal group have been given designations with restricted powers. The three main restrictions which have been placed on Aboriginal AFO/Guardians are:

- limited power which confines them to qualified illegal gear seizure and observe, record and report authority;
- denying authorization to carry defensive weapons including firearms; and

- restricting their activities to enforcing against members of their Aboriginal group and the Aboriginal fishery.

Confining Aboriginal Fisheries Officer/Guardians to an observe, record and report role has been justified where either the AFO/Guardians do not meet the training standards for additional powers or where the command, control and support structure is insufficient. However, in a growing number of situations training has been upgraded and there has evolved a mutual interest between C&P and respective First Nations to meet requirements for command control and support structures in order to enhance AFO/Guardian enforcement powers. Failure to give additional powers to AFO/Guardians in these situations has become a major source of contention between some Aboriginal groups and DFO. It is anticipated that issues of this nature could be resolved with improved planning for force development, particularly for phase three training. Such planning and evaluation will be essential to restoring confidence in career planning and avoidance of creating false expectations.

A concern has been expressed nationally that AFO/Guardians have a legal obligation to take enforcement action for communal license violations involving aboriginal fishers but have no jurisdiction to act on violations of the *Fisheries Act and Regulations* by non-Band members or non-native fishers. This case is exacerbated when violations by non-members occur simultaneous to AFO/Guardians being obliged to act on violations by aboriginal fishers at the same location. Additionally, First Nations want AFO/Guardians to serve to reinforce enforcement in fisheries that have limited DFO enforcement presence due to C&P program constraints. This issue is quickly becoming more critical in light of the new conservation requirements effecting many traditionally harvested local fish stocks.

The potential civil liability of the Crown has been advanced as one reason for not increasing the powers of AFO/Guardians. The argument is that the Crown, through giving the appointment, may be held civilly liable for wrongful actions by the officers. AFS agreements substantially address this issue by obligating the employers of AFO/Guardians to carry liability insurance and to indemnify the Crown against such claims. Clear standards for training, supervision and control structures of AFO/Guardians would reduce the likelihood of them engaging in wrongful actions. This civic liability responsibility for Aboriginal Fisheries Officers/Guardians should remain with the First Nation employer.

The issue of increasing the powers of AFO/Guardians therefore seems to be linked to questions of training, supervision, control and support. Where organizations can meet appropriate standards in these areas there seems to be no technical reason why they cannot be given the full powers available under the *Fisheries Act*. At present, the aboriginal AFO/Guardian program is restricted to enforcement relating to the activities of members of the Aboriginal group and their communal fisheries.

What is needed is a regionalized, or watershed based, AFO/Guardian enforcement joint planning process. This process should be driven by First Nations, C&P and AFS working in conjunction with Regional management. The objective of this process would be to incorporate a strategic aboriginal AFO/Guardian enforcement and training plan to meet defined national standards. This

process would lead career path development for aboriginal AFO/Guardians that incorporate standards and command, control and support structures. Once an AFO/Guardian program is implemented with compliance with well-defined guidelines and performance standards, powers to enforce in non-aboriginal fisheries should be employed. A Regional process for reviewing applications from organizations should be created.

Recommendations

Policy should allow the powers of Aboriginal Fisheries Officer/Guardians to include the unrestricted powers of a fishery officer under the Fisheries Act, including the power to enforce in non-aboriginal fisheries and against persons who are not members of the group, where individuals and organizations meet standards for training, command, control, and support.

The National Program Steering Committee should define types of AFO/Guardian Designations available under the program, including, for each level of designation: powers, necessary training, equipment and support and factors influencing the suitability of various designations to specific fisheries management situations.

Should AFO/Guardians be enforcement specialists or resource management generalists?

Coupled to increasing training standards for Fishery Officers, DFO Fishery Officers have become increasingly specialized. Historically, Fishery Officers carried out a wide range of resource management functions within a community. Today they are specialized to enforcement and compliance and in support of fisheries and habitat management.

Aboriginal groups would prefer to have Aboriginal Fisheries Officer/Guardians reflect the generalist model. This is consistent with recommendations of the initial AFO/Guardian training committee at the outset of the program. Respective AFO/Guardian programs are geographically based on traditional territories with their jurisdiction corresponding to fishing areas defined by communal licenses. Many groups have indicated that they are looking to the future for collaborative resource management arrangements with the multiplicity of federal and provincial jurisdictions.

A comprehensive, cross-jurisdictional resource management program would enable pooling of resources for common management and enforcement services within their tribal areas. In the face of program funding restraints and the seasonality of fisheries and wildlife management, groups are seeking collaborative management and enforcement programs to produce cost effective, year-round employment opportunities for qualified personnel. It is both in keeping with community values and cost-effective to have these employees aid in a wide range of fisheries and habitat management and monitoring activities.

Aboriginal groups should be supported in adopting this generalist model for their AFO/Guardians. However, in order to be consistent with DFO's internal organization, the Aboriginal Fisheries Officer/Guardian Program, which it has been recommended to be administered by Conservation and Protection Branch, should be restricted to compliance and enforcement activities. This approach does not preclude Aboriginal Groups developing employees who have expertise in fisheries management and in enforcement. The suggestion is that, while many individuals may participate in both scientific activities and enforcement, and have both scientific training and enforcement training and powers, the processes of obtaining these different sorts of training and powers should be kept separate.

Support for the development of AFO/Guardian capacity to carry out other resource management functions should continue to be coordinated by Aboriginal Fisheries staff within the Department, with the involvement of other areas of functional expertise, such as Science Branch. In addition, Aboriginal groups themselves should continue to assume more responsibility both for defining the role of the people they employ as AFO/Guardians and providing them with training and support.

A second aspect of this issue is whether all employees of Aboriginal groups who carry out fisheries management functions should be considered to be part of the "AFO/Guardian Program" and receive designations. From the inception of the AFS negotiations in Atlantic Canada the term "guardian" has been synonymous with "worker employed by an Aboriginal Group to implement aspects of an AFS agreement".

However, much of the work conducted under AFS agreements is related to stock or habitat assessment or other scientific activity which is not connected with enforcement and does not require powers under the *Fisheries Act*. Participation in enforcement may be detrimental to an individual's ability to perform some of these activities, as it effects the cooperation of those involved in fisheries. In addition, appointing all First Nations fisheries workers as AFO/Guardians introduces many training, supervision and risk issues.

For these reasons, it seems likely that people who perform only fisheries management and research activities should not be required to have designations and should not be considered to be participating in the AFO/Guardian Program.

Persons who perform monitoring or "observer" functions occupy an intermediate status between fisheries management and enforcement. The advantages of being a neutral observer may be outweighed by the advantages of having some minimal authority under the *Fisheries Act* for search or being covered by the prohibition against false or misleading statements. It also provides personnel with legal protection in the event of engagement.

The confusion of roles also may have biased the training which candidates obtain. While Fishery Officers require some resource management training, training in this area beyond those requirements should neither be considered as a substitute for training in compliance and enforcement, nor brought under the administration of the AFO/Guardian Program.

Recommendation

The AFO/Guardian Program should be defined around compliance, enforcement and perhaps monitoring activities. While the AFS as a whole should encourage the use Aboriginal group employees (who may also be AFO/Guardians) in all other areas of fisheries management, training and other programs in these areas should be administered separately from the AFO/Guardian program to ensure compatibility with DFO organization and the maintenance of profession law enforcement standards.

SUPERVISION, CONTROL AND SUPPORT

- *What should be the standards for supervision, control, and support of Aboriginal Fisheries Officer/Guardians?*
- *Who should be the employer of Aboriginal Fisheries Officer/Guardians?*

Introduction

Persons engaged in law enforcement activities must operate under a command and control structure that provides support for officers, ensures that they are informed and act in compliance with laws, policies, directives and standards.

Any employee requires effective supervision. Employees empowered by society to question members of the public, and possibly to physically intervene to prevent activities, seize property, place a person under arrest and carry firearms or other restricted weapons obviously is even more in need of effective supervision to protect both the public and themselves.

During the review, participants have raised questions about both standards for supervision, control and support and about whom should be the employer who delivers the supervision.

What should be the standards for supervision, control, and support of Aboriginal Fisheries Officer/Guardians?

It is beyond the scope of this review to recommend on the appropriate standards for command, control and support of AFO/Guardians and officers with different levels of powers. Obviously, the seriousness of concerns in this area increases with the powers of the officer but it is a job for specialists in the area to define appropriate standards for each level. Given the critical importance of establishing and maintaining standards in these areas, this task should be a first priority for the National Program Steering Committee.

Recommendation

The National Program Steering Committee should make recommendations to Senior Management on command, control and support standards which must be met for organizations employing AFO/Guardians and at each level of designated enforcement power to be provided under the program.

