

Implementing the right to fish in pursuit of a moderate livelihood: Rebuilding trust and establishing a constructive path forward

Final report by the Federal Special Representative

March 31, 2021

In October 2020, the Government of Canada appointed Mr. Allister Surette as Federal Special Representative, to act as a neutral third party to help rebuild trust between commercial and Indigenous fishers after a fall marked by unrest and violence in Nova Scotia.

To understand what was contributing to the ongoing unrest, and to find ways to improve relationships and build understanding, common ground, trust and respect, Mr. Surette sought all parties' perspectives, including Indigenous rights holders, non-Indigenous peoples, and others (including all levels of government) involved in the fisheries.

Mr. Surette delivered his Final Report to the Honourable Bernadette Jordan, Minister of Fisheries and Oceans and the Canadian Coast Guard, and to the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations on March 31, 2021. The report includes suggestions, advice, and recommendations on a constructive path forward.

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2. Background: How we got here

In 1999, the Supreme Court of Canada's Marshall decision upheld the Peace and Friendship Treaties of 1760–61, which affirmed that 35 Mi'kmaq, Wolastoqey, and Peskotomuhkati communities in the Maritimes and the Gaspé region of Quebec have a treaty right to hunt, fish, and gather in pursuit of a "moderate livelihood."

The Supreme Court of Canada provided some high-level guidance regarding the right to fish in pursuit of a moderate livelihood, but did not provide a single approach, nor any details as to

what is required to implement this right. The court also recognized that the federal government retained the authority to regulate Indigenous fishing in pursuit of a moderate livelihood, where justified, on conservation or other grounds.

Since then, the federal government has implemented a number of initiatives and processes to address the Marshall decision.

In 1999, the federal Minister of Fisheries and Oceans (DFO) appointed a Chief Federal Representative to work on behalf of the federal government to look at securing ways to accommodate Indigenous communities' interest in the fishery.

The Marshall Response Initiative (MRI) of 2000 provided affected Peace and Friendship Treaties rights holders (Indigenous communities) with licences, vessels, and support to increase their participation in the fishery.

In 2007, the Atlantic Integrated Commercial Fisheries Initiative (AICFI) provided funding and support so Indigenous communities could continue to build and strengthen their own self-sustaining, communal, commercial fishing enterprises.

In 2017, DFO negotiated time-limited Rights Reconciliation Agreements on fisheries with all Mi'kmaq, Wolastoqey, and Peskotomuhkati First Nations to recognize and accommodate their rights and interests in the fishery. Two agreements were signed in 2019.

Regarding the overall effort since the Marshall decision, some sources say the Indigenous communities have seen advancements and progress. Ken Coates notes these in *The Marshall Decision at 20: Two Decades of Commercial Re-empowerment of the Mi'kmaq and Maliseet* (Macdonald-Laurier Institute). According to Coates, they now have a substantial and sustainable share in the East Coast fishery, which has improved personal and community incomes and created a greater degree of autonomy, independence, and confidence. They've also seen the rise of Aboriginal economic development corporations as major employers and business operators, improved educational outcomes for Indigenous youth, and enhanced relationships with provincial and federal governments.

Even with these advancements, there is a divergence of views over the progress in fully implementing the Marshall decision. There are also divergent interpretations and understandings of the Marshall decision, which have resulted in controversy, tensions, and disagreements among all parties involved.

In September 2020, the Sipekne'katik First Nation, citing their right to fish in pursuit of a moderate livelihood, developed their own fishery plan, issued a limited number of licences and tags, and initiated a lobster fishery outside of the regulated commercial season in Lobster Fishing Area 34.

This fishery became a flash point with associated violence and destruction taking place amongst those in the adjacent coastal communities and those carrying out the moderate livelihood fishery.

In October 2020, the Honourable Bernadette Jordan, Minister of Fisheries and Oceans and the Canadian Coast Guard, and the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, appointed me as a Federal Special Representative (FSR) to communicate with all

parties and recommend a mechanism that will rebuild trust, respect, and relationships among all parties and foster peaceful, long-term co-operation.

