

EXECUTIVE SUMMARY

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The committee believes that a new way forward is needed; one that is based on true collaboration and a shared decision-making framework.

The Standing Senate Committee on Fisheries and Oceans (the committee) undertook a study on Indigenous rights-based fisheries, specifically those affirmed in the 1999 Marshall decision. The committee learned that the rights-based fisheries that were affirmed in the Marshall decision have yet to be fully implemented by the Government of Canada and the lack of implementation has led to rising tensions and even violence.

Through witness testimony, the committee heard how rights-based fisheries are often misunderstood. Committee members are thankful to all those who shared their experiences and expertise to help shed light on these fisheries, their implementation to date and avenues on how to better implement them going forward. The committee heard from First Nation leaders and representatives, commercial fisheries representatives, academics and government officials. We thank them all for their time and for the knowledge that they shared.

The report discusses several themes and presents **10 recommendations** on various topics. The report first explores the origins of the rights-based fisheries affirmed in the Marshall decision and puts them into context. These rights-based fisheries affect 35 Mi'kmaq, Wolastoqiyik and Peskotomuhkati First Nations in New Brunswick, Prince Edward Island, Nova Scotia, and the Gaspé Region of Quebec. The report then outlines the ways in which the Government of Canada reacted to the Marshall decision and describes the policy-based response it had, as well as discusses the more recent short-term agreements that have been reached with certain First Nations.

The report outlines that although the Government of Canada acknowledges that rights-based fisheries should be given priority over privilege-based fisheries, this is not put into practice by Fisheries and Oceans Canada. Overall, the committee concluded that the Government of Canada has not implemented these rights-based fisheries and proposes a three-step plan to move forward with their full implementation (**Recommendation 1**).

The committee heard testimony about systemic racism within Government of Canada departments, policies, and regulations. In addition, witnesses explained that First Nation fishers are concerned for their safety and security while exercising their rights to fish, which the committee finds unacceptable. The committee makes recommendations to help address systemic racism (**Recommendation 4**), integrate Indigenous laws, principles, and knowledge into decision-making processes (**Recommendation 5**) and promote ongoing education and dialogue (**Recommendations 8 and 9**), all of which can help address systemic racism and safety concerns.

Finally, the committee found that Fisheries and Oceans Canada has not been an effective lead negotiator regarding the implementation of rights-based fisheries. Therefore, the committee recommends that Crown-Indigenous Relations and Northern Affairs Canada lead fisheries-related negotiations, with Fisheries and Oceans Canada acting in an advisory capacity (**Recommendation 7**).

The committee believes that a new way forward is needed; one that is based on true collaboration and a shared decision-making framework.

Moderate livelihood fisheries are rights-based fisheries and provide rights holders with the ability to fish and sell the fish caught in pursuit of a moderate livelihood, and to co-govern and co-manage these fisheries. Rights holders should not have to wait any longer for their rights to be fully implemented.
