

Fisheries Management Policies on Canada's Atlantic Coast

A summary of policies, acts and agreements in effect on September 30, 2001 that pertain to the management of the fisheries on Canada's Atlantic Coast

Users of this summary are reminded that it is prepared for convenience of reference only and that, as such, it has no official sanction.

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Summary of Current Fisheries Management Policies on Canada's Atlantic Coast

Overview

In May 1999, the Minister of Fisheries and Oceans directed the Department to undertake a comprehensive review of Atlantic fisheries management policies. The objective of the Atlantic Fisheries Policy Review (AFPR) is to develop a policy framework to guide decision-making in fisheries management over the long term. During public information sessions held by the AFPR in June 1999, the Department of Fisheries and Oceans (DFO) was encouraged to consolidate a list of its existing policies and make summaries available. Many of the participants in the information sessions saw this as a key component of the Review. After the initial round of public consultation sessions, the Review Working Group committed to undertake three tasks:

- to consolidate a list of and summarize relevant fisheries management policies;
- to clarify direction where there are competing priorities; and
- to commit to a set of principles to guide fisheries management in the long term.

This document addresses the first task: to consolidate a list of and summarize key policies and to provide a convenient reference for current policies pertaining to the management of fisheries on the Atlantic Coast of Canada. To that end, it includes a summary of existing fisheries management policies and an overview of other policies relevant to fisheries management on the Atlantic Coast. Developed over the past two decades, these policies address specific issues and concerns and have not been designed to provide a broad or overall direction for fisheries management.

The second and third tasks identified for the first phase of the AFPR are addressed in a separate document entitled *The Management of Fisheries on Canada's Atlantic Coast — A Discussion Document on Policy Direction and Principles (February, 2001)*. The discussion document sets out a possible broad direction for the Atlantic fisheries and provides further clarity on competing priorities. The document formed the basis of public discussions at 19 public sessions held across Atlantic Canada,

Quebec and Nunavut in March and April 2001. Summaries of these public sessions, entitled “What We Heard” are available through our Web site at www.dfo-mpo.gc.ca/afpr-rppa or by calling our toll free number 1-866-233-6676. The results of these public consultations will form the basis of a policy framework that will include a set of principles to guide fisheries management in the long term. This policy framework is currently being developed, with a target publication date in 2002.

Approach to Policy Summary

The summaries of fisheries management policies were developed from a review of DFO documents, Minister’s speeches and news releases, as well as from other related reports and discussions with DFO officials. Some policies listed below appear in such formal policy documents as the *Commercial Fisheries Licensing Policy for Eastern Canada, 1996*, but many are drawn from such departmental materials as annual estimates, news releases and business plans. Some policies were not in written form, but were departmental practice. These have been summarized and included in this document.

Fisheries management policies and programs are often closely linked to policies in other sectors of the department, including Science, Canadian Coast Guard and Oceans. This document focuses on policies that pertain specifically to fisheries management on the Atlantic Coast. As such, it is not a complete listing of every DFO policy. For instance, regulations and detailed agreements that apply to specific fisheries, such as humane harvesting methods for the seal hunt, or conservation measures in the lobster fishery, have not been included since they are operating guidelines that support the broader fisheries management policies summarized in this document.

How the Summaries are Organized

DFO policies pertaining to fisheries management on the Atlantic Coast are set out below using the following format:

- objective (the purpose of the policy);
- background and key elements (a brief description of the policy);
- scope (to whom the policy is applicable); and

- sources (documents used in preparing the summary and where they can be found).

The policy summaries are grouped into five categories:

- policies that relate to allocation or access;
- policies that relate directly to the management of the fisheries;
- policies, acts and agreements that apply to the broader use of the oceans and affect fisheries management;
- agreements and activities that relate indirectly to fisheries management, including agreements with provincial and territorial governments, but not including enforcement; and
- policies developed by industry groups, but that overlap significantly with DFO policies and responsibilities.

A list of source documents used to develop the summaries appears on page 102.

Conclusion

This document provides summaries of fisheries management policies that are in effect on September 30, 2001. It is intended to provide an easy reference for those who want information on policies that affect the management of fisheries on the Atlantic Coast of Canada.

These summaries are not meant to replace the complete policies; neither do they analyze or rank the policies in order of importance. Readers requiring additional information on individual policies are directed to consult the policies themselves.

Copies of this document may be obtained from DFO regional offices or by contacting the AFPR Working Group at

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A Short History of Fisheries Management Policy Development

Introduction

Fisheries have existed on Canada's East Coast for hundreds of years. The current *Fisheries Act*, which is the primary legislative base for fisheries management, is itself over 100 years old. Modern fisheries management policies have evolved over time. This section presents some highlights of the policies and programs that have affected the management of fisheries on Canada's Atlantic coast. It is not intended to be all-inclusive.

Prior to the mid-1960's, most fisheries were open to anyone who wished to fish and applied for a fishing licence. Although licences were required in some fisheries, there were no restrictions on who could hold licences or how many licence holders could operate in a given fishery. In addition, there were no direct or significant restrictions on catch levels or fishing capacity. The main control on fishing was through seasons, minimum fish sizes, mesh or other gear constraints, and special restricted gear areas.

Introduction of Limited Entry and Quota Management

By the 1950's, calls for limited entry licensing to restrict the number of fishers and boats in response to resource concerns and protection for existing participants emerged. Limited entry licensing was introduced in the Atlantic lobster fishery in 1967-68; it was extended to most major Atlantic fisheries under Canada's jurisdiction in 1973.