3. Role of the Federal Special Representative (FSR)

As a neutral, third-party Federal Special Representative, my role was to:

- gather perspectives of all parties in order to understand the issues contributing to the current situation
- seek ways to build understanding and find common ground to reduce tensions
- identify opportunities to rebuild trust and respect, and to improve relationships among Indigenous rights holders, non-Indigenous peoples, and other parties (including all levels of government) involved in the fishery

This process did not replace ongoing negotiations to implement the right to fish in pursuit of a moderate livelihood. I also was not to provide policy or operational advice related to fisheries science, management, enforcement, or public safety.

4. My approach

In order to fulfill my mandate, I wanted to connect with as many people and involved parties as possible. My purpose was to understand the history, and to hear first-hand from authorities, stakeholders, and rights holders on the multiplicity of perspectives on the issue.

Although my initial focus was Nova Scotia, as my work evolved I included non-Indigenous stakeholders from Atlantic Canada, as well as Indigenous representatives of established treaty rights-holding communities in the Maritimes and the Gaspé peninsula of Quebec.

My approach included the following:

- Interviews
- Document and Report Reviews
- Workshops
- Committees

4.1. Interviews

I was able to connect with, and gather a range of perspectives from, representatives and leaders from:

- commercial fishers' associations and individual non-Indigenous fishers
- Peace and Friendship Treaties rights holders (Indigenous) (or affiliated with)
- federal parliamentarians
- Government of Nova Scotia
- southwestern Nova Scotia municipal units
- DFO employees (current and former)

- the RCMP
- consultants, observers, and former parliamentarians who were knowledgeable about and involved in initiatives relating to the Supreme Court of Canada Marshall decision

I am grateful to the over 100 individuals that did meet with me, and some on multiple occasions.

I had hoped to have more discussions with representatives from Indigenous communities. I have reached out to all Indigenous communities in the Maritimes and the Gaspé region and am very grateful to those that I had the opportunity to meet with and discuss the issue at hand.

Regarding my numerous attempts to engage with certain Indigenous communities, for future reference, I would like to note barriers of why they declined to meet with me. In summary, the following were given as reasons to not meet with me: Fisheries is a matter of constitutionally affirmed Aboriginal and treaty rights, hence, Indigenous communities are engaged in formal agreements that govern their relationship with the Crown as well as in formal consultation processes. These First Nations that declined the invitation (which included the majority of Nova Scotia, amongst others) also indicated that they would want, at the least, a co-chair or a second person selected by them when agreeing to participate in a process that deals with issues of concern to them.

4.2. Document and report review

I have reviewed numerous documents and media reports and have been copied on many submissions from Indigenous and commercial sector representatives as well as a wide variety of commentators. I also received briefings from various government officials and have been provided background material.

4.3. Workshops

In order to gain a better perspective on the issues, I participated in a series of workshops organized by DFO and the Canadian Independent Fish Harvesters Federation (CIFHF) regarding reconciliation with Indigenous peoples in the fisheries.

The primary objectives of these workshops were to:

- discuss the important role of the fisheries sector in Canada and explore industry perspectives about Indigenous communities' participation in the fisheries;
- examine the Government of Canada's reconciliation mandate, actions taken to advance reconciliation, and court decisions that underpin the Crown's relationship with First Nations; and
- facilitate improved mutual understanding of actions that both parties (the Government of Canada and the CIFHF) are taking, and could take, to advance both reconciliation with Indigenous peoples and the sustainable and integrated management of marine resources in Canada

These workshops were for discussion purposes only and were not considered official consultations.

4.4. Committees

In addition, I also:

- followed the House of Commons Standing Committee on Fisheries and Oceans meetings in its study on the Implementation of Mi'kmaq Treaty Fishing Rights to Support a Moderate Livelihood and reviewed many of the submissions and briefs that were presented
- revisited the committee's December 1999 report entitled The Marshall Decision and Beyond: Implications for the Management of the Atlantic Fisheries

5. Interim report

In January 2021, I provided an interim report on the initial main themes, issues, and observations that had emerged to that point in the process.

It was clear, even at the time of that report, that all parties I interviewed agreed that a renewed approach is required to build trust and relationships between Indigenous and non-Indigenous fishers, as well as with DFO.

The parties further agreed that inadequate communication, lack of transparency, and lack of dialogue, amongst other factors, were contributing to the frustration and tension, and that this must be resolved in an acceptable manner, sooner rather than later.

6. Federal government “new path” statement: March 2021

In a statement of March 3rd, 2021, Minister Jordan introduced a “new path” for Indigenous communities to fish in pursuit of a moderate livelihood. The path is based on three key principles: implementation of treaty rights, conservation and sustainability of fish stocks, and the transparent and stable management of the fishery.

