



ATLANTIC POLICY CONGRESS  
OF FIRST NATIONS CHIEFS SECRETARIAT

# Communal Commercial Licensing Policy RESEARCH PROJECT



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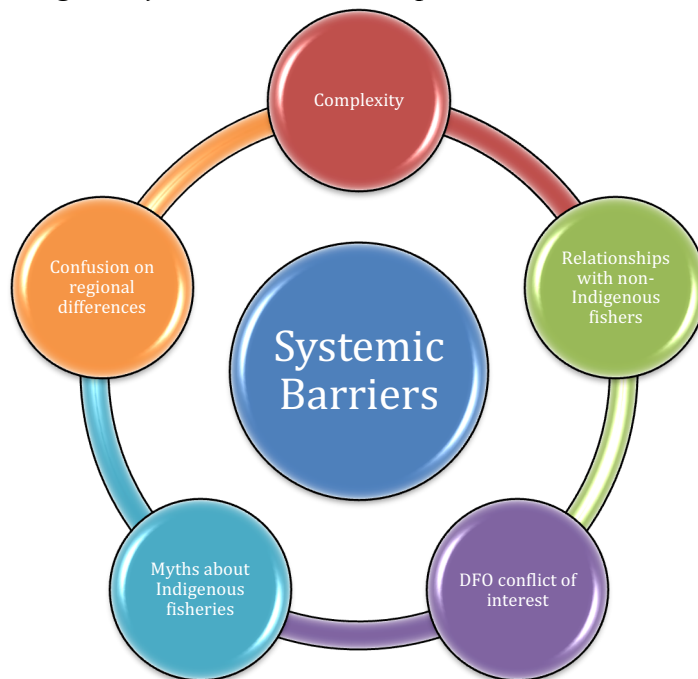
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# Executive Summary

APC engaged the services of Generation Z Research Inc. to undertake research, on behalf of the Atlantic region, to review the Eastern Canada Communal Commercial Licensing Policy. This includes a summary of the past and current history of communal commercial fisheries licencing policies and regulations within Canada, with a focus on Atlantic Canada including Quebec and Labrador. The summary identifies and assesses what policies and regulations have been developed, the purpose of their development, the implementation to date, and what changes, if any, have been noted to date, including research via literature review and community engagement/input with Atlantic First Nations communities and the Aboriginal Aquatic Resources and Oceans Management (AAROM) bodies.

The project involved building from the three community workshops held in the Winter of 2023 with fishers, AAROMs, and fisheries organizations. The research met with individuals and groups from the Atlantic region, including Eastern Quebec to determine the gaps and barriers to the Communal Commercial Licensing Policy Framework development process. The feedback from participants identified several key challenge areas. The following topics varied greatly from region to region and nation to nation but are presented as overall challenges with the *Communal Commercial Licensing Policy Framework Development*.



We have provided 20 recommendations to address the gaps. There are five overarching recommendations: a) First Nations First Leading to Self-Determination, b) Listen to our Feedback and Make Meaningful Change, c) DFO Needs a Refresher on Indigenous Rights, d) Flexibility is Needed to Run our Businesses Sustainably, and e) Plain Language Reports / Language Translations, In addition, we recommended 10 actions to help drive the CCLP framework development and 5 recommendations to help APCFNC develop a co-managed continuous improvement process with DFO to support the community’s needs.

# Part 1: CCLP Research Project Overview

## Introduction

### Guiding Purpose for the Project

The purpose of the Communal Commercial Licensing Policy Research work is to provide a review and recommendations of the Eastern Canada Communal Commercial Licensing Policy to identify potential risks and consequences for Atlantic First Nations communities from the currently proposed updates. Our team's focus is to deliver a clear and concise set of recommendations to help APCFNC guide the Indigenous Community's perspective and interests in the Communal Commercial Licensing Policy with the Fisheries and Oceans Canada (DFO).

### Project Scope

APC engaged the services of Generation Z Research Inc. to undertake research, on behalf of the Atlantic region, to review the Eastern Canada Communal Commercial Licensing Policy. This includes a summary of the past and current history of communal commercial fisheries licensing policies and regulations within Canada, with a focus on Atlantic Canada including Quebec and Labrador. The summary identifies and assesses what policies and regulations have been developed, the purpose of their development, the implementation to date, and what changes, if any, have been noted to date, including research via literature review and community engagement/input with Atlantic First Nations communities and the Aboriginal Aquatic Resources and Oceans Management (AAROM) bodies.

### Project Objectives & Activities

The high-level goals of the project are to provide the following:

- Identify potential risks and consequences for the Atlantic First Nations communities from the currently proposed updates to the Communal Commercial Licensing Policy by the DFO.
- Identify key gaps and recommendations to address the gaps in the proposed CCLP.
- The recommendations are focused on a co-development approach and implementation of the Eastern Canada Communal Commercial Licensing Policy.

#### Key Activities

- Literature Review of current and historical research relevant to CCLP
- Attending the February 9<sup>th</sup>, and March 8<sup>th</sup> and 9<sup>th</sup> Communal Commercial Licensing Policy Workshops.
- Develop questions through virtual interviews with Fisheries Managers, Coordinators, and Directors to gather community input.

#### Special Note:

- A key focus in the recommendations is the consideration of Indigenous Knowledge Systems and Etuaptmunk (Two-Eyed-Seeing) for the recommendations.

## Part 2: Literature Review

### **Objective 1: Conduct a literature review to assess the current state and best practices for communal commercial licensing policy for Indigenous interests.**

**Procedure:** A secondary research approach was used to collect and analyze the information using a 5-step process.

- 1) Database – a database of scholarly literature on resource management officer roles, competencies, and development programs.
- 2) Interviews – Interviews were conducted with Fisheries Directors, Coordinators and Managers
- 3) Field trip to Newfoundland to understand the practices and needs of the Mi'kmaq, Qalipu, and Innu Nations' communal commercial licensing needs.
- 4) Report development
- 5) Research mentorship development strategy to help research assistant capacity-building.

The literature was organized into themes of the foci of the literature (i.e., communal, commercial, licensing, policy, fisheries, Indigenous livelihood, Netukulimk as examples...), and any organizations, governments, or institutions affiliated with CCLP.

The full literature review includes the first relevant peer-reviewed 100 articles for each of these search terms.

- a. Literature Review – a literature review on Communal Commercial Licensing that includes Indigenous Knowledge as a keyword.
- b. Literature Review – on Fisheries Licensing practices for Indigenous interests (i.e., resiliency, Netukulimk, self-determination, Fisheries Act, decision-making, Marshall, processing times, zones, benefits etc.)

The database contains the summary of the 50 top relevant peer-reviewed articles for the terms above. The other 50 peer-reviewed articles are applied in the analysis in Part 4 of the report.

### **Communal Commercial Fishing License Distribution**

#### **Guiding Question 1: How are communal commercial fishing licenses distributed in Indigenous communities?**

It varies depending on the specific community and its management system. In some cases, the licenses may be distributed equally among eligible community members. In other cases, the licenses may be distributed based on traditional practices or cultural values, such as prioritizing elders or those with specific skills or roles within the community. In some Indigenous communities, the distribution of licenses may also involve a decision-making process that incorporates community input and consensus-building. This may involve consultation with traditional leaders, community meetings, or other forms of participatory decision-making. It's important to note that communal commercial fishing licenses may also be subject to government regulations and licensing requirements, which can add additional layers of complexity to the distribution process. Ultimately, the distribution of communal commercial fishing licenses in

Indigenous communities is shaped by a range of factors, including cultural values, community norms, and legal requirements.

### **Guiding Question 2: What do the fishers want in terms of communal commercial fishing?**

1. Access to sustainable fishing resources: Fishers may want access to healthy and sustainable fish stocks to ensure the long-term viability of their fishing practices and the communities that depend on them.
2. Fair and equitable distribution of fishing rights: Fishers may want a fair and equitable distribution of fishing rights, which can include equal access to fishing licenses or prioritizing certain groups, such as Indigenous communities or small-scale fishers.
3. Community involvement in decision-making: Fishers may want to be involved in decision-making processes related to communal commercial fishing, including the management of fishing resources and the allocation of fishing rights.
4. Support for their livelihoods: Fishers may want support for their livelihoods, including access to training and resources to improve their fishing practices, as well as financial and social support to sustain their communities and way of life.

### **Guiding Question 3: What makes you eligible for a communal commercial fishing license?**

It can be based on several factors, including the following:

1. Eligibility may be based on membership in an Indigenous community or association that has been granted fishing rights.
2. Eligibility may be based on meeting certain criteria related to fishing practices, such as having a certain level of experience or possessing specific equipment.
3. Eligibility for communal commercial fishing licenses may also be based on cultural practices or traditions. For example, certain roles within the community, such as being an elder or having a particular spiritual connection to the fishery, may confer eligibility for a fishing license.

Government regulations and licensing requirements further shape these criteria (i.e., quotas, gear types, etc.).

### **Guiding Question 4: What proximity criteria do you need?**

Proximity criteria vary. Examples of criteria include:

1. Individuals who reside within a certain geographic area, such as the boundaries of an Indigenous reserve or traditional fishing grounds.
2. May be available to fishers who live outside of the community, but who have established connections to the fishery through family ties, cultural affiliations, or other factors. However, even in cases where fishers who live outside of the community are eligible for communal commercial fishing licenses, there may be restrictions on the number of licenses available or other regulations that impact eligibility.

## **Guiding Question 5: What happens if you are landlocked?**

Not too much information on this one – but it hints that eligibility would not apply if you were not near a body of water. Communal commercial fishing licenses are typically granted to individuals who have a connection to the fishery through their community or cultural affiliations, as well as access to the fishing grounds. Without access to the ocean or a nearby body of water, it would not be feasible for you to participate in communal commercial fishing.

## **Database of Scholarly Literature**

A database has been created of the foci of the literature (i.e., communal, commercial, licensing, policy, fisheries, Indigenous livelihood, Netukulimk as examples), and any organizations, governments, or institutions affiliated with CCLP. We began with an international search, followed by a Canada-wide search for any scholarly work in the last five years on any CCLP contexts, then extended out to Indigenous contexts in communal commercial fisheries. We extended the search to understand better how Indigenous Fisheries are navigating licensing policy issues that affect livelihood and community benefits.

See Appendix B for the full database.

## **First Voice Accounts**

In follow-up to our analysis, we conducted qualitative interviews with stakeholders. The following questions guided our study:

1. How easy is it to find the information that you need which pertains to regulations that govern Indigenous fisheries?
  - a. What barriers are present to access critical information?
2. How quickly are authorities addressing requests for information, processing licenses and or approving changes/designations?
  - a. What are the regional differences?
3. How knowledgeable are government officials about the associated regulations and policies pertaining to Indigenous fishing?
  - a. How familiar are officials with FPIC UNDRIP and Treaty Rights?
  - b. In which way are they supporting navigation, processes, and procurements?
4. What avenues of redress are you aware of?
  - a. What avenues of appeals have been promoted or supported?
  - b. How consistently are these processes applied?
5. To what degree does language form a barrier in the application, related decisions, and ultimate access to fishing for Indigenous communities?
6. To what degree are critical cultural requirements of the fisheries being met for traditional use purposes?
7. What barriers are present for license transfers for license holders?
8. What specific examples can you provide where vague terms such as “adjacency” have presented confusion? Similarly, “relinquishment” and “transfers”?

## Part 3: Community Data Collection

**Objective 2: Conduct a literature review on Communal Commercial Licensing that includes Indigenous Knowledge as a Keyword, and on Fisheries Licensing practices for Indigenous interests.**

The database will include the first relevant peer-reviewed 100 articles for each of these search terms.

- a. Literature Review – a literature review on Communal Commercial Licensing that includes Indigenous Knowledge as a Keyword.
- b. Literature Review – on Fisheries Licensing practices for Indigenous interests (i.e., resiliency, Netukulimk, self-determination, Fisheries Act, decision-making, Marshall, processing times, zones, benefits etc.)

### Methodology

#### Participants

During this research project, we conducted focus conversations with fisheries managers, fishers, presidents and CEOs of community enterprises and fisheries experts in the field of communal commercial licensing policy.

#### Procedure

Participants were engaged in workshops, group conversations, and individual one-to-one conversations with the researchers. The team will develop a set of questions based on current reports, the literature review, and input from the APC committee. The researchers gathered input on the draft questions, and contacted participants identified by the researchers and the APC committee. Tradition knowledge practices will not be included in the analysis and final report.

#### Analysis

We engaged in content analysis, storytelling and the Two-Eyed Seeing (Etuaptmumk) approach to ensure we focused on Indigenous and Western practices in the conversations with DFO and the Community.

#### Data Protection

All data from the research is the property of the Atlantic Policy Congress of First Nations Chiefs Secretariat Inc.

### Community Workshop Summary Feedback

The Atlantic Policy Congress of First Nation Chiefs Secretariat (APC) hosted three Communal Commercial Licensing workshops. The first two were virtual sessions held on February 9<sup>th</sup> (English) and February 14<sup>th</sup>, 2023 (French). The APC offered these workshops to provide a venue for discussions on the policy proposals by the Department of Fisheries and Oceans Canada (DFO) through their Communal Commercial Licensing Program. The purpose of the workshops was to work with Indigenous partners to develop policy options to guide communal commercial licensing decisions in DFO's eastern regions (Gulf, Maritimes, Newfoundland and Labrador,



Quebec). This includes discussions on the key areas of interest and concern regarding the communal commercial licensing policies that are being updated by DFO.

