

Ken Coates

# *FISHING* *for* ANSWERS

*How an East Coast resurgence  
could navigate rough seas*

January 2023



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## Executive summary | *sommaire*

**The East Coast fishing industry has shown** both considerable economic potential and public policy importance. Lobsters, crabs, and other fish stocks have become big business. The fishing sector injects a great deal of money into the East Coast economy, attracts substantial investment, and provides steady and even lucrative employment for thousands of people, particularly those living in the smaller coastal communities.

Canadians have largely ignored the economic and social transformations occurring in the region, which include a nation-leading process of reconciliation with Indigenous peoples and communities. The transformation has included a billion-dollar Indigenous purchase of Canada's largest seafood company, Clearwater Seafoods, regular \$1 million annual returns for individual fish harvesters in specific regions and with certain species licences, the recruitment of hundreds of foreign workers to operate the processing plants, and a dramatic transformation of small-town life in the region. Despite the renewed economic and cultural vibrancy, the East Coast economy is also vulnerable.

The *Marshall* decision recognized Indigenous treaty rights, making it clear that these rights have clear, substantial, and current economic value. Assigning First Nations licences and quota, along with investments in training and equipment, have provided one means of addressing these rights.

There are few better examples of non-Indigenous peoples accepting a major and even intrusive expansion of Indigenous economic activity in Canada than the East Coast fishery, though relationships within the industry continue to evolve. A significant number of non-Indigenous fish harvesters, while compensated for selling their licences, quota, and gear, have stepped out of the industry, to be replaced by First Nations fish harvesters.

But not all First Nations see a future in the fishing industry. Some East Coast First Nations do not live on the coast and are not obvious beneficiaries of the *Marshall* decision. They should, however, still have access to secure financial, employment, and commercial benefits.

The improving conditions are not uniform and the wealth of the sector is not shared equally between fish harvesters and processing plant workers. In some communities, fish harvesters have individually or collectively invested in the local areas; in others, the

wealth associated with the lobster and crab fisheries has not been redistributed within the region through support for other businesses or value-added production.

Canada's East Coast fishery is heading toward an inflection point, one that will not ultimately serve the First Nations, the non-Indigenous fish harvesters and their communities, or the East Coast as a whole. Among a long and formidable list of challenges, several stand out:

- Indigenous treaty rights must, under Canadian law, be respected. But these are ill-defined and are currently managed by “presumption of rights” rather than a court-defined specific right. However, recourse to the courts on matters of Indigenous fishing could easily result in an expansion – or a contraction – in Indigenous rights. Either court-based outcome would add to tensions and difficulties in the region. The obligation to address the First Nations’ treaty rights rests with the government of Canada and, equally, with all Canadians – not just the East Coast fishing industry.
- The Department of Fisheries and Oceans must expand its consultations and engagement with the non-Indigenous fishing community if it hopes to find truly collaborative solutions.
- Greater attention must be paid to the dual challenge of rapidly improving conditions in First Nations communities and maintaining the sustainability of non-Indigenous communities.
- Canada's Eastern Coastal Canada fishery sector could secure greater political power and attention if its leaders realized that they had common cause with resource producers across the country. Collectively, the resource producers and their industry associations, unions, and local political representatives could be a formidable political force. They could, if properly mobilized, put pressure on all Canadian political parties (federally, provincially, and territorially), attract the attention of the nation's media, and shape the Canadian policy agenda.

With effective management, collectively developed policies, and attention to underlying problems and emerging opportunities, the fishing industry could emerge as the cornerstone of a sustained and impressive East Coast economic resurgence in Canada. [MLI](#)

***La pêche industrielle de la côte est du Canada** s'illustre non seulement par son potentiel économique considérable, mais aussi par son importance en matière de politique publique. Les stocks de homards, de crabes et de diverses autres espèces de poissons sont devenus très profitables. Les pêcheries injectent d'importantes sommes d'argent dans l'économie, attirent des investissements majeurs et assurent des emplois réguliers et rémunérateurs à des milliers de personnes, en particulier dans les petites localités côtières.*

*Au Canada, on a fait bien peu de cas des transformations économiques et sociales survenues dans la région, notamment du processus national de réconciliation avec les peuples et les collectivités autochtones. Pourtant, c'est dans cette toile de fond qu'on a vu les Autochtones acquérir la plus grande société canadienne de fruits de mer (Clearwater Seafoods) pour la somme d'un milliard de dollars, les pêcheurs autorisés à détenir des permis dans certaines régions pour certaines espèces bénéficier annuellement de recettes courantes d'un million de dollars, des centaines de travailleurs étrangers être recrutés pour exploiter les usines de transformation et la vie des petites villes de la région se transformer de façon spectaculaire. Or, malgré le regain de dynamisme économique et culturel, l'économie de la côte est du Canada est aussi vulnérable.*

*L'arrêt Marshall reconnaît les droits autochtones issus de traités et démontre que ces droits ont une valeur économique évidente, substantielle et actuelle. Les permis et les quotas attribués aux Premières Nations, jumelés à des investissements en formation et en matériel, offrent à ces dernières un moyen de faire valoir ces droits.*

*Il existe peu de meilleurs exemples que celui des pêcheries de la côte est du Canada pour démontrer l'acceptation par les peuples non autochtones d'une expansion majeure, voire radicale, de l'activité économique autochtone au Canada, bien que les relations au sein de l'industrie continuent d'évoluer. Indemnisés pour la vente de leurs permis, quotas et équipements, un grand nombre de pêcheurs non autochtones ont quitté l'industrie pour être remplacés par des pêcheurs des Premières Nations.*

*Toutefois, les Premières Nations n'entrevoient pas toutes la pêche industrielle comme une voie prometteuse. Les Premières Nations de la côte est qui ne vivent pas à proximité du littoral ne profitent pas de manière évidente de l'arrêt Marshall. Elles devraient néanmoins avoir accès à certains avantages financiers, professionnels et commerciaux sûrs.*

*Ni l'amélioration de la situation ni le partage de la richesse entre les pêcheurs et les travailleurs des usines de transformation n'a été uniforme. Dans certaines collectivités, les pêcheurs ont investi individuellement ou ensemble dans les localités; dans d'autres, la richesse associée à la pêche au homard et au crabe n'a pas été redistribuée au moyen d'un soutien à des entreprises diverses ou à plus de production à valeur ajoutée.*

*Les pêcheries de la côte est du Canada se dirigent vers un point d'inflexion qui, en fin de compte, ne servira ni les Premières Nations, ni les pêcheurs non autochtones et leurs collectivités, ni la côte est dans son ensemble. Dans la longue et formidable liste de défis, les suivants se démarquent :*

- Si les droits de traités garantis aux Autochtones en vertu de la loi canadienne doivent être respectés, ces droits sont vagues, car actuellement définis par la « présomption du droit » plutôt que précisés explicitement par un tribunal. Toutefois, le recours aux tribunaux sur les questions de pêche pourrait facilement entraîner un élargissement – ou un recul – des droits autochtones. Dans un cas comme dans l'autre, cela ne ferait qu'accroître les tensions et*

*les difficultés dans la région. Il revient en parts égales au gouvernement du Canada ainsi qu'à l'ensemble des Canadiens – et pas seulement à l'industrie de la pêche de la côte est – de faire respecter les droits de traités conférés aux Premières Nations.*

- *Le ministère des Pêches et des Océans doit élargir ses consultations et son engagement auprès des collectivités de pêcheurs non autochtones s'il espère trouver des solutions axées sur la collaboration.*
- *Il faut accorder plus d'attention au double défi qu'il y a à améliorer rapidement la situation des collectivités des Premières Nations et à préserver la viabilité des collectivités non autochtones.*
- *Les pêcheries de la côte est du Canada pourraient accroître leur influence politique et mobiliser l'attention si leurs dirigeants se rendaient compte du chevauchement de leurs intérêts avec ceux des producteurs de ressources de tout le pays. Collectivement, les producteurs de ressources et leurs associations professionnelles, leurs syndicats et leurs représentants politiques locaux pourraient constituer une force politique redoutable. Convenablement mobilisés, ils pourraient exercer des pressions sur tous les partis politiques canadiens (au fédéral, au provincial et dans les territoires), attirer l'attention des médias et façonner le programme politique du Canada.*

*Une gestion efficace, des politiques concertées et une attention portée aux problèmes fondamentaux et aux nouvelles perspectives permettraient à la pêche industrielle de devenir la pierre angulaire d'un relèvement économique remarquable et soutenu sur la côte est du Canada. **MLI***

## Introduction

**The fishing industry on Canada's** East Coast has truly come of age, both in economic potential and public policy importance. Lobsters, crabs, and other fish stocks have become big business (Appendix 1), with the transformation including a billion-dollar Indigenous purchase of Canada's largest seafood company, regular \$1 million annual returns for individual fish harvesters in specific regions and with certain species licences, the employment of hundreds of foreign workers to operate the processing plants, and a dramatic transformation of small-town life in the region. While the prevailing image of Canada's East Coast emphasizes quaint fishing communities and long-term decline, in fact the new regional economy is vibrant and commercially creative, yet it is also vulnerable.

Canadians have largely ignored the economic and social transformations occurring in the region, which include a nation-leading process of reconciliation with Indigenous peoples and communities. Instead, most Canadians see the contemporary fishing industry through the prism of some important but limited protests, such as the bitter confrontations at Burnt Church (Esgenoôpetitj), New Brunswick, which saw fishing boats rammed in protests over the Marshall decisions on Aboriginal treaty rights to fish commercially. More recently, tempers flared on the southwest coast of Nova Scotia related to the efforts by some Mi'kmaq Nations to issue their own licences for community members to fish for a "moderate livelihood" outside the regulated season.

These difficult situations, though few and small in scale, have defined the region in the country's mind. The reality is much different. The lobster fishery has experienced a major resurgence due to a fortuitous combination of soaring global demand and prices, collaboration between federal scientists and East Coast fisheries, a deep interest in commercial and technological innovation, and a long-term federal investment in the Indigenous fisheries in



an effort to respond to the *Marshall* judgment. The economic resurgence along Canada's East Coast is not comparable in scale and national impact to oil sands developments in Alberta or housing projects in suburban Toronto, but there are abundant signs of economic improvement in the area nonetheless.

Yet the situation on the East Coast is far from ideal. The 2022 closures of the mackerel and herring fisheries eliminated the season-extending commercial options and, more widely, sharply increased costs for lobster and crab fish harvesters. The mackerel and herring catch provide bait for the lobster and other traps, meaning that the fisher now faces additional costs purchasing bait fish externally. The long-term effects of climate change, the concentration of fleet and processing ownership, unresolved issues around First Nations fishing rights, conservation management questions, and decades-long “creative” tensions between the industry and the Department of Fisheries and Oceans (DFO) all need to be addressed.



*The fishing sector injects a great deal of money into the East Coast economy.*

The fisheries management system has worked quite well in addressing disputes over access rights, fleet sectors, and community opportunities. In most instances, compromises and workable solutions have been found. Indeed, the system has led to many good decisions being made. The exception, which has emerged in recent years, is the DFO's switch from government of Canada to First Nation decision-making, which has resulted in significant changes in harvesting activity – changes that have largely excluded commercial harvesters from the long-standing co-management arrangements.

East Coast economic issues rarely attract a great deal of attention in Canada. But there are important countervailing developments: the bio-tech-based innovation economy on Prince Edward Island; the fiscal determination of Blaine Higgs's government in New Brunswick; the unheralded entrepreneurship of First Nations like Membertou, Pabineau, Madawaska Maliseet, Eskasoni, Saint Mary's, Lennox Island, and Pictou Landing; the emergence of

rural and coastal communities in eastern Canada as destinations of choice for “work from home” professionals (with the highest influx occurring in the Gaspé region); and the status of Halifax as one of the most liveable cities in North America. East Coast provinces will not rival Alberta or British Columbia economically in the near future, but the trajectory is much more promising than in recent decades.