Who should be the employer of Aboriginal Fisheries Officer/Guardians?

The nature of the employer of AFO/Guardians is important for reasons beyond technical ability to provide supervision, control and support. The employer of a police force can influence both who is employed by a police force and the discretion exercised by all police forces in enforcing laws.

Members of the force must be hired and evaluated on professional not political criteria. The hiring, evaluation and promotion functions of the employer therefore must be insulated from politically motivated deviations from these principles. This principle dictates that where an Aboriginal Group hires Aboriginal Fisheries Officer/Guardians, the actual employer must be an agency at arms length from the group's political bodies, such as a First Nation's designated fisheries authority or board. For example, an independent police board usually employs municipal police forces. It is mandatory for First Nations to establish police boards to conduct the business of tribal or community policing under the Canada Aboriginal Policing program.

Some participants in the review were of the opinion that DFO must be the employer of all Aboriginal Fisheries Officer/Guardians having full enforcement powers under the *Fisheries Act*. Currently, all Aboriginal Fisheries Officer/Guardians who have the unrestricted powers of a Fishery Officer (Community Fisheries Officers) are employed by DFO on term. A DFO/Aboriginal group board advises on their work assignments, which predominately involve work in the Aboriginal community and its immediate area. The DFO staff supervises the individuals.

Part of the rationale for this view is that this provides the highest level of supervision and support, an issue that has been dealt with previously. But a second rationale may exist for insisting that DFO is the employer of Aboriginal Fisheries Officer/Guardians having full enforcement powers. The employer relates this rationale to influence over enforcement policies and discretion.

The First Nations Police Services In Alberta – Review: November 1998 reports: "Several of the First Nations police services are developing and performing well. Unfortunately this is not always the norm. In a number cases, the programs achieving satisfactory acceptance and providing a satisfactory level of services are those which have maintained a complimentary working relationship with the RCMP Police Service."

Two employment models are current in the AFS AFO/Guardian Program. The first, applicable to AFO/Guardians who's role is restricted to observing, recording and reporting with limited powers and to enforcing in the Aboriginal fishery, is employed by an Aboriginal group (First Nation, tribal council, fisheries commission). This has been seen as a workable model. The model will

undoubtedly be improved by having the AFO/Guardians employed by a police board or other entity at arm's length from the elected officials.

The second, applicable to individuals who have the unrestricted powers of a fishery officer, is to have the individuals employed by DFO on term as "Community Fisheries Officers" commencing at a GT01 level. The officers are then deployed back into the Aboriginal community, with a joint DFO/Aboriginal group board advising on their duties. The individuals are supervised by DFO staff. Funding for the positions is provided from the Aboriginal Fisheries Strategy, at the direction of the Aboriginal group.

Many Aboriginal groups are not satisfied with the current models and wish to employ persons having the full enforcement powers available under the *Fisheries Act*. It seems that this should be possible through insisting on independence of the employer from political bodies and conformity of the Guardian force with the enforcement policies of DFO especially relating to command, control and support structures to ensure uniform and equal application of the law.

Two examples of methods for ensuring uniform application of laws are available from the administration of the criminal law. Provincial Police Commissions oversee the accreditation and activities of local police forces. Provincial or national police forces are given concurrent jurisdiction to enforce laws in local jurisdictions.

The development of community police forces with the involvement of the Solicitor General and some provincial resource management agencies provides DFO with an excellent opportunity to acquire partners in establishing law enforcement capability within Aboriginal communities. Where a community police force charged with enforcement of the criminal law is established most issues relating to command, control and support of enforcement officers can be assumed to have been resolved. In fact, where persons working for these organizations have appointments as police officers or conservation officers, there does not seem to be a reason why they should not receive designations as Fishery Officers, as do other police and conservation officers.

Some Aboriginal Groups are looking to have specialized Fishery Officers attached to their community police force. In this case, most issues of command, control and support again likely could be assumed to be resolved. DFO would still need to establish training and hiring standards for these individuals and need to insure that they would adhere to Departmental policies, directives and standards in carrying out their duties.

Recommendations

The current models of employment of Aboriginal Fisheries Officer/Guardians by Aboriginal groups and of Community Fisheries Officers by DFO should continue to be offered as options to Aboriginal groups.

Command, control, and support standards should be established so that Aboriginal groups meeting those standards might directly employ fully empowered Fishery Officers.

Consideration must be given to methods of ensuring the independence of Aboriginal Fisheries Officer/Guardian forces from political bodies.

Consideration must be given to methods of ensuring uniform and equal application of the law by enforcement personnel employed by Aboriginal groups and by DFO, including requirements that the former adhere to DFO enforcement policies, procedures, directives and standards.

DFO should avail itself of the opportunity presented by the development of Community Police Forces to designate fishery officers within these forces.

TRAINING STANDARDS AND METHODS

- *What should be the training standards for Aboriginal Fisheries Officer/Guardians?*
- *Who should deliver training?*
- *What should be the priority of Aboriginal Fisheries Officer/Guardians for field training?*

Introduction

A disproportionate amount of the debate surrounding the AFO/Guardian program has centered on training. To some extent, training has become the convenient focus for the larger debate over appropriate powers and roles for AFO/Guardians. There has been a tendency to simplify this issue to being one of training levels, ignoring issues of supervision, support and funding.

Training is still in its own right an important aspect of the AFO/Guardian Program and three main training issues have been identified by the review.

What should be the training standards for Aboriginal Fisheries Officer/Guardians?

In theory, everyone agrees that the answer to this question is that the training standards for Aboriginal Fisheries Officers/Guardians should be the same as for non-Aboriginal guardians and officers.

One problem in applying this theory has been that there do not appear to be any national standards or program for the training of Guardians as opposed to Fishery Officers. There has been considerable acrimonious debate over whether comparably empowered aboriginal and non-Aboriginal guardians are required to meet the same training standards. This problem should be resolved by codifying training and recruitment standards for all Guardians, Aboriginal and otherwise, for exercising different levels of authority.

There is some debate over recruitment standards due to a possible shortage of Aboriginal candidates with sufficient formal education to meet normal standards. This problem should not be addressed through lowering recruitment standards for Aboriginal as opposed to non-Aboriginal Guardians and Fishery Officers. Still, DFO should not insist on unnecessarily high formal educational standards for recruits to lower level AFO/Guardian positions. However, the standards and education requirements must match the requirements to do the job as it is set out for that particular position in the respective AFO/Guardian agreement. This would allow persons to occupy entry level positions as AFO/Guardians while obtaining the remedial education necessary for advancement to Fishery Officer status.

DFO also should, in cooperation with Aboriginal groups, investigate ways of facilitating access by AFO/Guardian candidates to necessary academic upgrading.

The AFS AFO/Guardian training syllabus is organized into three phases (plus field training) and is modeled after, but not identical, to the DFO Fishery Officer Career Oriented Training Program. Differences have been introduced to accommodate persons with lower initial academic skills than normal DFO recruits and to reflect differences between the jobs of Aboriginal Fisheries Officer/Guardians and DFO Fishery Officers (for example greater emphasis on resource management as opposed to law enforcement). These differences have left opportunity for debate as to the equivalency of the two programs. It also has confused training to be AFO/Guardians with training to be fishery officers.

The DFO Fishery Officer Career Oriented Training Program is, as the name suggests, designed to train fishery officers. This may not be the appropriate objective for all trainees in the Aboriginal Fisheries Officer/Guardian program. A way of accommodating multiple objectives and career streams within a program is to develop and designate courses which give credit towards accreditation in each career stream. Thus some courses may be credits towards accreditation as a Fishery Officer while others would be part of a non-Fishery Officer career path. Some courses might be common to both career paths. What is critical for maintaining equivalency and the credibility of the AFO/Guardian Program, is that the courses in each career path must be identical for Aboriginal and non-Aboriginal candidates.

Recommendations

Training and recruitment standards for all Officers having unrestricted powers under the Act should be identical.

DFO should establish training and recruitment standards which would be identical for AFO/Guardians and non-Aboriginal Guardians at equivalent levels of powers.

DFO should, in cooperation with Aboriginal groups, investigate ways of facilitating access by AFO/Guardian candidates to necessary academic upgrading.

The current Aboriginal Fisheries Officer/Guardian Training Program modules should be re-organized into courses which represent credits in different AFO/Guardian and non-Fishery Officer career paths (some courses may be common to more than one path). The courses in each career path should be identical for Aboriginal and non-Aboriginal candidates.

To what levels should Guardians be trained?

Much hard feeling and disappointment has been generated by the training of Aboriginal Fisheries Officer/Guardians to levels beyond those required by their current levels of powers and salary with no prospect that positions at higher levels will become available. Generally, the AFO/Guardian program has been void of any planning process essential for effective management of training and training resources at the local or regional level.