The topics include:

- License Holder
- Proximity to Fishing Area
- Vessels
- License Splitting / Combining
- Flow of Benefits
- Designation
- License Transfer

### Guiding Questions

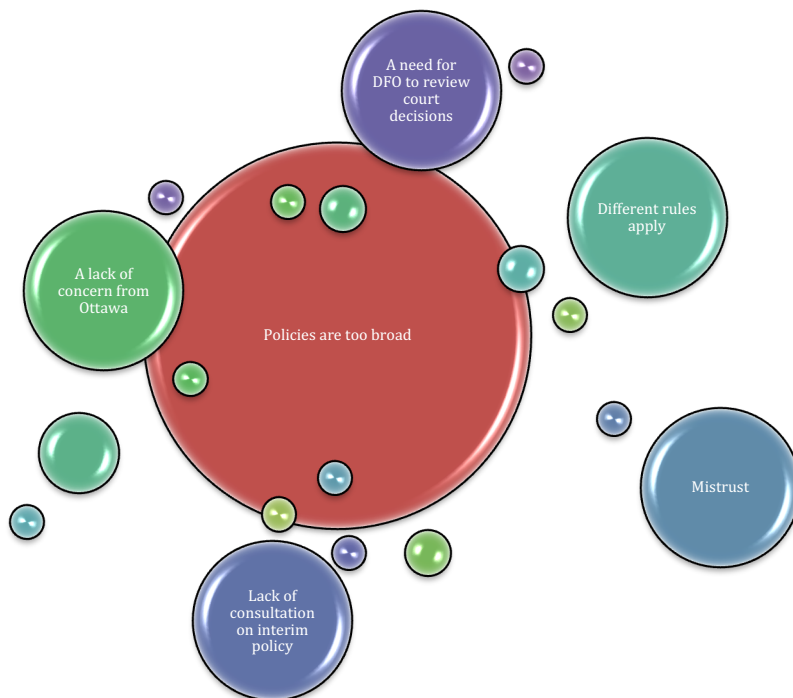
We used guiding questions to conduct the focus groups and individual conversations focusing on challenges faced in the issuance of a communal commercial license, issues of proximity to the fishing area, information needed to make informed decisions and how to move forward.

### Feedback from Community Sessions

**Key highlights:** Be involved earlier, more transparency in the decision-making process, concern over different rules for non-Indigenous and even between Indigenous Nations.

**Note:** The conversation covered many different topic areas. The highlights are presented below in Figure 1.

Figure 1: Barriers to Success Feedback from Workshops



**Summary of Feedback:** Participants expressed a desire for more workshops for regional participants to collaborate and share practices, a call for DFO to enhance their understanding of Indigenous Inherent Rights, and more meaningful change after engaging with Indigenous communities about communal commercial licensing policy decisions.

**Recommendations include:** incorporating the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Free Prior and Informed Consent (FPIC) language into the policies, frameworks and regulations with an emphasis on self-determination; requiring proponents to engage in cultural awareness training and a better understanding of Indigenous Inherent Rights; meaningful change after engagements with Indigenous fishers to gain their feedback on improvements to policies and procedures; developing plain language/language translation reports; and providing more flexibility for Indigenous fisheries to manage their business with more autonomy in alignment with the UNDRIP.

## Conversation Feedback with Atlantic Communities and Individuals

### Introduction

The conversations with Indigenous Fisheries organizations and individuals were guided by the following topic areas: (1) current communal licensing practices; (2) identified barriers; and (3) concerns and opportunities to engage with DFO in the Communal Commercial Licensing Policy Framework development. We have summarized the main themes on a consolidated basis emerging from the interviews.

### Regional Issues

The following topics varied greatly from region to region and nation to nation but are presented as overall challenges with the *Communal Commercial Licensing Policy Framework Development*.

Figure 2: Regional Issues with the CCLP Framework Development and Current Process



### **Desire to have Regional Indigenous Policy Support**

The Communities located in Eastern Quebec participating in the workshops provided feedback with an interesting context citing better commercial communal licensing processes with their peers in Quebec, however there was an appreciation for the regional support, sharing of practices, and collaboration with neighbouring communities in the Atlantic facilitated by the APCFNC.

### **Relationship Issues with Capacity-Building**

Some Community experiences that were shared presented the inter-cultural dynamics and perceptions of poorer support from non-Indigenous vessels and captains. In some instances, the issues were related to being away from home with little support from the community, in other instances the issues were related to forms of discrimination. In other stories, the experience was much more positive. These variances create an opportunity for better awareness of cultural norms and practices between Indigenous vessels and non-Indigenous. Sometimes different is just different and having an opportunity to adapt to the differences can help to build capacity and relationships.

### **Adjacent Terminology Used Against Indigenous Fisheries**

Adjacency is more used as a term of convenience when it suits DFO. The term has been used against Indigenous Fisheries in access to resources and land claims. It is used to suit DFOs purposes and with the Minister having discretion on the interpretation of elements of the Fisheries Act, we are marginalized, and it impacts our ability for flexibility and self-determination. *“It feels like the Wizard of Oz behind the curtain.”*

### **Adjacency Language is Ambiguous and Used Inequitably**

In addition to the need for the updating of language to be culturally respectful, the issue of ambiguous language was identified as a significant barrier and as a tool to control fisheries decisions and interpretations at the Minister’s discretion. Adjacency was discussed at length in the workshop and identified as vague language with many interpretations that complicate decisions and leave the minister with power over the interpretation in different scenarios. There were repeated calls to change the language to be fair and culturally appropriate.

### **Dealing with Non-Indigenous Fishers / Fisheries**

The relationships with non-Indigenous fisheries and fishers varied by region and Nation. In some areas, the relationship is combative, and exclusionary, resulting in a loss of opportunity for both parties. Some experience high rates of discrimination resulting in harm and loss. In other areas, the working relationship is collaborative with some issues initially with interpretation of licenses and confusion on quotas and process.

### **Differences in Nations and Territories add Complexity.**

The communal licensing process varies greatly with some nations with no licenses. On the opposite side of the spectrum, some nations have long-standing licenses but are concerned with the lack of respect or implementation of Treaty Right’s Fisheries. In most cases, the desired state is an Indigenous-led and managed process where the nation has the autonomy to decide how its licenses are distributed and managed.

### **Conflict of interest at DFO**

Participants would like to see a conflict-of-interest policy to guide policy development. The Indigenous communities would like to ensure that anyone developing policy or administering the policy declares a conflict of interest and abstains from involvement if they are associated with processors, commercial fishers, or part of an advocacy group that advocates against Indigenous communities etc.

### **Right to Sell the FSC**

The Supreme Court in British Columbia upheld the decision saying yes, Indigenous Fishers have a right to sell their FSC license under certain conditions. The interpretation is that Indigenous fisheries can sell the FSC license if they don't make a profit from it. One example in the Atlantic region: *"We just sold enough to cover their basic supplies."*

Clarification is being requested to understand how this is applied across the Atlantic Region to meet the UNDRIP principles of more flexibility to create autonomy.

### **Myths About Indigenous Fisheries**

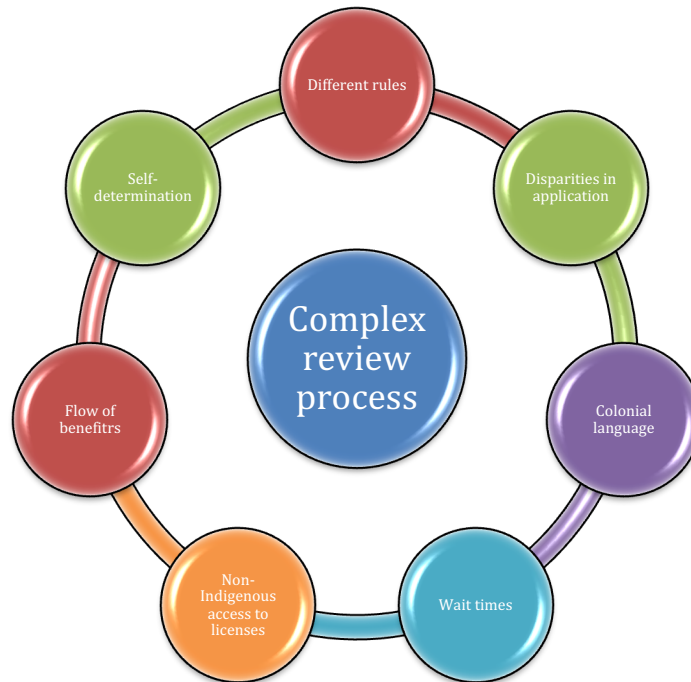
In some regions, the combative relationship with non-Indigenous fishers/fisheries is based on misunderstandings and myths that DFO does not manage resulting in a perpetually worsening state of relationship fostered by a lack of transparency in the licensing process. The desire is to have open communication from DFO to explain the nature of the Indigenous licensing and what is meant by Communal Commercial and Food, Social, and Ceremonial as examples.

### **Non-Indigenous Access to Financial Support**

There are all kinds of situations for non-Indigenous fishers, if they lose a motor, and by the time they go to the bank and try to arrange financing, the season could be over. Oftentimes, processors will come in and help those fishermen by financing them, quickly getting them back on the water. So, there's financing and there's a repayment process, as processors want to ensure they are getting the product even though they can't own licenses, but they can help the fisher. And if they're in the financial position to be able to help keep the fisher on the water that's a win-win situation for everybody. So, these partnerships exist and create a gray area over the regulations where the industry is influencing the control.

## Issues Across Regions

Figure 3: Issues Identified with the CCLP Framework and Current Process Across Multiple Regions.



### Complex Process Review

In the discussions with DFO between the sessions, the comparison is noted as somewhat complex as the commercial licensing process is more rigorous, however, given it is more familiar it takes less time to process. The perception of the fisheries managers and other participants is concern that the communal commercial licensing process requires validation of Indigenous status or license before approval. This step gives a perception of patriarchal and micro-management of the Indigenous Fishers, different from non-Indigenous fishers, ultimately leading to a perception of discrimination and unfair processes for licensing.

### The Wait Time for Licenses is too Long.

There are significant concerns about the time it takes to apply for and receive a license. The process is complicated, there is a lack of transparency in how the decision is made and there is an expectation of a business plan. Is this the same process for a commercial license? Stories of seeing a commercial license come through months before a communal commercial license were shared several times in the workshop.

### Language is Colonial

The issue of old colonial language was brought up in both virtual workshops in February and in the in-person workshop in March. The concerns raised were framed from two points of view. The first was an issue that the language had not been changed with the revisions in the Fisheries Act in 2019. The second is a concern with the lack of recognition of the truth and reconciliation

calls to action and the United Nations Declaration of the Rights of Indigenous Peoples to use culturally appropriate language.

### **Disparities in the Way Things are Applied.**

Concerns were expressed as to why DFO is using a more restrictive framework here, for example, a communal commercial license can be issued to an Indigenous company and community licenses can be issued for that company. Any commercial fisherman that has a license now can have that license issued to a company as long as the company is wholly owned by the harvester There are disparities in how things are being applied.

### **Note that Each Region has Different Rules.**

Confusion was expressed when one region referenced a permanent transfer of a license.

*“I’m not sure what you guys are referring to, because you shouldn’t be able to transfer permanently any license, just like that. Is that what you’re talking about a permanent transfer, and then back and forth to a company back and forth?”*

### **Non-Indigenous Gaining Access to Indigenous Licenses**

Frustration was expressed at the frequency of non-Indigenous organizations and individuals able to gain access to Indigenous Fisheries.

*“There is no shortage of non-natives trying to find a native and use them to get access and control that access is happening. It's happening frequently.”*

### **Flow of Benefits**

It needs to be much clearer on the actual policy and decision points. There should be input from fisheries managers and directors on the actual financial scenarios that take place and the way they view benefits in the short and long term. Because there is this sense of the controlling agreement, which is a concept that comes from the individual owner-operator, but really, for communities that are developing a fisheries portfolio there might be mutually beneficial agreements where the flow of benefits is divided for the long or short term.

### **Self-Determination**

It should be the community deciding what they view as beneficial. And that's their decision, even if it seems less beneficial. There needs to be less external governance and less external interference in indigenous fisheries. Participants feel DFO’s framework and oversight are intrusive and paternalistic, *“Big Brother watching over the communities”*. The communities need to be making their own decisions about how their fisheries are run. In terms of benefits, it should be the communities determining how benefits flow. Each community is different and should be treated that way under the principles of self-determination.

### **Conclusion**

While the interviewees acknowledged that steps have been taken to improve the commercial communal licensing process, they also identified several key challenge areas. The barriers discussed in the preceding section can be grouped into the following six broad categories:

1. Lack of consistency in the application of the rules across regions.
2. Lack of autonomy and Self-determination in growing communal commercial fisheries.

3. Complexity and lack of clarity between Indigenous and non-Indigenous licensing.
4. Conflict of interest and colonial language impacting trust.
5. Adjacency terminology is vague and leaves communities unclear and vulnerable.
6. Long and unclear wait times for licensing.

These issues are relatively common across the regions and are expressed in the workshops and individual/group conversations. To address these issues and provide recommendations it is important to highlight the systemic barriers to communal commercial licensing and the complexity of Indigenous licenses that create issues for fisheries to autonomously manage their growth and development is detrimental to relationships with non-Indigenous fishers. We cover these topics and analysis in the next section.

## **Part 4 Identification of Gaps**

Objective 3: Identify key gaps from the interviews and workshops with more in-depth research to highlight the systemic barriers facing Indigenous Fisheries around CCLP.

### **Identify the Systemic Barriers for Indigenous Fisheries regarding CCLP.**

To identify the systemic barriers, first, we explored the authorities' governing fisheries in the Atlantic, the associated territories, policies and regulations and briefly touched on the different rights-based court decisions that add to the complexity of Indigenous Fishing rights and licenses.

#### **Objectives of the Systemic Barriers Literature Review**

1. Provide an overview of the authority governing fisheries in Atlantic Canada.
2. Provide an understanding of the associated territories and regions governed by this authority.
3. Explain Communal Commercial Fishing Licenses and associated Regulations.
4. Outline the Legislative landscape governing Commercial Fisheries with potential overlap with Indigenous Fisheries.
5. Present a timeline and genealogy of Legislation, Policies, Regulations, and Initiatives.
6. Review the Sparrow, and Marshall court decisions, Food Social, Ceremonial, and Moderate Livelihood.
7. Outline existing systematic barriers Indigenous Fisheries may encounter.