Quota management, that is establishing a total amount of the resource that is allowed to be harvested in a given period of time, began in the 1970's. Between 1970 and 1974, the International Commission for the Northwest Atlantic Fisheries (ICNAF), a forerunner to the Northwest Atlantic Fisheries Organization (NAFO), introduced catch quotas (Total Allowable Catch [TAC]) and national allocations for all major international groundfish stocks. These measures began to address the expansion of the foreign fishery on the Atlantic Coast.

Extension of Jurisdiction and Adoption of Key Domestic Policies

In 1976, a new policy for Canada's Commercial Fisheries was developed partly in anticipation of the extension of fisheries jurisdiction to 200 miles and partly in response

to a long-standing need to rationalize the management and use of fishery resources. The 1976 policy emphasised “best use” of society’s resources and detailed a number of goals and policy objectives including the establishment of an effective management regime for natural resources. The policy focussed primarily on resource use and allocation, economic development, and social/cultural development. Canada extended fisheries jurisdiction to 200 miles in 1977.

Following the extension of jurisdiction to 200 miles, conflicts between the processing and harvesting sectors arose over who would control access to the resource. Harvesters were concerned that processors should not be allowed to own harvesting operations while processors were looking to integrate harvesting and processing operations, thus ensuring them access to a secure supply of fish for their plants. In 1979, the Fleet Separation Policy for vessels of less than 65 feet was adopted. The Policy separates the harvesting and processing sectors of the industry, and prevents fish processors from holding fishing licences for vessels less than 65 feet.

By 1981, the five largest East Coast processing companies were on the edge of bankruptcy and the fishery was in serious economic trouble with the consequent social implications. The Task Force on Atlantic Fisheries, chaired by Michael Kirby, was established to recommend how to achieve and maintain a viable Atlantic fishing industry. The Task Force submitted its report in November 1982, endorsed many existing practices and elaborated on previous direction. The Kirby Report proposed three objectives to guide Atlantic fisheries policy:

- The Atlantic fishery should be economically viable on an ongoing basis and able to survive downturns with only a normal business failure rate and without government assistance;
- Management should seek to maximize employment and provide “reasonable incomes as a result of fishery-related activities, including fishery-related income transfer payments”; and
- Fish within the 200-mile Canadian zone should be harvested and processed by Canadians in firms owned by Canadians wherever possible, consistent with the first two objectives, and international treaty obligations.

To support the last objective, the report recommended the creation of two large integrated companies with an infusion of government and private sector equity.

The Kirby Report shaped fisheries management policy for many years. Consistent with the Kirby Report recommendations, Enterprise Allocations were introduced in the offshore groundfish fishery to promote economic efficiency and to allow a more orderly method of harvesting.

During this same period Sector Management Policies were introduced (1982) that

restricted the mobility of the inshore groundfish fleet. The groundfish fixed-gear licence carried with it the authority to fish any groundfish species for which the under 65 foot fleets possessed an allocation in their area of licence. Initially all groundfish licences were deemed to be Atlantic-wide, allowing fishers to fish anywhere off the Atlantic Coast where quotas were available for vessels less than 65 feet in length. The increasing mobility and catching capability of certain parts of the fleet created growing opposition to their “roaming” outside their own area and harvesting quotas before resident operators were ready to fish. Sector Management Policies had three main objectives:

- to control access to groundfish stocks among various fleet sectors and allow for a balance between resource availability and fishing effort;
- to manage the small-vessel fleet within a specified sector (or fishing area); and
- to make it possible to expand or restrict the inshore fisheries in a particular region, without affecting other fisheries in regions where resource availability or social and economic conditions might differ.

During this time, increasing restrictions on vessel replacement were introduced to retard increases in fishing capacity and to control additional fishing pressure on fish populations.

As a follow up to the Kirby Report, in 1986 Fisheries Ministers submitted a report on the state of the fishery to the First Ministers Conference. The report concluded that chronically low incomes in some areas had led to an over-dependence on government support. Ministers ruled out income stabilisation and catch insurance as useful options and they endorsed voluntary dockside grading and bleeding and gutting of fish. At the same conference, Ministers endorsed the promotion and development of recreational fisheries and aquaculture that laid the groundwork for the Recreational Fisheries Policy (1987) and the Aquaculture Strategy (1989). Finally, Ministers also emphasized that overfishing outside the 200-mile limit was a major problem.

Groundfish Problems and Programs

During the 1980s, catches of several inshore groundfish fisheries declined. In November 1987, the Task Group on Newfoundland Inshore Fisheries (the Alverson Task Force) was formed to provide an independent analysis of the factors contributing to the decline. The report concluded, among other things, that the decline in catches of inshore fisheries could not be explained by natural factors alone. It urged additional scientific research, and improved quality of statistical information, particularly the effort by gear type. Finally, it encouraged the Minister of Fisheries and Oceans to take management measures to accelerate rebuilding the overall population of Northern cod. In 1989, the Scotia-Fundy Groundfish Task Force confirmed that overcapacity in the

fishery had contributed to the decline in groundfish stocks.

The groundfish resource continued to show serious signs of decline throughout Atlantic Canada. In 1990, the Independent Review of the State of the Northern Cod Stock (the Harris Panel) was established. Its report confirmed overcapacity in the industry, recommended a more focussed and coordinated approach to the management of Northern cod stocks and the establishment of regulations to limit fishing mortalities. The report also contained recommendations on the need to conserve the stock, to undertake additional scientific research, and to enforce regulations and overfishing by both foreign and Canadian fishers.