The statement also said that DFO will work with Indigenous communities to develop moderate livelihood fishing plans and will balance additional Indigenous access through already-available licences and a willing buyer/willing seller approach—fishing efforts would not increase. It also publicly affirmed the department's position that all fisheries will operate in the same season.

Based on the comments I received from certain Indigenous groups, combined with public statements made to the press, the Indigenous communities consider this approach to be unacceptable. Some groups say their treaty rights allow them to fish for a moderate livelihood when and where they want — some are currently working on their own fishing plans. They also say DFO's approach was arrived at without meaningful consultation and no justification was given for it.

The commercial industry generally felt that the minister's statement was a step in the right direction, especially its commitment to enforcing a common fishing season for all, but still have reservations on a number of issues that could affect their industry.

While DFO's statement improved transparency around the government's approach, it also underscored the divergency of views in the fishing communities.

7. Preparing the final report

In preparing this final report, I continued to attend and lead meetings and to engage in dialogue with the parties involved, working to ensure all sides are heard.

Throughout, my goal remained to provide suggestions, advice, and recommendations on how to establish a constructive path forward, one that is agreeable to, and will benefit, all parties.

8. General observations

There seems to be general consensus that implementing court decisions regarding treaty rights, as they pertain to the fishery, is multi-faceted and does not lend itself to easy solutions.

At the present time, Indigenous and non-Indigenous parties have very divergent views regarding Indigenous communities' access to the fisheries as a result of the Marshall decision. On one end of the spectrum is the non-Indigenous view that the Government of Canada has the right to manage the fisheries based on conservation, equality, and fairness as primary objectives. On the other is the Indigenous point of view that the Government of Canada is continuing to take a colonial approach to this matter, disregarding the governance and leadership of the Indigenous communities in the "nation-to-nation" commitment, hence continuing to impose and dictate their rules on the fisheries that is outside their scope and mandate.

These divergent interpretations and understandings of the court decisions and entrenched positions have resulted in much controversy, tensions, and disagreements amongst the parties involved. Hence, the difficulty in bringing all parties together.

It was also reported to me from various sources, especially in some areas, that there is a significant amount of perceived unauthorized activity relating to the Marshall decision, and of greater concern, there is also a significant amount of illegal activity by certain Indigenous and non-Indigenous individuals from fishing activity and beyond fishing activity, and this is further fueling tensions and emotions.

The individuals I interviewed do not want to fish in fear nor to live in communities in fear. Everyone agrees on the need to find ways to resolve the issues that have created divisions, tensions, and anger amongst the fishers and in our communities. The violence, destruction of property, threats, and intimidation that were witnessed last summer and fall do not advance the goal of reconciliation, nor do they advance the further implementation of treaty rights, nor a productive and orderly fishery for all.

From all parties, I have heard that they want reassurance that the enforcement and protection authorities (DFO's Conservation and Protection and the RCMP) will carry out their duties in an unbiased manner to ensure the security and safety of those involved in the fishery and population at large in these coastal communities. And, as part of my work, I did meet with these authorities to gather their perspectives and to convey to them the concerns I have heard.

An orderly, structured, and informed approach is required that will, in a balanced way, achieve the goal of Indigenous fishers having a clear, defined right to fish in pursuit of a moderate

livelihood, while not unduly affecting the existing commercial fishery, which has its own established policies and regulations.

All groups involved, including the Indigenous and non-Indigenous fishers, other stakeholders, and governments recognize that establishing trust and respect is an important first step.

Various parties I interviewed pointed to a lack of understanding, misunderstanding, and misinterpretations among the non-Indigenous Canadian population when it comes to Indigenous history, Indigenous culture, the Marshall decision, other related court decisions, and treaties. Targeted efforts regarding education and awareness would improve understanding and contribute to enhancing relationships. These efforts would also be beneficial in addressing systemic racism in our communities, racist comments, and stereotyping by some individuals.

Building trust in government is a key factor to move forward. There needs to be a more open, transparent relationship and improved communications.

Trust and relationship building also needs to be rebuilt among all parties involved in the fishery, including Indigenous and non-Indigenous individuals, stakeholder groups, and organizations. Rebuilding this trust will require bringing all stakeholders and rights holders together to the table.