**Gap: Policies are too Broad.** Participants summarized that DFO has broad policies, like the 1993 policy. There's a 1996 policy that looks at providing greater access for Indigenous harvesters, but at the end of the day, as multiple participants pointed out, there's no policy and/or there are policy conflicts, depending on which element of the policy you review. As an example, adjacency is a problem for DFO generally because it's a word that's been used in international and conventional democracy, but it's not defined by DFO or not defined by the law of the sea, and therefore, it creates a problem.

**Gap: A Need for Self-Determination.** It should be the community deciding what they view as beneficial. And that's their decision, even if it seems less beneficial. There needs to be less external governance and less external interference in indigenous fisheries. Participants feel DFO's framework and oversight are intrusive and paternalistic, "*Big Brother watching over the communities*". The communities need to be making their own decisions about how their fisheries are run. In terms of benefits, it should be the communities determining how benefits flow. Each community is different and should be treated that way under the principles of self-determination.

### **Overview of the authority governing fisheries in Atlantic Canada.**

Policy documents may change without notice by the Department of Fisheries and Oceans. The Department **should** be consulted for "**all purposes of interpreting and applying this policy**"<sup>1</sup>. In the Maritimes region, the Maritimes Region Commercial Fisheries Licensing Policy is the leading governing policy (over the Commercial Fisheries Licensing Policy of 1996/2021).

- The Minister appears to have **ultimate authority** as it relates to the interpretation and application of the policies.
- The Minister may require any information they deem relevant in the application process. **No parameters** designate what is considered relevant other than the Minister's discretion.
- All documents, rights and privileges are the property of the Crown, they are not transferable and may not be conferred.
- There is no language that addresses the stipulations under the **United Nations Declaration for the Rights of Indigenous Peoples Act (2021)** and specifically the articles, including the right to operate without discrimination (through procedural fairness), the right to self-governance, self-determination, and autonomy.

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<sup>1</sup> <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/maritimes/licensing-pol-permis-peche-eng.htm>



**Gap: Noting that Each Region has Different Rules.** Confusion was expressed when one region referenced a permanent transfer of a license. *“I’m not sure what you guys are referring to, because you shouldn’t be able to transfer permanently any license, just like that. Is that what you’re talking about a permanent transfer, and then back and forth to a company back and forth?”*

**Gap: Adjacent Terminology Used Against Indigenous Fisheries.** Adjacency is more used as a term of convenience when it suits DFO. The term has been used against Indigenous Fisheries in access to resources and land claims. It is used to suit DFOs purposes and with the Minister having discretion on the interpretation of elements of the Fisheries Act, we are marginalized, and it impacts our ability for flexibility and self-determination. *“It feels like the Wizard of Oz behind the curtain.”*

**Gap: Adjacency in Conflict with Distance to License Location.** The term adjacency for us is an issue in terms of travel time. We have to travel three hours by car and then we take a ferry to get to where our license is located. We did not have a choice. This has a financial impact, self-determination, and autonomy impact on the way we run our fisheries.

#### **Provide an understanding of the associated territories and regions governed by this authority.**

There are three zones in Eastern Canada for Commercial Licenses: Gulf Region<sup>2</sup>, Maritimes Region<sup>3</sup> and Newfoundland and Labrador Region<sup>4</sup>.

- Commercial fishing in the Maritimes region is not clearly defined. For example, it does not include NL and Labrador.
- There are separate policies for Atlantic vs. Maritimes.
- There is also a stated appeal process for Atlantic fisheries, but no other region.
- The general regulations apply to all provinces and territories whereas the other regulations all have specific catchment areas and territories.

**Gap: A Lack of Concern from Ottawa.** A lack of concern from Ottawa regarding Indigenous Licensing issues in Eastern Canada was expressed by the workshop participants. We build relationships at the local level, but these contacts have limited decision-making authority. Many participants expressed frustration that requests to Ottawa lack transparency in how decisions are made and take significant time, impacting the fishing season. In one example, the fishing season had started, and the license renewals had not been processed leaving vessels at the dock and missing opportunities for revenue generation.

**Gap: Flow of Benefits.** It needs to be much clearer on the actual policy and decision points. There should be input from fisheries managers and directors on the actual financial scenarios that take place and the way they view benefits in the short and long term. Because there is this sense of the controlling agreement, which is a concept that comes from the individual owner-operator, but really, for communities that are developing a fisheries portfolio there might be mutually beneficial agreements where the flow of benefits is divided for the long or short term.

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<sup>2</sup> <https://www.glf.dfo-mpo.gc.ca/en/commercial-fisheries-licensing-policy-gulf-region>

<sup>3</sup> <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/maritimes/licensing-pol-permis-peche-eng.htm>

<sup>4</sup> <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/index-nfld-Labrador-tn-labrador-eng.htm>

## National Online Licensing System

There is one portal for accessing all licenses, be they commercial or communal licenses.

- There are no general questions pertaining to Indigenous fishing in the FAQ for the National Online Licensing System.
- Even though there are separate navigational prompts on the government website pertaining to commercial vs Indigenous fishing, information pertaining to Indigenous fishers also appears in the commercial links (e.g., see Atlantic Sharing Arrangements which refers to First Nations allocations, Codes for Responsible Fishing which refers to “primitive fishing”).

## The Complexity of Indigenous Fisheries Licenses

**Commercial Communal Fishing Licenses.** Communal Licenses are for “**Aboriginal**” organizations to carry on fishing and related activities. Communal Fishing Licenses are governed by a set of Regulations<sup>5</sup>. These regulations are **enabled by the Fisheries Act**. The Minister may issue a communal license to an Indigenous organization and the Minister may designate in the license who may fish under the authority of the license and the vessels that may be used to fish under the authority of the license. The **Minister has the ultimate authority** or the authority to designate those who may act on his/her behalf. The Minister **may request any information they deem necessary** to furnish a license.

Figure 4: Justice Law Site: Aboriginal Communal Fishing Licenses Regulations, Fisheries Act<sup>6</sup>.

### Communal Licences

**4 (1)** The Minister may issue a communal licence to an aboriginal organization to carry on fishing and related activities.

**(2)** The Minister may designate, in the licence,

- (a)** the persons who may fish under the authority of the licence, and
- (b)** the vessels that may be used to fish under the authority of the licence.

**(3)** If the Minister does not designate the persons who may fish under the authority of the licence, the aboriginal organization may designate, in writing, those persons.

**(4)** If the Minister does not designate the vessels that may be used to fish under the authority of the licence, the aboriginal organization may designate, in writing, those vessels.

SOR/2002-225, s. 12.

<sup>5</sup> <https://laws-lois.justice.gc.ca/eng/regulations/sor-93-332/index.html>

<sup>6</sup> <https://laws-lois.justice.gc.ca/eng/regulations/sor-93-332/page-1.html>

## Appeals

A significant gap in the Regulations is that there are **no procedures for appeals**. There is also no clear definition or procedure for **Free, Prior and Informed Consent**.

## Legislative Landscape

The legislative and policy landscape for Indigenous Fishing is **extremely complex, hard to navigate and difficult to understand**. Indigenous fisheries will encounter **numerous** legislations, policies and regulations when undertaking communal commercial fishing. Though Communal Fishing Licenses Regulations apply to Indigenous Fisheries, aspects of the Fishery (General) Regulations are incorporated into the regulations and therefore also apply. The general regulations also incorporate the Maritime Provinces Fishery Regulations, the Newfoundland and Labrador Fishery Regulations the Marine Mammal Regulations and the Atlantic Fishery Regulations. Therefore, these legislations, policies and regulations may be applicable:

- Aboriginal Communal Fishing License Regulations, 2009<sup>7</sup>
- Fishery General Regulations, 2022<sup>8</sup>
- Atlantic Fisheries Regulations, 1985/2022<sup>9</sup>
- Maritime Region Commercial Fisheries Licensing Policy, 2021<sup>10</sup>
- Maritime Provinces Fishery Regulations, 2022<sup>11</sup>
- Newfoundland and Labrador Fishery Regulations, 2018<sup>12</sup>
- Labrador Inuit Land Claims Agreement Act, 2005<sup>13</sup>
- Marine Mammal Regulations, 2018<sup>14</sup>
- Coastal Fisheries Protections Act, 1985<sup>15</sup>
- Canadian Code of Conduct for Responsible Fishing Operations, 1998<sup>16</sup>

Additionally, there are several financial policies and regulations that relate to fishing activity. All fees are subject to the Fisheries and Oceans Canada Remissions Policy and Service Fee Act. Financial authorities are directed by the Treasury Board and relate to the Financial Administration Act. Therefore, these legislations, policies and regulations may be applicable:

- Fisheries and Oceans Canada Policy on Remissions<sup>17</sup>
- Service Fees Act (2017)<sup>18</sup>
- Financial Authorities<sup>19</sup>

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<sup>7</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-93-332/>

<sup>8</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-93-53/index.html>

<sup>9</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-86-21/index.html>

<sup>10</sup> <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/maritimes/licensing-pol-permis-peche-eng.htm>

<sup>11</sup> <https://laws-lois.justice.gc.ca/eng/regulations/sor-93-55/index.html>

<sup>12</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-78-443/>

<sup>13</sup> <https://laws-lois.justice.gc.ca/eng/acts/L-4.3/>

<sup>14</sup> <https://laws-lois.justice.gc.ca/eng/regulations/SOR-93-56/index.html>

<sup>15</sup> <https://laws-lois.justice.gc.ca/eng/acts/C-33/index.html>

<sup>16</sup> <https://science-catalogue.canada.ca/record=3960141~S6>

<sup>17</sup> <https://www.dfo-mpo.gc.ca/publications/policy-politiques/remissions-remises/policy-politique-eng.html#B6>

<sup>18</sup> <https://laws-lois.justice.gc.ca/eng/acts/S-8.4/index.html>

<sup>19</sup> <https://www.tbs-sct.canada.ca/pol/doc-eng.aspx?id=32502>

- Financial Administration Act (1985)<sup>20</sup>
- Modifications to Fees<sup>21</sup>

## **Timeline of Relevant Policies and Engagements**

**1985** – Atlantic Fisheries Regulations

**1985** – Coastal Fisheries Protections Act

**1990** – Sparrow Decision (Musqueam First Nation has the right to fish for food, social and ceremonial purposes and takes priority after conservation and other uses of the resource. The importance of consultation on fishing rights was upheld.)

**1992** – Aboriginal Fisheries Agreements Regulations (revoked and replaced by Aboriginal Communal Fishing License Regulations.)

**1996** – Commercial Fisheries Licensing Policy

**1996** – Maritimes Region Commercial fisheries Licensing Policy

**1998** – Canadian Code of Conduct for Responsible Fishing Operations

**1999** – Marshall Decision

**2003** – Strengthening Our Relationship – the Aboriginal Fisheries Strategy and Beyond is brought into force following officials from Fisheries and Oceans Canada participating in a series of meetings with Indigenous groups interested in the Aboriginal Fishing Strategy.

**2005** – Labrador Inuit Land Claims Agreement Act

**2006** – Fisheries and Oceans Canada publishes “An Integrated Aboriginal Policy Framework” (2006-2010).

**2007** – The Marshall Response Initiative Ends

**2007** – The Atlantic Integrated Commercial Fisheries Initiative is launched (5-year initiative)

**2009** – Current Communal Fishing Licenses Regulations

**2017** – Indigenous Program Review and Renewal was conducted by the National Indigenous Fisheries Institute in partnership with DFO and ended in 2019. The initiative explored commercial and collaborative programs.

**2017** – Marshall II Decision

**2018** – Newfoundland and Labrador Fishery Regulations

**2018** – Marine Mammal Regulations

**2021** – Maritimes Region Commercial Fisheries Licensing Policy (updated)

**2022** – Fishery (General) Regulations (updated)

**2022** – Atlantic Fisheries Regulations (updated)

## **Key Rights Based Supreme Court Decisions**

### **Sparrow Decision**

In 1990, the Supreme Court ruled in favour of Musqueam Community member, Ronald Sparrow that, despite nearly a century of governmental regulations and restrictions on Musqueam’s right to fish, their Aboriginal right to fish had not been extinguished<sup>22</sup>. The right to fish for food, social and ceremonial purposes is protected under section 35 of the Constitution<sup>23</sup>. It is described

<sup>20</sup> <https://laws-lois.justice.gc.ca/eng/acts/F-11/>

<sup>21</sup> <https://www.dfo-mpo.gc.ca/fees-frais/changes-modifications-eng.html>

<sup>22</sup> [https://indigenousfoundations.arts.ubc.ca/sparrow\\_case/#:~:text=Sparrow%20had%20an%20%E2%80%9Cexistin g%20%E2%80%9D%20right,upon%20these%20rights%20without%20justification.](https://indigenousfoundations.arts.ubc.ca/sparrow_case/#:~:text=Sparrow%20had%20an%20%E2%80%9Cexistin g%20%E2%80%9D%20right,upon%20these%20rights%20without%20justification.)

<sup>23</sup> <https://www.ictinc.ca/blog/section-35-of-the-constitution-act-1982>

as a “collective” not an individual right<sup>24</sup>. Designated harvesters may catch what is needed for themselves and or their community but may not sell such catches.