In July 1992, an initial two-year moratorium was placed on Northern cod and the Northern Cod Adjustment and Recovery Program (NCARP) was introduced in Newfoundland to provide income support and assistance for those leaving the fishery. A total of 871 groundfish licences were removed through either the licence retirement component, or the early retirement component of the Program.

In 1993, the Task Force on Incomes and Adjustment in the Atlantic Fishery (the Cashin Task Force) submitted its report. Its recommendations included: the need for a renewed fishing industry that was sustainable both ecologically and commercially; a need for DFO to set clear policy objectives and institute management measures that give explicit priority to ecological and commercial sustainability for both the harvesting and processing sectors; that harvesting and processing capacity be reduced; and that federal and provincial governments provide income assistance to fishers and plant workers who had lost a significant part of their incomes as a result of the resource crisis in the Atlantic groundfish fishery.

By 1994, the groundfish stocks were not re-building and The Atlantic Groundfish Strategy (TAGS) was launched (as NCARP came to an end). The objectives of TAGS were to restructure the fishing industry in Atlantic Canada to make it economically viable and environmentally sustainable. This restructuring included renewing the resource and reducing harvesting and processing capacity, facilitating the labour adjustment of individuals affected by the Atlantic fishing crisis, enhancing the professional status of those fishers who remained active in the fishing industry; and facilitating community economic development by focussing on regional strengths and opportunities in the areas affected by adjustments in the fishing industry. The allocation of funds to DFO to reduce harvesting capacity under TAGS, originally \$300 million, was subsequently reduced to \$97 million. A total of 545 groundfish licences were retired through the program.

The most recent of the restructuring and adjustment programs, the Canadian Fisheries Adjustment and Restructuring program was announced in June 1998. This restructuring package included a number of programs and economic development

measures to reduce the number of licence holders in the Atlantic region who were dependent on groundfish and encouraged the development of a more economically viable, environmentally sustainable, self-reliant Atlantic groundfish fishery for those who remained. It was also indicated that this was the last opportunity for fishers to leave the fishery with government assistance.

Coinciding with groundfish declines were increases in the abundance, and value of shellfish fisheries. Key fisheries contributing to the increase in value included northern shrimp, crab and lobster. In terms of total landed value, the groundfish collapse was more than offset by the growth in landed value of shellfish. However, many harvesters and workers who depended on groundfish and other fisheries did not benefit from the expansion in shellfish resources.

A Move Towards Co-management

The 1990s were characterized by a move towards more formalized shared stewardship, with stakeholders more involved in the decision making process. The co-management initiative began a new chapter in government-industry relations, signaling greater client involvement in fisheries management decision making. Co-management exists in its most advanced form in land claim settlements such as the Nunavut Land Claims Agreement. These settlements create legislated arrangements that provide for co-management boards with legislated responsibilities. The benefits of co-management have included joint industry-government decision making, greater collaboration between government and industry to achieve conservation, a more stable operating environment via multi-year management plans, and a clear set of rules for access and allocation to a fishery.

The Fisheries Resource Conservation Council (FRCC) was created in 1993 to form a partnership between those with scientific and academic expertise, and those with a direct stake in the fishery. Its mission is to contribute to the sustainable management of Atlantic groundfish fisheries by ensuring that stock assessments are conducted in a multi-disciplined and integrated fashion, employing appropriate methodologies and approaches. The FRCC reviews the stock assessments, prepared by DFO, together with other relevant information and recommends total allowable catches (TACs) and other conservation measures for groundfish to the Minister.

Recent Policy Development

New fisheries policies responded to the Aboriginal right to fish for food, social and ceremonial purposes during the 1990s. The Aboriginal Fisheries Strategy (AFS), developed in 1992, provides for effective management of the Aboriginal fishery through negotiation of mutually acceptable fisheries agreements between DFO and Aboriginal groups. The AFS responded to the *Sparrow* decision of the Supreme Court of

Canada, which found that, after conservation, Aboriginals' rights to fish for food, social and ceremonial purposes have priority over other users of the resource. In addition, the AFS responds to the need to improve the economic circumstances of Aboriginal communities through innovative fisheries management arrangements that could be incorporated into treaties and self-government arrangements. During this same period, the Supreme Court also directed the government to consult with Aboriginal groups when their fishing rights might be affected.

DFO manages fisheries in a way that is consistent with the constitutional protection afforded Aboriginal and treaty rights. The Supreme Court of Canada, in the September 17, 1999 *Marshall* decision, found a Treaty Right to earn a "moderate livelihood" from fishing, hunting and gathering arising from the Peace and Friendship Treaties of 1760 and 1761. In addressing the Treaty Right, the federal government is engaged in two distinct processes. First, DFO has begun negotiations with representatives of the 34 Mi'kmaq and Maliseet First Nations in the Maritimes and Gaspé Region of Quebec to secure immediate fishing arrangements to accommodate their fishery interests. Second, the Department of Indian Affairs and Northern Development is leading a longer-term dialogue on the broader implications for Treaty and Aboriginal rights of the *Marshall* decision.

The 1995 Montreal Round Table, an industry-government conference, called for a viable fishery in which market returns could provide the opportunity for participants to realise reasonable levels of income. The Round Table advocated a reduction of harvesting and processing capacity. It also recommended that Individual Quotas, Individual Transferable Quotas and Enterprise Allocations be considered where a clear majority of licence holders supported them.