The fishing sector injects a great deal of money into the East Coast economy, attracts substantial investment, and provides steady and even lucrative employment for thousands of people, particularly those living in the smaller coastal communities. The prosperity delivered, particularly by the lobster and crab fisheries, has resulted in new levels of wealth in many communities. With effective management, collectively developed policies, and attention to underlying problems and emerging opportunities, the fishing industry could emerge as the cornerstone of a sustained and impressive East Coast economic resurgence in Canada.

This report examines the fishing industry on Canada’s East Coast as a whole, assessing both the industry-specific challenges and opportunities, and the impact of the sector on the regional society and economy. While the technical, legal/treaty, economic, and social issues have mandates, timelines, and pressures of their own, it is the integrated and comprehensive nature of the fishing industry that warrants additional attention. To a substantial degree, the future of Canada’s East Coast, and particularly the prospects for the non-urban areas in Nova Scotia, Prince Edward Island, and New Brunswick, rest on the vitality and success of the fishing sector.

## The achievements of Canada's East Coast fishing industry

**Much of the commentary on** the fishing industry, as with any sector, focuses on shortcomings, pressure points, and tensions. Far too little attention is given to the industry's achievements and constructive developments. In the case of the East Coast fishery, there have been significant and meaningful adaptations in recent years, demonstrating the resilience of the industry, the flexibility of entrepreneurs, the innovation of regulators, and the collective responses to economic transitions. Indeed, particularly when the integration of over 1000 First Nations fish harvesters into the sector in a little over two decades is considered, the East Coast fishery has become a focal point for regional renewal, innovation and, dare one say it, optimism.

### **Accommodating Indigenous treaty rights after the Marshall decision**

In 1999, the Supreme Court of Canada transformed the East Coast fishery when it issued two judgments involving Donald Marshall, Jr. The Court ruled that the Mi'kmaq, Maliseet, and Peskotomuhkati had a treaty right to fish for commercial purposes arising from 18th century Peace and Friendship treaties. The rulings made it clear that conservation requirements took precedence over Indigenous harvesting and, in an odd twist, indicated that the First Nations had a treaty right to fish to earn "moderate livelihoods." While Donald Marshall's arrest and charge was related to eel harvests, the treaty rights were quickly applied across the fishery. Within days of the Supreme Court decision, First Nations fish harvesters were exercising their newly recognized rights – to the deep chagrin of non-Indigenous harvesters. Violence and protests broke out along the coasts, leading within a year to the development of the federal government's expansive Aboriginal Fishing Strategy.

Much has been made of the 1999-2000 conflict in Burnt Church, New Brunswick, a conflict that resurfaced in 2020, when one First Nation asserted its right to launch a self-regulated fishery in Southwest Nova Scotia.<sup>1</sup> The transition was helped by the government of Canada's adoption of a "willing buyer, willing seller" approach to the purchase of fishing licences and quotas, which resulted in the transfer of many licences and considerable quota to First Nations

communities. In the 20 years since the conflict first surfaced, the First Nations have adapted well to the new legal regime; they have bought boats, trained crews, developed companies, and expanded their presence to become major players in the industry. The result remains one of the most successful examples of the commercialization of Indigenous and treaty rights in Canadian history.

The dramatic expansion of Indigenous fishing is also one of the most important instances of sustained economic reconciliation in Canada. First Nations fish harvesters and their companies joined non-Indigenous fish harvesters on the ocean for the first time. Indigenous peoples became major sellers of products and purchasers of services. The Indigenous fish harvesters and their communities earned substantial income from their expanded involvement in the fishery. They, in turn, spent and invested money locally. The timing of the expansion of the Indigenous fishery, which coincided with the expanding prosperity of the East Coast fishery industry in Canada, eased one of the most dramatic commercial transitions in recent history.

Despite protests, intemperate comments, and even violence and property destruction wrought by both sides, the broader picture for First Nations fishery is promising. Indigenous peoples have developed an extensive presence in the industry. Canada's largest seafood company, Clearwater Seafoods, is now 50 percent owned and controlled by seven First Nations (six in Nova Scotia and one in Newfoundland and Labrador); Premium Foods owns the other 50 percent. Most East Coast fish harvesters have largely accepted some form of Indigenous fishing rights as the new reality but are nonetheless uneasy about several uncertainties and long-unresolved issues. Among them are concerns among non-Indigenous harvesters that the Clearwater purchase will encourage vertical integration of the industry (company control from the harvesting through processes and international marketing), which would override long-standing DFO policy and industry preferences for a less hierarchical structure. Frustrations also remain regarding out-of-season fishing associated with the Indigenous "moderate livelihood" fishery, but these are offset by hundreds of routine examples of collaboration and co-existence.

There are few better examples of non-Indigenous peoples accepting a major and even intrusive expansion of Indigenous economic activity in Canada than the East Coast fishery, though relationships within the industry continue to evolve. A significant number of non-Indigenous fish harvesters, while compensated for selling their licences, quota, and gear, have stepped out

of the industry, to be replaced by First Nations fish harvesters. The transitions show up dockside: in negotiations with DFO, in training programs, and in the general business of the fishery. Hundreds of First Nations' owned boats work the waters, hauling in hundreds of millions of dollars of product each year. While difficulties remain – it would be naïve to expect otherwise given the speed, stakes, and complexity of the transition – fish harvesters on Canada's East Coast have managed the transition exceptionally well.

### **Diversifying the fishery**

The East Coast fisheries, producers, and marketers have ridden the lobster market to unprecedented levels of personal prosperity and opportunity. Lest anyone get overconfident, the industry also weathered the decades-long collapse of the once-famed cod fishery. More recently, the closure of the mackerel and herring fishery, both primarily producing bait for trap-based fishing, highlighted the continued vulnerability of fish stocks along Canada's East Coast.



Lobster harvesters in New Brunswick.

What stands out at present is the ongoing effort to diversify the sector. While lobster is king, returns from the crab fishery remain strong and promising. Specialty products, such as eels, have been harvested and marketed more aggressively. The tuna fishery gets little attention, but both the commercial food harvest and recreational tuna fishing are attracting more attention. Some fish harvesters are supplementing their incomes by providing tourists with an opportunity to experience lobster harvesting first-hand. A much larger number of East Coasters are active participants in the aquaculture sector (though that is not covered in this report).

### **Capitalizing on global markets**

Canadian fish harvests reach global markets. Much of the catch is destined for export to markets as diverse as the United States, Europe, the Caribbean, and Asia (Table 1), with a considerable proportion of sales going to specialty purchasers, including high-end restaurants and food products producers. There is growing interest in ground fish, including halibut and other species, which will allow the industry to expand its seasons, its revenue, and its markets. In

**TABLE 1: TOP DESTINATIONS FOR CANADA'S FISH AND SEAFOOD EXPORTS, 2021**

Destination	Value of exports (\$B)	Change of values (%)	Change of volumes (%)	Change of prices (%)	Share of exports (%)
USA	6.18	49.9	19.7	25.2	70.3
China	1.12	7.6	-14.6	26.0	12.7
EU (excl. UK)	0.45	19.2	2.3	16.5	5.2
Other	1.04	24.5	9.6	13.5	11.8
<b>Total</b>	<b>8.79</b>	<b>36.5</b>	<b>8.3</b>	<b>26.0</b>	<b>100.0</b>

Source: Fisheries and Oceans Canada 2022a.

**TABLE 2: CANADA'S TOP FISH AND SEAFOOD EXPORTS BY SPECIES, 2021**

Species	Value of exports (\$B)	Change of values (%)	Change of volumes (%)	Change of prices (%)	Share of exports (%)
Lobster	3.26	55.8	17.1	33.1	37.1
Crab	2.18	64.3	15.5	42.3	24.8
Salmon	1.12	15.0	10.5	4.1	12.7
Other	2.24	9.0	4.2	4.5	25.4
<b>Total</b>	<b>8.79</b>	<b>36.5</b>	<b>8.3</b>	<b>26.0</b>	<b>100.0</b>

Source: Fisheries and Oceans Canada 2022a.

addition, table 2 shows a breakdown of fish and seafood exports by species. With worldwide demand growing steadily, assisted by increased pressure to reduce beef and pork production, sales of fish products are expected to remain high for the foreseeable future. (Note that we have used 2019 as the base year for understanding the core patterns in the fishery. Markets crashed in 2020 during the first year of the pandemic, then spiked in 2021 due to extreme consumer pressure, before returning to long-term patterns in 2022.)

## Harvester-driven ecological adaptation and stock rehabilitation

While official responsibility for conservation and resource management rests with the federal Department of Fisheries and Oceans, in practice effective care and nurturing of the fisheries require the collaboration of the regulators and harvesters. As in all resource sectors, decision-making for fisheries management and conservation involves contention, negotiation, and conflict between government and harvesters. So it is with Canada's East Coast fishing industry.

Real collaborations and effective partnerships emerge more often than most realize. DFO and regulators, industry associations, and the fish harvesters identify specific problems and work toward shared solutions. In the case of the lobster industry in the 2000s, the issue was clear: catches and overall revenue were down. Solutions were available: licences could be bought out to control overfishing and the minimum carapace size could be increased, which would enable the lobsters to grow larger and produce more eggs before being harvested. All agreed that these steps would revive the overall harvest, even if it took many years, perhaps a decade, for the ocean stocks to rebound.



*Real collaborations and effective partnerships emerge more often than most realize.*

Indeed, these steps did take place on Canada's East Coast. The fish harvesters exchanged short-term losses or reductions in income for the prospect of a more stable and lucrative harvest in the future. The plan unfolded as hoped, producing sharp increases in the total number of lobsters and overall commercial production. The success of this collaboration illustrates the constructive and mutually beneficial outcomes that can come out of the long and often difficult meetings between the DFO, fisher associations, and fish harvesters. While highly technical, taking years to unfold in practice, and rarely well explained to the public, such arrangements represent an important part of the continuing transformation of Canada's East Coast fishery.

## **Responding to regulatory transitions and government interventions**

To describe the fishery as tightly regulated is to state the obvious. Managing an ecologically sensitive and complex fishery is a formidable challenge at the best of times. Fish harvesters are obliged to pay close attention to everything from boundaries to seasonal openings and closures, catch sizes, catch limits, safety regulations, and myriad other requirements. Most of the fish harvesters are small owners, running relatively small boats, with a small crew.

Nonetheless, Canada's East Coast fish harvesters operate successfully in an ever-changing regulatory environment. In 2022-2023, for example, fish harvesters are having to replace their lobster and crab gear, using systems that will detach if a right whale (or other large sea mammal) gets entangled in the fishing gear. The fisheries claim – less vociferously than their counterparts in nearby Maine – that there are no recorded instances of right whales dying after being caught in the trap lines. They also know that the weaker ropes can break off from their traps in rough seas, at significant costs to their operations.

## **Technological adaptation and investment in fishing**

Emerging technologies are transforming Canada's East Coast fishery, bringing major improvements in communications, on-board safety, and the efficiency of fishing operations. The network of thousands of small fish harvesters lacks the economies of scale available to the massive factory ships that operate in offshore waters. Individual fish harvesters must make investment decisions about improving their equipment with the hope that the expenditures will produce higher returns. In an important 2022-2023 test, the PEI Fishermen's Association is organizing a trial of hybrid (diesel/electric) engines, connecting boat captains with engine producers, and coordinating a scientific evaluation of the effectiveness of the new systems. With fuel prices skyrocketing, the prospect of using electrical power holds considerable commercial promise. This is only the latest in a series of efforts being made to use new technologies to productive effect.