## Marshall Decisions

The Marshall decision affirms First Nations’ treaty rights<sup>25</sup> to fish, hunt and gather in pursuit of a moderate livelihood<sup>26</sup>. Below is a statement (in part) by the Union of Nova Scotia Mi’kmaq:

Figure 5: UNSM Website highlights of the Donald Marshall Jr Case

In August 1993, the authorities arrested Donald Marshall Jr., and the Crown prosecuted him on three (3) charges under the Fisheries Act: 1) the selling of eels without a license, 2) fishing without a license, and 3) fishing during the close season with illegal nets. Marshall admitted his guilt at having illegally caught, during the closed season, 463 pounds of eels in Pomquet Harbour, Antigonish County, Nova Scotia, and selling them for \$787.10.

The issue at trial, his defence, was the affirmation of a treaty right to catch and sell fish as found in the Treaties of 1760-61 that he believed exempted him from compliance with the fishery regulations. The trial judge found him guilty. He appealed and the Nova Scotia Court of Appeal similarly denied the affirmation of his treaty right, and found him guilty. However, in September 1999, the Supreme Court of Canada allowed his appeal and acquitted him on all charges. The court decided that Donald Marshall had a treaty right to secure a “moderate livelihood” by hunting fishing and gathering natural resources. However, the court also held that this right was a regulated one, which did not allow him to freely pursue unlimited economic gain.

In August 1993, Donald Marshall Jr. was arrested on three counts under the Fisheries Act.

On September 17, 1999, the Supreme Court decided Donald Marshall had a treaty right to secure a “moderate livelihood.”

<sup>24</sup> <https://www.dfo-mpo.gc.ca/fisheries-peches/aboriginal-autochtones/fsc-asr-eng.html>

<sup>25</sup> <https://www.rcaanc-cirnac.gc.ca/eng/1100100028599/1539609517566>

<sup>26</sup> <https://www.dfo-mpo.gc.ca/fisheries-peches/aboriginal-autochtones/moderate-livelihood-subsistence-convenable/marshall-overview-apercu-eng.html>

In November 1999, a clarification of the Marshall Decision was made by the court that the livelihood rights were subject to regulation based on conservation needs.

Figure 6: UNSM Website highlights of the Donald Marshall Jr Case

In November, after the destruction of the traps, a clarification of the Marshall decision was drafted by the judges who dissented in the original decision. Comments made by the court about fisheries regulation appeared to shift the balance of power away from the native people and towards the government.

The clarification declared:

“The federal and provincial governments have the authority within their respective legislative fields to regulate the exercise of a treaty right where justified on conservation or other grounds. The Marshall judgment referred to the Court’s principle pronouncements on the various grounds on which the exercise of treaty rights may be regulated. The paramount regulatory objective is conservation and responsibility, for it is placed squarely on the minister responsible and not on the Aboriginal or non-Aboriginal users of the resource. The regulatory authority extends to other compelling and substantial public objectives which may include economic and regional fairness, and recognition of the historical reliance upon, and participation in, the fishery by non-aboriginal groups.”

On September 17, 1999, the Supreme Court of Canada issued an historical decision, *R. v. Marshall*, in which it affirmed the right of Mi’kmaq people in Nova Scotia, New Brunswick, and parts of Quebec, to fish commercial to attain a “moderate livelihood.” The decision, based on the Treaties of 1760-61, effectively provides an opportunity to the Eastern Canadian First Nations to address their dire economic situation. The Court did state that the right can be subject to regulation, if such regulation is required to ensure conservation measures are adhered to.

Starting in 1999, following the successful reversal of the Marshall conviction<sup>27</sup>, Fisheries and Oceans Canada launched several programs to respond to the Marshall decision, including the Marshall Response Initiative, reaching agreements with 32 “eligible” First Nation communities to help expand participation in commercial fisheries.

The Marshall II decision by the Supreme Court of Canada requires treaty rights to be achieved through “consultation and negotiation” and “modern agreements” with First Nations, via Rights Reconciliation Agreements.

<sup>27</sup> <https://www.unsm.org/accomplishments/the-marshall-decision>

## Moderate Livelihood

These agreements are meant to reflect on the moderate livelihood fishing needs and interests of specific First Nations communities and members. The following agreements have been signed to date:

1. **2019** Elsipogtog and Esgenoôpetitj First Nations<sup>28</sup>
2. **2019** Maliseet of Viger First Nation<sup>29</sup>
3. **2021** Listuguj Mi'gmaq<sup>30</sup>
4. **2021** Potlotek<sup>31</sup>
5. **2022** We'Koqma'q<sup>32</sup>
6. **2023** Eskasoni<sup>33</sup>

In 2007, the Atlantic Integrated Commercial Fisheries Initiative was launched. This Initiative claims the participation of 33 out of 34 First Nations impacted by the Marshall Decisions as participating in the Atlantic Commercial Fisheries Initiative.

- The National Indigenous Fisheries Institute<sup>34</sup> published a history of Indigenous Fisheries Strategies<sup>35</sup> along with a discussion paper on the Atlantic Integrated Commercial Fisheries Initiative<sup>36</sup>.
- The Kwilmu'Kw Maw-Klusuaqn Fisheries released a fact sheet in 2020<sup>37</sup> along with advice on “dos and don'ts on the water”<sup>38</sup>.
- St Francis Xavier University released a fact sheet in 2001<sup>39</sup> as did McInnis Cooper in 2021<sup>40</sup>.
- Sipekne'Katik Fisheries provides liaising support with the Department and bands to help navigate moderate livelihood advocacy<sup>41</sup>.

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<sup>28</sup> <https://www.canada.ca/en/fisheries-oceans/news/2019/08/reconciliation-in-action-fisheries-agreement-reached-between-government-of-canada-and-the-elsipogtog-and-esgenoopetitj-first-nations.html>

<sup>29</sup> <https://www.canada.ca/en/fisheries-oceans/news/2019/08/government-of-canada-and-the-maliseet-of-viger-first-nation-reach-agreement-on-fisheries.html>

<sup>30</sup> <https://www.canada.ca/en/fisheries-oceans/news/2021/04/reconciliation-in-action-fisheries-agreement-reached-between-government-of-canada-and-the-listuguj-migmaq-first-nation.html>

<sup>31</sup> <https://www.cbc.ca/news/canada/nova-scotia/mikmaw-first-nations-excited-about-moderate-livelihood-fisheries-1.6845970>

<sup>32</sup> <https://www.cbc.ca/news/canada/nova-scotia/mikmaw-first-nations-excited-about-moderate-livelihood-fisheries-1.6845970>

<sup>33</sup> <https://www.cbc.ca/news/canada/nova-scotia/mikmaw-first-nations-excited-about-moderate-livelihood-fisheries-1.6845970>

<sup>34</sup> <https://indigenousfisheries.ca/en/>

<sup>35</sup> <https://indigenousfisheries.ca/en/indigenous-program-review/discussion-materials/>

<sup>36</sup> <https://indigenousfisheries.ca/en/wp-content/uploads/2018/04/The-Institute-Atlantic-Integrated-Commercial-Fisheries-Initiative-Discussion-Paper-October-2.pdf>

<sup>37</sup> [https://mikmaqrights.com/wp-content/uploads/2020/11/Marshall-Factsheet\\_FINAL.pdf](https://mikmaqrights.com/wp-content/uploads/2020/11/Marshall-Factsheet_FINAL.pdf)

<sup>38</sup> [https://mikmaqrights.com/wp-content/uploads/2020/12/Do-and-Dont-on-the-Water\\_18Sept20.pdf](https://mikmaqrights.com/wp-content/uploads/2020/12/Do-and-Dont-on-the-Water_18Sept20.pdf)

<sup>39</sup> <https://people.stfx.ca/rsg/srsf/researchreports1/FactSheets/Factsheet1.pdf>

<sup>40</sup> <https://www.mcinniscooper.com/publications/the-indigenous-right-to-a-moderate-livelihood-a-need-for-clarity/>

<sup>41</sup> <https://www.sipeknekatik.ca/fisheries>



## Misinformation and Misunderstandings and Navigating Barriers

### The Role of Media and the Complexity of Fisheries

The media continues to broadly cover the decisions and how moderate livelihood is interpreted<sup>42</sup>. This speaks to the ongoing confusion and controversy over the decisions and the rights determined therein. These complexities and misunderstandings of “what constitutes a communal commercial license from Food Social, Ceremonial, and Livelihood Fisheries continue to cause significant controversy and conflict with non-Indigenous fishers.

### Navigating Barriers

Indigenous fisheries will encounter several barriers, including but not limited to the following:

- Access to common questions:
  - Information relevant to the communal fisheries is not available via the National Online Licencing system’s FAQ<sup>43</sup>.
- Determining what information is relevant and applicable:
  - Not all relevant information is accessible via specific navigational prompts for Indigenous fisheries.
    - For example, Atlantic Sharing arrangements for Atlantic and Artic Commercial Fishing refers to “First Nations Allocations”<sup>44</sup>
    - The Canadian Code of Conduct for Responsible Fishing Operations refers to Aboriginal commercial Fish Harvesters and board structures<sup>45</sup>
- Encountering colonialist language and colonialism:
  - For example, “Fishing Primitive” revealed the records on The Saltwater People and Inuit fishing in the Artic<sup>46</sup>.
  - All documents, rights and privileges are designated property of the Crown and are “not transferable and may not be conferred”<sup>47</sup>.
- Avenues for redress and appeal:
  - There are no documented opportunities or procedures for appeals under the Communal Licensing Regulations.
- Legislative landscape:
  - The policies, regulations and legislation create a confusing network of governing principles by which to navigate and adhere to. This has the potential to impact both Indigenous fisheries and those empowered to regulate the industry.
- Territories and regions:
  - The general regulations apply to all provinces and territories whereas the other regulations all have specific catchment areas and territories.
  - There are separate policies for Atlantic vs. Maritimes. There is also a stated appeal process for commercial Atlantic fisheries, but no other region.

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<sup>42</sup> <https://www.cbc.ca/news/indigenous/assembly-first-nations-special-assembly-fisheries-legislation-1.4643930> and <https://www.cbc.ca/news/canada/nova-scotia/mikmaq-drop-civil-lawsuit-moderate-livelihood-1.6691261>

<sup>43</sup> <https://www.dfo-mpo.gc.ca/fisheries-peches/sdc-cps/eng-comm/faq/new-nouveau-eng.html>

<sup>44</sup> <https://www.dfo-mpo.gc.ca/fisheries-peches/consultation/sharing-partage/sasa-2010-epsa-eng.html>

<sup>45</sup> <https://waves-vagues.dfo-mpo.gc.ca/library-bibliotheque/226273.pdf>

<sup>46</sup> <https://science-catalogue.canada.ca/search~S6?/dfishing+operations/dfishing+operations/-3%2C-1%2C0%2CB/exact&FF=dfishing+primitive&1%2C2%2C>

<sup>47</sup> <https://www.dfo-mpo.gc.ca/copyright-droits-eng.htm>



- The Maritimes region is not clearly defined.
- Requests for information:
  - Indigenous fisheries may be asked for significant information prior to receiving their licensing. This information is not prescribed, it is discretionary.

## Part 5 Recommendations

Objective 4: Recommendations based on a co-developed approach to CCLP in Eastern Canada.

### Community Workshop Overarching Recommendations

The stories from the workshop participants emphasize the importance of holding Eastern Canada meetings with fisheries managers and other experts to share best practices and collaborate on projects where there is a need. In the individual community conversations, there was a need to ensure there is progress being made and hold DFO accountable for co-creating a CCLP framework with recognition of autonomy and self-determination. The following actions are needed as the Communal Commercial Licensing Policy Framework is developed.

#### **Recommendation #1 First Nations First Leading to Self-Determination**

A First Nations First approach recommends that in all Communal Commercial Licensing Policy decisions that require *Fisheries Act* authorizations, the DFO adopt the policy to co-produce and co-deliver the policies with Indigenous peoples on their territories. Indigenous peoples should be consulted at the beginning of the process on their traditional territories or lands, not only at the end of the process, for example, in wave 3. A recommendation herein is to engage in the ongoing involvement of Indigenous peoples in a manner that gains free prior and informed consent for all changes to the Communal Commercial Licensing Policy and to provide sufficient resources to engage in this process in a meaningful way throughout the entire framework development process.

#### **Recommendation #2 Listen to our Feedback and Make Meaningful Change**

There is concern that past engagements have not resulted in any change. Various participants in the workshop shared stories of similar engagements where feedback was provided with no action taken. To meaningfully collaborate with Indigenous Fisheries, the DFO needs to listen and adopt the feedback to meet the UNDRIP principles and provide the autonomy for Indigenous Fisheries to grow and sustain their fisheries.

#### **Recommendation #3 DFO Needs a Refresher on Indigenous Rights**

Under the Fisheries Act, Regulations and Communal Commercial Licensing Policy, there ought to be a requirement for proponents to engage in cultural awareness training and understanding of Treaty Rights before engaging in the FPIC process with Indigenous communities.

#### **Recommendation #4 Flexibility is Needed to Run our Businesses Sustainably**

There is a need for more flexibility to run Indigenous fisheries businesses. Being able to use licenses as collateral for loans would create options to expand the fisheries. The ability to convert a communal commercial license to a commercial license provides more flexibility and autonomy over fisheries management decisions in alignment with the UNDRIP principles to consider inherent rights, autonomy, and self-determination.

#### **Recommendation #5 Plain Language Reports / Language Translations**

In a manner consistent with UNDRIP FPIC, the recommendation is that the DFO include unambiguous language and a culturally appropriate format in the policies, frameworks, and regulations.

### **CCLP Framework Development Recommendations**

#### **Recommendation #6: Recognize our differences but create consistent processes.**

Consistency is needed in the way licensing policy is created and administered. There was recognition of inconsistencies across region that need to be transparent and clear. The differences in regions need to be factored based on biodiversity, geographic climate factors, provincial regulations, but consistency in how decisions are made needs to be consistent.

#### **Recommendation #7 Develop Protocols to Build Relationships and Respect**

We recommend the establishment of protocols by DFO based on Indigenous Treaties. Language, and cultural practices when engaging with communities to help develop relationship and demonstrate respect for Indigenous value systems and practices.