There is little meaningful strategic planning for watershed or coastal traditional area based deployment of AFO/Guardians and resources to establish the full potential of a proficient program. It also may be the result of a tendency to emphasize lack of training as the barrier to AFO/Guardians being given more authority and remuneration, while de-emphasizing other equally important issues such as command, control and support standards and funding. Establishing clear policies, standards and limits in these areas should help clarify the situation, as should re-organizing the training program to accommodate non-Fishery Officer career streams.

In the final analysis, individuals must take risks in making investments in their careers. DFO and the Aboriginal authorities can minimize these risks and at the same time encourage realistic levels of recruitment through planning and making relevant information available to potential candidates. They should not support training for numbers of recruits which are obviously in excess of future recruitment needs. Joint planning could best be accommodated by establishing tribal area/regional based operations and implementation advisory teams to work in conjunction with the national steering committee and AFO/Guardian agreement negotiators.

Recommendations

DFO and the Aboriginal authorities must provide the people involved in the program and potential recruits with relevant information on the availability of career opportunities and of the requirements for availing themselves of these opportunities.

DFO and the Aboriginal authorities should only financially support training which is needed to fill the positions which are expected to become available and for the advancement of existing personnel in order to meet national program standards.

DFO and the Aboriginal authorities should make realistic intermediate term staffing plans for the program by establishing tribal area/regional based operations and implementation advisory teams to work in conjunction with the Steering Committee and AFO/Guardian agreement negotiators.

Who should provide training to Aboriginal Fisheries Officer/Guardians?

The issue of equivalency is linked to the issue of who does the training. DFO need not provide all classroom training in order to maintain standards, but if other organizations provide training, they must do so from approved syllabuses and they must be accredited by DFO.

With respect to field training, the maintenance of equivalency in training delivered by members of different agencies is more difficult to establish. Due to the importance of clearly maintaining equivalency in the training of Fishery Officers employed by DFO and those potentially employed by Aboriginal authorities, it is recommended that all required field training be done by DFO officers. The question of the equivalency of training delivered in whole or in part by Fishery Officers employed by Aboriginal authorities or by other qualified persons should be studied.

Recommendations

DFO should establish syllabuses for all AFO/Guardian and Community Fisheries Officer training courses.

DFO should establish a committee to accredit educational institutions to deliver AFO/Guardian and Community Fisheries Officer training courses.

For the time being, it should be a requirement that field training for fisheries officers be delivered by DFO Fishery Officers.

What should be the priority of Aboriginal Fisheries Officer/Guardians for field training?

A major complaint of Aboriginal groups has been the unavailability of field training for AFO/Guardians who have completed all three phases of classroom AFO/Guardian training and are of the assumption that they need only field training to have training equivalent to Fishery Officers. Advocacy of equivalency of training for the AFO/Guardian program is misleading without recognition of the advantage of DFO Fishery Officer training in that they have continuous supervision of senior experienced Fishery Officer Supervisors.

Therefore, it becomes more critical for AFO/Guardians that field training be treated as much a formal requirement as phase 1; 2; & 3 level training. Accountability for all formal AFO/Guardian training plans requiring DFO trainers would best be served by C&P working with AFS negotiators and First Nations to develop a force development plan and then incorporate training

plans within the AFO/Guardian agreement - Schedule "E". Once training plans are incorporated in the AFO/Guardian agreement, equal priority should be given to providing field training to DFO staff and AFO/Guardians. These plans should be reviewed annually.

There have been a number of reasons why this training has not been made available. For some time there was an issue between Fishery Officers and DFO over whether the training of Guardians was included in their job descriptions. There also was a moratorium on training, initiated by C&P headquarters and supported by AFS - Pacific Region, until the objectives and policies of the program, particularly regarding the advancement of AFO/Guardians to Fishery Officer status were clarified.

In addition, there is an ongoing shortage of qualified fishery officers to provide the training and resources within C&P to develop the necessary capacity to deliver this training. While the first of these problems has been resolved and the recommendations of this review are aimed at resolving the second problem, the third, shortage of trainers, is likely to worsen.

These issues aside, the answer to the question posed should be that Aboriginal Fisheries Officer/Guardians should receive the same priority for field training as candidates who are employed by DFO once formal training plans are agreed to and incorporated into the AFO/Guardian agreement.

Recommendations

Conservation and Protection should work with AFS negotiators and Aboriginal groups to develop three-year plans for the development of Aboriginal Fisheries Officer/Guardian forces with accompanying training plans (including field training). These training plans should be reviewed annually.

Aboriginal Fisheries Officer/Guardian training plans, including field training, should be incorporated in Guardian Agreements – Section "E". AFO/Guardian Agreement training plans should then receive the same priority for developing field training as training plans for candidates who are employed by DFO.

DFO should explore methods of increasing the capacity of Conservation and Protection to deliver field training while maintaining the equivalency of training for all Aboriginal and non-Aboriginal guardians and Fishery Officers.

COORDINATION WITH DFO ENFORCEMENT PERSONNEL

Introduction

Coordination and communication at the field level are crucial to the fielding of an effective enforcement effort and to the development of a team spirit among members of Aboriginal forces and DFO personnel.

To maximize the effectiveness of an enforcement effort, there must be coordination of the personnel employed. In addition DFO can provide support for involvement of AFO/Guardians and officers in cases where they do not have the necessary powers, training or access to equipment or technical support. In the absence of coordination, not only can overlaps and holes in enforcement occur, but there also can be conflict between the different forces, at minimum, avoidance of collaboration.

How do we ensure coordinated and effective deployment of DFO and First Nations Enforcement personnel?

There has been a great emphasis in some areas on ensuring coordination through the negotiation of protocols between forces at the local level. Much time and effort has been spent on some of these protocols. Historically, protocols were generic documentation of operational procedure agreements. In some cases they may have become overly detailed, governed by templates serving in favour of a regulatory instrument. A Protocol should serve to sort out enforcement responsibilities and action based on levels of infractions, to guide coordinated operations and set out an understanding of expected interaction during enforcement actions. Once protocols are established, it is important that DFO and respective First Nations fully adhere to this formal arrangement.

The process of negotiating these protocols at the local level is perhaps more important than the resulting agreement, in that it establishes important communication between the forces. The process could be improved and greater assurance of proper coordination obtained if national standards for coordination, communication and mutual support were developed and utilized in developing protocols. In developing protocols staff should not forget that ongoing communication is the important issue and that detailed protocols may only cause bad feeling when details are ignored.

Operational details of the protocol would best be implemented through a standardized "Policy and Procedures Manual – Administration" and a "Policy and Procedures Manual – Operations" to direct the day-to-day administration and enforcement operations and its coordination. The maintenance of current administration and operations manuals for guiding operations should be a joint responsibility of the senior AFO/Guardian and the respective DFO Fishery Officer.

The basis of effective cooperation between Aboriginal forces and DFO personnel is acceptance by each force that the other is a valid and important partner in enforcement. There is evidence that this acceptance has not occurred with some DFO staff. Clarification of the objectives, policies and procedures of the AFO/Guardian program and the establishment of processes for ongoing communication, coordination and mutual support should aid in achieving this acceptance.

Recommendations

The National Program Steering Committee should provide recommendations to Senior Management on national standards and procedures for ongoing communication and coordination between Aboriginal Fisheries Officer/Guardian

forces and DFO officers, which would be included in AFO/Guardian Agreements.

The practice of local negotiation of enforcement protocols should be continued, guided by the development and implementation of national standards.

“Policy and Procedures Manuals - Administration” and “Policy and Procedures Manuals – Operations” should be developed jointly by the senior AFO/Guardian and respective DFO Fishery Officers and maintained in a current state to provide detailed direction on the administrative and operational processes that define and direct the whole program and its field-level implementation.

FUNDING

- *How do we ensure adequate levels of funding for the program?*
- *Can we improve assurance of continuity of funding to First Nations participating in the program?*
- *How should AFO/Guardian Program funds be administered within DFO?*

Introduction

Many of the issues which have been identified in the review relate to funding. These issues include: the year-round, rather than seasonal employment of AFO/Guardians; provision of capital equipment; and, continuity of funding between fiscal years.

The duration of the employment of officers and the provision of capital equipment is primarily an issue of the amount of funding which DFO should or can make available. In most cases there are benefits associated with year-round employment (attraction and retention of staff, training, improved enforcement, particularly in the area of habitat) and increased capital spending. The barrier to accessing these benefits is the limited amount of funding available.

Due to government restraint, funding for the AFS, from which funding is drawn for the AFO/Guardian Program, has been frozen or has slightly decreased since the inception of the program. During this time the expectations and capabilities of those involved in the Aboriginal Fisheries Officer/Guardian Program have substantially increased. Further, the allocation of these resources among groups has been largely static since the inception of the program. Individual groups do have considerable flexibility to re-allocate funding within their allotment from other fisheries and habitat management activities to the AFO/Guardian program.