Following consultation with the industry, *the Commercial Fisheries Licensing Policy for Eastern Canada, 1996*, was released. The Policy, which updated or amended existing policies, established the concept of Core, and non-Core enterprises, and set criteria for entry into these categories. This was an extension of the recommendations from the Cashin Report that called for establishment of professional, full-time fishers.

The *Canada Oceans Act* entered into force on January 31, 1997. This *Act* widens the scope of DFO responsibilities for fisheries management within the broader context of other ocean activities. A system of integrated oceans management is being developed to coordinate decisions about the many competing uses of ocean resources and habitat.

Fisheries Management Policies

Allocation / Access

Canada's Foreign Fisheries Relations Policy

Objective

- To advance Canada's fisheries conservation objectives and ensure equitable benefits to Canadians from transboundary and internationally managed fish stocks.

Background and key elements

The Department of Fisheries and Oceans, in consultation with the Department of Foreign Affairs and International Trade, is responsible for the conduct of international fisheries relations and negotiations. The Department of Fisheries and Oceans advances Canada's fisheries conservation and management objectives and seeks to ensure equitable benefits to Canadians from transboundary and internationally managed fish stocks. This includes the negotiation and administration of international treaties and agreements affecting the conservation and allocation of straddling, highly migratory, and transboundary fish stocks. This also involves the conduct of bilateral and multilateral fisheries relations with other countries, the settlement of issues related to maritime boundary disputes as well as the development of international fisheries policies and instruments such as the port access policy which is currently under review.

The Department of Fisheries and Oceans coordinates Canada's participation in eight bilateral and regional fisheries management organizations that are responsible for the conservation and allocation of stocks of importance to Canada, eg., the Northwest Atlantic Fisheries Organization (NAFO) and the International Commission for the Conservation of Atlantic Tunas (ICCAT).

With the extension of Canada's fisheries jurisdiction in 1977, Canada signed bilateral fisheries agreements with all of the countries that had traditionally fished in what is now the Canadian 200-mile zone. These agreements, which provided the basis for fisheries cooperation with our bilateral partners, stated Canada's obligation to provide access to fish surplus to our harvesting capacity and needs. Our bilateral partners undertook to follow all relevant Canadian laws and regulations when fishing or participating in joint ventures in Canadian waters. Foreign vessels fishing in Canadian waters are required to hold a Canadian fishing

licence, to carry an observer at their cost, and to pay a special fee. They also undertook to cooperate with Canada through international fisheries management organizations on the conservation and management of straddling fish stocks, salmon and highly migratory fish stocks.

Straddling fish stocks such as cod, flounder and Greenland halibut straddle or migrate across the outer limit of national fisheries waters of Canada and the adjacent high seas (i.e. outside the 200-mile limit). Highly migratory fish stocks, such as tuna, migrate through the high seas and through Canada's Exclusive Economic Zone. Straddling and highly migratory fish stocks have been subject to overfishing on the high seas.

With the growth in Canadian harvesting capacity, and the decline in many resources in the Canadian zone during the 1990s, surplus fish for allocation to foreign countries has become virtually unavailable in recent years.

Governments around the world are being increasingly challenged to demonstrate that their fisheries, as well as those managed through international arrangements, are environmentally sustainable. Working in partnership with the fishing industry, the promotion and introduction of responsible fishing practices has become an area of increased effort and a growing area of cooperation internationally.

The United Nations Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks (UNFA) entered into force on December 11, 2001. Canada played a leading role in the negotiations leading to the conclusion of UNFA (see page 78)

Scope

Applicable to foreign vessels fishing in Canadian waters.

Source

Canada's Foreign Fishing Relations Policy, available from DFO.

Commercial Fisheries Licensing Policy for Eastern Canada

Objectives

- To establish a core of full time, professional fishers.
- To facilitate rationalization of fishing capacity and promote diversification.
- To improve the economic viability of participants in commercial fishing operations.
- To prevent future growth of capacity in the commercial fishery in support of DFO's conservation objective.

Background and key elements

This Policy, updated in 1996, limits access to the fishery to provide for orderly harvesting of the resource. The Policy includes policies on core enterprises, foreign ownership, fleet separation, owner-operator, processing at sea, factory freezer trawlers, vessel replacement, seal licensing and appeals process and procedures. It promotes viable and profitable operations for the average participant and strives for policy consistency where desirable and practical, while recognizing those specific measures may be necessary for certain fisheries and geographical locations of eastern Canada. The policy is guided by seven principles and six parameters.

Principles

1. Be consistent with DFO's core mandate following the federal government's Program Review exercise.
2. Achieve a balance between harvesting capacity and the resource.
3. Encourage environmentally sustainable harvesting.
4. Foster economic viability of the fishery sector.
5. Facilitate industry self-reliance.
6. Develop a greater degree of collaboration between DFO and professional harvesters.
7. Streamline the administration of licensing.

Parameters

1. Give priority for licensing to people living adjacent to the resource.
2. Recognize and accommodate regional variations in fisheries.
3. Continuously reduce fishing capacity through self-rationalization programs.
4. Maintain geographic distribution of economic opportunities.
5. Provide for specific rules for all fishers in northern areas.
6. The withdrawal of licence privileges was recognized as a valid means of ensuring compliance with regulations and management plans.