#### **Recommendation # 8: Continue to host regional workshops to share best practices.**

The participants underscored the importance of coming together to share practices and challenges. These workshops produced strong working relationships and helped to determine why some practices are different by region and how best to deal with inconsistencies. This is an ongoing challenge, but the workshops are an enabler for collaboration and sharing.

#### **Recommendation # 9: Ottawa needs to be present at regional workshops.**

The workshop participants generally have good working relationships with local DFO personnel but feel disconnected in the licensing decision process which is administered in Ottawa. There is a need to have decision-makers and policymakers from Ottawa present at the workshops to build relationships and provide better clarity on the process.

#### **Recommendation # 10: Decolonize the CCLP Process**

One of the improvements with the CCLP process is the recognition of the past harms and how these are being perpetuated in the current Fisheries Act and associated policies. Systemic barriers need to be removed by following recommendations in this report that create more transparency and accountability for the CCLP process.

### **Recommendation # 11: Create a CCLP Quality Framework**

A quality improvement approach where the CCLP framework is built on a continuous quality approach would help with measuring success and improvements to the process. This should be built using a Two-Eyed Seeing approach to recognize the strengths of the Indigenous Knowledge in how conservation and other factors influence licensing policy, which would remove some of the systemic barriers associated with the ministerial oversight and lack of transparency on decisions.

### **Recommendation # 12: Opportunity to Reduce the Complexity of the CCLP**

A process mapping exercise completed with DFO and representations from the regional communities would be helpful to determine where there are big time delays, and gaps in the communication of the licenses to the community. This would help to provide clarity in the differences between the non-Indigenous process and the additional steps in the Indigenous process.

### **Recommendation # 13: Develop a Report Card to Monitor the Success of the Communal Commercial Licensing Policy**

The research team recommends creating a data-sharing partnership to evaluate the entire CCLP process for the communities. There appears to be limited data from a quality perspective and little to no sharing of data between DFO and the Communities. The development of a report card reviewed quarterly or annually by a co-managed advisory committee would help with the continuous quality improvement process.

### **Recommendation # 14: Establish an Annual Community Satisfaction Survey**

There is a need to gather fishing community feedback about the CCLP process to measure satisfaction with changes in policy from this framework. The questions should be co-developed by a DFO / Community group and administered annually or semi-annually. This will help to establish a continuous improvement process.

### **Recommendation #15: Promotion of CCLP for Non-Indigenous Fishers**

**Bust the Myth about Indigenous Fisheries!** Non-Indigenous fishers perceive inequities in the Indigenous licensing process. An education and awareness campaign or general communication to show the differences in how the licenses are approved and assigned could help alleviate the misunderstandings with some of the fishers or reduce the severity of the clashes.

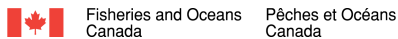
# Part 6 Implementation and Progress Management

## Objective 5: Establish an action plan to help monitor the implementation of the action plan and progress management plan.

The following three recommendations will help to generate positive forward movement towards the CCLP framework implementation per the desired outcomes listed in the recommendations and the DFO process, see figure 7 for the phase 3 consultation plan.

### PHASE 3 Communal Commercial Licensing Policy Framework Development

Phase 3 will involve consultations with Indigenous organizations in Eastern Canada. This will include further discussions on the previous policies, frameworks, and discussions on the topics listed above. This report provides feedback to help Indigenous Fisheries Organizations and Communities to share practices to help grow fisheries and engage in discussions to change the Communal Commercial Licensing Policy Framework with the DFO.



How does DFO plan to do this Review?

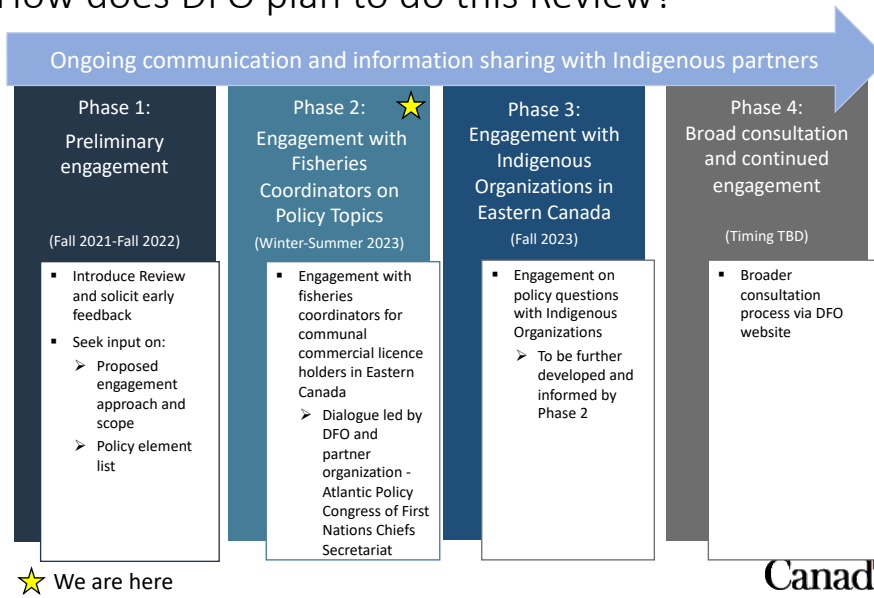


Figure 7: Fisheries and Oceans Canada CCLP Framework Development Phases Chart

### **Recommendation # 16: Maintain a Continuous Quality Improvement Process**

We recommend annual reporting reviews of the CCLP Framework change implementation. We also recommend that the qualitative data be captured annually to ensure the fisher's and staff perceptions are improving and meeting defined targets.

### **Recommendation # 17: Create an Implementation Plan**

Provide an implementation plan that considers the continuity of the oversight process, data measurement development, and continuous quality improvement approach.

### **Recommendation #18: Develop an Action Plan**

Develop a detailed action plan with clear timelines, responsibilities, and performance indicators for each objective. We have created an action plan in Appendix A. We did not prescribe the timing for each recommendation, but we have created a table with the recommended order and priority. (See Appendix A: Draft Action Plan)

### **Recommendation #19: Implement Closed Loop Monitoring and Feedback Process**

Conduct regular evaluations and progress assessments to track achievements, identify challenges, and make necessary adjustments. The cadence for measuring is recommended to be annual. We recommend streamlining the approach by having 12-15 measures over six categories: 1) Framework Transparency 2) Cultural Competency Capacity, 3) Process Measures, 4) Outcome Measures, 5) Fisher Experience Measures, and 6) Communication.

### **Recommendation #20: Establish a Process Improvement Management Team**

Establish a mix of DFO and Regional Community representatives to define the key measures, and how they can be collected, and establish the flow between APCFNC and DFO, and report back to the communities. If both parties are committed to making positive change happen, then this starting point could build the relationship between the communities and DFO.

## **Part 7: Mawa'tasik (Bringing It All Together)**

### **A summary of all the recommendations**

The following recommendations address the gaps identified in this report by the research team.

#### **Category A: Community Workshop Overarching Recommendations**

Recommendation # 1: First Nations First Leading to Self-Determination

Recommendation # 2: Listen to our Feedback and Make Meaningful Change

Recommendation # 3: DFO Needs a Refresher on Indigenous Rights

Recommendation # 4: Flexibility is Needed to Run our Businesses Sustainably

Recommendation # 5: Plain Language Reports / Language Translations

#### **Category B: CCLP Framework Development Recommendations**

Recommendation # 6: Recognize our differences but create consistent processes.

Recommendation # 7: Develop Protocols to Build Relationships and Respect

Recommendation # 8: Continue to host regional workshops to share best practices.

Recommendation # 9: Ottawa needs to be present at regional workshops.

Recommendation # 10: Decolonize the Pathways Process

Recommendation # 11: Create a Pathways Quality Framework

Recommendation # 12: Opportunity to Reduce the Complexity of the CCLP Licensing Process

Recommendation # 13: Develop a Report Card to Monitor the Success

Recommendation # 14: Establish an annual Community Satisfaction Survey Process

Recommendation # 15: Promotion of CCLP for Non-Indigenous Fishers Services

#### **Category C: Implementation and Monitoring Recommendations**

Recommendation # 16: Maintain a Continuous Quality Improvement Process

Recommendation # 17: Create an Implementation Plan

Recommendation # 18: Develop an Action Plan

Recommendation # 19: Implement Closed Loop Monitoring and Feedback Process

Recommendation # 20: Establish a Process Improvement Management Team

### **Conclusion**

This report has been completed based on guidance from the community workshops, a literature review, individual and group conversations with fisheries community members. The recommendations focus on the CCLP Framework Development using a continuous quality improvement focus guided by quality pillars. A draft action plan is available in Appendix A to help guide the implementation of the recommendations.

## Appendix A Priority of Recommended Actions

The recommendations are grouped together in categories to help with the implementation flow.

Priority Order	Main Category	Recommended Action
1	<b>Community Workshop Overarching Recommendations</b>	<p><b>These five recommendations guide the entire process as they deal with a reconciliation approach to building the CCLP Framework.</b></p> <p>The following order is recommended for DFO to take action:</p> <ul style="list-style-type: none"> <li>- DFO Needs a Refresher on Indigenous Rights</li> <li>- Listen to our Feedback and Make Meaningful Change</li> <li>- Plain Language Reports / Language Translations</li> </ul> <p><b>The following two recommendations are the guiding values and outcomes that will lead the implementation plan with a focus on eradicating inequities and driving benefits for the Indigenous Communities.</b></p> <ul style="list-style-type: none"> <li>- First Nations First Leading to Self-Determination</li> <li>- Flexibility is Needed to Run our Businesses Sustainably</li> </ul>
2	<b>CCLP Framework Development Recommendations.</b>	<p><b>These recommendations need to be actioned with community input and it is recommended to co-create a project team with DFO and staff from APC and the communities. To guide the process a facilitator can be engaged to manage and document the process.</b></p> <p>Recommendations 6-15</p>

3	<p><b>Implementation and Monitoring Recommendations</b></p>	<p><b>Create a Quality Framework with a Continuous Process Improvement Approach.</b></p> <p>These recommendations should be approached as a joint effort by DFO and APCFNC on behalf of the communities.</p> <ul style="list-style-type: none"> <li>- Maintain a Continuous Quality Improvement Process</li> <li>- Create an Implementation Plan</li> <li>- Develop an Action Plan (This is a general plan; a detailed implementation plan is required).</li> <li>- Implement Closed Loop Monitoring and Feedback Process</li> <li>- Establish a Process Improvement Management Team</li> </ul>
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## Appendix B Literature Review

1. **Source:** McMillan, L. Jane, and Kerry Prosper. "Remobilizing netukulimk: indigenous cultural and spiritual connections with resource stewardship and fisheries management in Atlantic Canada." *Reviews in Fish Biology and Fisheries* 26 (2016): 629-647.

**Summary:** The paper discusses the marginalization of the Mi'kmaw, a nation of Indigenous peoples in Atlantic Canada, from fishery policy and management processes due to colonial events. It also highlights the Mi'kmaw's efforts to revitalize the concept of netukulimk, which connects cultural and spiritual beliefs to resource stewardship, in the exercise of treaty-based rights, particularly within self-governing fisheries management initiatives. The paper concludes by introducing the Two-Eyed Seeing methodological framework, which promotes collaborative, decolonizing research practices and Indigenous knowledge mobilization strategies. Overall, the paper provides insights into the challenges and requirements for achieving respect for Indigenous traditional practices and suggests a way forward for more effective and inclusive stewardship of natural aquatic resources in the future.

2. **Source:** <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/index-eng.htm>

**Summary:** The paper discusses the licensing policies for the marine fisheries of Eastern Canada, which aim to reduce overcapitalization, prevent resource depletion, and promote sustainable and economically viable fishing practices. The Department of Fisheries and Oceans' approach to licensing favors limiting access to the fishery for an orderly harvesting of the fishery resource, promoting viable and profitable operations, and adopting consistent policies where desirable and practical. The purpose of the policy document is to provide a clear and consistent statement of the DFO's policy for registration of commercial fishing enterprises and vessels, and the issuance of fishing licenses in Eastern Canada. The document also provides objectives for evaluating the appropriateness and effectiveness of policies for fishers, corporations, Indigenous organizations, and other interested Canadians.

3. **Source:** <https://www.dfo-mpo.gc.ca/reports-rapports/regs/licences-permis/maritimes/licensing-pol-permis-peche-eng.htm>

**Summary:** The document outlines the policy of Fisheries and Oceans Canada (DFO) in the Maritimes Region regarding the registration of fishing enterprises and vessels and the issuance of fishing licenses for specific fisheries in Canadian waters in the Maritimes Region and the Northwest Atlantic Fisheries Organization (NAFO) regulatory area. The Minister has the discretion to make exceptions to the provisions of this policy. The policy does not apply to licenses issued under the Aboriginal Communal Fishing Licences Regulations. The document explains that a license grants permission to do something that would otherwise be prohibited and confers no property or other rights. Essentially, it is a privilege subject to the terms and conditions of the license. A fishing license grants permission to harvest certain species of fish or marine plants subject to the conditions attached to the license and is not a permanent permission.