## **Supporting community and small-town renewal**

Small towns and rural areas in Canada face outmigration to urban areas and more prosperous parts of the country, though that trend has slowed and been reversed by the social impacts of the COVID-19 pandemic. This challenge is



apparent on Canada's East Coast where the culture and demography are defined by hundreds of small fishing villages and towns. For several generations young people have largely left the region, adding to a growing sense of despair. The East Coast is fighting this longstanding pattern, spurred on by the vitality of Halifax, economic renewal in Prince Edward Island, commercial and technological revitalization in Gaspé, the emerging high-tech sector in Fredericton, and Moncton's commercial creativity. But the strongest element of renewal on Canada's East Coast has been the growth and economic contribution of the expanded and prosperous fishing industry.

A key strength of the sector is its reliance on thousands of individual owner-operators, many of whom have benefited from the spike in demand and rising price for fish (though the combination of reduced prices and rapidly increasing costs have threatened the profitability of the 2022 fishing season). In recent decades harvesters have been able to afford new or improved boats and gear, better cars, new vehicles and, as the solid returns continued, new or remodelled homes and workshops. Over the past two decades, dozens of small towns have been revitalized. The transformation is not the equivalent of a Toronto or Vancouver type-boom. These are, after all, fish harvesters, dock workers and small-town residents. But the stepped-up improvement in the personal well-being of fish harvesters has evolved into substantial investments in the communities along Canada's East Coast.

There have been changes, too, in the workforce in the processing plants. Decades ago this highly seasonal and often low-paid work was completed by residents, who relied on Unemployment Insurance (UI), an earlier version of Employment Insurance (EI), to supplement their income. More recently, fish processors have turned to temporary foreign workers and new Canadians to keep the lines staffed and functioning. Many have come from the Philippines and Mexico as part of a continent-wide recruitment process in the fishing and farming sectors. A significant number have immigrated formally to Canada to become contributing members of their communities.

In this regard, the extensive efforts at recruiting and supporting immigrant workers by the Tignish Fisheries Co-op in Western Prince Edward Island are particularly notable, as are those by the processors along the Gaspé peninsula,

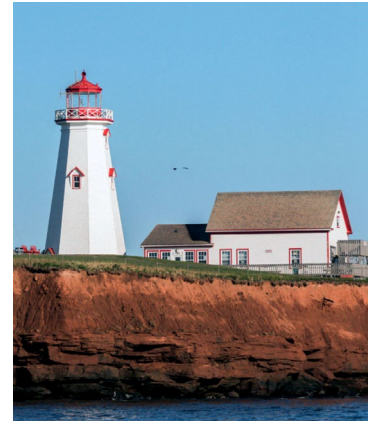


An early morning at a small fishing town in PEI.  
Source: Rachel Peters Photography

who are supporting home building efforts by the newcomers, stabilizing and diversifying the local population. Many immigrant workers do not stay in the communities or region for long; many move to central Canada after completing their two years in the industry.

### Producing and sustaining regional prosperity

Canadians are slowly coming to realize that long-standing stereotypes of impoverished and marginal East Coast communities are misplaced. There are indeed places of economic hardship, particularly among First Nations communities and inland rural communities with limited access to the commercial fishery. But most of the fishing communities on the East Coast are now at or near the Canadian average on the Canadian well-being index, showing significant improvement over their standing in earlier decades. The improving conditions are not uniform and the wealth of the sector is not shared equally between fish harvesters and processing plant workers. In some communities, fish harvesters have individually or collectively invested in the local areas; in others, the wealth associated with the lobster and crab fisheries has not been redistributed within the region through support for other businesses or value-added production.



A lighthouse and a home in rural PEI.  
Source: Rachel Peters Photography

However, the economic benefits of a resurgent fishing economy can be seen throughout the region. Areas long seen as economically marginal and remote, like the south shore of the Gaspé peninsula, western Nova Scotia, and rural Prince Edward Island, are demonstrating ample signs of continuing economic opportunity. The prosperity that the fishery has brought is widely distributed throughout the region, resulting in the expansion of economic benefits throughout Canada's East Coast.

Prosperous areas tend to attract additional investment, and this has certainly been the case in Prince Edward Island, the south coast of the Gaspésie (Gaspé Peninsula), and the northern and western areas of Nova Scotia. The remote work movement has attracted sizeable numbers to the region, many benefiting from the cost differential between big city properties and homes in the region. Equally important, the confidence and determination of the fish harvesters has spread through the region, overcoming the long-standing image of lingering economic recession along Canada's East Coast.

## **Destroying Canadian stereotypes: Millionaire fish harvesters and surging asset values**

One of the most surprising elements in this transformation has been income and asset value earned by fish harvesters, particularly those with lobster and crab licences. Some enterprise owners earn \$1 million or more, depending on the licences they hold and their fishing regions, the species being harvested, and market forces. Twenty years ago, those licences could be purchased inexpensively. Those fishing permits are now worth millions of dollars. One individual in Gaspésie was apparently offered \$25 million for his set of licences, but he turned it down. The expansion of the operations of large-scale commercial fishing companies has further increased the prices of licences.

The escalation of the value of the harvesting permits began in earnest with the 1999 Supreme Court *Marshall* decision, when the federal government created space for First Nations in Canada's East Coast fishery by purchasing licences from generally non-Indigenous individuals willing to sell up and leave the industry. The arrival of the government as the initial purchaser of record increased the value of the licences immediately. In subsequent years, the combination of rising prices and increased production, particularly in the lobster fishery, resulted in sharp increases in the value of the licences. With markets for East Coast fishery products remaining high, there is every expectation that the value of the licences will remain high.

Canadians rarely associate Canada's East Coast with high levels of personal prosperity, outside of the Irving and McCain families, of course. But the fishing sector is transforming this reality. With gross annual returns per inshore enterprise in some regions and some fisheries running more than \$1 million a year, high-level prosperity has become more commonplace in the region (although to be clear, in some areas the number of high earners is quite small). With the licences holding such high values – sales of \$1 million or more are routine, depending on the commercial zone involved – fish harvesters have both a high annual income and an impressive retirement asset that can contribute to the next generation's prosperity.

East Coasters are not given to ostentatious displays of wealth, so the signs of regional prosperity are subtle rather than dramatic. While there are a small number of impressive new homes along the coast – many built by newcomers to the region – the primary signs of personal financial well-being are home additions, new vehicles, larger commercial boats, and pleasure craft. It will take

years for Canadians to get used to the new East Coast reality. Most importantly, the vast majority of these fish harvesters are in rural areas and small towns, dispersing the wealth, reinvesting in the industry, and supporting the much-delayed economic revitalization of the region.



*The last quarter century  
has seen a dramatic transformation  
of Canada's East Coast fishery.*

The last quarter century has seen a dramatic transformation of Canada's East Coast fishery. Few sectors of the Canadian economy have experienced so many forces for change: major Supreme Court decisions, the empowerment of First Nations fisheries, climate change, increased government regulations, disputes between harvesters and the federal government, a revitalization of some of the harvestable stocks (and the collapse of others, such as herring and mackerel), dramatic increases in prices and demand for lobster, and intense media attention. It is vital to remember that, despite the endless contortions of the industry, it still relies on fish harvesters heading onto uncertain waters in small vessels to pull their traps and nets.

## **Challenges to Canada's East Coast fisheries industry**

**The commercial success of Canada's** East Coast fishery is far from straight-forward and, as with all resource sectors, never guaranteed. International demand for commodities is fickle, and prices fluctuate, often wildly. Input costs – particularly wages, fuel, equipment parts and repairs – creep ever upwards. Ecological realities intersect with government regulations, which in turn interact with regional and national politics, Indigenous and treaty rights, the

interventions of external organizations like conservation groups, among other forces and influences.

Like other resource producers in Canada – loggers, farmers, and miners – the fish harvesters on Canada’s East Coast live in an economic and regulatory world that is routinely in flux. As well, they cope with the realization that few Canadians understand the dynamics of their industry but instead respond largely to occasional and rarely representative stories in the national media about the fishery. Among a long and formidable list of challenges and commercial risks, several stand out.

### **First Nations and Marshall-based fishing rights**

The current expansion of the Indigenous fishery poses a serious yet contemporary challenge. Communal commercial fishing businesses have created jobs and generated significant new revenue flows in several First Nations communities. But the benefits are unevenly distributed. Some community members have had little training and cannot afford bigger boats and better gear. Yet many of these First Nations members would like to fish from time to time to make some money. Two of the fisheries – lobster and eel – permit occasional fishing, do not have high entrance costs, and can produce substantial revenue.

Given the large scale of the commercial fishery, many Indigenous fish harvesters maintain their involvement is limited to low impact fisheries that carry few consequences on the fish stocks. These activities, further, reflect Indigenous values and community lifestyles and encourage economic self-sufficiency. Some groups of Indigenous leaders and supporters take a more assertive position, arguing that the Supreme Court decision provides for a more open-ended harvesting right and gives First Nations a key role in the sector. These opinions and experiences cause internal trouble. Those who are fishing commercially are doing well financially; others who are not involved in the sector lag economically. In many communities, Indigenous leaders are being urged to expand First Nations access to the fishery. Moreover, the unregulated (except by the First Nations) moderate livelihood fishery stands in sharp contrast to the closely monitored and tightly controlled commercial harvest. The contrast worries non-Indigenous harvesters.

Several First Nations have launched out-of-commercial-seasons fisheries, which they assert is in accordance with their rights under the Peace and Friendship

Treaties. Led by the Listuguj First Nations, communities have now gone further, declaring their rights to fish and to regulate the fishery under Indigenous law, the *Listuguj Lobster Law*, rather than under federal authority. As Darcy Gray, Chief of the Listuguj Mi'gmaq government, observed, "Canada is finally starting to recognize that the best way to ensure our fishery is safe and sustainable is to get out of the way and let us govern ourselves" (Grant 2021). Technically, the arrangements are more limited in scope, committing parties to co-management and maintaining the official rights and responsibilities of the DFO.

Importantly, and in a precedent setting move, the DFO has recognized the operations of the Listuguj Mi'gmaq Rangers in managing the fisheries. There are several critical parts to this development: the unilateral action by the First Nations, the assertion of Indigenous management rights, the government of Canada's acquiescence in the First Nations' actions, and the absence of any official and systematic consultation with non-Indigenous fish harvesters and their associations.

Canada's East Coast fishery is heading toward an inflection point, one that will not ultimately serve the First Nations, the non-Indigenous fish harvesters and their communities, or the East Coast as a whole. Concerted and careful attention, based on mutual respect and extensive consultation, are needed if Canada's East Coast fishery is going to be returned to a secure and sustainable trajectory. The reality of the situation can be summarized as follows:

- Indigenous people and communities have Court-recognized commercial rights based on the 18th century treaties, albeit with an unusual caveat around the imposed idea of a moderate income.
- Non-Indigenous peoples expect a level playing field, with one set of rules for all fish harvesters.
- There is no longer equality of rights in the fishery. For established legal and constitutional reasons, Indigenous and treaty rights take precedence over all uses of the resource save for conservation requirements. First Nations increasingly challenge this limitation. A recent Senate report on the regional fisheries took the unusual step of endorsing the First Nations' position and recommending a sharp reduction in the role of the DFO (Standing Senate Committee on Fisheries and Oceans 2022).
- Responsibility for the conservation of fish stocks rests with the federal government and is exercised through the DFO. The department

has not been following conservation standards with the First Nations fishery, which has operated outside the regular and scientifically established commercial seasons.

- Fishing is, in the absence of a substantial increase in sustainable and harvestable catch, a zero-sum game. Increased Indigenous fishing, logically, requires a reduction in non-Indigenous fishing.
- The fast-growing Indigenous population on Canada's East Coast means that the sector has to plan for a systematic expansion in the Indigenous fishery over the coming decades.
- While the non-Indigenous fishery can NOT accommodate a substantial increase in the regional fishing activity, the interests of all fish harvesters must be taken into account.