In addition, the Policy:

- introduces the Core category, which pertains to licence-holders whose vessels are less than 65 feet long and limits fishery entry and participation to individuals who meet set criteria;
- requires that inshore licences be re-issued only to fishers who reside in or have sufficient attachment to the same DFO administrative area as the current licence-holder (residency, home port or area of historical fishing provision);
- requires licence-holders with vessels less than 65 feet long to fish their licences personally. Licence-holders who have previously designated an operator for one or more of their vessels may continue to do so under a grandfather clause (Owner-Operator Policy);
- separates the harvesting and processing sectors of the industry in fisheries where licence-holders are restricted to vessels less than 65 feet long (Fleet Separation Policy);
- promotes the concept of multi-licensed enterprises for the inshore fleet;
- contains vessel replacement rules, although supplementary rules exist regionally;
- supports efforts made by industry toward professionalization;
- limits the control of licences by foreign interests to increase the economic benefits from the fisheries for Canadians;
- requires that leased foreign vessels be crewed by Canadians to increase the economic benefits from the fisheries for Canadians;
- allows up to three groundfish factory freezer trawler licences in the offshore sector of the Atlantic groundfish industry (Factory Freezer Trawler Provision);

- details the eligibility criteria for professional sealing licences; and
- outlines an independent appeal process that is available to persons who are not satisfied with licensing-related decisions taken by DFO officials.

Scope

This policy applies to the registration of fishers, fishing enterprises and fishing vessels, and the issuance of licences for commercial fishing in Canadian fisheries waters on the Atlantic Ocean and the North Atlantic Fisheries Organization Convention Area. (Note: subsequent to the policy, a Personal Fishing Registration is no longer required in Newfoundland. Since January 1997, the registration function has been delegated to the Newfoundland and Labrador Professional Fish Harvesters Certification Board.) Licences issued under the Aboriginal Communal Fishing Licences Regulations are not covered by this policy.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available on DFO Web site: www.dfo-mpo.gc.ca

Appeal Procedure (Atlantic Fisheries Licence Appeal Board)

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To provide an avenue whereby eligible inshore fishers who are dissatisfied with licensing decisions taken by officials of the Department of Fisheries and Oceans may apply to have the decision reviewed through an independent process.

Background and key elements

The Policy details the two-tiered structure of the licence appeal process. At the first level, the Regional Licensing Appeal Committee, consisting of DFO officials, reviews all pertinent information supplied by an eligible inshore fishers who has filed a written request within three years of a departmental licensing decision or a change in policy. A fisher's reason for appealing a decision must be substantive; an assertion that licensing policy is unfair is not a valid reason to challenge departmental decisions. The Regional Director General gives approval or denial of the appeal.

When appeals have been denied by the Regional Licensing Appeal Committee, fishers may apply to the Atlantic Fisheries Licence Appeal Board (AFLAB), whose members are nominated by the Minister of DFO and are independent from the Department. The Minister of Fisheries and Oceans decides on appeal cases heard by AFLAB, based on their recommendations.

Scope

Access to the licence appeal process is available to any inshore fisher who files a written request within three years of the date of a departmental licensing decision.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996 available on DFO Web site: www.dfo-mpo.gc.ca

Core Policy

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To implement the concept of Core multi-licensed enterprises, to increase their economic viability and to assist in DFO's objective of conservation.

Background and key elements

The Commercial Fisheries Licensing Policy adopts the concept for the inshore sector (vessels less than 65 feet in length) of a "Core" group of a maximum number of multi-licensed enterprises. To qualify as a member of the core group, a licence holder was required to meet the following four criteria as of December 20, 1995:

- Be the head of an enterprise.
- Hold key licences (or, for some Scotia-Fundy fishers, a vessel-based licence).
- Have an attachment to the fishery.
- Be dependent on the fishery.

Under this concept, entry into the "Core group" is possible only by replacing an existing enterprise and the new entrant has to be a certified professional fisher. However, because Professionalization had not been legislated at the time the policy was adopted, new entrants had to meet previous full-time/Bonafide (new entrant) criteria, except in the Newfoundland Region, where the (at the time) proposed Professional Level II grandfathering criteria had to be met.

Under the policy, Core members receive priority status for new vessel-based licences. Licences can be re-issued between Core members. To retain a Core status, a fisher is required to keep at least the number of key licences (which differ by region) that he needed originally to qualify as a member of the Core.

Scope

Applicable to fishers operating a vessel less than 65 feet in length.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available on DFO Web site www.dfo-mpo.gc.ca

Fleet Separation Policy

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To separate harvesting from processing and disallow the issuance of new fishing licences to corporations and processing companies.

Background and key elements

The fleet separation policy, initially adopted in 1979, covers fisheries where licence holders are restricted to using vessels less than 65 feet in length. The policy:

- Disallows the issuance of new fishing licences to corporations, including those involved in the processing sector of the industry, for fisheries where vessels are less than 65 feet in length.
- Allows for the retention of licences already held by corporations, including those involved in the processing sector.
- Allows fishing licences for vessels less than 65 feet in length, held by corporations prior to 1979, to be issued as replacement licences to another pre-79 corporation which holds fishing licences for vessels less than 65 feet in length.

Scope

Applicable to all licences held on fishing vessels less than 65 feet in length.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available from DFO Web site: www.dfo-mpo.gc.ca

Foreign Ownership Policy

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To ensure that the resource is harvested by Canadians operating Canadian-owned vessels.