4. **Source:** <https://www.mmnn.ca/2023/03/eastern-canada-communal-commercial-licensing-policy-review-workshop/>  
**Summary:** Bill C-68, which amends the Fisheries Act and other Acts, was adopted by the House of Commons in June 2018. The bill includes new factors for consideration by the Minister of Fisheries and Oceans, such as social, economic, and cultural considerations. During the consideration of the bill, the House of Commons Standing Committee on Fisheries and Oceans heard testimony on the impact of Fisheries and Oceans Canada's quota licensing policy on the West Coast's commercial fisheries. As a result, the committee conducted a study to examine the regulation of West Coast fisheries, specifically fishing licenses, quotas, and owner-operator and fleet separation policies. The committee held public hearings and presented its findings and recommendations in a report.
5. **Source:** [https://www.afn.ca/uploads/files/aboriginal\\_opportunities\\_government\\_resource\\_programs.pdf](https://www.afn.ca/uploads/files/aboriginal_opportunities_government_resource_programs.pdf)  
**Summary:** This passage discusses the importance of access to capital for developing commercial and communal fishing enterprises. Common sources of capital have specific criteria that must be met, such as a financially feasible business plan, proof of enterprise stability and collateral. The passage also identifies obstacles that impede access to capital, such as sector structure, long-term access and stability, public image, and proper business planning. The Department of Fisheries and Oceans (DFO) has developed policies and programs to provide opportunities for license holders to access capital, including recognizing licenses as "property" for purposes of bankruptcy and insolvency processes, implementing the "Notice and Acknowledgement" system, and introducing the Pacific Integrated Commercial Fisheries Initiative (PICFI) program to support Aboriginal communities' involvement in the development of economically viable and environmentally sustainable commercial fisheries. However, there are still difficulties with communal commercial licenses, which cannot be used as collateral. DFO issues communal licenses to First Nations as part of a capacity-building initiative that aims to develop strong fisheries enterprises, with grant and contribution funding made available for investment in vessels and fishing gear as part of a business plan, training and mentoring, and commercial fisheries enterprise management skills.
6. **Source:** <https://onlinelibrary.wiley.com/doi/full/10.1111/faf.12393>  
**Summary:** This paper explores the relationship between commercial fishing licenses and access to fisheries resources in British Columbia, Canada. The authors analyze the history of licensing policies and examine the diverse suite of license portfolios held in 2017 using a network approach. Results show that licensing history shapes access, and limited entry policies continue to influence who benefits from fisheries resources. The authors also suggest that analyzing license holdings provides insight into business strategies and fishing prospects available to different harvesters and other commercial fisheries participants. They advance conceptual thinking and practical approaches relevant to fisheries research and evaluation.
7. **Source:** Silver, J. J., & Stoll, J. S. (2022). A framework for investigating commercial license and quota holdings in an era of fisheries consolidation, concentration and financialization. *Marine Policy*, 143, 105179.

**Summary:** This paper proposes a new framework for understanding license and quota holdings in fisheries, drawing on literature from fisheries industrialization and consolidation in food systems. The authors apply the framework to investigate license holding in the British Columbia fisheries jurisdiction, calculating the market value of large portfolios, and examining power dynamics. They find that those with large and valuable portfolios have a unique ability to expand control in the jurisdiction. The authors suggest that more research is needed to understand the investment potential of licenses and quota and to inform policy.

8. Source: <https://laws-lois.justice.gc.ca/eng/regulations/sor-93-332/page-1.html#h-953197>

**Summary:** This is a legal text containing provisions related to fishing licenses in Canada. The text outlines the power of the Minister to issue communal licenses to aboriginal organizations for fishing and related activities. The Minister may also designate persons and vessels authorized to fish under the license. The Minister may specify conditions in the license for the management and control of fisheries, conservation and protection of fish, and matters related to the species and quantities of fish that are permitted to be taken or transported, the method of fishing, the landing of fish, inspections, and the disposition of fish caught under the license.

9. Source: <https://qalipu.ca/qalipu/wp-content/uploads/2018/01/Fishing-Designation-Policy-1.4-pages-1-6.pdf>

**Summary:** Qalipu First Nation (QFN) currently operates 14 inshore fishing enterprises and one large commercial enterprise throughout Western and Central NL, with seven inshore enterprises and one large commercial enterprise administered through Mi'kmaq Commercial Fisheries (MCF), five inshore fishing enterprises administered by MAMKA, and two inshore enterprises by QFN. The policy governing the designation of fishing licenses once they become available to QFN, MCF, or MAMKA requires individuals to pay an annual admin fee proportional to the number of licenses included in the enterprise, with MCF's large commercial enterprise operated on a 'share' basis. The policy applies to all licenses held by MCF and MAMKA, specifically MAMKA-West, despite being referred to as licenses/enterprises held by QFN in the document.

10. Source: <https://publications.gc.ca/Collection-R/LoPBdP/BP/bp344-e.htm>

**Summary:** The Canadian government has introduced quota licenses for various fisheries since 1982. The benefits of quota licensing include increased operational flexibility, increased opportunities for fishermen to market their catch themselves, increased landed values, greater cost efficiencies, and reduced government regulation. Transferable quotas can also discourage over-capitalization in the harvesting sector. However, one major drawback of quota licensing is the incentive it provides for misreporting catches and high grading, which puts a heavier enforcement and monitoring burden on fisheries managers. Other concerns include the concentration of licenses and resource ownership in the hands of a few individuals or companies, harm to small-scale or independent operators in isolated communities dependent on fishing, and difficulty for younger or new fishermen to enter the industry. It is also argued that quota licenses may increase fishing pressure on traditional fisheries.

11. Source:

[https://www.mun.ca/geography/media/production/memorial/academic/faculty-of-humanities-and-social-sciences/geography/media-library/Foley et al Creative .pdf](https://www.mun.ca/geography/media/production/memorial/academic/faculty-of-humanities-and-social-sciences/geography/media-library/Foley%20et%20al%20Creative.pdf)

**Summary:** The passage discusses how Indigenous groups in settler societies such as the United States, Canada, and Australasia have gained access to fish resources for commercial gain without the transfer of sovereign fishing rights. This has been achieved through separate licensing and quota allocation mechanisms, which remain part of state-controlled fisheries management systems. These access arrangements typically involve allocating licenses and quotas to Indigenous groups or organizations, rather than individuals, in the hope that these allocations will have a strong redistributive impact within Indigenous communities. The Community Development Quota (CDQ) system in Alaska and the Aboriginal Communal Fisheries Licence (ACFL) policy in Canada are examples of such licensing systems. Indigenous groups that receive CDQs or communal licenses can trade their allocations to licensed commercial vessels in return for royalties, which can be used to support local economic development initiatives.

**12. Source:** [https://mikmaqrights.com/?page\\_id=103](https://mikmaqrights.com/?page_id=103)

**Summary:** The Mi'kmaq of Nova Scotia are engaged in a Rights Implementation process with the Province of Nova Scotia and the Federal Government to exercise their Aboriginal and Treaty Rights, including fishing for food, social & ceremonial purposes, or for livelihood. The Department of Fisheries and Oceans issues special fishing licenses to First Nation communities for two types of fisheries: Food, Social and Ceremonial fishery, and Aboriginal Communal Commercial fishery. In 1999, the Supreme Court of Canada recognized a third type of Aboriginal fishery for a moderate livelihood, which is affirmed by section 35 of the Constitution Act, 1982. However, the Fisheries Act and Regulations still prohibit the Mi'kmaq from exercising this right without a license. The Fisheries Team at KMK is working with communities to develop and implement a plan to access aquatic species and allow the Mi'kmaq to earn a livelihood from their Treaty Rights.

**13. Source: Memon, P. A., & Cullen, R. (1992). Fishery policies and their impact on the New Zealand Maori. Marine Resource Economics, 7(3), 153-167.**

**Summary:** This paper discusses the introduction of innovative fishery policies in New Zealand and the issues that have arisen due to Maori people challenging the government's ownership of fishery resources. The policies were based on the notion of Crown ownership of fishery resources, which Maori people have claimed as their own and have criticized the government's fishery policies. The paper examines the source of these problems by focusing on the Treaty of Waitangi, negotiated in 1840 between the Crown and heads of Maori tribes, which guaranteed Maori exclusive and undisturbed possession of their fisheries and other property rights that were ignored until recently. The Crown has since ceded some authority over and ownership of fishery resources to Maori groups.

**14. Source:** <https://www.pac.dfo-mpo.gc.ca/fm-gp/licence-permis/docs/commercial-licence-permis-ref/index-eng.html>

**Summary:** This passage discusses fishing licenses, which are documents that allow individuals or groups to engage in fishing activities, subject to certain conditions. These licenses are not permanent rights, but rather limited privileges. The passage also describes communal commercial licenses, which are licenses allocated to First Nations through an agreement between the government and the First Nation. These licenses have a maximum vessel length associated with them and cannot be designated to a vessel with an overall length that exceeds this length.

**15. Source:** <https://www.gov.nl.ca/ffa/files/licensing-pdf-fplp-manual-04-16.pdf>

**Summary:** This manual provides guidance to the review and assessment process of the Fish Processing Licensing Board and identifies important factors in the recommendation-making process. The Board's analysis will consider the implications of a new licence or licence transfer on the region and the province. The justification for the issuance of a new licence or licence transfer will be consistent with government policies and consider all of the criteria outlined in this manual. It will be the applicant's responsibility to identify and address, as fully as possible, all matters relevant to the specific proposal and to comply with all governmental and regulatory requirements. This document outlines the location criteria used to assess applications for new fishing licenses and license transfers. The criteria include proximity to resources to be processed, an adequate area labor pool, existing processing facilities, harbor facilities, industrial infrastructures, and acceptable levels of social, educational, health, telecommunications, and commercial services. Proximity to resources is a key factor in determining the addition or transfer of a species category. The applicant is responsible for demonstrating that there is an adequate area labor pool to meet the demands of the new license or transfer. Characteristics such as age, gender, education level, and occupation types should match the profile of the workers required for the operation. The available workforce must be sustainable over the longer term.

**16. Source:** <https://canadagazette.gc.ca/rp-pr/p1/2019/2019-07-06/html/reg2-eng.html>

**Summary:** The proposed amendments to the Atlantic Fishery Regulations, 1985 and the Maritime Provinces Fishery Regulations aim to address concerns that the independence of fishing license holders is being compromised through agreements and arrangements with third parties. The amendments would introduce new licensing eligibility criteria and prohibitions to restrict the transfer of fishing rights and privileges conferred under a license to fish. The goal is to protect the independence of license holders and ensure that ministerial licensing decisions are not undermined. The amendments would have no or minimal effect on license holders who are already abiding by the rules. There is no expected increase in costs for the regulated parties or the government.

**17. Source:**

<https://www.ourcommons.ca/Content/Committee/421/FOPO/Reports/RP10387715/fopor21/fopor21-e.pdf>

**Summary:** The given passage talks about the recommendations made by committees after their deliberations, which are included in their reports for the consideration of the House of Commons or the Government. The listed recommendations pertain to the study related to the Canadian fishing industry.

There are a total of 14 recommendations, including maintaining the limited transferability for non-directed catch, prohibiting future sales of fishing quota and/or licenses to non-Canadian beneficial owners, allowing the separation of stacked licenses for sale to facilitate existing harvesters and new entrants to become owner-operators, creating a public online database to increase the transparency of quota license ownership and transactions, prioritizing the collection of socio-economic data, developing a comparative analysis of the East Coast and West Coast fisheries, exploring the establishment of a loan board to support harvesters' intent on purchasing licenses and/or quota, providing financial incentives to independent ownership of licenses and quota vs. corporate, overseas, or absentee ownership, creating a loan and mentorship program to help independent harvesters enter the industry, expanding value-added fish processing in



British Columbia, establishing an open public auction process and a license exchange board to lease or trade licenses and quota, reconstituting the membership of advisory boards to ensure equitable representation, and developing a new policy framework through a process of authentic and transparent engagement with all key stakeholders.

**18. Source:** <https://onlinelibrary.wiley.com/doi/pdf/10.1111/faf.12393>

**Summary:** Commercial fishing licences are central to fisheries management systems. They define and allocate harvest rights, place rules upon authorized harvesters and, in some cases, require holders to pay user fees. In this paper, we ask how licences and licensing relate to access, itself a broader concept defined as the opportunity to derive benefits from resources and that draws attention to how institutions and social structures enable and constrain different individuals and groups. Using published literature, reports, and publicly available licence data for fisheries off British Columbia, Canada, we overview licensing history and examine all major commercial licence types in the jurisdiction. Using a network approach, we also describe the diverse suite of licence portfolios held in 2017. Results show that there were 6,563 commercial fishing licences registered by 2,377 unique holders, including a handful that hold ‘access-rich’ and a much larger number who hold ‘access-constrained’ portfolios. The literature review and analysis support two broadly applicable conclusions. First, that licensing history shapes access and that limited entry policies continue to influence who benefits from fisheries resources well beyond implementation. Second, that analysing licence holdings suggests business strategies and fishing prospects available to different harvesters and other commercial fisheries participants in a jurisdiction. In response to demand for greater attention to human dimensions and to the perception that indicators are challenging to develop and integrate, we advance conceptual thinking and practical approaches relevant to fisheries research and evaluation.

**19. Source:** <https://www.canada.ca/en/fisheries-oceans/news/2021/06/minister-jordan-announces-long-term-commercial-closures-and-licence-retirement-program-in-effort-to-save-pacific-salmon.html>

**Summary:** The Government of Canada is taking action to combat the long-term decline of Pacific salmon populations. This decline is due to a combination of climate change, habitat degradation, and harvesting impacts. The Pacific Salmon Strategy Initiative (PSSI) has been implemented to stabilize and rebuild the stocks. As an initial step, the government has announced significant commercial salmon closures for the 2021 season, affecting commercial salmon fisheries and First Nations communal commercial fisheries. These closures will be included in the 2021-22 Pacific Salmon Integrated Fisheries Management Plan. Additionally, a Pacific Salmon Commercial Transition Program will provide harvesters with the option to retire their licenses for fair market value to facilitate the transition to a smaller commercial harvesting sector. The government will consult with First Nations, harvesters, industry members, and partners across the Pacific region on the impacts of the closures and the collaborative development of the mitigation program. The goal is to save wild salmon for future generations.