An opening point must be made. The disparity between the expectations and potential contributions of those involved in the program and the amount of resources available to purchase those contributions is not unique to the Aboriginal Fisheries Officer/Guardian Program or a sign of a failure in implementing the program. Competition for scarce resources is a fact of life. It is the job of program participants and proponents to agitate for more resources and of managers with wider responsibilities to decide on resource allocations.

How do we ensure adequate levels of funding for the program?

Admitting that there is never enough money, we still must address the question of how to make sure the program has the funding it deserves. Addressing this point requires some preliminary discussion of potential sources of funding.

There are four potential sources for increasing the funding of the AFO/Guardian Program: re-allocation of resources assigned to Conservation and Protection Branch; re-allocation of resources assigned to other areas of DFO; accessing resources managed by other agencies; and obtaining an increase in DFO's reference levels.

The first of these, re-allocation of resources assigned to Conservation and Protection Branch, is not recommended as a potential source for increased AFO/Guardian program funding. DFO's own Conservation and Protection staffs already are notoriously over-tasked. Further, they will be looked upon to provide support for the AFO/Guardian Program through policy support, training and support of AFO/Guardians in the field. Reducing their capabilities would weaken the program. Finally, for the foreseeable future, any direct transfer of resources from supporting DFO Conservation and Protection staff to the AFO/Guardian program would be a step backwards in the important efforts to improve enforcement and to gain acceptance of the Guardian Program as an integral part of the enforcement effort.

Given the effects of recent departmental downsizing, it also does not seem likely that additional re-allocations within DFO will be possible in the foreseeable future. The most likely sources for additional financing therefore are outside of DFO, either through increasing departmental reference levels or through accessing funds managed by other agencies.

The original funding for the AFS was drawn partially from increases in DFO's reference levels. Part of the rationale for this increase in reference levels was that the AFS supported government-wide objectives for the development of Aboriginal self-governance. This rationale is still relevant. In addition, there is good rationale for increasing the Department's resources in the area of conservation and protection generally. Consideration should be given to attempting to obtain increases in DFO's reference levels to support additional conservation and protection activities, including additional support for the Aboriginal Fisheries Officer/Guardian program, primarily to expand the current role and period of employment of the existing AFO/Guardian corps.

There are two current possibilities for accessing resources managed by other agencies to support the Guardian Program. The first is to access training funding administered by Human Resources Development Canada. Virtually all of the funding administered by this agency and targeted to Aboriginal peoples is administered through local management boards under agreements with the three major groups of Aboriginal people in Canada. This funding can only be accessed through Aboriginal groups submitting proposals to the boards. In this case, Aboriginal groups have the greatest influence over the resources which are available to support the AFS and must take responsibility for success in this area.

The second possibility is to work in partnership with the Solicitor General of Canada and provincial resource management agencies in their development of Community Policing initiatives. This is not a potential source of direct funding for the Guardian Program. It is a potential source of support both in policy development and in providing a law enforcement organization in some Aboriginal communities that can provide supervision, infrastructure and equipment for AFO/Guardians. It also might address problems in retaining trained staff if several agencies jointly funded full-time multi-tasked enforcement and supervisory positions.

The final point that must be made about funding levels is that both DFO and the employers of AFO/Guardians owe it to the AFO/Guardians to provide them with realistic projections of career opportunities within the program so that individuals can make informed decisions in career planning. This information should include multi-year planning of funding and positions.

Recommendations

The Conservation and Protection Branch should consider seeking increases in DFO's reference levels to support increased conservation and protection activities, including expanding the role and period of employment of Aboriginal Fisheries Officers/Guardians. When seeking new resources from outside DFO, consideration should be given to the contributions of the program to government objectives relating primarily to Aboriginal people.

Aboriginal groups should assume primary responsibility for obtaining financing for the training of Aboriginal Fisheries Officer/Guardians from Human Resources Canada programs.

DFO should seek to develop partnerships with other law enforcement agencies involved in the development of Community Police forces to jointly fund command, control and support infrastructure, enforcement training and full time multi-tasked law enforcement positions.

Multi-year plans should be developed for the development of individual Aboriginal Fisheries Officer/Guardian and Fishery Officer forces, within limits set by known availability of financial resources. These plans should be communicated to the communities and participants in the program.

Can we improve assurance of continuity of funding to First Nations participating in the program?

Another issue that has been raised is the continuity of funding for the AFO/Guardian program to Aboriginal groups. Currently, funding is provided as part of a single AFS funding agreement. Some of these agreements are multi-year but some are still annual. Negotiations on the renewal of AFS agreements habitually extend several months past the expiration date of the previous agreement, usually due to tough negotiations on the schedule pertaining to the management of the Aboriginal fishery. This situation produces a hiatus in funding which can be very destructive to

continuity in a AFO/Guardian program and often can mean that there are no AFO/Guardians employed at the beginning of fishing seasons, when they often are needed most.

A solution that has been proposed is to have separate agreements for the AFO/Guardian component of the AFS. A problem with this approach is that DFO can only support and designate Aboriginal Fisheries Officer/Guardians if there is agreement on the laws, rules policies and procedures they are to enforce. Many of the parameters for the Aboriginal Fishery, the enforcing of which is the core job of AFO/Guardians, are contained in the Aboriginal fishery schedule of the AFS agreement.

This problem could be solved if Aboriginal groups were willing to sign Guardian Agreements obligating their AFO/Guardians to enforce all aspects of the *Fisheries Act* and regulations, including the terms of any communal licence issued by DFO for the Aboriginal fishery (with or without the concurrence of the Aboriginal group). Failure to agree to terms for the management of the Aboriginal fishery would then be a political and legal statement with no effect on the actions of the AFO/Guardians. Whether Aboriginal groups would agree to this type of arrangement is an open question. In the absence of this type of arrangement perhaps the best that can be managed is the automatic extension of funding for the AFO/Guardian component of an agreement and the AFO/Guardian Agreement schedule for one to three months after the expiration of the rest of the agreement.

Recommendations

Funding for Aboriginal Fisheries Officer/Guardian programs should not be provided in the absence of a signed Fisheries Agreement (including provisions governing management of the Aboriginal fishery), unless there is a AFO/Guardian Agreement which provides that the AFO/Guardians will enforce the Fisheries Act and regulations, including any communal licence issued for the Aboriginal fishery, in accordance with the policies, procedures and directives of the Minister of Fisheries and Oceans.

Notwithstanding the foregoing, consideration should be given to the automatic extension of AFO/Guardian Agreements and funding for AFO/Guardian Programs over the normal negotiation period for renewing AFS agreements. Ultimately, earlier negotiations and multi-year agreements should be scheduled to avoid lapse of AFS agreements.

How should AFO/Guardian Program funds be administered within DFO?

Administration of the financial resources that support the AFO/Guardian programs of Aboriginal groups requires special arrangements. Identifying the financial resources which support the program is difficult, since the vast majority of AFS resources are assigned to particular uses or programs within the AFS through periodic negotiations with Aboriginal groups. Groups can elect to assign money to the support of AFO/Guardians, to other fisheries management activities or even to return money to DFO to support “community fisheries officers” to be employed by DFO.

Resources are only temporarily assigned to the AFO/Guardian Program. Retaining this arrangement will cause some uncertainty as to support for the AFO/Guardian Program, but it also will provide Aboriginal groups with some leverage in the development of policy and implementation of the program.

Recommendation

Decisions on the use of existing AFS financial resources to support aspects of the AFO/Guardian program should continue to be resolved through periodic negotiations with Aboriginal groups led by Aboriginal Fisheries Branch.

ABORIGINAL GUARDIAN EMPLOYMENT MODELS:

Model 1: First Nation AFO/Guardians:

- employed by a First Nation authority (preferably at arms length from political body);
- funded under AFS;
- limited enforcement powers (generally observe, record, report and limited gear seizure);
- AFO/Guardian enforcement responsibilities generally restricted to aboriginal fisheries.

First Nation AFO/Guardian program authority is set out in AFO/Guardian agreements ancillary to the AFS agreement. Agreements are negotiated annually. AFO/Guardians are hired by the respective First Nation with DFO designated enforcement powers commensurate to their level of training. AFO/Guardians work under the specific direction of their employer. Enforcement protocols are negotiated to guide enforcement procedures, legal requirements, responsibilities, interaction and consultation.