There has been and continues to be good relationships between Indigenous and non-Indigenous fishers. Many see this as very positive and as a building block for further relationship building.

Based on my work, it is going to take a structured process over time to build relationships among all parties. Unfortunately, while most believe there may be short-term measures to control the situation, implementing the Indigenous communities' fishing rights and building relationships between the parties is going to require a long-term approach.

Factual, consistent, and timely communication and information sharing is equally critical to ensure transparency, to establish relationships, and to build a constructive path forward.

Many fisheries stakeholders told me they feel that there is a lack of clear communications and timely information sharing by DFO and the Government of Canada. This leaves them questioning various aspects of the government's directions and decisions pertaining to the fisheries, and it creates uncertainty for their future.

To make matters worse, misinformation often gets out faster and goes farther thanks to social media.

However, having good, clear communications is only half of the solution: the audiences for these messages must be willing to listen and to commit to improving communications themselves. In the Maritimes and Gaspé region, these audiences include independent fishers, associations that represent fishers, the Indigenous fishers, other stakeholders, and the general public.

Many would say that a good aspect of the lobster fishery in Atlantic Canada is that it is still, to a large degree, independent (owner-operator), family based, and community based.

As much as this may be good for independent fishers and our coastal communities, this also presents a challenge for effective and timely communications and information sharing.

The number of truly independent fishers (not part of any fishers associations), the number of various associations representing fishers in the Maritimes and Gaspé region, and, now, the growing number of coalitions, creates challenges in terms of effective communications. As much as we agree that the authorities require effective methods and tools for communications, associations and independent fishers need to take on the responsibility to listen, read, and use these tools, and associations also need to take on the responsibility of improving communication to their membership.

Recommendations to improve the issues in my general observations are found in the last part of this report; the following two sections are a summary of what I have heard from Indigenous communities and the commercial industry.

9. What I heard from the Indigenous communities

I am grateful to the Chiefs and Indigenous representatives in the Maritime provinces that met with me and entered into a dialogue about the implementation of their fishing rights specifically, and, more generally, about the protection and implementation of Aboriginal and treaty rights.

While their positions are captured throughout this report, I wanted to summarize them in one section.

9.1. The moderate livelihood fishery

These representatives I spoke with told me that the implementation of a moderate livelihood fishery should be based on the following principles:

- The Indigenous fishers have a larger say in the management of the fishery overall.
- The moderate livelihood fishery be governed by the Indigenous communities collectively, in accordance with their laws.
- The moderate livelihood fishery be carried out at different times and places than the commercial fishery, for valid reasons related to both conservation and public safety.
- Additional access is needed for the Indigenous communities to actually earn a livelihood, and that the minister's allocation decisions need to reflect that priority.

9.2. DFO's role in implementing the moderate livelihood fishery

The representatives who spoke with me say the root of the conflict in the fishery is the unwillingness of DFO to recognize Indigenous rights and self-determination, and to share any of DFO's jurisdiction over fisheries with the Indigenous communities.

They say they have been denied their treaty rights and excluded from the fishery not just since the Marshall decision, but for much of the last 260 years. Indigenous people are tired of waiting for the Government of Canada to honour its treaty obligations, and to uphold a court decision

that was rendered almost 22 years ago. Justice delayed is justice denied, and in this case, justice has been denied for generations.

The Indigenous representatives say Canada must come to the table prepared to actually recognize and implement the treaty rights through the development of a shared mandate based on a shared stewardship and the right to self-determination. Canada should stop trying to move this issue forward using a colonial approach. They have a legal right to a moderate livelihood not necessarily attached to established fishing seasons.

9.3. Reaction to the minister's announcement

The Indigenous representatives that spoke with me made it clear they feel the March 3rd, 2021, announcement from Minister Jordan, a “new path forward” in the fishery, reiterates the same position DFO has advanced since the Marshall decision and was arrived at without meaningful consultation.

9.4. Conservation

The Indigenous communities point out that they have stewarded the fisheries for thousands of years and have tremendous knowledge relating to the aquatic environment and the species in it.

9.5. Enforcement

Indigenous communities say government has to provide the enforcement required to stop the violence and crimes, which, they say, was not the case in the recent events in southwestern Nova Scotia.