**20. Source:** [https://publications.gc.ca/collections/collection\\_2017/bcp-pco/CP22-146-2010-eng.pdf](https://publications.gc.ca/collections/collection_2017/bcp-pco/CP22-146-2010-eng.pdf)

**Summary:** The Aboriginal Communal Fishing Licences Regulations (ACFLR) were enacted in 1993 to improve in-river management and enforcement with regard to Aboriginal fisheries on the west coast of Canada. The ACFLR provides a licensing

mechanism for Aboriginal fisheries, whether for food, social or ceremonial purposes or for economic purposes. The ACFLR applies to several fisheries throughout Canada, including fisheries in water areas enumerated in Schedule II to the Pacific Fishery Management Area Regulations and salmon fisheries in British Columbia. The ACFLR license "Aboriginal organizations" to fish under communal fishing licenses and no license fee is payable. The licenses may carry conditions or restrictions on fishing, and in the event of any inconsistency in respect of fishing and related activities carried out in accordance with a license, the conditions of the license prevail to the extent of the inconsistency.

21. **Source:** <https://www.ratcliff.com/wp-content/uploads/2020/10/Commercial-Fisheries-Should-Commercial-Fishing-Rights-Be-Included-In-Modern-Treaties-Pros-Cons-And-Alternatives-Ratcliff.pdf>

**Summary:** The author is addressing the question of whether commercial fishing rights should be included in modern treaties, specifically in relation to BC First Nations. The answer is yes, as long as it meets the cultural and economic needs of the First Nation. The importance of commercial fishing to BC First Nations is highlighted, as it has been a crucial part of their economy for centuries. However, Canada's policies and regulations have marginalized First Nations in the commercial fishery since the 1960s. The author suggests considering modern treaties that deal with commercial fishing, the potential for favorable provisions in future treaties, and alternatives.

22. **Source:** <https://www.pac.dfo-mpo.gc.ca/reconciliation/licence-alternation-rechange-permis/overview-apercu-page02-eng.html>

**Summary:** This is information about eligibility and eligible activities and costs for a funding program in British Columbia or Yukon that supports acquiring alternative non-salmon commercial fisheries access, for example, halibut. To be eligible, applicants must be located in British Columbia or Yukon and hold a communal commercial salmon license eligibility. The program does not support communal commercial licenses that have been temporarily distributed to a Nation through certain agreements. Eligible costs include expenses related to administration, commercial fishing access, communications, general operating expenses, insurance, professional services, property, plant and equipment, salaries, wages and related costs, training, and travel. All applications will be assessed on a case-by-case basis, and additional conditions may apply in some circumstances.

23. **Source:** [https://www.afn.ca/uploads/files/aboriginal\\_opportunities\\_government\\_resource\\_programs.pdf](https://www.afn.ca/uploads/files/aboriginal_opportunities_government_resource_programs.pdf)

**Summary:** The Mi'kmaq of Nova Scotia are making progress through the Mi'kmaq Rights Initiative, seeking to implement Aboriginal and treaty rights in the province. Best practices include acquiring Fisheries Coordinators at the community level, formalizing the process of distributing licenses, and utilizing effective management practices for communal fisheries. However, there are several challenges, including determining the best model for management, building consensus on what constitutes a moderate livelihood, increasing transparency and accountability, and addressing taxation issues. Despite these challenges, the First Nations fisheries in Atlantic Canada have overcome systemic barriers through technology, specific species targeting, and the establishment of fisheries coordinators at the community and regional levels.

**24. Source: Durette, M. (2018). Indigenous property rights in commercial fisheries: Canada, New Zealand and Australia compared. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University.**

**Summary:** This paper demonstrates, through a detailed comparison with Canada and New Zealand, that the Australian government's approach to Indigenous customary and commercial fishing rights stands outside developments in other Commonwealth countries. It focuses on commercial fishing in particular as an opportunity for Indigenous people to more fully realise their economic rights. The socioeconomic outcomes from Indigenous commercial fishing in Canada and New Zealand identified in this paper highlight the need for Australia to rethink its policies to ensure that the same rights and benefits accrue to Indigenous Australians.

The paper first outlines developments in Canada and New Zealand, focusing less on the history—as this has been the subject of many other papers—and more on the contemporary arrangements for commercial fishing in these countries, especially the emerging cooperative structures between Indigenous people and government. An outline of Australia's position on commercial rights follows, which reveals that state of Aboriginal and Torres Strait Islander participation in commercial fisheries is currently minimal to non-existent. It closes with a discussion drawing out the key differences between Australia and the other two countries. In the end, no specific solution is identified, but rather this paper identifies a variety of possible—and necessary—avenues for change.

**25. Source: Thornton, T. F., & Hebert, J. (2015). Neoliberal and neo-communal herring fisheries in Southeast Alaska: Reframing sustainability in marine ecosystems. Marine Policy, 61, 366-375.**

**Summary:** This paper discusses how the transformation of Pacific herring fisheries on the Northwest Coast of North America from communal to commons to neoliberal regulation has impacted the sustainability of marine ecosystems. The overexploitation of herring stocks due to unregulated commons in the mid-twentieth century led to conflicts between local Natives and non-local fleets. Since the 1970s, a re-regulated neoliberal sacroe fishery for Japanese markets has provided new opportunities for limited commercial permit holders, but with further depredations on local spawning populations. The paper argues for a new social-ecological systems approach, based on aboriginal models of herring cultivation, to sustain a commercial, subsistence, and restoration economy for the region.

**26. Source: Silver, J. J., & Stoll, J. S. (2019). How do commercial fishing licences relate to access? Fish and Fisheries, 20(5), 993-1004.**

**Summary:** The authors argue that licensing systems have significant implications for access to fishing grounds, and that these implications are not always fully understood or accounted for in fisheries management. The paper presents case studies from three different fisheries – the US Atlantic Sea scallop fishery, the Australian northern prawn fishery, and the Canadian Pacific halibut fishery – to illustrate how different licensing systems affect access. The authors also discuss the potential for alternative approaches to licensing, such as community quotas or individual transferable quotas, to better align access with conservation goals and community needs. Overall, the paper highlights the



importance of understanding the complex relationship between licensing and access in order to develop more effective and equitable fisheries management systems.

- 27. Source: Snook, J., Cunsolo, A., & Morris, R. (2018). A half century in the making: governing commercial fisheries through Indigenous marine co-management and the Torngat Joint Fisheries Board. Arctic marine resource governance and development, 53-73.**

**Summary:** This chapter explores Indigenous co-management of fisheries in Canada, with a focus on the Labrador Inuit Settlement Region of Nunatsiavut. The case study examines the Labrador Inuit Land Claims Agreement and the Torngat Joint Fisheries Board (TJFB) to illustrate the potential benefits of engaging co-management organizations and processes to create more value for Inuit communities, facilitate Indigenous participation in fisheries, and promote healthier communities and ecosystems. The chapter argues for a shift towards focusing on the spirit and intent of land claims documents to meet and exceed their objectives, rather than solely relying on legal interpretation. The chapter also includes case studies on Northern Shrimp, Snow Crab, and Arctic Char to analyze the continuum of control of fish management policies in Nunatsiavut and its resulting social, ecological, and economic outcomes.

- 28. Source: Harris, D. C., & Millerd, P. (2010). Food fish, commercial fish, and fish to support a moderate livelihood: characterizing Aboriginal and treaty rights to Canadian fisheries. Arctic Review on Law and Politics, 1, 82-107.**

**Summary:** This article discusses the unique legal relationship that Aboriginal peoples of Canada have with fisheries due to their long history with them and the constitutional entrenchment of their rights. The article explores the different types of rights, including food fishing, commercial fishing, and fishing to support a moderate livelihood, and how they are characterized in Canadian law. It argues that the simplest and broadest characterization of a right to fish without restriction as to purpose or use of fish best aligns with effective management and fair distribution. The article calls for a re-evaluation of current characterizations of Aboriginal and treaty rights to fish and a shift towards a more holistic approach that considers the social, cultural, and economic importance of fisheries to Indigenous communities.

- 29. Source: Capistrano, R. C. G., & Charles, A. T. (2012). Indigenous rights and coastal fisheries: a framework of livelihoods, rights, and equity. Ocean & Coastal Management, 69, 200-209.**

**Summary:** The involvement of indigenous peoples in fisheries, and in the management of those fisheries, varies widely around the world, but invariably involves many complex interactions. This paper assesses these interactions using a three-pronged conceptual framework of livelihoods, equity, and rights (resource access and management rights, as well as indigenous and aboriginal rights). The framework is applied to examine the experiences of indigenous peoples in Canada and the Philippines regarding access to fishery resources, and participation in fisheries management and policy. These experiences demonstrate the importance of legally recognized rights not only as a key tool in resource management, but also in the pursuit of secure and equitable livelihoods on the part of indigenous peoples. While it is apparent that in some ways, serious mismatches exist between government policy and local livelihood needs, there are also illustrations of positive change in improving the situation of indigenous peoples.

- 30. Source: Ebener, M. P., Kinnunen, R. E., Schneeberger, P. J., Mohr, L. C., Hoyle, J. A., & Peeters, P. (2008). Management of commercial fisheries for lake whitefish in the Laurentian Great Lakes of North America. International governance of fisheries ecosystems: learning from the past, finding solutions for the future. American Fisheries Society, Bethesda, Maryland, 99-143.**

**Summary:** The paper discusses the management of commercial fisheries for lake whitefish in the Laurentian Great Lakes of North America. The paper notes that prior to European colonization, Indigenous communities had communal commercial fishing practices that were based on sustainable management practices. However, these practices were disrupted by the introduction of commercial fishing by European settlers, which led to overfishing and depletion of fish stocks. The paper then describes the evolution of fishery management practices, including the introduction of regulations and quotas, cooperative management approaches, and the use of science-based decision-making. The authors highlight the importance of stakeholder engagement and cooperation in effective fishery management, and also emphasize the need for adaptive management practices that can respond to changing environmental and economic conditions.

- 31. Source: Kourantidou, M., Hoagland, P., Dale, A., & Bailey, M. (2021). Equitable allocations in northern fisheries: bridging the divide for Labrador Inuit. Frontiers in Marine Science, 8, 590213.**

**Summary:** This paper focuses on the issue of equitable allocation of fishing quotas in northern fisheries, specifically in the context of the Labrador Inuit in Canada. The authors argue that past policies have failed to recognize the importance of traditional knowledge and communal fishing practices of Indigenous peoples, resulting in inequitable access to fisheries resources. The paper describes the historical and legal context of Indigenous fishing rights in Canada and examines the challenges faced by the Labrador Inuit in accessing fisheries resources. The authors suggest that a more equitable approach to fisheries management would involve recognizing the rights of Indigenous peoples to self-determination and co-management of fisheries resources and incorporating traditional knowledge into decision-making processes. They also suggest that a better understanding of the social and cultural values of communal fishing practices is needed to bridge the divide between Indigenous and non-Indigenous fisheries stakeholders and achieve more equitable allocations.

- 32. Source: Memon, P. A., & Kirk, N. A. (2011). Maori 1 commercial fisheries governance in Aotearoa 2/New Zealand within the bounds of a neoliberal fisheries management regime. Asia Pacific Viewpoint, 52(1), 106-118.**

**Summary:** This paper discusses the management of commercial fisheries in Aotearoa/New Zealand and how it relates to Maori governance. The authors argue that the neoliberal approach to fisheries management has undermined Maori authority and control over their customary fisheries, resulting in social, economic, and environmental injustices. The paper suggests that a more collaborative approach to governance that acknowledges and incorporates Maori perspectives, knowledge, and values is needed to address these issues and ensure the sustainability and equity of the fisheries. The authors also discuss the challenges and opportunities for implementing such an approach within the current regulatory framework. Overall, the paper highlights the importance of recognizing and supporting indigenous governance and rights in the management of communal commercial fisheries.

- 33. Source: Foley, P., Mather, C., Dawe, N., & Snook, J. (2018). Creative and constrained hybridisations in subarctic Inuit communities: Communal fishery development in Nunatsiavut, Canada. In Towards Coastal Resilience and Sustainability (pp. 309-326). Routledge.**

**Summary:** The paper examines the development of communal fisheries in the Inuit communities of Nunatsiavut, Canada. The authors explore how the communal fishery development program has sought to balance the need for economic development with the importance of cultural and ecological sustainability. The paper describes the constraints and opportunities faced by the Inuit communities in developing their fisheries, and the creative strategies they have employed to overcome these challenges. The authors also discuss the role of external stakeholders, such as government agencies and NGOs, in supporting the development of communal fisheries in Nunatsiavut. Overall, the paper highlights the potential for communal fisheries to contribute to the social, economic, and cultural well-being of Inuit communities, while also promoting sustainable fisheries management practices.

- 34. Source: Burnett, M. A. (1995). The dilemma of commercial fishing rights of indigenous peoples: A comparative study of the common law nations. Suffolk Transnat'l L. Rev., 19, 389.**

**Summary:** Burnett (1995) explores the issue of commercial fishing rights of Indigenous peoples in common law nations, namely Australia, Canada, New Zealand, and the United States. The paper examines the legal framework and the extent to which Indigenous peoples' rights to fish commercially are recognized and protected in each country. The author argues that although there are some similarities in the recognition of Indigenous commercial fishing rights across these countries, there are also significant differences that reflect the unique legal and political histories of each nation. The paper also discusses some of the challenges faced by Indigenous communities in protecting and exercising their fishing rights, including the complex legal regimes governing fisheries management, competing claims to resources, and issues of enforcement and compliance. Overall, the paper highlights the importance of understanding the legal and institutional context in which Indigenous commercial fishing rights are recognized and protected in order to develop effective policies and practices for promoting equitable and sustainable fisheries management.