- **Strength:** AFO/Guardians are integral to their community self-governance institution. Some First Nations believe that community needs and priorities can best be addressed with this direct reporting process. This program can be implemented within the existing First Nation administrative structure. AFO/Guardians working under direction of First Nation administration lends to community ownership of the program. The success of this structure is strongly related to the interaction of the First Nation and DFO, through fisheries committees, enforcement protocols, communal fisheries authority, fisheries co-management and science projects and institutional arrangements to address common concerns.
- **Weakness:** There is no formal DFO *command, control and support* structure to provide experienced leadership nor professional development support for the AFO/Guardians. This lack of reporting structure restricts the level of delegated authority transferable to AFO/Guardians by DFO or any other enforcement authorities. In the absence of formal reporting relations, the AFO/Guardian program remains outside of the enforcement domain of C&P. C&P Operations resource constraints limits adoption of external field training or joint patrol activities as a priority for the AFO/Guardian program. DFO priorities may differ from the respective First Nation's, thus further distancing C&P/AGP collaboration.
- **Integration with C&P: (Pilot initiative – C&P/KTFC)** *In the Pacific Region, the Kwakiutl Territorial Fisheries Commission senior AFO/Guardians remained under the employment of the Tribal Fisheries authority and worked directly with C&P, stationed at DFO field offices. Monitoring and enforcement activities of the aboriginal AFO/Guardians were readily coordinated with the activities of the Fishery Officers in consultation with the aboriginal organization. These keys AFO/Guardians, under C&P supervision provided leadership for overall AFO/Guardian operations for the larger tribal AFO/Guardian unit.*

Model 2: Community Fishery Officer (Pilot Program):

- employed by DFO – C&P;
- funded by AFS AFO/Guardian agreement contribution transferred to C&P by sponsoring group;
- full enforcement powers of Fishery Officer upon completion of phase 3 and Regina RCMP training;
- deployed in the aboriginal community under direction of a DFO/First Nation enforcement committee.

The Community Fishery Officers (CFO) are recruited from the ranks of the aboriginal AFO/Guardian personnel and employed as fishery officers of DFO under a cooperative enforcement agreement. The agreement sets out a formal DFO Command, Control and Support structure and standards that recruits must meet. AFS funding is transferred to C&P by the respective First Nation to enable direct hiring of the CFO by the Department. A local enforcement committee determines First Nation's enforcement priorities and terms for the CFO operations for their tribal area. CFOs become Fishery Officers pursuant to the *Fisheries Act* upon completion of regular Fishery Officer training.

Strength: Formal DFO Command, Control and Support structure enables CFO designation of full Fishery Officer powers, experienced supervision and enhanced professional development. Community interests are served through the enforcement committee process.

Weakness: Funding uncertainty and limitations could effect C&P's ability to expand the CFO pilot program into a regular AFO/Guardian program option.

Model 3: First Nation Fisheries Officers (Outside Scope of National Guardian Review)

- employed by a First Nation authority
- funded under AFS or as determined by Treaty negotiations
- full enforcement powers of Fishery Officer
- standards and systems for command, control and support need to be developed

Co-management Agreements with First Nations and aboriginal groups within Canada are well established in contemporary Treaty institutional agreements. The AFO/Guardian Program is virtually contained within the respective self-governance institution or resource management authority. The Minister of Fisheries and Oceans is the ultimate authority of these co-management arrangements. The concept of an AFO/Guardian program within the context of these Treaty institutional arrangements with some degree of regional diversity should not be dismissed. There are presently fifty-two accepted treaties for negotiation in British Columbia and the possibility of re-negotiation for contemporary treaties and self-governance including resource management in

other parts of Canada.

In support of expediting the claims process in British Columbia, the Minister of Indian and Northern Affairs recently announced a three hundred million dollar capacity development program as another step in demonstrating Canada's commitment to the acceleration and revitalization of the B.C. treaty process. A panel has been established to identify opportunities to enhance First Nation capacity to negotiate and implement treaties and manage related lands and resource matters.

Federal Treaty Office

The Federal Treaty Office reports that treaty negotiations in fisheries are progressing throughout B.C. and there are approximately twenty First Nations presently engaged in either fisheries data and information gathering or work on developing a fisheries chapter for Agreement-In-Principle. Fisheries negotiations cover allocations and management roles.

(Examples of co-management agreements effecting future First Nation resource management authority).

James Bay and Northern Quebec Agreement:

"The 1975 James Bay and Northern Quebec Agreement established the first claims based fish and wildlife co-management regime between Aboriginal and non-Aboriginal governments in Canada. Since its establishment most subsequent co-management systems either have been modeled after the James Bay Agreement or have adopted its specific characteristics; - - -".

(Quote from the Royal Commission of Aboriginal Peoples report).

South Moresby Gwaii Haanas National Park Reserve:

The Gwaii Haanas Agreement between the government of Canada (Department of the Environment) and the council of the Haida Nation is unique in that it contains parallel statements on sovereignty, title and ownership to the archipelago and affirms the parties' willingness to work together, without placing the Haida under the authority of the National Parks Act. The Haida have been successful in obtaining a substantive role in management that respects their rights and responsibilities. The agreement further recognizes the continuing traditional harvesting rights of the Haida and their identification of significant spiritual and cultural sites within the region. All other resource extraction activities are prohibited. (The agreement makes an exception for 'essential activities' in support of fishing in adjacent waters, consistent with the guidelines to be developed for the protection of the archipelago).

Model 4: Community Police:

- employed by Aboriginal Community Police Force Command, Control and Support structure;
- possibly wholly or partially funded by AFS;
- full enforcement powers of Fishery Officer (consistent with Department policy for other certified police forces).

APPLICATION OF COMMUNITY POLICING PHILOSOPHY TO ABORIGINAL FISHERIES STRATEGY

Policing services to Indian Bands has historically been the responsibility of the federal government. In the early 1970's, the federal government initiated an expansion of two programs, the Band Constable program to enforce Band By-laws and work with respective police jurisdictions, and the development of the RCMP Indian Special Constable program (3b Program).

(Alberta First Nations Police Services Review)

In 1990, A Federal Inter-Department Task force on Indian Policing found that "jurisdiction over First Nations Policing is shared and that each party (federal, provincial and First Nations) has a measure of responsibility and role to play".

- *First Nations governments are responsible for the governance and administration of First Nation communities;*
- *Canada has a special relationship with First Nations by virtue of history, treaties, statutes and the Constitution; and*
- *each province is responsible for general policing and standards in the respective province.*

As a result, in June 1991, Alberta and Canada jointly introduced their respective First Nations Policing Policies.

This introduced Aboriginal Community policing concepts with an aim to provide "effective, efficient culturally appropriate and professional policing - - -". Participants in the Alberta review concluded that while recognizing that several First nation police services are still developing, issues of high attrition rates, low morale, adequate leadership/management, and an array of organizational problems within the services themselves need to be addressed.

Police agencies throughout Canada have embraced and to varying degrees implemented community policing initiatives since the late 1980's. In recent years the application of community policing concepts within Aboriginal communities has displayed innovation towards restorative justice and found considerable success in generating community participation.

Reinforcing the philosophy of community policing as the service delivery model for DFO-AFS and the Aboriginal Fisheries Officer/Guardian Program would assist in turning the Department's operational strategies from reactive, to one with an emphasis on solving the underlying root

causes of non-compliance with the Act and regulations. Partnering with aboriginal governments and communities, as opposed to top down regulations and policies, instills a consultative community level process where enforcement issues pertaining to aboriginal interests, superior court decisions and ultimately treaty and self-governance negotiations need to be addressed.

***KHOWUTZUN COMMUNITY JUSTICE SERVICES MODEL & INFRASTRUCTURE
RE: ABORIGINAL FISHERIES GUARDIAN PROGRAM***

The Khowutzun Community Justice Services Model:

The Khowutzun Community Justice Proposal advanced by the Cowichan Tribes in British Columbia offers opportunity to move beyond simply uttering the words, community policing. The infrastructure they propose will provide a means to change service delivery and bring integrity to inter-department/agency commitment of changing the way of doing business. The goal of the proposed model, in addition to providing leadership, collaboration and infrastructure for program management, would be the development of community capacity that reflects the aspirations and responsibilities of self-governance. The transition from regulatory control to a collaborative, responsive and community entered model of service has many real and perceived barriers to be overcome which will require leadership, education and the sharing of information on experience of the development of community justice service programs.

This governing model is based on an infrastructure reinforcing "traditional cultural authority". The Chief and Band Council is reinforced by the Council of Elders to carry out the governing responsibilities for their community. First Nations Self-governance responsibility transcends every facet of traditional and contemporary needs to sustain the spiritual wellbeing of their community life. This particular model is a vision to examine a framework for a fundamental Community Justice Service's operational and administrative infrastructure and professional development for civic policing, renewable resource management and enforcement, and to incorporate other regulatory and enforcement units and ancillary responsibilities.