Non-Indigenous fishers need to recognize and accept the priority of Indigenous communities' rights over the privileges the non-Indigenous currently enjoy. The non-Indigenous fishers must also renounce and condemn violence and racism, and take steps to address these issues within their own organizations, including pledging to hold the members that have or do engage in violence accountable.

Some find it hard to see a way forward at a time when so many are intent on escalating the situation. Some Indigenous groups are calling on all parties involved to develop an interim understanding for a defined period of time to allow all Marshall rights holding Indigenous communities to participate in the fishery in meaningful way. Indigenous community members are suffering the backlash of events that they have no control over and are therefore denied safe access to resources that are rightfully theirs.

9.6. Building relationships

Some Indigenous representatives that I interviewed indicated that continuity is important in order to build trust, respect, friendships, and relationships. In this case, particular to governments, the change of governments, change of ministers, change of civil servants, and change of negotiators over the past 22 years since the Marshall decision makes relationship building very difficult.

And, with respect to non-Indigenous fishers and communities, following the Marshall decision in 1999, many Indigenous communities worked tirelessly to build bridges and relationships with non-Indigenous fishers and communities. In many cases, their children go to school together, they share communities, and often their families are connected to one another. Some Indigenous communities feel that all the work over the past decades is quickly being eroded because of the recent events.

10. What I heard from the commercial industry

My conversations with commercial industry participants have informed me of their key issues and concerns. In general, all expressed positive views that they wish for a collaborative and peaceful way forward that recognizes Indigenous treaty rights. While their concerns varied in some ways, many reflected a need for transparency by decision makers and assurances that livelihoods of licence holders and the economic security of their communities should not be unduly impacted.

10.1. The moderate livelihood fishery

Commercial groups have publicly stated their support for the recognition of treaty rights. Industry representatives stand firm, however, that all fishing activity should take place within the same established season and there should be no increased in effort.

10.2. DFO's role in implementing the moderate livelihood fishery

Various organizations have pointed out to me that they would like to have a meaningful role in the discussions related to how the moderate livelihood fishery will evolve. They feel they have much knowledge about the fishery that could benefit the decision makers and discussions. They realize discussions take place nation to nation, but feel their voices and knowledge of the fishery must be heard and drawn upon as this will help avoid unintended consequences.

10.3. Reaction to the minister's announcement

Non-Indigenous industry representatives generally felt that the minister's statement in early March had been a step in the right direction. In particular, the statement that the moderate livelihood fishery would be licensed and held in the same season as other licensed fishing activity was seen as a positive, and the commitment to no additional effort was also welcome.

10.4. Conservation and inflated prices

The industry positions conservation as their primary concern.

They say DFO must consider the potential economic impacts associated with any changes. They noted their concern about the potential for inflated prices for licences as government becomes involved in their acquisition to offset the moderate livelihood effort.

They firmly believe programs related to the Marshall Initiative inflated licence value well beyond the level that would have existed without the government funding. This, in turn, made it difficult for other new entrants to the fishery to acquire licences, as the overall value was greatly inflated. They do not want to see a repeat of this situation.

They are also concerned that effort and landed value will shift in ways that could impact communities unfairly. In the past, as licences were acquired, effort tended to shift to alternative ports, perhaps closer to home communities where these licences had not been previously. This can put greater stress on the resources in proximity to these harbours. But, alternatively, the incomes earned previously by those whose licenses were sold may no longer accrue to the communities that were dependent on the economic activity associated with this fishing activity. The commercial sector has suggested to me that socio-economic studies should be undertaken to ensure a good understanding of these possible unintended consequences.

10.5. Enforcement

The industry says maintaining common fishing seasons would facilitate the enforcement of regulations and the monitoring of illegal activity.

10.6. Building relationships

They also point to many positive partnerships that have involved non-Indigenous and Indigenous fish harvesters and do hope that these will be the basis of future positive partnerships.

11. Recommendations

I stated in my interim report that my work up to that point indicated inadequate communications, the lack of transparency from all parties, and the lack of dialogue as key issues contributing to the frustrations and tension. My work since then has only reinforced that position.

Also in that report, I recommended mechanisms for dialogue to improve understanding, trust, and relationships.

The completion of my mandate further supports the need for such forums and mechanisms and this report builds upon their potential structures, uses, and benefits.

Below are the four recommendations:

1. A Clearing House for information specific to the moderate livelihood fishery

Accessing official, timely, factual information

This forum must be easily accessible on a national, regional, and local basis by all stakeholders and rights holders directly involved in the fishery. It must also be capable of accommodating real-time communication for matters requiring a prompt response.