In terms of solutions and paths forward, three crucial elements stand out. First, Indigenous treaty rights must, under Canadian law, be respected. But these are ill-defined and are currently managed by “presumption of rights” rather than a court-defined specific right. However, recourse to the courts on matters of Indigenous fishing could easily result in an expansion – or a contraction – in Indigenous rights. Either court-based outcome would add to tensions and difficulties in the region.

Second, the DFO must expand its consultations and engagement with the non-Indigenous fishing community if it hopes to find truly collaborative solutions. First Nations insist on government-to-government negotiations, in formal recognition of their treaty and Indigenous rights, so a multi-party approach is not easily secured. But the non-Indigenous participants in Canada's East Coast fishery have legitimate interests in the management and sustainability of the industry. Moreover, as all parties have shown over the past two decades, full engagement of stakeholders produces better outcomes for the ecology, the fishery, and all participants.

Third, greater attention must be paid to the dual challenge of rapidly improving conditions in First Nations communities and maintaining the sustainability of non-Indigenous communities. In the medium- to long-term, the coming prosperity of First Nations will serve the general interests of the non-Indigenous communities on the East Coast. The engagement of First Nations in the fisheries is one of the most impressive efforts in economic reconciliation in recent decades, but if continued improvements are seen to come at the direct expense of non-Indigenous communities, tensions will heighten throughout the region.

## Is there another way to approach Indigenous treaty rights?

The federal government has a legal obligation to address the treaty rights of First Nations on Canada's East Coast. This fact is set in law although the definition of those rights is far less precise than current practice suggests. Because the issue at law focused on commercial fishing rights related to eels, the government opted to address its obligations by purchasing space for First Nations communities in the commercial fishery. This arrangement served the communities well for a time during which the First Nations developed the commercial and technical skills necessary to participate in the fishing industry. Non-Indigenous fish harvesters accepted this approach based on the "willing buyer, willing seller" approach to fishing licences because it produced no net increase in harvesting. Conversely, the industry worries about increased Indigenous fishing outside the commercial regulation because it does involve additional harvesting activity. But the inability to resolve many issues – the "moderate livelihood" provision and the continuing growth of the Indigenous population foremost among them – has led to current tensions and impasses.<sup>2</sup>

Insufficient attention has been given to alternate approaches. The *Marshall* decision recognized Indigenous treaty rights, making it clear that these rights have clear, substantial, and current economic value. Assigning First Nations licences and quota, along with investments in training and equipment, provided one means of addressing these rights. But they are not the only option available to the government. Moreover, the current approach takes a legal obligation and national responsibilities and imposes the burden of its implementation on a single industry, the coastal fisheries. This means that, instead of the nation as a whole bearing responsibility for resolving the treaty rights, the obligation falls primarily on a single group, non-Indigenous fish harvesters, and the rural communities that their work supports.

There are other appropriate ways for government, on behalf of all Canadians, to meet its obligations, but with crucial caveat. Any resolution must be developed in full and direct consultation with First Nations on Canada's East Coast. To do otherwise would generate great distrust and anxiety among First Nations – who waited for over 200 years for the original treaties to be recognized and honoured. Stepping away from the Supreme Court's decisions of 1999 would be seen as a profound repudiation of Canada's legal and moral obligations.<sup>3</sup>

It is not a legal or conceptual reach – and it would be a direct and logical expansion of the Supreme Court decision – to argue that the 18th century



Peace and Friendship Treaties guaranteed First Nations an active and ongoing presence in the economy of the East Coast as a whole. This would be consistent with later British treaties and agreements with Indigenous peoples and it would be in keeping with the spirit and intent of the 1999 *Marshall* decisions. The Supreme Court of Canada, after all, was only asked if First Nations had a treaty right to fish for eels for commercial purposes.<sup>4</sup>

One way of honouring that treaty right – the way that the government ended up choosing – was to provide space for First Nations in the commercial fishery on Canada’s East Coast. But there are other ways of respecting that commitment, including a pre-*Marshall* example. Faced with the disruptions of the 1997 lower court decision in the case of Thomas Peter Paul, which was related to logging, New Brunswick Premier Bernard Lord allocated a small portion of the province’s “allowable annual cut” to First Nations. Some communities harvested and sold their portions; others leased the harvesting rights to commercial loggers.

The governments of Canada, Prince Edward Island, Nova Scotia, New Brunswick, and Quebec could recognize that the Peace and Friendship Treaties require the authorities to create economic space throughout Canada’s East Coast, with access to the fishery being just one of the sectors to which the governments would give First Nations access. In fact, there is a range of ways to provide First Nations with what they legitimately deserve (and deserved starting in the 18th century, if not before) – the right to participate equitably in the regional economy.

This approach would have the benefit of making the vital task of economically empowering First Nations a collective responsibility – to be borne by the people of Canada and the East Coast generally – rather than a duty focused on a single economic sector. In full and transparent conversation with First Nations, and with the federal government taking the lead role, First Nations could be provided with the necessary means to build vibrant and sustainable economies. These measures could include:

- A substantial cash settlement, by way of a regional Indigenous trust fund or First Nations-specific trust funds to endow sustainable economic development activities and to compensate First Nations for generations of lost and stolen economic activity.
- Specific allocations, as with the fishery and the New Brunswick logging arrangements, in economic sectors such as forestry, tourism, renewable energy production, infrastructure development,

government procurement of products and services, cell phone spectrum, and the like. These would have to be incremental to current arrangements and commitments.

- The integration of First Nations into the fishery, while a significant part of the overall economic strategy, would proceed with less focus and intensity than at present, as First Nations would have more and different avenues for economic development.
- A significant “land back” initiative to provide First Nations with an appropriate and long-term land base. There is a vital element here. The Peace and Friendship Treaties were not land surrender agreements like the 19th and 20th century agreements with Métis and First Nations peoples. The land rights of First Nations on Canada’s East Coast have never been resolved.
- A major and broad Indigenous training and business development program, patterned after the Atlantic Fisheries Strategy and the capacity-building initiatives launched in association with modern treaty settlements in northern Canada.

The details would require extensive negotiations with First Nations and extensive socio-economic studies to lay an appropriate foundation for the discussions, but they would provide a much more comprehensive economic base than the current fishing-centric arrangements. This approach would address the needs and aspirations of all East Coast First Nations, not just those in coastal communities and with an interest in commercial fishing. A more comprehensive strategy would honour the Peace and Friendship Treaties (which is now a clear and unavoidable legal requirement) and address the mistreatment of First Nations in the region, support broader prosperity on Canada’s East Coast, and broaden the responsibility for addressing First Nations legal and economic rights from its current focus on a single economic sector.

There is a comparable development on the prairies called Treaty Land Entitlement (TLE). It provides some guidance and considerable reason for optimism in this expanded approach. After ignoring First Nations demands for generations, governments recognized that First Nations had been given too little land when the reserves were established. After First Nations forced the issue, the federal and provincial governments launched the TLE process, which provided negotiated settlements that allocated substantial funds to the First Nations. This money could be used to purchase land to add to the reserve or for

other community purposes. Some communities bought land (on the “willing selling, willing buyer” model) adjacent to existing reserves. Others, located in economically marginal areas, bought property in or near larger towns and cities, creating urban reserves and developing a solid commercial base.

In simple form, the government of Canada provided cash to the First Nations to compensate them for an historical error or action subsequently proven to be illegal. The comparison to Canada’s East Coast situation is quite clear. The TLE process has worked out quite well. Canada and Saskatchewan signed an agreement with 25 First Nations in 1992, providing \$440 million to resolve outstanding claims which the First Nations could use to purchase land, buildings, or mineral rights. The federal government covered most of the costs (initially 70 percent), although Saskatchewan undertook to cover an additional 19 percent of the total expenses. One of the most important parts of the agreements is the permanent resolution of outstanding government liabilities.

“ *First Nations could be provided with the necessary means to build vibrant and sustainable economies.* ”

The government of Canada, in full consultation with the First Nations and with full awareness of the impact of their decisions on non-Indigenous peoples, should explore other ways of compensating First Nations for some or all their rights secured under the *Marshall* decision. This must be undertaken as a means of providing a broader, more comprehensive, and fair way of addressing First Nations rights – not as a means of evading legal responsibilities. An open, transparent, and comprehensive strategy could create an approach for the East Coast that is new and collectively beneficial.<sup>5</sup>

Because East Coast fishing rights are valuable, the settlements will not be small. But this approach would have the added benefit of having the country as a whole, not just the non-Indigenous fish harvesters in the region, assume responsibility for the resulting settlement. The First Nations would have the opportunity to use the funds as they wish, including purchasing of additional

fishing licences and quota if that is the community's preference.

This approach would not resolve the question of the federal government's acceptance of First Nations regulation and management of the fishery, a responsibility that the law has recognized as resting with the federal government, which affects the challenges associated with the prioritization of nation-to-nation relations between the government of Canada and First Nations. Current government actions have increased the recognition of Indigenous autonomy and rights separate from DFO systems. Time will show that resource management issues, as with mineral development and the construction of major infrastructure projects, will have to be resolved through extensive tripartite negotiations (government, First Nations, and the industry).

There is no easy or obvious solution to the complex legal, political, economic, and conservation challenges facing the fishing industry on Canada's East Coast, particularly as it relates to the treaty rights of First Nations. The current approach has addressed some aspects of First Nations aspirations, but clearly not all. The model has created other challenges and tensions which, if left unaddressed, will add to the complications of an already complex industry.

If the federal government and the DFO, particularly, take the correct steps, it is possible that the existing fisheries can be sustained and create robust and continuing economic opportunities for First Nations while also supporting a robust non-Indigenous commercial fishery. It is also possible that the players involved could develop transformative management systems that combine the treaty rights and responsibilities of the First Nations, the local knowledge of the non-Indigenous fish harvesters, and the scientific expertise of the DFO, academic scientists, and non-governmental organizations. It is important, perhaps vital, that politics be removed from the processes to rebuild trust and confidence in the regulatory and decision-making system.

### **Gaining political respect from Ottawa**

Fish harvesters, like other resource producers, struggle with regulations and regulators. In general, relations with DFO officers in the field are quite good. The standard complaints hold – that officers can be finicky and inconsistent in applying the regulations – but most of the officers have solid roots in the region and strong familiarity with the fishery sector. For their part, officers face the challenging task of enforcing the complex regulations

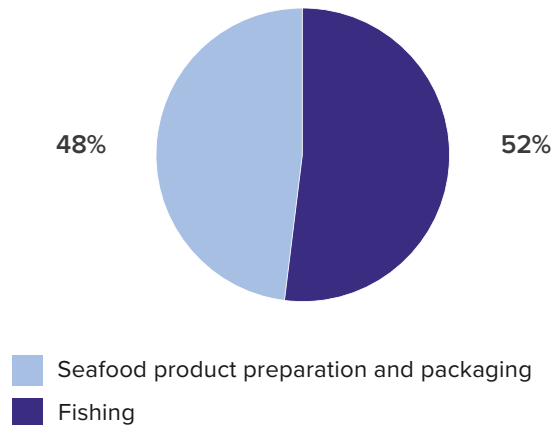
in the often-contentious fishing sector. The opening and closing dates and harvestable catches have become a focus for controversy, particularly following the emergence of the First Nations “moderate livelihood” fishery. Sudden moratoriums on the herring and mackerel fish harvesters generate new challenges. Ottawa’s sensitivity to the perspectives of environmental organizations has only added to tensions between the senior civil service and the East Coast fishing community.

The disconnect between the fishing sector and the political and senior civil service in Ottawa is, from the fish harvesters’ perspective, a significant barrier to the improvement of Canada’s East Coast fishing industry. Direct meetings between the minister of Fisheries and Oceans and the local fishers have, for years, been few and unsatisfactory. Ottawa is seen as aloof and distant, receptive to interventions from environmental groups, highly concerned about First Nations, and largely disengaged from the concerns of fish harvesters and their communities. Federal politicians are interested in licences and quotas and can be protective of local interests and priorities. But interventions on matters of this sort only confuse affairs, shifting the focus from science and DFO-industry collaborations to power politics. Co-management, while difficult, has proven to be quite successful. The current approach to working with First Nations, however, is weakening the foundations and altering the arrangements.

