



Presentation to TIER ONE

Preliminary considerations related to
possible Next Steps under the
Letter of Understanding (LOU)

February 9, 2012

Tier One Considerations

- **LOU has confirmed:**
 - Commitment to work together to develop processes and agreements for the management and conservation of Fraser River Salmon (incremental)
 - Broad scope of issues and concerns
 - Principles to be applied
 - Responsibilities of the Parties

Tier One Considerations

- Tier Two G-to-G processes will require Tier One G-to-G processes
- AND...strong Tier One G-to-G processes will result in better Tier Two G-to-G processes and outcomes
- Act sooner rather than later – develop as much of the Tier One processes out-front as possible and provide for processes that build consensus

Tier One Considerations

- Need for movement on Tier One issues is reflected in some of the Parties' responsibilities under the LOU, including:
 - Development of mandates to engage
 - Identification of Party's negotiating team, team lead, and process for reporting back
 - Establishment of timelines/schedules
 - Establishment and maintenance of communications
 - Establishment of transparent review and ratification process

Tier One Considerations

- Through this LOU participating First Nations are committing to find ways to work together at a Tier One level on collective Fraser salmon matters
- **Task:** clarifying the process to develop, negotiate, refine, and implement directions/mandates provided by First Nation Governments to discuss, negotiate, and address collective Fraser Salmon concerns

Tier One Considerations

- Scope of collective concerns re Fraser Salmon
 - Many issues – conservation, fisheries management, policies, operational decisions, climate change, etc.
 - Be careful not to get lost in the details when doing the work of establishing governance
 - 3 basic functions:
 - governance (mandates and directions)
 - planning and management (technical)
 - operational (in season – governance and technical)

Tier One Considerations

- Many multi-party governance processes come down to some **basic structures**:
 - Main Table Negotiators responsible to decision makers (i.e. principals), who rely upon:
 - Technical committees, Advisors, Staff, etc.
 - Iterative/flexible/transparent processes for obtaining mandates from their principals
 - Guidelines and principles that govern day-to-day work

Tier One Considerations

- A multi-tribal/First Nation main table could make recommendations to First Nation governments on:
 - the transparent, accountable decision making process among First Nations –
 - e.g. How will you be represented? How will that be confirmed and changed? How will you represent the geographically and culturally distinct First Nations with an interest in Fraser River salmon?

Tier One Considerations

- A multi-tribal/First Nation main table could make recommendations to First Nation governments on:
 - communications and mandate seeking process
 - co-management aspirations
 - incremental steps that are do-able in the short, medium and longer term

Tier One Considerations

- A multi-tribal/First Nation main table could make recommendations to First Nations governments on:
 - How the different functions of fisheries management can be nested within First Nations local, regional, watershed/marine governments and province wide organizations
 - How consultation and accommodation processes could be used to meet obligations and responsibilities

Tier One Considerations

- **Tier One task: Assess readiness**
 - When is the appropriate time for the Tier Two negotiating table to have the authority to negotiate?
 - What will it negotiate (which terms/principles, etc.)?
 - What interim steps could be taken to provide useful experience and successes?
 - Can the Tier One structure be clearly established to accomplish those steps?

Tier One Considerations

- **2003: 5 of the 13 recommendations** to DFO and First Nations for building a Watershed Process related to Tier One and Two processes:
 - A team of people committed to see the process through to its completion, that has the attention and support of senior levels of both DFO and FN governments and access to necessary technical expertise, will be critical
 - A minimum two year commitment to the negotiation process is required

Tier One Considerations

- **2003 recommendations continued...**
 - Membership on the Tier One team must include regional FN political representation that fosters participation
 - Mandates and choice of regional representatives must be determined at home and be responsive to the needs of broader Tier One process
 - Creation of political and technical Tier One processes needed

Tier One Considerations

- **The 5 “I”s:**
 - **Integrated:** The variety of topics, scales, interests and geographies makes integration of the various processes (local, regional, watershed, etc.) both necessary and challenging
 - **Iterative:** The process to obtain mandates must include direction on priorities and be iterative
 - **Inclusive:** Inclusivity and transparency will help to build trust
 - **Information based:** Continue to clarify the process for information sharing, as information also builds trust
 - **Incremental:** Start with incremental tangible changes, for e.g. increasing numbers and role of First Nations on Fraser River Panel and role of First Nations within Canadian Caucus

Tier One Considerations

- **Factors for success:**
 - Respect First Nations title, rights and responsibilities and seriously consider both the commonalities and differences in your interests, perspectives, and concerns
 - Cultivate political will, leadership and involvement
 - Set focused goals, timelines, and deadlines to ensure accountability and outcomes
 - Ensure active and focused participation
 - Hold meetings that make a difference (the number of participants involved in the day-to-day work will directly affect the pace)

Tier One Considerations

- **Factors for success (continued):**
 - Develop processes/guidelines to reach agreement on various issues
 - Develop workplans and terms of reference for the main table/executive committee, technical committees, etc.
 - Use an adaptive approach (don't try to solve everything at once, and be flexible to reasonable changes in priority)
 - Don't reinvent the wheel. Consider models that are being used in other comparative settings – it may not be as hard as we think

Tier One NEXT STEPS

Possible Tier One Next Steps

- Develop interim working group – Main Table and Technical Team to oversee immediate process - First Nations who have signed LOU could identify working group
- Enable political representation to confirm and refine short, medium and long term priorities and goals.

Tier One Considerations

Possible Next Steps (continued):

- Consider Options for Tier One representation within a mandated structure: e.g.s: geographic, regional and/or stock based participation and representation – what options provide for fair representation and solid support, direction and mandates
- Begin developing processes that assist Tier One discussions and resolution of controversial or difficult issues

Tier One Considerations

Possible Next Steps (continued):

- Identify and deliver measurable outcomes and incentives
- Develop gov to gov consensus building Tier One process for identification of common issues and priorities, together with a process for obtaining direction, guidance and mandates

Tier One Considerations

Possible Next Steps (continued):

- Begin scoping and process for improved/ efficient engagement processes for Tier 2 – (assess how to harmonize this work with work being done by FNFC)

Tier One Considerations

Possible Next Steps (continued):

- Assess readiness to form negotiating team charged with responsibility to develop multi-year management agreements and arrangements with DFO – including consideration of incremental steps (e.g. protocols, agreements or frameworks for specific issues)

Tier One Considerations

Possible Next Steps (continued):

- Develop recommendations for both the timing, readiness and formation of negotiating team/group charged with the authority to negotiate multi-year management agreements and arrangements with DFO – including consideration of incremental steps (e.g. agreements or frameworks for specific issues)

Tier One Considerations

Immediate steps

At Conclusion of this Feb 9 2012 presentation the following immediate Tier One tasks were identified:

1. Interim Main Table Team with Technical Team
2. Work planning

Tier One Considerations

Immediate steps (cont' d)

3. Schedules

4. Communication Plan

5. Harmonize/Coordination of efforts for more efficiency – less duplication of efforts – meet with FNFC. Interim Main Table Team with Technical Team



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