The clearing house can take various forms, such as a centralized website, including social media and other electronic mechanisms. An authorized agency, such as DFO, should take on responsibility for the ownership and the management of these mechanisms and should make maintaining them a priority.

I am very happy to learn that DFO recently established a public-facing website specific to the moderate livelihood fishery. I believe this is a positive step and must be maintained, enhanced, and kept up to date.

2. Area (regional) Tables for information sharing and discussions

Benefitting from real-time information sharing and discussions

It was suggested that these could cover the key rights holders regions in the Maritimes and the Gaspé region. I am happy to report that these are either in the process of being established or have already been initiated in the following regions: three in Nova Scotia (Southwestern NS, Cape Breton, and the Antigonish area), one in New Brunswick, one in Prince Edward Island, and one in Gaspé.

How the tables work:

- They are led by local DFO area directors.
- Their primary purpose is information sharing: a place where participants can present and discuss local and regional issues.
- Target participants are local fishing industry and Indigenous leaders: individuals that could facilitate further communication with independent fishers.
- They could evolve in purpose, depending on the participants' engagement and willingness.
- These may not be achievable initially, but with DFO leadership and facilitation and Indigenous and non-Indigenous leadership, the objective should be to bring all commercial industry and Indigenous leaders together for the primary purpose of information-sharing sessions and to discuss regional and local issues.

Depending on the regional and local issues, these tables could invite individuals with specific expertise, experience, or knowledge to lead or participate in information sharing and discussions.

Continued information sharing by all parties regarding Indigenous access to the fishery could certainly play a part in reducing emotions and tensions, and assist in a more constructive path forward for all.

3. A Dialogue Forum to build trust and relationships

The importance of dialogue for relationship building between Indigenous and non-Indigenous parties (excluding governments)

Since Marshall, several processes have been initiated throughout the Maritimes that have brought together Indigenous and non-Indigenous fishing organizations.

One such example is the Coastal CURA (Coastal Community-University Research Alliance), a six-year collaboration (2006-2012) among community, Aboriginal fishery, and academic partners, to explore how to support and promote meaningful involvement of coastal communities in decision making about the coast, notably in the Canadian Maritimes.

Another example, beginning in 2018, was a series of meetings between five First Nations and five fishers' associations involved in the lobster fishery in southwestern Nova Scotia. The purpose of these meetings was simply to establish lines of communication between people who have hands-on working involvement in the lobster fishery in lobster fishing areas (LFAs) 33, 34, and 35. The idea was to have a space to meet and talk, building on the good history of collaboration between Indigenous and non-Indigenous fishers in this area.

These meetings were chaired by an independent facilitator and were described as being informal and self-directed. They focused on direct dialogue, as opposed to consultation, negotiation, or conflict resolution.

The themes that emerged in the latter forum were:

- the need for awareness-raising and education about rights-based fisheries
- the need to build alliances and address issues that impact the whole lobster fishery
- fishery activities that undermine legitimate fisheries
- the potential for co-operation on joint science projects
- a shared interest in increasing access to markets

The starting point for these meetings was the recognition of the fishing rights of the Mi'kmaq people. At the same time, participants identified shared values, including:

- the responsibility for conservation of the resource for future generations
- a commitment to sustainable livelihoods in their communities
- a commitment to peace, ensuring that everyone involved in the lobster fishery can fish in a safe and secure manner

Participants felt meaningful progress was being made in terms of communication and understanding of other's views.

Unfortunately, for various reasons, I understand that none of these mechanisms are currently functioning.

I believe that such a forum should be re-instituted to initiate a rebuilding of relationships between Indigenous and non-Indigenous communities as well as Indigenous and non-Indigenous fishers.

During my work on this matter, many expressed the need for "real" discussions and for parties to discuss in good faith. Many also expressed the need of an approach of "we are all in this together" for safe and prosperous fisheries and safe and prosperous communities. No one I spoke to wants to see the emotions, tensions, and violence of last summer and fall.

Understandably, with the extreme emotions and polarized views of late, the first step to recreating these safe spaces would have to be building trust and respect.

Clearly, at this point, this will have to be a longer-term, staged process.

It is going to take a dedicated effort by respected individuals from all parties to offer the necessary leadership.