Background and key elements

The foreign ownership policy was first introduced in 1974 and amended in 1986 to allow foreign interests to hold up to 49% of the controlling interest of a Canadian corporation. The policy consists of three elements:

- If foreign interests acquire over 49% of the common (voting) shares of a Canadian owned corporation which holds fishing licences, the licences will not be re-issued to that corporation upon expiration of the licences.
- If a foreign corporation having a subsidiary in Canada which holds fishing licences is taken over by another foreign-owned corporation from the same country, the licences may be re-issued to that corporation as part of its continuing Canadian operation (i.e. there is no net increase in foreign ownership).
- If a foreign interest purchases a minority ownership interest in a Canadian corporation or establishes a jointly-owned subsidiary with a Canadian corporation in which the Canadian corporation owns more than half the voting shares, licence eligibility will not be affected.

Scope

Applicable to all fishing vessels operating in Atlantic Canada.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available from DFO Web site: www.dfo-mpo.gc.ca

Owner-Operator Policy

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To support the individually-operated inshore fleet.

Background and key elements

The Commercial Fisheries Licensing Policy includes the owner-operator provision whereby licence holders who are restricted to using vessels less than 65 feet in length are required to fish their licences personally. The Policy contains the provision that licence holders who have previously designated an operator for one or more of their vessels could continue to do so under a “grandfather” clause.

A substitute operator may be designated when a licence holder is prevented, by circumstances beyond his/her control, from engaging in the activity authorized by the licence.

Scope

Applicable to inshore sector, operating a vessel less than 65 feet in length.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available from DFO Web site: www.dfo-mpo.gc.ca

Seal Licensing Policy for Eastern Canada

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To allow for an orderly harvest of seals and to ensure full utilization of the animal.

Background and key elements

Three types of licences are detailed in the Policy:

- Professional sealing licences are those licences issued to persons who engage in sealing on their own and who may supervise assistant sealers.
- Assistant sealing licences are those licences issued to persons who do not meet the eligibility criteria to receive professional sealing licences and who may not engage in sealing except under the supervision of a person who holds a professional sealing licence.
- Personal-use sealing licences are those licences issued to authorize the taking of up to six seals a year for personal use only.

Licences may specify any one or more of the following conditions:

- the species and the stage of development of seals and quantities that are permitted to be taken;
- the waters in which sealing is permitted to be carried out;
- the period during which sealing is permitted to be carried out;
- the vessel that is permitted to be used;
- the person or persons permitted to operate the specified vessel;
- the type and quantity of sealing gear and equipment that is permitted to be used and the manner in which it is to be used;
- the specific location at which sealing gear is permitted to be set;

- whether seals taken are for personal use only and may not be sold, bartered or traded;
- whether seal carcasses are to be landed; and
- the information that should be reported to the Department of Fisheries and Oceans.

The Policy specifies that the holder of a sealing licence may not use a vessel longer than 65 feet. When a vessel longer than 35 feet is used, the vessel must be registered and specified as a condition on the professional sealing licence of a person who is on board the vessel during the sealing operations. It also specifies that when a vessel is being used for sealing operations, all members of the vessel, including the captain, must hold valid sealing licences and that at least one member of the crew must hold a professional sealing licence.

There are three exemptions to the Policy:

- An Indian or Inuk other than a beneficiary of the James Bay and Northern Quebec Agreement (beneficiary), may, without a licence, hunt (fish) seals for food, social and ceremonial purposes.
- A beneficiary may, without a licence hunt (fish) for seals for subsistence purposes within the area covered by the agreement under which he/she is enrolled.
- A person (other than those mentioned above) residing immediately adjacent to any of Sealing Areas 1 to 4 is allowed to hunt (fish) for seals without a licence in those Sealing Areas for food, clothing and personal utilization purposes.

Scope

Applies to the registration of fishing vessels and licences to all persons hunting (fishing) for, taking, or killing seals or engaged in other sealing operations on the Atlantic Coast of Canada.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available from DFO Web site: www.dfo-mpo.gc.ca
 Press releases, February 10, 1995 and January 23, 1995, available from DFO Web site: www.dfo-mpo.gc.ca

Vessel Replacement Rules

(Contained within the Commercial Fisheries Licensing Policy for Eastern Canada)

Objective

- To control capacity in individual fisheries, especially groundfish, and improve safety and efficiency in fishing operations.

Background and key elements

Vessel replacement rules detail the replacement criteria for all vessels, including vessels less than 35 feet in length, those between 35 feet and 65 feet in length, and those greater than 65 feet in length.

For vessels under 65 feet in length, the Policy provides that the replacement of a vessel used in more than one fishery (e.g. groundfish and shrimp) will be governed by the most restrictive replacement rules; and if a vessel less than 65 feet in length in any fishery is replaced with one of a smaller size, a licence holder will retain his eligibility to re-enter in the future a vessel as large as the replaced vessel. Additional rules applicable in each Region are detailed in the Policy.

Since the 1996 Policy review, individual Regions have introduced supplementary rules applicable within their Region. In all cases, the most restrictive vessel replacement rule will continue to apply for vessels where more than one licence is issued.

In 1997, supplementary rules were announced for the Newfoundland permanent ITQ fleets with the objective of allowing more flexibility for Core fishers to choose a vessel size that is appropriate for their fisheries, while avoiding a significant increase in the capacity of the fleet and maintaining tight controls to protect the stocks. Similar rules were announced in 1999 for Laurentian Region.