First Nations affairs have added to the tension, not because of Indigenous and treaty rights, which the fish harvesters have generally accepted, but because Ottawa negotiates with the First Nations without involving the non-Indigenous fishing representatives. (This opinion, incidentally, is shared by more than a few First Nations leaders eager for multi-party solutions.) The need to expand First Nations access to the fishery and to address the unclear “moderate livelihood” provisions of the *Marshall* decision will require significant adjustments in the industry. East Coast fish harvesters rightfully want to be part of the search for solutions.

The biggest challenge facing the fishing industry on Canada’s East Coast is also the easiest to address. Ottawa’s political leaders and senior civil service need to take more consistent notice of both the industry and the communities sustained by commercial fishing. While First Nations have a valid call on the government’s attentions, the resolution of fish harvesters’ issues requires holistic collaboration and direct engagement with non-Indigenous fish harvesters and their associations. Comprehensive involvement, even if it must be done in

**FIGURE 1: ATLANTIC FISHING WORKERS; EMPLOYMENT SHARE BY SUB-INDUSTRY**



*Source: Employment and Social Development 2022..*

stages, is essential for the management of the ocean, the protection of Indigenous and non-Indigenous interests, and the proper and prosperous development of the natural resources in the region.

### **Onshore workers and remuneration**

A unique and potential volatile inequality has settled in across Canada's East Coast. For now, returns from the regional fishery have been lucrative, depending on the individual fisher's licence, the species being harvested, market forces, and fishing grounds. Some individuals are securing large sums in gross revenues, often in the hundreds of thousands of dollars per year or more, albeit with expenses rising in recent years. Their core assets, particularly licences, quotas, and fishing boats, are at their highest value ever. But the captains and licence-holders are only part of the industry, albeit crucial elements in a complex and multi-level workforce. There are boat crews, dock workers, boat and engine repairers, and the largest group, processing plant workers (Figure 1).

The commercial success of the East Coast fishing sector has given rise to many job vacancies, comparable to the skilled worker shortages seen across the country.<sup>6</sup> Equally important, the general low paid seasonal jobs, particularly in the processing plants, have had difficulty attracting workers, requiring many employers to take advantage of the temporary foreign workers programs

and willingness of immigrants to tackle what is perceived to be unattractive work. In total, importantly, onshore workers constitute more than half of the employment in the fishing industry (Canadian Council of Professional Fish Harvesters Undated a).

While the incomes of many licence-holders and boat operators (and, generally, fishing crews) have increased with the commercial success of the fishery, the same has not generally held true for onshore workers. The expansion of the harvest and improvements in the preservation of the catch have extended the processing season.

Prospects for those onshore workers are not promising, as a recent government report concluded:

Labour shortages have been an ongoing issue in this industry for a number of years, particularly among processors. One-third of all of those working in Atlantic Canada's fishing and fish processing sector are over the age of 55. Taken together with stagnant population growth, particularly in the rural and coastal communities where facilities are located, high rates of retirement have created a dire need for additional workers. However, young people are becoming increasingly less likely to join the ranks, with seasonality and negative perceptions about the industry often cited as the main reasons. (Employment and Social Development 2022)

The average age of harvesters is around 47, though 40 percent are older than 55. Given the hard, physical nature of the industry, this is beyond normal retirement age. Companies, communities, and fish harvester associations have been responding to the deteriorating workforce situation by recruiting (particularly youth and Indigenous people), changing the duration of the shifts, supporting training and internships programs, providing financial support for transportation to the plants, offering housing for temporary workers, arranging for greater inter-organizational collaboration, and coordinating hiring between seasonal employers. Temporary foreign workers have become the primary fall-back workforce for the industry, with companies and provinces encouraging the newcomers to become permanent residents (Food Processing Skills Canada 2019).

The work environment is changing. Plants have invested heavily in automation, resulting in major improvements in working conditions and job quality (with \$25/hr wages becoming more common). Most of the onshore jobs in the fishing sector require hard, seasonally intense, and often messy work. Even with EI as a back-up and recognizing the need for major reforms in the EI system, returns from the sector are not sufficient to attract and retain the required workers. Forty percent of the workers find work outside the fishing sector to supplement their income (Canadian Council of Professional Fish Harvesters Undated c). Perhaps the major problem is the declining rural and small-town population, which leaves the plants and the industry short of workers. The Temporary Foreign Workers program ensures a sufficient number of employees to process the annual harvest and the availability of Permanent Residents Status has convinced a sizeable number of the workers to live permanently in the small towns and rural areas that are supported by the fishing industry, although housing shortages add to the challenges.



Fishers preparing to go to work in New Brunswick.

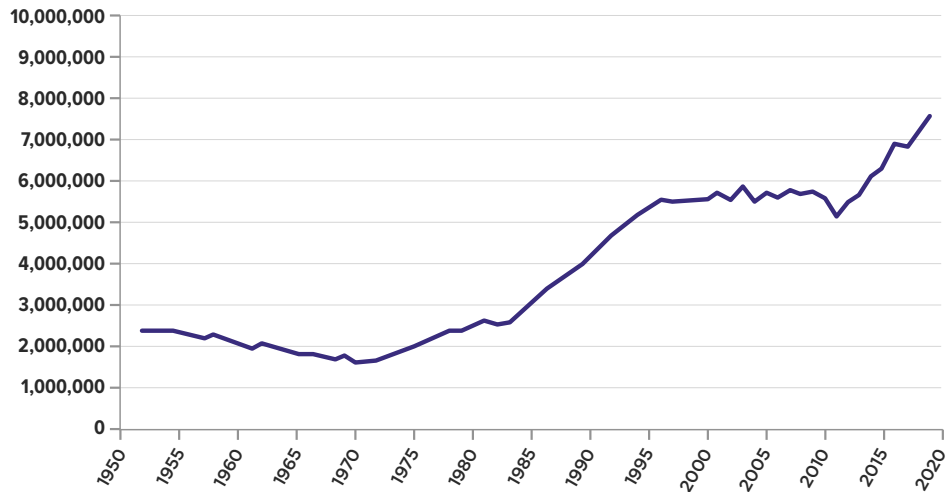
### The ongoing seal controversy

Seals eat fish – a lot of fish. If there are more seals, there are fewer fish. For the past few decades, responding to international pressure related to the harvesting of harp seals, Canada has cut back on the seal harvest, allowing the population to grow dramatically. To East Coast fish harvesters, the fast-growing seal population has undercut efforts at fisheries management and reduced the catch available to the commercial sector. Some are adamant that the federal government should authorize a managed cull of the seal population, a practice that will not sit well with many non-fishing people in Canada. Without systematic and urgent action, the current imbalance in the seal population and consequent harm to the fish stocks and the commercial fishery will only grow.

Scientists debate the relationship between the seal and fish population and are less sure about the causal connections between the increasing number of seals and the decline in certain species (Fisheries and Oceans Canada 2022b; 2022c). The seal controversy is a classic example of where transparent science, close collaboration between all interested parties, and collective solution-making are urgent-



FIGURE 2: ATLANTIC SEAL POPULATION, 1950 TO 2020



Source: Department of Fisheries and Oceans 2022.

ly required. The fish harvesters need to know the basis upon which government decisions are being made, and the scientists need to learn from the collective wisdom of the thousands of experienced fish harvesters who work in East Coast waters. Further, the public needs to understand the complexities of ocean species interaction and the full costs and implications of decisions that are routinely taken far removed from the areas and people most affected.

Seals are not endangered; indeed, their populations are robust and, at present, continuing to grow (Figure 2). But as recent closures of commercial fishing for herring and mackerel demonstrate, fish populations (including lobster and crab) are vulnerable. It is vital that those managing the fishery find an appropriate and sustainable balance between the various species, respect the general need for conservation and ecological balance, and recognize the legitimate commercial needs of the fishing industry. There are other pressures on the fishery, too, including an indigenous food and commercial fishery, and even recreational fishing by non-Indigenous people. Scientists and government officials should better recognize the collective knowledge of the fleet operators and their right to be a central part of the fisheries management decision-making process.

The seal industry, like commercial trapping, and the Canadian oil sands and energy industry generally, are affected by quixotic public perceptions. In the case of the seals, the public’s view of the industry was largely shaped by the sustained and high-celebrity reaction to the harvesting of baby seals off the Atlantic coast from the 1970-1990s. The images and policies that emerged from these controversies continue to shape government policy, where the management and regulation of the population is influenced by public perceptions that, themselves, were created by environmental activists.

### External interventions

Canada’s East Coast fish harvesters have numerous regional and national political and economic issues on their plate, but outsiders continue to complicate matters. In the fall of 2022, an influential environmental group, Seafood Watch, placed Canadian and American lobsters on its “red list” of seafood products to avoid. The aggressive action was sparked by Seafood Watch’s assessment that the sector threatened North Atlantic right whales because “current management measures do not go far enough to mitigate entanglement risks and promote recovery of the species” (Chase 2022). The specific risk, according to the California-based activist organization, was the prospect of the endangered whales becoming entangled in fishing gear.

The listing is a serious economic threat. Many high-end restaurants and retailers use the red list to guide their selection of fish products. Some fish harvesters quickly lost sales as consumer-sensitive firms rushed to protect themselves from potential protests. Hello Fresh, a large-scale supplier of prepared meals for home consumption, quickly indicated their intention to follow the red list guidance. The listing came without consultation with or warnings to the Canadian and American lobster fishery. Other environmental groups, including the Sierra Club, spread the word. Ship strikes are a more common threat to North Atlantic right whales, but the international shipping industry and associated global supply chains provide a much less vulnerable target than small-scale commercial fish harvesters.



Fishing boats operating in the waters around PEI.

Source: Rachel Peters Photography

In the eyes of the fishing industry, the listing came without justification. As Patrice McCarron, executive director of the Maine Lobstermen’s Community Alliance noted, there has not been a recorded commercial interaction with a right whale in 20 years although whale sightings in the Gulf of St. Lawrence are up substantially. She added, “Lobster is one of the most sustainable fisheries in the world due to the effective stewardship practices handed down through generations of lobstermen. These include strict protections for both the lobster resource and right whales” (Associated Press 2022). While there have been rare sightings of right whales in Canadian waters, Canadian lobster harvesters have not had contact with them. Geoff Irvine, executive director of the Lobster Council of Canada, pointed out that the Canadian industry has “an extensive program where when we see a single whale, we close all the fishing around that whale for a period until the whale leaves... They simply say that whales are still dying so you have to do more. Well, it’s only so much we can do” (Alam 2022).



*Social media only enhances the ability of a far-distant activist group to do real economic damage.*

The government of Canada had already introduced new regulations regarding the ropes and gear used for lobster harvesting, covering some of the costs of the tests but imposing a solution that fish harvesters did not find either convenient or appropriate. More significantly, Ottawa has been mostly silent on the red listing since it occurred. The contrast between the speed to regulate – when the fish harvesters are not a significant threat to the right whales – and the reluctance to defend what is arguably the most important industry on Canada’s East Coast is revealing of government priorities.

External interventions, like that of Seafood Watch, are unpredictable, typically occur without consultation, without recourse to scientific evaluation, and with little thought to the potential harm to the industry. Social media only enhances the ability of a far-distant activist group to do real economic damage. The engagement of international environmental groups, most notably

the systematic and destructive attacks on the Canadian trapping industry and even more aggressive critiques of the Alberta oil sands and pipeline projects, have disrupted Canada's resource sector. With Ottawa eager to burnish its environmental credentials, particularly on climate change, industry representatives have been left largely alone to fight back against the criticism.