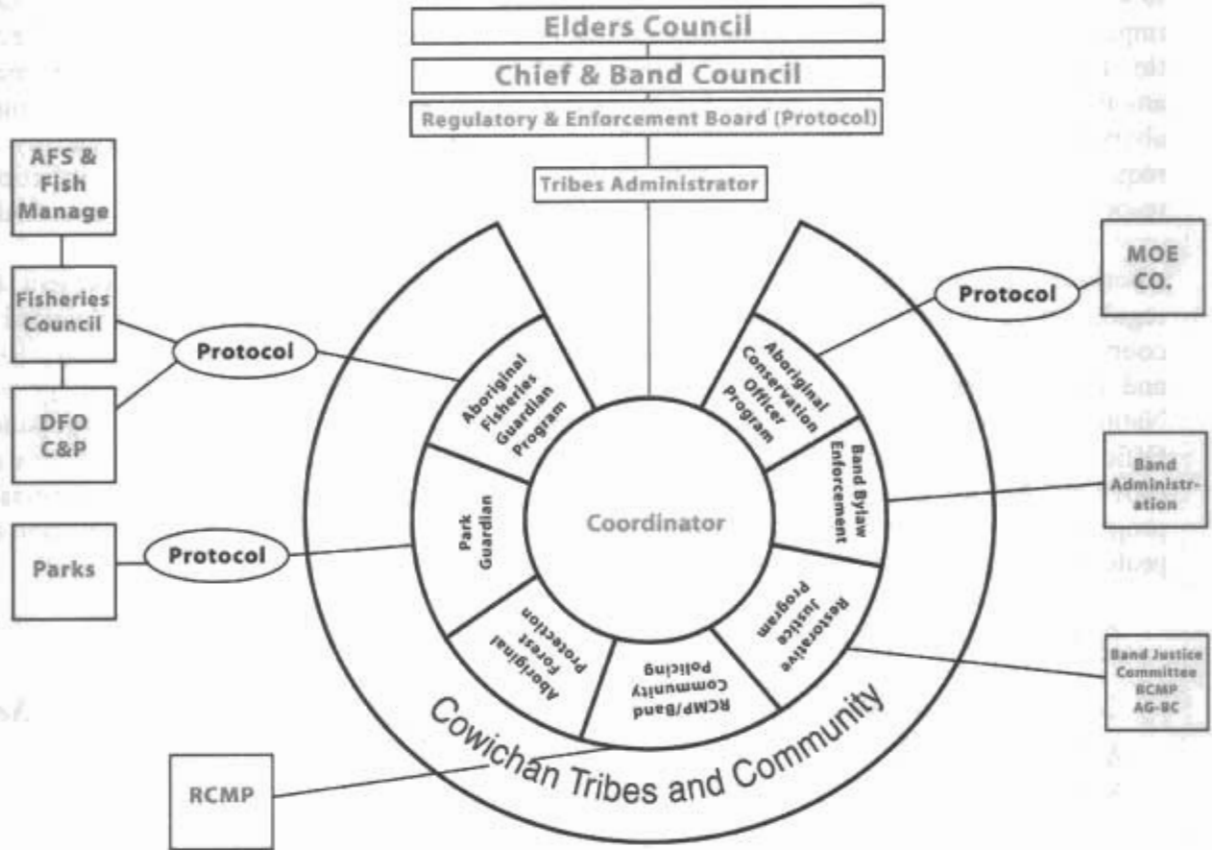
A key factor in this model is that the fisheries AFO/Guardian unit, while maintaining certain autonomy to other tribal enforcement units by authority vested through negotiations between the Khowutzun Tribes and the DFO, remains an integral part of the multiple disciplines of all other Community Justice Service units. Each program component can be a stand-alone authority with the ability, through a common senior level peace officer administrative authority, to establish collaborative working relations to meet common challenges in the face of budgetary constraints.

In addition to collaborative corps values of this model, line disciplines will induce improved enforcement communication and co-ordination between and amongst relevant government departments, ministries and agencies responsible. Ultimately, community participation through these many facets will instil community acceptance of Community Justice Services.

Regionalization:

This model could also provide an extension to service requirements and professional development for smaller First Nation communities by introducing a regionalization of program support services. Where First Nations do not have the resources to provide the necessary senior level supervision and administration support, it would seem prudent that such a collaborative professional service could be provided by contract. This approach would provide equitable opportunity for personnel professional development and evaluation, to co-ordinate training and work planning, establish central communications and support services and to establish watershed or traditional area based enforcement collaboration with DFO and other agencies.

The Khowutzen Model



FIRST NATIONS AND FEDERAL INTER-DEPARTMENT COLLABORATION FOR DEVELOPMENT OF ABORIGINAL ENFORCEMENT AND REGULATORY MODELS

- *Notwithstanding that the Aboriginal Fisheries Officer/Guardian Program is a fisheries regulatory enforcement program administered under the authority of DFO, is there value for First Nations and the Federal Government of Canada to pursue Inter-Department collaboration for program renewal?*

Introduction

The AFO/Guardian Program has met with many diverse experiences throughout the short life of the program. Many strengths of the program stem from the availability of DFO Fishery Officers to work in partnership with Aboriginal Groups to assist in the development of the program. Many impediments to development of the program to meet the essential needs have been identified in this report, training being front and centre. There are also success stories of the achievements among many projects. It is evident by interviews conducted throughout this review that many aboriginal communities have accepted ownership of the program, are not intimidated by the requirement to meet national standards, but do not have the resources nor the jurisdictional responsibility to advance the program to sustain progressive development of to its full potential.

Aboriginal communities are negotiating increased responsibility over the management and regulatory enforcement in their respective traditional areas through land claims, influenced by court decisions and the Federal Government's policy on implementation of the Hereditary Right and the negotiation of Aboriginal Self-government. INAC is taking a leading role for First Nations community capacity building in the Pacific Region. The Federal Treaty Negotiations Office is having to address enforcement chapters in treaty negotiations. Federal Departments and provincial Ministries are determining innovative programs to capitalize on community partnership programs in order to maintain quality service delivery for resource management, conservation and protection in the face of fiscal constraints.

(Quotes from the Report of the Royal Commission On Aboriginal Peoples)

2- Education and Training in relation to Land, Resources and Self-government

Chapter XII – XV Vol. 1 online version of the report

"Thriving, economically viable communities are not going to be created overnight. Aboriginal people recognize that a renewed focus on education and training is of vital importance. . . . In the Commission's view, this is part of the mutual and shared responsibility ... and a vital aspect of the new relationship - - -"

"Developing human resource capacity may mean the difference between success and failure in implementing and sustaining effective Aboriginal government over time. Immediate as well as long-term needs for administrative and management training and education must be recognized as a priority in the transitional phase toward establishing and operating Aboriginal government - - -"

Aboriginal Fisheries Officer/Guardian program renewal presents an opportunity for the respective federal departments and aboriginal communities to evaluate existing programs and to develop pilot projects to test inter-departmental program coordination. This would reinforce development of national standards and capacity building for aboriginal community policing, renewable resource management and regulatory enforcement programs.

Recommendation

DFO senior management should consider the implementation of selective pilot AFO/Guardian projects through the National Program Steering Committee in order to test concepts put forward by this review for implementation of program renewal.

PART4: SUMMARY AND CONCLUSIONS

The AFS Aboriginal Fisheries Officer/Guardian Program has met with considerable success in improving fisheries management through improved monitoring and compliance in Aboriginal fisheries and through the work of AFO/Guardians in habitat monitoring and stock assessment. It has been a cornerstone of the new relationship DFO has sought with Aboriginal people through the AFS. It also has contributed greatly to the building of capacity of Aboriginal groups in the areas of law enforcement and resource management.

Unfortunately, together with its successes, the Aboriginal Fisheries Officer/Guardian Program also generated much confusion and contention, within DFO, between DFO and Aboriginal groups, and between DFO and other client groups. This confusion led to the development of the program coming to a virtual halt in about 1995. The launching of the AFS, in 1992, placed DFO in the unaccustomed position of being in the forefront of the development of Aboriginal capacity for self-governance. In the area of law enforcement, there is much to be learned from the development of Community Policing by other federal and provincial agencies. Aboriginal Community Policing programs has tested many concepts of which those lessons can reinforce the development of aboriginal resource management and enforcement.

There has been no conclusive evidence from the review to suggest that a singular model will address regional diversity of the program. The requirement for national standards dictates that regardless of what infrastructure is developed to support the AFO/Guardian program, each AFO/Guardian program unit should be identical in terms of professional qualification. The opportunity still exists to build upon the base of what has been accomplished. The Aboriginal Fisheries Officer/Guardian program still has not fulfilled its potential for improving fisheries management and the self-sufficiency of Aboriginal people. The recommendations of this report are aimed at re-establishing the momentum of the program towards fulfilling this potential.