In 1998, following consultations in the Maritimes Region, changes to vessel replacement rules governing the mobile gear groundfish fleet operating under a permanent ITQ program in the Maritimes

region were announced. The objective was to promote economic efficiency in the fishery and give fishers flexibility to acquire older vessels, rather than having to build new and more expensive vessels. Additional changes were announced in 2000 for the Full Bay of Fundy scallop fleet and in 2001 for the Nova Scotia 45-65' fixed gear groundfish fleet. Both these fleets operate under an Individual Transferable Quota program.

Additional information on vessel replacement rules can be obtained through DFO Regional offices.

Scope

All vessels engaged in fishing operations.

Source

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996, available from DFO Web site www.dfo-mpo.gc.ca
Press release, April 24, 1997, and related backgrounders available on DFO's Web site: www.dfo-mpo.gc.ca
Press release, April 17, 1998, available on DFO's Web site: www.dfo-mpo.gc.ca.
Press release, April 28, 1999, available on DFO's Web site: www.dfo-mpo.gc.ca.
Press release, May 31, 1999, available on DFO's Web site: www.dfo-mpo.gc.ca.

New Emerging Fisheries Policy

Objective

- To provide for the establishment of a scientific base with which stock responses to new fishing pressures can be assessed.
- To diversify fisheries and increase economic returns while ensuring conservation of the stocks and realizing the sustainable use of fisheries resources.

Background and key elements

The Policy replaces DFO's previous Policy on Underutilized Species. The Policy clearly lays out the requirements that must be met and the procedures to follow before a new fishery can be initiated. A new fishery is one that involves "new species and/or stocks that are not utilized or not fully utilized, and not currently covered by a management plan". The Policy provides applicants with a transparent process to initiate a new fishery and provides DFO managers with a procedure that can be applied fairly and consistently. The development of new fisheries involves three stages:

Stage 1: Preliminary Feasibility Stage (Scientific Licences).

The objective of this stage is:

- to determine if harvestable quantities of the species/stock known to be present in a particular fishery area exist, if the species/stock can be captured by a particular gear type, identify multi-species and habitat impacts, if markets exist and, the best approach for proceeding further (i.e. to Stage II)

Stage II: The Commercial and Stock Assessment Stage (Exploratory Licences)

The objective of this stage is to determine whether a species/stock can sustain a commercially viable operation and to collect biological data with which to build a preliminary database on stock abundance and distribution.

Stage III: The Commercial Fishery Stage (Commercial Licences)

This stage is reached once it has been determined that a species/stock can sustain (commercially and biologically) commercial fishing operation. A formal IFMP is then introduced.

The above stages are often not as distinct as illustrated. In many cases it may be advantageous to combine stages I and II. In fact, it may be difficult from a practical perspective in some instances to separate them.

In achieving the vision of “healthy and abundant fishery resources supporting sustainable uses”, the new policy will be guided by the following:

- New fisheries must provide for a reasonable scientific basis for their management. The process by which new fisheries will be managed must include the requirement for stock assessment information in the early stages. Proponents will bear responsibility to maximize collection of scientific information from catches and for cooperative work with DFO scientists who will be responsible for analyzing the data/information obtained.
- New fisheries should contribute positively to the economic viability of a fishery enterprise on an ongoing basis.
- Under the policy, all requests from applicants must include proposals that outline research, management and conservation approaches as well as the cost of these approaches.

Guiding Principles of the Policy

- Conservation will not be compromised — a precautionary approach will guide decision-making in new fisheries.
- The potential impact or interaction of any new fishery or gear on associated or dependent species will be assessed.
- DFO will uphold Canada’s sovereignty concerning the fishery resource.
- Based on biological and environmental information, including input from industry, provinces/territories and the public, DFO will establish conservation standards, set conditions for harvest and monitor their application.
- Users are accountable for compliance with conservation

standards and for meeting harvesting conditions.

- Through partnership arrangements, users will participate more in the management of the fishery.
- Special consideration will be given to applications by Aboriginal communities to increase Aboriginal involvement in co-operative management of fisheries, as well as provide these communities with economic development opportunities in existing and new fisheries.

Scope

The policy applies to all new fisheries undertaken in marine or freshwater areas where DFO manages the fishery.

Sources

New Emerging Fisheries Policy, September, 2001 available on DFO Web site: www.dfo-mpo.gc.ca

Quota Management

Objective

- To promote economic efficiency in the fishery and a more orderly method of harvesting.

Background and key elements

Terminology

Enterprise Allocations (EAs) — the allocation is assigned to an enterprise which is typically an integrated harvesting-processing operation. Enterprise allocations were initially introduced to the Canadian offshore groundfish fishery and now cover other offshore and midshore fisheries, and are applicable to vessels greater than 65 feet long.

Individual Quota (IQ) - the available catch (quota for a particular stock) or portion of the available catch is divided among individual fishers, fishing units or fishing enterprises before the fishing season. Each individual, unit or enterprise is assigned a fixed share of the quota assigned to the fleet, either as a specific quantity or as a percentage of the quota. This is done for one year or for a longer period. An Individual Transferable Quota (ITQ) is transferable if DFO agrees to grant the quota to another licence-holder. IQ management generally applies to vessels under 65 feet.

Although the rules for each fishery under IQ management differ, in general they cover:

- allocation transfers, both temporary and permanent, and transfers to new entrants;
- use of the allocation (i.e., harvested, left unharvested or temporarily transferred);
- by-catch regulations; and
- permanent vessel replacement rules.