Those who expressed interest in dialogue forums also indicated that participants must first acknowledge certain principles and facts, such as the following:

All parties must

- demonstrate respect, courtesy, and willingness to discuss in good faith
- understand and acknowledge years of systemic racism against Indigenous peoples and that racism was evident in the recent violent incidences
- condemn violence and illegal activity
- recognize constitutional rights and the right of Indigenous peoples to pursue a moderate livelihood, as set out by the Marshall decision
- understand how important the fishery is to our economy and to commercial fishers
- be willing to work toward consensus building and finding solutions

They further expressed that while government should not be at the table, government must “set the table” to create the motivation for the parties to come together to dialogue, build relationships, and work on finding solutions. It would also be in all parties’ interests that the Government of Canada provide the necessary funds to cover the operating costs of this forum.

Furthermore, it has to be clear that this process is not formal negotiations, or part of any such negotiations, and not intended to displace or affect these formal negotiations in any way.

I am suggesting that this bi-partite forum be co-designed by Indigenous and non-Indigenous leadership and that the forum be regional in nature. As a base, it was suggested that such a forum be co-chaired by a respected Indigenous individual and a respected non-Indigenous individual, and that there be one main forum with regional forums, all co-chaired by the same two individuals.

I would further suggest that the initial discussions be centred on building trust and respect, and understanding one another.

Trust needs to be rebuilt among all parties involved in the fishery—and rebuilding it is the first priority. From there, parties need to move on to understanding each other’s history, culture, rights, and approaches to the fishery—including their approaches to management, conservation, and enforcement.

As trust and relationships improve, the participants of the forum should determine and plan its evolution.

4. Collaborative multi-party projects of common interest

Supporting sustainability and prosperity of the industry for all

The sustainability of the resource and the overall economic benefit of the fishery is of interest to all directly and indirectly involved in the fishery, but also to the whole of our coastal communities and our region.

Therefore, there would be merit in establishing a mechanism to move forward with initiatives of common interest to rights holders and other stakeholders in the fishery.

With Indigenous and non-Indigenous representation at the table, depending on the topic, other parties should be asked to lead, facilitate, or participate. The multi-party structure could include federal and provincial departments, academia, and other fisheries organizations with particular expertise and focus.

This mechanism could be regional, provincial, or local in nature.

Suggested topics could include scientific research, seafood markets, or other common-interest issues brought forward by the parties.

- Scientific research

From the input I received over the past number of months, I believe there would be merit to put an early emphasis on discussing various lobster research initiatives. These initiatives could focus on specific local issues or larger regional issues. These multi-party discussions could benefit all parties: Not only could they lead to collaborative research projects that could provide technical and scientific results, but these discussions and initiatives could also play a role in relationship building.

I further note that Canada's Blue Economy Strategy to develop the ocean economy explicitly states the need for government, Indigenous groups, universities, and the private sector to collaborate on research. Other groups, such as the Fishermen and Scientists Research Society, also want to engage fishers on all sides to bring together the Indigenous knowledge and Western approaches that will further contribute to science.

- Seafood markets

All sides involved in the lobster fishery have a vested interest in maintaining, promoting, and growing the sale of the lobster fishery for their own benefit, for the benefit of the entire supply chain, and for the prosperity of the communities.

I have heard from individuals from all parties I interviewed of possible collaborative work that could be done to further promote lobsters, expand markets, and, especially, to prevent unintended negative effects on lobster markets. Lobster products are shipped worldwide and Canada's reputation in the marketplace is critical to ensure these markets are maintained and increased, and that demand is met. The events of last summer and fall grabbed media attention from around the world and created some anxiety in the industry. There is recognition that such events have the potential to damage the image of Atlantic Canada's lobster fishery. This could in turn reduce the economic returns for all participants.

12. Final remarks

It is important for all individuals either directly or indirectly involved in the fishery in the Maritimes and Gaspé region of Québec, as well as these coastal communities, and society as a whole, that we find a path forward to earnestly engage all parties to find a long-term solution to the implementation of Indigenous rights, as they pertain to the fishery, while ensuring an orderly and productive fishery for all.

I hope that, with the base provided in this report, along with other existing and established means and mechanisms, we will collectively and co-operatively be able to plan the next steps,

with the objective of attaining a promising future in the fishery for Indigenous and non-Indigenous fishers.