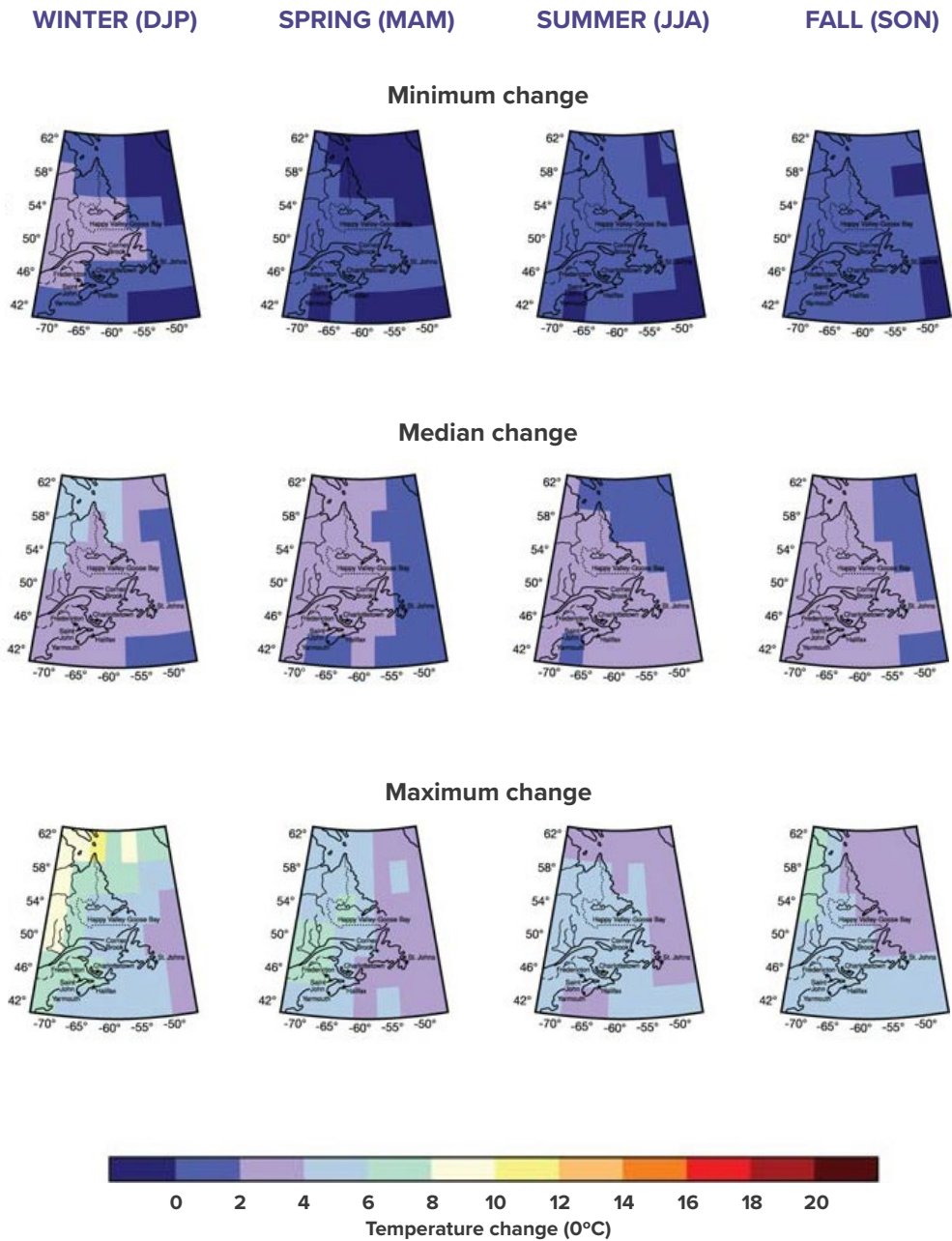
### **Anticipating and responding to climate change**

Climate change is the wild card in all aspects of the Canadian economy, and Canada's East Coast fishing industry is no different. Warming Atlantic waters affect the food available to fish and crustaceans, may change the size and distribution of the harvestable catch, and could affect the life cycles of marine species. Forecasting climate change is, of course, a highly speculative enterprise, as Natural Resources Canada's estimates for East Coast temperature shifts demonstrate (Figure 3). The reality is that global climate conditions are changing, but the speed, intensity, and predictability of these transitions remain uncertain at best.

Changes in water temperature, precipitation, and sedimentation are the most observable effects of climate transitions; it remains to be seen how these effects will filter down through the eco-system to affect fish populations, harvesting limits, and commercial outputs. Changing water and weather conditions could reduce harvest levels, improve harvestable catches, push species out of long-familiar areas, and push or pull new species into unfamiliar regions. Climate change is the great unknown, holding considerable potential to affect the fishing industry, albeit in uncertain and unpredictable ways.

Commercial and ecological planning requires a high level of certainty, but the fishing sector currently enjoys little such stability. Climate change has only added further complexity to an already difficult situation. Going forward, all fish harvesters, scientists, and regulators involved in Canada's East Coast fisheries will have to keep a close eye on climatic conditions and adjust their assessment of allowable harvests, fishing practices, and general ocean management to the shifting climate realities. Achieving a balance between conservation, commercial fishing, Indigenous rights, the protection of sea mammals, and other considerations is a formidable challenge. Getting it right will require unprecedented levels of collaboration, consultation, and trust.

**FIGURE 3: CLIMATE SCENARIO MAPS OF ANNUAL MINIMUM, MEDIAN, AND MAXIMUM TEMPERATURE CHANGES (°C) FOR THE 2020S, 2050S, 2080S.**



Note: Capital letters in parentheses after the seasons represent the relevant months.

Source: Natural Resources Canada 2015.

## **Managing succession: Creating opportunities for the next generation**

In many of Canada's traditional industries, intergenerational succession has become a major issue. Owner-operators, crew members, and plant workers who stuck with the sector through difficult times and who have benefited from the return to sustainable prosperity find themselves in a trying situation. The hard, physical, outdoor labour associated with fishing (or farming) is not particularly appealing to a young generation raised in a more permissive, digital, and complicated age. While many young women and men aspire to take over their parents' operations, the number who do so is in sharp decline in some regions. In others, including the Gaspé, there are often multiple buyers competing for each available licence.

Moreover, the economics of the fishing industry have conspired to make the transition between generations financially difficult, although up to half of the licences may transfer in the next half decade. Evolving economic realities impinge on forecasts, however. Some fisher harvesters who bought in at the peak of the market in 2021 have apparently had to sell because of the triple impact of higher interest rates, falling fish prices and increased fuel costs. Young people aspiring to enter the field must find the money to do so, or at least a down payment to cover a burdensome loan. They must purchase (or inherit or receive from a parent) a licence that is now worth over \$1 million in some areas, and occasionally multiples of that sum.<sup>7</sup> Boats are expensive as is the fishing gear. Prices are volatile and unpredictable, making entry into the business commercially risky and difficult.

In addition, the combination of economics and demographics foreshadow difficult times ahead. Those young people seeking to enter the field face formidable financial barriers, but according to several key industry observers there are not always enough of them to maintain a vibrant regional industry in the long-term.<sup>8</sup> The situation is even more dire in the fishing plants where the combination of comparatively low wages, seasonal employment, and difficult working conditions conspire to make work in the field unappealing to most local young people. The industry increasingly relies on temporary foreign workers and immigrants to fill the positions in the processing plants, but the perpetual challenges of finding suitable employees puts pressure on producers and processors to consider offshore options. The growth of regional tourism and other employment opportunities and

economic factors are further constraining the recruitment and retention of fishery workers.

There is no immediate solution to this challenge. Like agriculture, it reflects the rising value of licences and property, increasingly expensive equipment, uncertain returns, and the career and life choices of the younger generation. The future of the industry and the communities that depend on its long-term viability rests on building enthusiasm for the fishery among young people, collective processes for supporting new entrants into the industry, frank conversations between parents and children, access to start-up capital for young owner-operators, and a region-wide approach to immigration and workforce management to ensure the availability of an appropriately sized and trained workforce for the processing plants. Some areas, particularly the Gaspé, are doing better than others in this regard and are experiencing an influx of workers from other areas.



*The demographic time bomb of an aging fishing industry ... warrants far greater attention.*

There is, of course, an available and increasingly engaged pool of workers and operators beyond the sons and daughters of existing fish harvesters – the First Nations on Canada’s East Coast. They have access to funds to purchase licences (generally through the communities) by way of *Marshall* decision programs, many are committed to living in the region and in their communities, and their demographic and employment profiles suggest that First Nations youth could be the work force saviour of the East Coast fishery. The rapid expansion of Indigenous participation in the fishery in the past two decades shows that this could be a viable strategy, with largely unheralded First Nations investments in processing plants and elevated service functions demonstrating that the Indigenous communities could well step into the demographic void that exists in the industry.

Canada does not do particularly well at supporting workforce and community transitions, despite major efforts by provincial, territorial, and

federal governments. A national preoccupation with white collar/office work and university attendance has lessened the collective interest in the skilled trades and resource work, creating significant labour deficits across the country. Canada's East Coast provides an opportunity – and a demonstrable need – for collaborative approaches that include extensive engagement with First Nations communities and youth, regional training institutions, parents, industry associations, and provincial governments. Some significant work has started in this area, but the demographic time bomb of an aging fishing industry, as defined by fishery analyst Richard Williams, particularly among owner-operators, warrants far greater attention and concerted action (Canadian Council of Professional Fish Harvesters 2020; Undated b). Frankly, the government of Canada has not been effective at sustaining and building the economies of small communities on Canada's East Coast. The fishing industry presents a significant collective challenge.

### **The commercial structure of Canada's East Coast fishery**

Globally the fishing industry faces some formidable structural pressures. The current model is well-known: the offshore fishery is controlled by major corporations and fishing companies as they have the funds to supply expensive vessels and the ability to manage large catches destined for foreign markets. The inshore fishery operates differently. Licences are held by owner-operators who represent the backbone of the industry. There are some complexities here, including owner relationships with processing companies, operators, and some First Nations communities who lease out their licences to non-Indigenous fish harvesters. Overall, however, the owner-operator is a regional social priority, the focus for government policy, and the economic foundation of small town and rural life on Canada's East Coast.

The future holds real dangers to this model. Communal licences, owned by First Nations, do not function the same way as owner-operator licences and are not, in the eyes of the government of Canada, subject to the same commercial regulations. The fragmentation of the industry will have pronounced but unspecified impacts on product prices, the flow of product to local processing plants, and changes to employment patterns and wages. The resulting consolidation of the industry, which may show up through further licence purchases, could have transformative and not necessarily beneficial effects on



the East Coast. It is vital to remember that there have been severe failures in fisheries management in Atlantic Canada (cod, herring, mackerel) and on the West Coast (salmon). Hypervigilance and effective co-management is essential if the fishery is to remain viable and sustainable.

This is not a small matter. Without the owner-operator model – and there is pressure to require licence-holders to fish using their licences and not lease them out to others – the regional economy would shift quickly to a corporate-dominated structure or a more heavily communal-based structure that would result in different relationships with regulators than the owner-operators now have. This would, in turn, lessen the financial returns to individual fisher-operators and to the communities. The social dynamics within the communities would be changed, perhaps dramatically, as corporate cultures would change the generations-old focus on boat captains, crew members, continuity between family members, and community stability. Other countries have long recognized the local and national value of maintaining the vitality of home-grown ownership. Stable, sustainable, and economically solid communities benefit from local ownership.



*Stable, sustainable, and economically solid communities benefit from local ownership.*

This is, ultimately, one of the greatest issues associated with exploitation of resources extracted from “the commons.” The fish in Canada’s East Coast waters belong to the people of Canada and, appropriately, are to be used in the public interest. This is why resource development on common lands and waters is subject to licensing, quotas, and government oversight. In the absence of such controls, a free-for-all would ensue, and the resources would likely be exploited to the detriment of long-term sustainability. This happened on the Great Plains, where the absence of controls and oversight resulted in the near-total destruction of the bison herds that once dominated the region.