APPENDIX 1: SUMMARY OF RECOMMENDATIONS

Program Continuation

1. The Aboriginal Fisheries Officer/Guardian (AFO/Guardian) Program should be continued and re-established as a DFO program housed within C&P with defined objectives, policies and procedures. Provision must be made for ongoing evolution and improvement of the program through, among other avenues, serious consideration of proposals put forth by Aboriginal groups.

Objectives

2. The AFO/Guardian Program should advance DFO and First Nations objectives for improved fisheries and habitat management and Government objectives for the development of Aboriginal self reliance and self-governance through contributing to the development of Aboriginal capacity to conduct law enforcement activities in the area of fisheries and habitat management.

3. The long term objective should be the development of full time professional resource based law enforcement officers within the Aboriginal community. Due to resource restrictions it is likely that, for most Aboriginal groups, this objective can only be obtained through coordination of the Guardian Program with the programs of other federal and provincial government agencies aimed at the development of law enforcement capacity within Aboriginal communities.

4. In keeping with Government objectives for the development of Aboriginal self-government, the main focus of the AFO/Guardian program should be the development of Aboriginal capacity to conduct law enforcement activities relating to their own fisheries, membership and land base.

5. The Aboriginal Fisheries Officer/Guardian Program should advance DFO objectives for improved enforcement in other fisheries and of the habitat provisions of the Fisheries Act through providing Aboriginal Fisheries Officer/Guardians with the ability to conduct enforcement activities in these areas as secondary objectives, incidental to their main role in the Aboriginal community.

Administration

6. The Conservation and Protection Branch should administer the Aboriginal Fisheries Officer/Guardian Program.

7. A National Program Steering Committee (Steering Committee) should be struck to make policy recommendations to senior management. The Steering

Committee should be co-chaired by a C&P designate and a representative of the Assembly of First Nations, and report to DFO ex officio's, the Native Affairs Director General and the national Director of Enforcement. Representation of respective DFO sectors, representative aboriginal groups and inter-departmental representation of INAC, HRDC, SGC and the Canada Aboriginal Policing Program should be considered.

8. The Steering Committee should be mandated to review program standards, objectives, policy, administrative and funding guidelines and procedures for the administration and evaluation of the Aboriginal Fisheries Officer/Guardian Program and to explore prospective collaborative inter-departmental initiatives to support program renewal.

Authority and Role of AFO/Guardians

9. The designation of individuals as AFO/Guardians or Community Fisheries Officers, with varying levels of power under the Fisheries Act should be continued.

10. The powers, training, equipment and support of Aboriginal Fisheries Officer/Guardians must be matched to their duties and the circumstances in which they are exercised and conducted.

11. Policy should allow the powers of Aboriginal Fisheries Officer/Guardians to include the unrestricted powers of a fishery officer under the *Fisheries Act*, including the power to enforce in non-aboriginal fisheries and against persons who are not members of the group, where individuals and organizations meet standards for training, command, control, and support.

12. The National Program Steering Committee should define types of AFO/Guardian Designations available under the program, including, for each level of designation: powers, necessary training, equipment and support and factors influencing the suitability of various designations to specific fisheries management situations.

13. The AFO/Guardian Program should be defined around compliance, enforcement and perhaps monitoring activities. While the AFS as a whole should encourage the use Aboriginal group employees (who may also be AFO/Guardians) in all other areas of fisheries management, training and other programs in these areas should be administered separately from the AFO/Guardian program to ensure compatibility with DFO organization and the maintenance of profession law enforcement standards.

Supervision, control and support

14. The National Program Steering Committee should make recommendations to Senior Management on command, control and support standards which must be met for organizations employing AFO/Guardians at each level of designated enforcement power to be provided under the program.
15. The current models of employment of Aboriginal Fisheries Officer/Guardians by Aboriginal groups and of Community Fisheries Officers by DFO should continue to be offered as options to Aboriginal groups.
16. Command, control, and support standards should be established so that Aboriginal groups meeting those standards might directly employ fully empowered fishery officers.
17. Consideration must be given to methods of ensuring the independence of Aboriginal Fisheries Officer/Guardian forces from political bodies.
18. Consideration must be given to methods of ensuring uniform and equal application of the law by enforcement personnel employed by Aboriginal groups and by DFO, including requirements that the former adhere to DFO policies, procedures, directives and standards.
19. DFO should avail itself of the opportunity presented by the development of Community Police Forces to designate Fishery Officers within these forces.

Training standards and methods

20. Training and recruitment standards for all Fishery Officers and AFO/Guardians having unrestricted powers under the *Fisheries Act* should be identical.
21. DFO should establish training and recruitment standards that would be identical for Aboriginal and non-Aboriginal Fisheries Officer/Guardians at equivalent levels of powers.
22. DFO should, in cooperation with Aboriginal groups, investigate ways of facilitating access by AFO/Guardian candidates to necessary academic upgrading.
23. The current Aboriginal Fisheries Officer/Guardian Training Program modules should be re-organized into courses which represent credits in different AFO/Guardian and non-fishery officer career paths (some courses may be common to more than one path). The courses in each career path should be identical for Aboriginal and non-Aboriginal candidates.

24. DFO and the Aboriginal authorities must provide the people involved in the program and potential recruits with relevant information on the availability of career opportunities and of the requirements for availing themselves of these opportunities.

25. DFO and the Aboriginal authorities should only financially support training which is needed to fill the positions which are expected to become available and for the advancement of existing personnel in order to meet national program standards.

26. DFO and the Aboriginal authorities should make realistic intermediate term staffing plans for the program by establishing tribal area/regional based operations and implementation advisory teams to work in conjunction with the national steering committee and AFO/Guardian agreement negotiators.

27. DFO should establish syllabuses for all AFO/Guardian and Community Fisheries Officer training courses.

28. DFO should establish a committee to accredit educational institutions to deliver AFO/Guardian and fishery officer training courses.

29. For the time being, it should be a requirement that field training for AFO/Guardians and Community Fisheries Officers be delivered by DFO Fishery Officers.

30. Conservation and Protection should work with AFS negotiators and Aboriginal groups to develop three-year plans for the development of Aboriginal Fisheries Officer/Guardian and forces with accompanying training plans (including field training). These training plans should be reviewed annually.

31. Aboriginal Fisheries Officer/Guardian training plans, including field training, should be incorporated in AFO/Guardian Agreements – Section “E”. AFO/Guardian Agreement training plans should then receive the same priority for developing field training as training plans for candidates who are employed by DFO.

32. DFO should explore methods of increasing the capacity of Conservation and Protection to deliver field training while maintaining the equivalency of training for all Aboriginal and non-Aboriginal guardians and fishery officers.

Coordination with DFO enforcement personnel

33. The National Program Steering Committee should provide recommendations to Senior Management on national standards and procedures for ongoing communication and coordination between Aboriginal Fisheries Officer/Guardian

forces and DFO officers, which would be included in AFO/Guardian Agreements.

34. The practice of local negotiation of enforcement protocols should be continued, guided by the development and implementation of national standards.

35. "Policy and Procedures Manuals - Administration" and "Policy and Procedures Manuals - Operations" should be developed jointly by the senior AFO/Guardian or Officer and respective DFO Fishery Officers and maintained in a current state to provide detailed direction on the administrative and operational processes that define and direct the whole program and its field-level implementation.

Funding

36. The Conservation and Protection Branch should consider seeking increases in DFO's reference levels to support increased conservation and protection activities, including expanding the role and period of employment of AFO/Guardians. When seeking new resources from outside DFO, consideration should be given to the contributions of the program to government objectives relating primarily to Aboriginal people.

37. Aboriginal groups should assume primary responsibility for obtaining financing for the training of Aboriginal Fisheries Officers/Guardians from Human Resources Canada programs.

38. DFO should seek to develop partnerships with other law enforcement agencies involved in the development of Community Police forces to jointly fund command, control and support infrastructure, enforcement training and full time multi-tasked law enforcement positions.

39. Multi-year plans should be developed for the development of individual Aboriginal Fisheries Officer/Guardian forces, within limits set by known availability of financial resources. These plans should be communicated to the communities and participants in the program.

40. Funding for Aboriginal Fisheries Officer/Guardian programs should not be provided in the absence of a signed Fisheries Agreement (including provisions governing management of the Aboriginal fishery), unless there is a AFO/Guardian Agreement which provides that the Aboriginal Fisheries Officer/Guardians will enforce the Fisheries Act and regulations, including any communal licence issued for the Aboriginal fishery, in accordance with the policies, procedures and directives of the Minister of Fisheries and Oceans.

