



Fisheries Council of Canada  
Conseil Canadien des Pêches



# INDIGENOUS RECONCILIATION

## Overview

DFO is in the process of reallocating access to several fisheries as part of the government's Indigenous Reconciliation efforts. Currently, the process is putting the cost on the backs of individual licence holders and the seafood sector. This involuntary relinquishment disrespects past investments and creates a disincentive for future investments, further harming individual operators and the sector as a whole.

FCC's membership includes non-Indigenous and Indigenous interests. While FCC respects and appreciates the unique rights of Indigenous Peoples and the special duties owed to them by the Crown, it is also important that DFO not lose sight of licence holders' right to a fair process when they are affected by a decision made by the Minister. Likewise, DFO should also be fulfilling the requirement to make decisions that are transparent, intelligible and justified.

More broadly, how does the fisheries sector fit within the forthcoming Indigenous Reconciliation Framework the Government of Canada is developing?

## Objective

**Achieve a system for Indigenous Reconciliation that is fair and just for all parties that creates confidence and stability of access.**

## Key Messages

1. True reconciliation is borne by all Canadians, not individual operators or sectors.
2. All FCC members, including Indigenous and non-Indigenous interests, support voluntary relinquishment of commercial licences with compensation.
3. A transparent, intelligible and justified decision-making system ensures confidence and stability of access for future investments.



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## Background & Facts

In 2018, The government of Canada argued in the BC Supreme Court that “reconciliation is achieved through voluntary relinquishment of licences by commercial fishers. It is not necessary and is unhelpful to the principles of reconciliation to move to involuntary relinquishment of licences by the commercial sector”<sup>1</sup>.

In March 2021, then Fisheries Minister, Bernadette Jordan, issued a statement that included, “The Government of Canada will balance additional First Nations access through already available licences and a willing buyer – willing seller approach, protecting our stocks and preserving the industry for generations to come.”<sup>2</sup>

However, FCC is seeing increased action by DFO to force involuntary relinquishment without compensation in several fisheries. The most egregious case is the elver fishery in Atlantic Canada. Another example is Dungeness Crab in BC. This involuntary relinquishment approach disrespects past investments made by the licence holders and creates a disincentive for future investments – in Canada’s leading sector of the blue economy. It will ultimately damage the economic prospects for companies, cost jobs and hurt coastal communities. This comes at a curious time when the Blue Economy Strategy should be encouraging more investment in the sector.

How these issues are best addressed is extremely complex and varies across coasts and regions. For example, Northern Indigenous members are of the view that stability of access has not been concluded in the North and have a goal of increasing their quota share of adjacent stocks.

The Government must stay true to voluntary relinquishment with compensation. Failure to do so creates further tension in the sector and among coastal communities. Stability of access and allocation shares is critical for policy certainty and the confidence to invest.

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<sup>1</sup> Ahousaht Indian Band and Nation v. Canada. 2018 BCSC 633. para 144.

<sup>2</sup> Minister Jordan issues statement on a new path for First Nations to fish in pursuit of a moderate livelihood. 3 March 2021.