As a country sets out to manage its resources, it must decide how to use this wealth in the best interests of the nation as a whole. This can result in personal profit – as has been the case for Canada’s East Coast fish harvesters – but the government has an obligation to look to the broader benefits that accrue to society. Authorities can maximize the corporate financial return from harvesting, an approach that favours corporate concentration, larger fishing vessels, and more industrial processing facilities. Or they can focus on non-financial priorities and maximize employment, community well-being, and regional stability. In managing the East Coast fishery, the government of Canada (with the support of the fishing industry associations and provincial governments) should continue to emphasize the viability of owner-operator businesses, the economic strength of East Coast communities, and the collective return to the people of the region and Canada.

### Surviving on rough waters

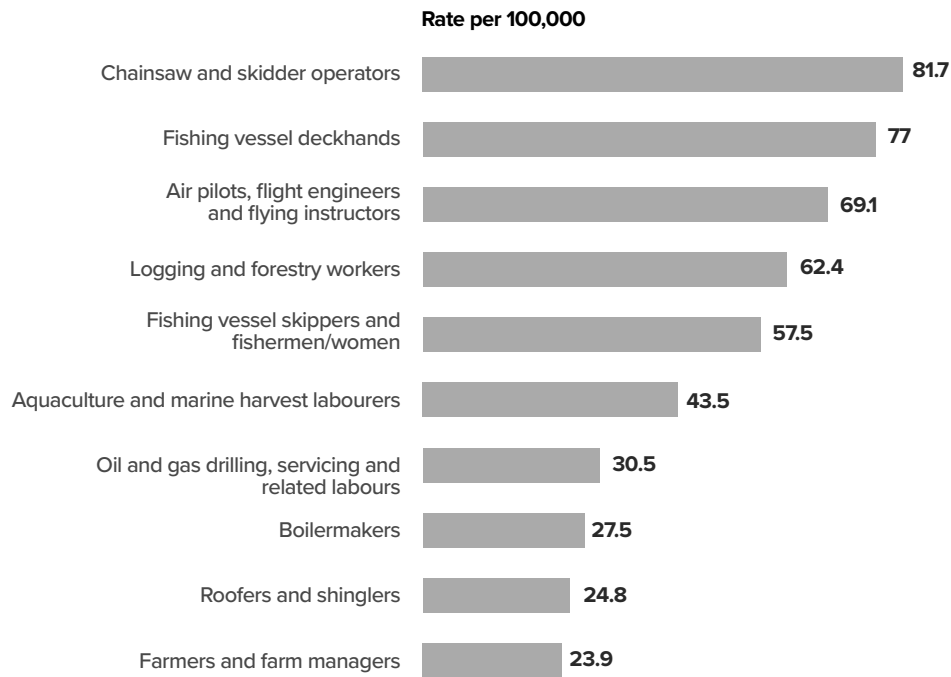
A monument at the Fisheries Museum of the Atlantic in Lunenburg, Nova Scotia, presents a stark image: the names of 600 men and women lost at sea. The public pays surprisingly little attention to the real-life dangers and challenges faced daily by the country’s fish harvesters. Deaths and injuries suffered by first responders – police officers and fire fighters – get their due attention. But the risks associated with fishing are largely ignored – though not by the folks who live near the turbulent and unpredictable waters of Canada’s East Coast. With frequent storms, cold water, heavy gear, ropes, and traps, and, typically, relatively small boats, fishermen work in what are volatile and occasionally dangerous conditions.

A 2017 report by the *Globe and Mail* made it clear that fishing was among the most dangerous industries in the country (Figure 4). Forty-five marine workers (on all coasts and inland waters) died between 2018 and 2020. To the frustrates of observers, the Transportation Safety Board has determined that a sizeable number of the deaths were preventable. According to the Board, 29 workers perished between 2015 and 2021 after boats went down in which the crew and passengers were



Monument at the Fisheries Museum, Lunenburg, NS.  
Source: Cogswell 2017

**FIGURE 4: THE 10 OCCUPATIONS WITH THE HIGHEST AVERAGE (TRAUMATIC INJURY) FATALITY RATES, 2011-2015**



Source: Grant 2017.

not wearing flotation devices or survival suits, or where their vessels did not have distress-alert systems on board.

The issue is a major concern among the various fishermen’s associations, the federal Transportation Safety Board, and the provincial authorities. Boat stability is also a serious issue and likewise needs to be addressed systematically. Government support is available for the purchase of safety gear, regular public education, and numerous safety promotion efforts. But resistance remains strong among the fish harvesters among whom bravado and a high risk-tolerance are commonplace.

Fishing is a tough, cold, extremely difficult enterprise, and the prospect of death at sea is obviously a serious reality for East Coast fish harvesters. Many harvesters have multi-generational roots in the ocean trades, their engagement beginning long before the high return conditions of recent years. Questions of safety remain fundamental within the industry but the challenge of transforming workplace culture in the fishery continues.

## The future of the East Coast fishery

As the people on Canada's East Coast, the fishing industry, and governments contemplate the future of the East Coast fishery, they must address a series of significant issues.

### Connecting with First Nations

Canada's East Coast fish harvesters have responded quite well, in general, to the *Marshall* decision. A comparatively small number of unacceptable actions and measures have marred an otherwise tense but peaceable transition. The work of continuing the transition, which remains controversial across the East Coast, is not done. The partially defined and court-recognized treaty rights of First Nations to fish for commercial purposes will not change, but the rights and privileges will be refined, redefined, and possibly expanded in the years ahead. Fish harvesters must continue to reach out to First Nations and hope that their effort will be reciprocated.

This effort should not be left to politicians and industry associations. Individuals should lead the process – by going to First Nations events and ceremonies, inviting First Nations to non-Indigenous events, and otherwise engaging with Indigenous peoples and communities. These personal and professional connections, alongside collaborations with First Nations, governments, and industry representatives, will create a foundation for constructive and mutually beneficial relationships in the fishery and throughout Canada's East Coast. Thus far, the West Coast fishery has seen more of these types of efforts than has Eastern Canada (Standing Committee on Fisheries and Oceans 2019; Titian 2019).

### Getting the attention and support of federal politicians

At present, Canada's federal politicians and officials are considerably more afraid of First Nations resistance and protests than they are about uprisings among East Coast fish harvesters. The rising legal and political authority of First Nations, reinforced by the consistency of the courts in sustaining and enhancing Indigenous and treaty rights, has made Ottawa reluctant to press back on First Nations' demands. The same does not hold for the fishing industry and its

community representatives. The government has been less than forthcoming with industry representatives and continues to reach agreements with First Nations without engaging with non-Indigenous representatives.

The government's approach is flawed. As the last two decades have shown, Canada's East Coast fish harvesters and their industry associations have collaborated extensively with DFO officials on the development of regional management strategies that have sustained and enhanced the fishery. Ottawa must continue to respect First Nations' treaty rights and officials have to understand how those rights, including the "moderate livelihood" fishery, can be accommodated. But changes to conservation practices, including the extension or constraint of fishing seasons, must also be settled with the entire fishing community. Continuing legal review will provide further definitions, but court decisions rarely provide real and sustainable clarity.

At present, First Nations have insisted on nation-to-nation negotiations with federal representatives. These discussions will and must continue. But final resolutions have to be discussed with non-Indigenous fish harvesters as well. The federal government can undertake shuttle diplomacy between Indigenous and non-Indigenous representatives, or it can, by earning the trust of all participants, finalize the formal arrangements following meetings with both First Nations and non-Indigenous fish harvesters.

Politically, this reality can be stated directly: are politicians more worried about First Nations assertions of rights or of the potential backlash against Indigenous rights in the non-Indigenous fishing communities? The situation need not be reduced to such an elemental conflict. Solutions are available to involve Indigenous and non-Indigenous peoples as full partners.

The consultation and engagement processes will not reach this desirable goal overnight. Building trust, understanding, and a multi-party commitment to collaboration will take time. But the federal government must make this end goal a high priority, consistent with the need to deal properly and honourably with First Nations while respecting its obligation to involve non-Indigenous fish harvesters and their representatives in the management of the fishery. The politicians and senior civil servants in Ottawa need to give the fishing industry greater respect and more systematic attention. The future of a vital Canadian industry and the villages and towns associated with the fishing sector depend on it.

## Connecting with other resource producers

Canada's East Coast fishery could secure greater political power and attention if its leaders realized that they had common cause with resource producers across the country. The past decade has not been kind to workers and small businesses in the oil and gas sector (with the unrelenting pressure from environmentalists and little support from Ottawa), forestry (facing large scale reductions, particularly in British Columbia), mining (where viable projects are delayed by regulatory and permitting procedures) and farming (the more recent target of federal climate change plans). With the nation's politics firmly focused on the largest cities, the concerns of resource producers and the communities associated with them are getting short shrift in Canadian affairs.

Individually, these commercial sectors are struggling to get national attention even though the resource industries as a whole have underpinned Canadian prosperity for generations and hold the key to the vitality of rural areas and small towns across the country. Collectively, the resource producers and their industry associations, unions, and local political representatives could be a formidable political force. They could, if properly mobilized, put pressure on all Canadian political parties (federally, provincially, and territorially), attract the attention of the nation's media, and shape the Canadian policy agenda.

All resource producers face similar public policy challenges. They are subject to federal climate change and environmental regulations, have been largely left out of Ottawa's nation-to-nation relationships with First Nations, are buffeted by global market pressures, struggling to get major infrastructure projects completed, and coping with what many perceive as over-regulation and limited national political attention. Considerable common cause – and a great deal of political influence – could be secured by collective, non-partisan, public intervention.

By itself, the challenges and turmoil the East Coast fishing industry are facing is largely a regional and local story. Collectively, Canada's fish harvesters, farmers, miners, loggers, and energy and infrastructure workers have a powerful story to tell, one founded on a long history of economic contribution to the country. The concerns, needs, and aspirations of Canada's East Coast fishing industry deserves national attention; the sector will get more of the consideration it warrants when it forges public connections to other resource producers across the country.

## **New approaches to meeting Canada's *Marshall* decision obligations**

First Nations on the East Coast deserve full and sustained attention to their still only partially defined treaty rights and their unresolved rights to their traditional territories. But the current approach to resolving Canada's obligations under the 1999 *Marshall* decision, which focuses exclusively on ensuring First Nations access to the fishing industry, is not in the best interests of anyone. Not all First Nations see a future in the fishing industry. Some East Coast First Nations do not live on the coast and are not obvious beneficiaries of the *Marshall* decisions. They should, however, still have access to secure financial, employment, and commercial benefits, recognizing that the 18th century treaties provided First Nations with economic benefits that were subsequently denied for over 200 years. The obligation to address the First Nations' treaty rights rests with the government of Canada and, equally, with all Canadians – not just the East Coast fishing industry.

“*The concerns, needs, and aspirations of Canada's East Coast fishing industry deserves national attention.*”

Other models – such as the Treaty Land Entitlement process on the prairies and the modern treaty negotiations in Canada's North – are providing more general settlements, greater flexibility for the First Nations communities and beneficiaries, no singling out of a single industry and, importantly, the full and fair recognition of the constitutionally protected but unresolved treaty and Aboriginal rights of First Nations. For instance, the federal government recently concluded a \$133 million settlement with the Clearwater River Dene First Nation in Saskatchewan that acknowledged Ottawa's failure to deliver on its treaty commitment to provide “cows and ploughs,” or the wherewithal to participate in the new Western Canadian economy, following the signing of the 1898 Treaty 8. Fisheries are not the same as land; the East Coast will need

its own flexible and creative approaches that recognize and embrace Indigenous and treaty rights but that provide sustainable solutions for all parties.