- 35. Source: Giles, A., Fanning, L., Denny, S., & Paul, T. (2016). Improving the American eel fishery through the incorporation of indigenous knowledge into policy level decision making in Canada. Human ecology, 44(2), 167-183.**

**Summary:** The paper explores how incorporating Indigenous knowledge into policy level decision-making can improve the American eel fishery in Canada. The authors argue that Indigenous knowledge is a valuable resource in fisheries management and should be considered alongside scientific knowledge to ensure sustainable fishing practices. The paper provides a case study of the collaborative efforts between Indigenous communities and the Canadian government to develop management plans for the American eel fishery. The authors highlight the importance of incorporating Indigenous perspectives and knowledge into policymaking, particularly as Indigenous communities have a long history of sustainable fishing practices and a deep understanding of local ecosystems. The paper suggests that incorporating Indigenous knowledge can lead to more effective and equitable fisheries management and can help to

ensure that future generations can continue to benefit from the resources provided by the American eel fishery.

- 36. Source: Davis, A., & Jentoft, S. (2001). The challenge and the promise of indigenous peoples' fishing rights—from dependency to agency. *Marine policy*, 25(3), 223-237.**  
**Summary:** In this paper, the authors explore the challenges and potential benefits of recognizing and implementing Indigenous peoples' fishing rights. They argue that past colonial and assimilationist policies have resulted in Indigenous communities being viewed as passive recipients of fisheries management decisions, rather than active participants with valuable knowledge and interests. The authors also discuss how recognition of Indigenous fishing rights can lead to greater self-determination, economic opportunities, and environmental stewardship. However, they caution that implementing Indigenous fishing rights requires a shift in management approaches, including recognition of the importance of Indigenous knowledge and governance systems, as well as greater power-sharing between Indigenous communities and state authorities. Overall, the authors argue that recognizing and implementing Indigenous fishing rights can lead to more sustainable and equitable fisheries management, as well as greater social and economic benefits for Indigenous communities.
- 37. Source: O'Garra, T. (2009). Bequest values for marine resources: How important for indigenous communities in less-developed economies. *Environmental and resource economics*, 44(2), 179-202.**  
**Summary:** The paper explores the importance of marine resources to indigenous communities in less-developed economies through the use of bequest value as an economic indicator. The study focuses on the indigenous community of Taveuni Island, Fiji, which relies heavily on marine resources for subsistence, cultural and economic activities. The findings suggest that bequest values are significant and should be considered in marine resource management decisions as they are critical to the well-being and cultural survival of indigenous communities. The study highlights the need for inclusive and participatory approaches to natural resource management, which incorporates the voices and knowledge of indigenous peoples.
- 38. Source: Bremner, J., & Lu, F. (2006). Common property among indigenous peoples of the Ecuadorian Amazon. *Conservation and Society*, 4(4), 499-521.**  
**Summary:** The paper explores the use and management of common property resources, particularly fisheries, among indigenous peoples of the Ecuadorian Amazon. The authors find that indigenous communities are able to manage their fisheries sustainably through traditional management practices, despite external pressures from government policies and the growth of commercial fishing operations. The paper also highlights the importance of recognizing indigenous peoples' customary rights to manage their resources and the potential for co-management arrangements between indigenous communities and government agencies to support sustainable resource management.
- 39. Source: Lee, L. C., Reid, M., Jones, R., Winbourne, J., Rutherford, M., & Salomon, A. K. (2019). Drawing on indigenous governance and stewardship to build resilient coastal fisheries: People and abalone along Canada's northwest coast. *Marine Policy*, 109, 103701.**  
**Summary:** The paper explores how Indigenous governance and stewardship practices can contribute to building resilient coastal fisheries. It specifically focuses on the management of the red abalone fishery along the northwest coast of Canada, where

Indigenous peoples play a critical role in the management and conservation of the fishery. The authors argue that Indigenous stewardship practices, which are rooted in traditional ecological knowledge, can complement, and enhance the formal management framework for the fishery. The paper highlights the importance of recognizing and respecting Indigenous governance and stewardship systems in the management of coastal fisheries to support sustainable resource use and the well-being of coastal communities.

- 40. Source: von der Porten, S., Corntassel, J., & Mucina, D. (2019). Indigenous nationhood and herring governance: strategies for the reassertion of Indigenous authority and inter-Indigenous solidarity regarding marine resources. *AlterNative: An International Journal of Indigenous Peoples*, 15(1), 62-74.**

**Summary:** The paper explores the challenges faced by Indigenous nations in British Columbia, Canada, in their efforts to reassert their authority over herring fisheries, which have been increasingly regulated and controlled by the Canadian government. The authors highlight the importance of recognizing Indigenous nationhood and the need for inter-Indigenous solidarity to effectively govern and manage marine resources. The paper discusses the strategies used by Indigenous nations to assert their authority over herring, including the establishment of Indigenous-led monitoring and management programs, and the mobilization of legal and political resources. The authors argue that the reassertion of Indigenous authority over herring fisheries represents a significant step towards decolonization and the recognition of Indigenous sovereignty over marine resources.

- 41. Source: Durette, M. (2018). Indigenous property rights in commercial fisheries: Canada, New Zealand and Australia compared. Canberra, ACT: Centre for Aboriginal Economic Policy Research (CAEPR), The Australian National University.**

**Summary:** The paper by Durette (2018) examines and compares the legal frameworks and policies related to indigenous property rights in commercial fisheries in Canada, New Zealand, and Australia. One of the key issues addressed in the paper is the potential benefits and challenges of implementing communal commercial licensing (CCL) as a means of empowering indigenous communities to participate in the commercial fisheries industry.

The paper highlights that while there are variations in the legal frameworks and policies across the three countries, there are some commonalities in the challenges faced by indigenous communities in accessing and benefiting from commercial fisheries. These challenges include limited access to resources, limited representation in decision-making processes, and the impact of historical injustices and discriminatory policies.

With regards to communal commercial licensing, the paper discusses the potential benefits of this approach, which include greater community involvement and control over fisheries management, increased economic benefits for indigenous communities, and improved resource management practices. However, the paper also notes that CCL can face some challenges in terms of implementation, including issues around governance, enforcement, and ensuring equitable distribution of benefits.

- 42. Source: Silver, J. J., & Stoll, J. S. (2019). How do commercial fishing licences relate to access? *Fish and Fisheries*, 20(5), 993-1004.**

**Summary:** The paper by Silver and Stoll (2019) examines the relationship between commercial fishing licenses and access to fishery resources, with a focus on the

implications for small-scale fishers and indigenous communities. The paper notes that traditional approaches to licensing in the commercial fishing industry have tended to prioritize efficiency and economic productivity over considerations of social equity and environmental sustainability.

The authors argue that communal commercial licensing (CCL) may offer a promising alternative to traditional licensing approaches, as it has the potential to empower indigenous communities and small-scale fishers by providing greater control over fishery resources and management. However, the paper notes that the success of CCL depends on several key factors, including effective governance and decision-making processes, clear and equitable distribution of benefits, and appropriate enforcement mechanisms.

**43. Source: James, M. (2003). Native participation in British Columbia commercial fisheries. Teakerne Resource Consultants.**

**Summary:** The paper by James (2003) examines the participation of indigenous communities in commercial fisheries in British Columbia, Canada. The paper notes that historically, indigenous communities have faced significant barriers to accessing and benefiting from commercial fisheries, including discriminatory policies and limited access to resources.

One potential solution that the paper explores is communal commercial licensing (CCL), which has been implemented in some fisheries in British Columbia. The paper suggests that CCL has the potential to provide indigenous communities with greater control over their fisheries resources and management, as well as increased economic benefits.

However, the paper also notes that there are challenges associated with implementing CCL, including issues around governance, enforcement, and equitable distribution of benefits.

**44. Source: Pinkerton, E., & Silver, J. (2011). Cadastralizing or coordinating the clam commons: Can competing community and government visions of wild and farmed fisheries be reconciled? Marine Policy, 35(1), 63-72.**

**Summary:** The paper by Pinkerton and Silver (2011) examines the challenges of reconciling competing visions of wild and farmed fisheries in the context of the clam commons in British Columbia, Canada. The paper explores the potential for communal commercial licensing (CCL) to provide a solution to these challenges by facilitating coordinated management between government and community stakeholders. The paper notes that traditional licensing approaches have tended to prioritize economic efficiency and individual rights over community-based management and ecological sustainability. In contrast, CCL has the potential to provide a more collaborative and inclusive approach to fisheries management, by providing a mechanism for government and community stakeholders to work together in a coordinated manner. However, the paper notes that there are challenges associated with implementing CCL in the clam commons, including issues around governance, enforcement, and the need to reconcile competing visions of wild and farmed fisheries. The paper suggests that in order to successfully implement CCL in this context, it is necessary to develop a clear and shared understanding of the goals and values of each stakeholder group, and to establish effective governance structures that can support collaborative decision-making and management.

**45. Source: Pinkerton, E., & Weinstein, M. (1995). Fisheries that work sustainability through community-based management. The David Suzuki Foundation. Vancouver.**

**Summary:** The paper by Pinkerton and Weinstein (1995) examines the potential for community-based management and communal commercial licensing (CCL) to support sustainable fisheries in British Columbia, Canada. The paper argues that traditional approaches to fisheries management have often prioritized economic efficiency over ecological sustainability, resulting in overfishing and declining fish stocks. The paper suggests that community-based management, which involves local communities in decision-making and management processes, can provide a more sustainable approach to fisheries management. CCL is seen as one tool that can support community-based management by providing a mechanism for communities to control access to and management of fishery resources. The paper provides several examples of successful community-based management and CCL initiatives in British Columbia, highlighting the benefits of increased community involvement in decision-making and management, and the potential for CCL to support sustainable and equitable distribution of benefits.

**46. Source: Carter, J., & Hill, G. (2007). Indigenous community-based fisheries in Australia. *Journal of Environmental Management*, 85(4), 866-875.**

**Summary:** The paper by Carter and Hill (2007) examines the potential for Indigenous community-based fisheries (CBFs) to support sustainable and equitable fisheries management in Australia. The paper argues that traditional approaches to fisheries management have often excluded Indigenous communities from decision-making and management, resulting in ongoing conflicts over access and benefits. The paper suggests that CBFs, which involve local communities in decision-making and management processes, can provide a more sustainable and equitable approach to fisheries management. Communal commercial licensing (CCL) is seen as one tool that can support CBFs by providing a mechanism for communities to control access to and management of fishery resources. The paper provides several examples of successful CBF and CCL initiatives in Australia, highlighting the benefits of increased community involvement in decision-making and management, and the potential for CCL to support sustainable and equitable distribution of benefits.

**47. Source: Pomeroy, R. S. (1995). Community-based and co-management institutions for sustainable coastal fisheries management in Southeast Asia. *Ocean & Coastal Management*, 27(3), 143-162.**

**Summary:** The paper by Pomeroy (1995) examines the potential for community-based and co-management institutions, including communal commercial licensing (CCL), to support sustainable coastal fisheries management in Southeast Asia. The paper argues that traditional approaches to fisheries management, which have often been top-down and centralized, have failed to effectively address overfishing and declining fish stocks in the region. The paper suggests that community-based and co-management institutions can provide a more sustainable and equitable approach to fisheries management. CCL is seen as one tool that can support community-based and co-management by providing a mechanism for communities to control access to and management of fishery resources. The paper provides several examples of successful community-based and co-management initiatives in Southeast Asia, highlighting the benefits of increased community involvement in decision-making and management, and the potential for CCL to support sustainable and equitable distribution of benefits.

**48. Source: Raubani, J. J. J., Vila, P., & Arnason, R. (2006). Community fisheries management (CFM): Future considerations for Vanuatu. Port Vila: Vanuatu Fisheries Department.**

**Summary:** The paper by Raubani et al. (2006) examines the potential for community fisheries management (CFM), including communal commercial licensing (CCL), to support sustainable and equitable fisheries management in Vanuatu. The paper argues that traditional approaches to fisheries management in Vanuatu, which have often been centralized and top-down, have failed to effectively address overfishing and declining fish stocks in the region. The paper suggests that CFM, which involves local communities in decision-making and management processes, can provide a more sustainable and equitable approach to fisheries management. CCL is seen as one tool that can support CFM by providing a mechanism for communities to control access to and management of fishery resources. The paper provides several examples of successful CFM and CCL initiatives in Vanuatu, highlighting the benefits of increased community involvement in decision-making and management, and the potential for CCL to support sustainable and equitable distribution of benefits.

**49. Source: Wiber, M. G., & Kennedy, J. (2001). Impossible dreams: Reforming fisheries management in the Canadian Maritimes after the Marshall Decision. In International Yearbook for Legal Anthropology, Volume 11 (pp. 282-297). Brill Nijhoff.**

**Summary:** The article "Impossible Dreams: Reforming Fisheries Management in the Canadian Maritimes after the Marshall Decision" explores the challenges and opportunities presented by the landmark Marshall decision of 1999, which recognized the treaty rights of First Nations peoples to fish for a "moderate livelihood." The authors argue that the decision has the potential to transform fisheries management in the region by promoting greater collaboration and cooperation between Indigenous and non-Indigenous communities. However, they also acknowledge the difficulties in implementing communal commercial licensing schemes that would allow for equitable distribution of fishery resources. Overall, the article sheds light on the complex legal, social, and economic issues involved in efforts to reform fisheries management in the Canadian Maritimes.

**50. Source: Veitayaki, J. (1998). Traditional and community-based marine resources management system in Fiji: An evolving integrated process. Coastal Management, 26(1), 47-60.**

**Summary:** The article "Traditional and community-based marine resources management system in Fiji: An evolving integrated process" discusses the success of communal commercial licensing in Fiji's traditional and community-based marine resource management system. The author highlights the importance of community involvement and empowerment in resource management and describes how traditional Fijian practices and customs have been incorporated into the modern regulatory framework. The article also details the challenges faced by communities in implementing and enforcing the licensing system, such as limited resources and conflicting interests. Overall, the article provides insight into how communal commercial licensing can be successful in the context of traditional and community-based marine resource management systems.