41. Notwithstanding the foregoing, consideration should be given to the automatic extension of AFO/Guardian Agreements and funding for AFO/Guardian Programs over the normal negotiation period for renewing AFS agreements. Ultimately, earlier negotiations and multi-year agreements scheduled to avoid lapse of AFS agreements.

42. Decisions on the use of existing AFS financial resources to support aspects of the AFO/Guardian program should continue to be resolved through periodic negotiations with Aboriginal groups led by Aboriginal Fisheries Branch

43. DFO senior management should consider the implementation of selective pilot AFO/Guardian projects through the National Steering Committee in order to test concepts put forward by this review for implementation of program renewal.

APPENDIX 2

ABORIGINAL GUARDIAN PROGRAM FUNDING

	Agreement #	Amount *	<u>AGP funding</u>	<u>Regional Total</u>
<u>Pacific Region First Nations</u>				
Haida Tribal Society	ACA97-302	\$1,000,000	\$316,000	
Alkali Lake Indian Band	FA97-516	\$47,000	\$30,700	
Skeena River Fisheries Commission	CA97-552	\$150,000	\$120,000	
Cariboo Tribal Council	AFA97-368	\$225,000	\$130,700	
Pacheedaht First Nation	AFA97-310	\$100,000	\$25,000	
Klahoose First Nation	FA97-512	\$85,000	32,000	
Sliammon Indian Band	AFA97-315	\$95,000	\$34,000	
Gitanyow Houses	AFA97-300	\$210,000	\$40,000	
Halalt First Nation	AFA97-366	\$45,000	\$12,500	
Sechelt Indian Band	AFA97-305-4	\$250,000	\$43,500	
Kitasoo First Nation	AFA97-348	\$214,000	\$37,500	
Oweekeno Indian Band	FA97-513	\$160,000	\$28,000	
KTFC	AFA97-308	\$925,000	\$270,000	
GWWA	CA97-548	\$1,013,960	\$680,000	
Cowichan Tribes	AFA97-313	\$250,000	\$75,000	
Nanaimo Indian Band	AFA97-309	\$160,000	\$72,000	
NTC	CA97-514	\$1,500,000	\$680,000	
Tsimshian Tribal Council	CA97-526	\$975,000	\$200,000	
Heiltsuk Tribal Council	AFA97-347	\$320,000	\$40,176	
Tsilqot'in National Gov't	AFA97-350	\$300,000	\$205,000	
Chemainus First Nation	AFA97-318	\$95,000	\$25,000	
Nanoose First Nation	AFA97-307	\$60,000	\$10,000	
Sto:lo Nation	FA97-544	\$1,073,000	\$500,000	
Musqueam, Tsawwassen	AFA97-319	\$410,000	\$200,000	
Haisla Tribal Council	AFA97-365	\$275,000	\$82,000	
Sub Total:		\$9,937,960		\$3, 889,076
<u>Atlantic Region First Nations</u>				
Scotia-Fundy	<i>(Identified costs)</i>		\$786,245	
Gulf	<i>(Identified costs)</i>		\$846,000	
Quebec	<i>(Identified costs)</i>		\$243,766	
Innu Nation, Newfoundland	<i>(Identified costs)</i>		\$87,000	
LIA Guardian Program, NF	<i>(Identified costs)</i>		\$126,000	
English River Project, NF	<i>(Identified costs)</i>		\$50,000	
Sub Total:				\$2,139,011
<u>Total National AGP Funding:</u>				<u>\$6,028,087</u>

*** Guardian Training Cost Estimates:**

Under a DFO regime ballpark costs for Phase 1 & Phase 2 were about \$20,000 per phase for a class of 24 participants. Travel and accommodation costs were additional. For estimate purposes, accommodation and meals at \$100/day and travel of \$500.00 to and from the institution.

Under the Haida Community Skills Centre Program, Queen Charlotte Islands, B.C., respective costs per individual trainee are as follows:

Phase 1	\$4,285.00 plus gst, excluding travel to QCI
Phase 2	\$3,250.00 plus gst, excluding travel to QCI
Phase 3	\$9,903.00 plus gst, excluding travel to QCI

* *Guardian Training Costs are not allowable expenses under present AFS administration policy.*

**ADMINISTRATION MANUAL
SAMPLE CONTENTS**

This sample table of contents for the Aboriginal Fishery Guardian Administration Manual is provided as an example of the type of contents for such a manual and would be developed and completed specifically for each program, addressing the unique, program-specific requirements of the program.

INTRODUCTION

PART 1: ORGANIZATION/GOVERNANCE/MANAGEMENT

1.1 ORGANIZATION

1. ORGANIZATIONAL OVERVIEW (Schematic)

1.2 GOVERNANCE

1. AGREEMENT
2. BILATERAL AGREEMENTS
3. JURISDICTION
4. GOVERNANCE

1.3 MANAGEMENT

1. MANAGEMENT OVERVIEW
2. MANAGEMENT RESPONSIBILITIES
3. CONFLICT OF INTEREST
4. DISPUTE RESOLUTION
5. PROGRAM MONITORING AND EVALUATION

PART 2: ADMINISTRATION

1. PROGRAM REPORTING
2. PROGRAM MONITORING AND EVALUATION

PART 3: PERSONNEL

1. POSITIONS/JOB DESCRIPTIONS
 - 1.1 ADMINISTRATOR
 - 1.2 MANAGER, FISHERIES ENFORCEMENT
 - 1.3 ABORIGINAL FISHERY OFFICERS/ GUARDIANS
 - 1.4 (OTHERS)
2. RECRUITMENT/SELECTION/HIRE
 - 2.1 RECRUITMENT
 - 2.2 SELECTION
 - 2.3 HIRING
3. TRAINING
 - 3.1 CURRICULUM
 - 3.2 VENUES
 - 3.3 FUNDING
 - 3.4 TRAINING PROCESS
 - 3.5 FIELD TRAINING
4. PERFORMANCE EVALUATION

**ADMINISTRATION MANUAL
SAMPLE CONTENTS****PART 4: FINANCE**

1. BUDGET
2. ACCOUNTING SYSTEM
 - 2.1 REVENUES
 - 2.2 EXPENDITURES
3. EXPENSES
4. ADVANCES
5. PAY ADMINISTRATION
6. HOLDBACKS
7. FINANCIAL REPORTING
8. FINANCIAL AUDIT

PART 5: RECORDS MANAGEMENT

1. PROGRAM DOCUMENTATION

OPERATIONS MANUAL SAMPLE CONTENTS

This sample table of contents for the Aboriginal Fishery Guardian Operations Manual is provided as an example of the type of contents for such a manual and would be developed and completed specifically for each program, addressing the unique, program-specific requirements of the program.

INTRODUCTION

PART 1: PLANNING

1. MONITORING AND ENFORCEMENT PLAN
2. ENFORCEMENT PROTOCOL

PART 2: FISHERIES

1. COMMUNAL FISHERY
2. CEREMONIAL FISHERY
3. LEVY FISHERY

PART 3: FISHING DOCUMENTATION

5. COMMUNAL FISHING LICENCE
6. DESIGNATION CARD
7. CEREMONIAL LICENCES
8. EXCESS SALMON TO SPAWNING REQUIREMENTS LICENCE
9. LANDING SLIPS

PART 4: FISHERIES MANAGEMENT

9. ALLOCATION
10. FISHING PLAN
11. OPERATIONAL PLAN
 - 11.1 SCHEDULING
 - 11.2 COMMUNICATIONS
 - 11.3 REPORTING

PART 5: FISHING OPERATIONS

1. OPERATIONAL ROLES AND RESPONSIBILITIES
2. OPERATIONAL SCHEDULING
3. OPERATIONAL COMMUNICATIONS
4. JOINT PATROLS
5. FISHING ACTIVITIES
6. PARTICIPANTS IN FISHERY
7. FISHING GEAR
8. CATCH MONITORING AND REPORTING
9. LANDING SITES
10. DISPOSITION OF FISH
11. TRANSPORTING FISH

PART 6: ENFORCEMENT

1. ABORIGINAL FISHERIES OFFICERS/ GUARDIANS – POWERS AND AUTHORITIES
2. BREACH OF LICENCE
3. UNAUTHORIZED GEAR
4. UNAUTHORIZED PERSONS
5. FISHING IN CLOSED AREA
6. FISHING CLOSED TIME

**OPERATIONS MANUAL
SAMPLE CONTENTS**

- 7. LANDING VIOLATIONS
- 8. UNAUTHORIZED SALE OF FISH
- 9. SEIZURE
- 10. ENFORCEMENT DOCUMENTATION
- 11. INTERAGENCY LIAISON

PART 7: PROSECUTION OF VIOLATIONS

- 1. CASE MANAGEMENT

PART 8: HEALTH AND SAFETY

- 1. HEALTH
- 2. SAFETY