A comprehensive approach to the negotiations could return substantial benefits to the First Nations on Canada's East Coast. The Supreme Court of Canada decided in *Marshall* that First Nations on the East Coast were inappropriately blocked from exercising their treaty rights. Addressing this historical error includes a better definition and recognition of First Nations fishing rights, but it requires much more. A broad approach would provide a great measure of justice, shift the obligation for dealing with the legal responsibility from the East Coast fishing industry alone to all Canadians, and provide First Nations and East Coast Canadians with a number of ways to achieve meaningful reconciliation and the economic re-empowerment of the Mi'kmaq and Maliseet people of the region.

## Final Thoughts

**There is much to be celebrated** in the current state of Canada's East Coast fishery, but more needs to be done to ensure that the industry's success is sustained and enhanced. Relations with First Nations remains key and all players involved should accelerate the transition from tension and uncertainty to collaboration and shared planning. Ideally everyone will accept the eventual resolution, which must be consistent with legal and constitutional rights. Failure to get a broad consensus on any approach will leave federal and provincial authorities and the non-Indigenous population with substantial problems with the transition. The responsibility for addressing First Nations treaty rights must be broadened and extended beyond the one industry that has, for 20 years, almost single-handedly faced the major challenges and carried the burden associated with addressing a centuries-long problem.

The owner-operator model that underpins the prosperity and vitality of the East Coast fishing industry has to be protected and, with a view to succession planning and intergenerational transitions, enhanced. The wages and living conditions for those working in the processing plants must be improved to



ensure that steady, appropriately paid work is available throughout the region. There must be a continued focus on improving relationships between the DFO and the fish harvesters and their industry associations, particularly in Ottawa's treatment of and response to them. For their part, industry associations in the fishery sector should continue to recognize shared interests with resource producers across the country, many of whom face comparable challenges.

Perhaps most significantly, Canadians need to better appreciate the many important economic contributions that Canada's East Coast fishery makes to the well-being of the country, and particularly the vital role the sector plays in preserving and enhancing the viability of small towns and rural areas in the region. There is a major, long overdue transition underway on the East Coast, one that promises major contributions to reconciliation with First Nations, a workable model for rural revitalization, and substantial contributions to Canadian prosperity. A collaborative decision-making approach, while limited by Ottawa's unwillingness to engage with fish harvesters and their communities, has nonetheless stabilized harvests, protected fish stocks, and offered an excellent means of protecting the ecology and the industry from the uncertainties of climate change.

Canada's East Coast fishing industry produces food for millions of people around the world. Capitalizing on the potential of the industry, however, requires more and careful attention to the needs and interests of the fish harvesters and fishing communities on the nation's East Coast. The country requires an integrated, collaborative, and transparent approach to fisheries management that is consistent with the treaty rights and aspirations of First Nations and the economic potential of an industry that is already highly accomplished at resource management, commercial development, and technological innovation. [MLI](#)

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He has also worked as a consultant for Indigenous groups and governments in Canada, New Zealand, and Australia as well as for the United Nations, companies, and think tanks. He has previously published on such topics as Arctic sovereignty, Aboriginal rights in the Maritimes, northern treaty and land claims processes, regional economic development, and government strategies for working with Indigenous peoples in Canada. His book, *A Global History of Indigenous Peoples: Struggle and Survival*, offered a world history perspective on the issues facing Indigenous communities and governments. He was co-author of the Donner Prize winner for the best book on public policy in Canada, *Arctic Front: Defending Canada in the Far North*, and was short-listed for the same award for his earlier work, *The Marshall Decision and Aboriginal Rights in the Maritimes*.

Ken contributes regularly, through newspaper pieces and radio and television interviews, to contemporary discussions on northern, Indigenous, and technology-related issues. [MLI](#)

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## Endnotes

- 1 Six other First Nations subsequently negotiated moderate livelihood fisheries with the government. Far too little has been made of the extensive and generally peaceful engagements between Indigenous and non-Indigenous fish harvesters.
- 2 Williams and Wein (2022) provide various perspectives on this topic.
- 3 The Supreme Court judgments in 1999 turned on the arguments by Donald Marshall, Jr.'s lawyers that the British authorities had, in the 18th century, recognized that the First Nations would have access to the “truck houses,” the primary outlet for commerce in the British colonies in Canada’s East Coast region.
- 4 Joshua Bernard sought to expand this right to commercial logging, but in 2005 the Supreme Court did not find sufficient historical evidence to sustain the argument.
- 5 On a side note, and mirroring the experience with modern treaties in Western and Northern Canada, non-Indigenous Canadians would soon realize, as has happened with the post-*Marshall* fishery, that the re-empowerment of First Nations is one of Canada’s most effective regional economic development strategies.
- 6 The pandemic, which resulted in a sharp decline in restaurant meals internationally, resulted in significant short-term disruptions in fishing employment.
- 7 A licence covering more than 230 traps in the Gaspé was reportedly sold for \$3.5 million, likely financed by investors who backed the fisher in return for a share in downstream profits. Personal correspondence with fishing associations official, Gaspé region, September 2022.
- 8 Personal correspondence with Maritime fishing associations officials, 2022.

# Appendix 1

## The Scale and Diversity of Canada's East Coast Fishery

The Canadian fishing industry generated some \$2.5 billion in revenue in 2020, employed thousands of people directly in the fishing industry, and thousands more in associated service and supply businesses (Canadian Council of Professional Fish Harvesters Undated a). Hundreds of small towns and coastal villages on Canada's East Coast live and die economically on the back of the coastal fisheries, a reality that has played out painfully over the past 50 years in the cod-dependent communities of Newfoundland and Labrador and other East Coast areas. At present, the lobster and crab fisheries attract the greatest attention, but the sector is larger, more geographically dispersed, diverse, and comprehensive than most Canadians appreciate (Table 3).

The fishery is a fascinating industry. Licence-holders have the right to fish commercially within a defined region, carefully demarcated and closely monitored by the DFO. The government of Canada uses open seasons (the number of days when commercial fishing is permitted) to regulate harvesting activity and to manage the fishery. There are myriad regulations that cover fishing activities, from specific guidelines on the gear fishers can use, to fish size, to allowable by-catch, and many other elements. Fish harvesters have no assured catch. During the open seasons and within the parameters set by the DFO for conservation and long-term commercial purposes, each owner-operator fisher can harvest within the broad limits set by government. Therefore, individual earnings represent a combination of the right to fish (the licence) and the professional fisher's ability, which produces substantial variation in personal returns from sector. While some people hold multiple licenses, most owner-operators run single boats.

Processing the catch is a vital part of the industry. In the offshore fishery, large processing ships accompany the fleet to the fishing grounds, collecting the harvests from the individual ships, which themselves are large industrial-scale vessels. In the inshore fishery, which includes lobster, crab, and oyster harvesters, as well as fishers of mackerel and herring, tuna, and other species, the boats are smaller, with proportionately smaller crews, and with none of the large factory processing ships that operate on the high seas.

There are pressures on the government to allow greater concentration of licence and boat ownership, and in some instances tight connections have

**TABLE 3: 2020 VALUE OF ATLANTIC COAST COMMERCIAL LANDINGS, BY PROVINCE (THOUSAND DOLLARS)**

SPECIES	NS	NB	PEI	QC	NL	ATLANTIC TOTAL
<b>Groundfish</b>						
Cod	1,015	2	4	262	12,770	14,052
Haddock	16,952	X	0	X	80	17,032
Redfish spp.	7,678	X	0	X	4,361	12,090
Halibut	4,557	112	74	775	862	6,379
Flatfishes	736	5	0	417	14,639	15,797
Greenland turbot	X	X	0	1,162	9,527	10,715
Pollock	3,082	X	0	X	88	3,171
Hake	3,671	X	0	X	290	3,976
Cusk	146	X	0	0	X	146
Catfish	0	0	0	0	0	0
Skate	X	0	0	X	499	581
Dogfish	1	X	0	0	X	1
Other	665	1	0	27	34	727
<b>Total groundfish</b>	<b>38,609</b>	<b>123</b>	<b>78</b>	<b>2,709</b>	<b>43,151</b>	<b>84,669</b>
<b>Pelagic and other fin fish</b>						
Herring	44,484	23,574	1,878	3,161	8,449	81,546
Mackerel	1,339	346	1,471	787	4,015	7,958
Swordfish	1,334	0	0	0	0	1,334
Tuna	522	5	191	31	28	778
Alewife	789	2,320	50	0	0	3,159
Eel	X	20	46	X	32	106
Salmon	0	0	0	0	0	0
Smelt	X	X	26	0	0	59
Silversides	0	0	167	0	0	167
Shark	1	0	0	1	0	2
Capelin	0	X	0	X	23,986	26,467
Other	17	X	0	X	18	37
<b>Total pelagics</b>	<b>48,494</b>	<b>26,789</b>	<b>3,830</b>	<b>5,972</b>	<b>36,528</b>	<b>121,613</b>

...cont'd



SPECIES	NS	NB	NS	NS	NS	ATLANTIC TOTAL
<b>Shellfish</b>						
Clams/quahaug	21,331	X	538	930	X	38,769
Oyster <sup>1</sup>	29	37	237	0	0	303
Scallop table <sup>2</sup>	57,827	3,942	270	449	975	X
Squid	X	0	0	X	3,515	3,549
Mussel <sup>3</sup>	0	0	0	X	0	X
Lobster	42,440	21,109	16,777	10,530	4,452	95,309
Shrimp	19,209	3,123	0	10,863	32,913	66,108
Crab, Queen	14,290	11,621	3,199	12,668	29,372	71,150
Crab, Other	632	X	889	681	X	2,725
Whelks	X	0	0	912	X	2,336
Cockles	X	0	0	0	X	2,206
Sea cucumbers	X	X	0	1,032	6,712	10,434
Sea urchin	X	720	0	423	X	1,489
Other	0	0	0	X	0	X
<b>Total shellfish</b>	<b>158,997</b>	<b>41,879</b>	<b>21,909</b>	<b>38,492</b>	<b>96,566</b>	<b>357,843</b>
<b>Subtotal</b>	<b>246,099</b>	<b>68,791</b>	<b>25,816</b>	<b>47,173</b>	<b>176,245</b>	<b>564,124</b>
<b>Others</b>						
Marine plants	X	X	0	0	0	X
Lumpfish roe	X	X	0	X	79	X
Miscellaneous	X	X	0	X	2,333	2,335
Total others	84	9,801	0	3	2,412	12,300
<b>GRAND TOTAL<sup>4</sup></b>	<b>246,183</b>	<b>78,593</b>	<b>25,816</b>	<b>47,176</b>	<b>178,657</b>	<b>576,425</b>

- x Suppressed to meet confidentiality requirements
- 1 Oyster: Atlantic includes wild and farmed data.
- 2 Scallop includes meat with roe.
- 3 PEI mussels are now classified under “aquaculture” because they are a farmed product.
- 4 Totals may not add up due to rounding.

Source: Department of Fisheries and Oceans (2022). Zonal Interchange File [database]. Ottawa

emerged between processing plants, fish marketing firms, and the owner-operators and licence-holders. Communities and the region are worried about the sector's possible transition to large-scale commercial operations because the owner-operator system is central to the long-term prosperity of Canada's East Coast. China's emergence as both a major and growing market for Canadian fish products and as investors in East Coast fish harvesting and processing worries observers who have seen the effect of corporate concentration in other sectors and in other countries.

In sum, despite its significant challenges and occasional controversies, Canada's East Coast fishery is well-managed, commercially strong, and ecologically solid. It is a complicated and heavily regulated sector that relies on the professionalism of the fish harvesters and the operation of a web of processing plants, marketing companies, and shipping firms. The East Coast fishery has been operating quietly, off the national radar, for decades and even the remarkable prosperity of the current lobster and crab fisheries have attracted much less attention than occasional flare-ups over First Nations fishing rights. [MLI](#)

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