Transferability

The transferability of a quota in an ITQ fishery can amount to a temporary, one-season lease or a permanent reallocation of the quota from one licence-holder to another. This transferability

allows the fishing fleet to adjust to seasonal fluctuations in the fishery such as changing market conditions, prices and other factors. Many of the ITQ fisheries in Canada have restrictions on the concentration of quota holdings among a few licence-holders, certain gear sectors or a few fishing areas.

Introduction of IQs in Additional Fisheries

At the 1995 Round Table on the Future of the Atlantic Fishery it was agreed that the introduction of an IQ program into additional fisheries be considered only if the following criteria were respected:

- The program would not confer or take away access to the fishery in question.
- The program was supported by a clear majority (2/3) of licence-holders in the fishery in question.
- An intervenor process was available to any group of fishers who felt that the introduction of IQs, ITQs or EAs would adversely affect them.
- Transferability, if any, would be restricted to prevent undue accumulation of quotas.

Scope

These rules apply to fleets under IQ or EA management.

Sources

1982 Rules for Enterprise Allocations for the Atlantic Groundfish Fisheries, DFO, March 18, 1982

Statement of Consensus, The Round Table on the Future of the Atlantic Fishery, Montréal, March 6–8, 1995

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996

Various integrated fisheries management plans

Resource Sharing Policy¹

Objective

- To clarify priorities related to providing access to and allocation of the resource.

Background and key elements

Harvest allocations continue to be founded on the principle that the resource belongs to the people of Canada as common property and must be sustainably managed by government for the benefit of present and future generations. DFO manages the fishery on the basis of limited entry. Subsection 7(1) of the *Fisheries Act* states that, “subject to subsection (2), the Minister may, in his absolute discretion, wherever the exclusive right of fishing does not already exist by law, issue or authorize to be issued leases and licences for fisheries or fishing, wherever situated or carried on.”

The department’s mandate and responsibilities with regard to limiting entry, providing access to and allocating the resource are based on constitutional provisions, jurisprudence, legislated land claim agreements and other legislative obligations.

The priorities to consider when making access and allocation decisions are:

- The first priority is conservation.
- Once the department decides that it is acceptable to harvest a given species or stock, an Aboriginal right to fish for food, social and ceremonial purposes has priority over other uses of the resource.
- Subsection 35(1) of the *Constitution Act, 1982*, recognizes and affirms existing Aboriginal and treaty rights of the Aboriginal peoples of Canada, including those under land claim settlements.

¹ In June 2001, the Minister of Fisheries and Oceans, with the concurrence of the Atlantic Council of Fisheries and Aquaculture Ministers, formed the Independent Panel on Access Criteria (IPAC). The Panel is reviewing decision-making criteria for new or additional access in a commercial fishery that has undergone substantial increase in abundance or landed value, or new/emerging fishery (commercial stage III). IPAC is an acceleration of Phase II of the Atlantic Fisheries Policy Review and is tasked with: developing access criteria (with practical definitions) to guide decision making; identifying relative ranking/weight of each criterion; advising on clear and transparent decision-making processes; and consulting with provinces and territories and a cross-section of resource users.

- The Minister seeks to manage fisheries in a manner consistent with the constitutional protection provided to Aboriginal and treaty rights.
- International treaties must be respected; such treaties may oblige Canada to provide access to fisheries within its 200-mile limit.

Once the above arrangements have been appropriately considered, there are a series of other sharing arrangements that have been developed for particular fisheries. These sharing arrangements are not defined by law or regulation but are consistent with priorities identified in relevant management plans. In many cases, sharing arrangements reflect factors such as adjacency to the resource and historical dependence have been worked out by stakeholders and have been in place for several years. They reflect historic practices in individual fisheries and individual or fleet shares and are largely unchanged from year to year.

In some cases the sharing arrangements allow new entrants when a fishery experiences a substantial increase in stock abundance or a greatly expanded return on investment beyond “normal” profitability levels. For the most part, there is an expectation among fishers that traditional sharing arrangements will not change. Regulatory, management and licensing measures, such as limited entry to the fishery, the Core policy, and vessel and gear restrictions further affect these sharing arrangements.

Scope

Applies to all resource users in all fisheries.

Sources

Strategic Plan, DFO, March 2000

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996

Various integrated fisheries management plans, Minister’s speeches, DFO news releases, DFO Web site (www.dfo-mpo.gc.ca)

Sector Management Policy

Objectives

- To control access to groundfish stocks among various fleet sectors and allow for a suitable balance between the resources available and the fishing effort within a specified sector, that is, to ensure that in a sector where adequate fishing capacity exists (or over-capacity), additional fishing effort by vessels outside the sector is restricted.
- To manage the small-vessel fleet within a specified sector to provide greater decentralization and, in particular, provide Regional management with a greater degree of authority for management.
- To make it possible to expand or restrict the inshore fisheries in a particular region, without affecting other fisheries in regions where resource availability or social and economic conditions might differ.

Background and key elements

The Policy, implemented on January 1, 1982, was developed after consultations with fishers, their representatives and provincial governments.

The policy includes a definition of sectors (or fishing areas) within which all inshore groundfish vessels are managed. Sector 1 includes Northwest Atlantic Fisheries Organization (NAFO) sub areas 0, 2 and 3KLPs; Sector 2 includes NAFO divisions 4RST3Pn and Sector 3 includes NAFO divisions 4VWX and NAFO sub area 5. Recognizing that many inshore groundfish vessels from communities near sectoral boundary lines have historically fished common fishing grounds on one side of the boundary line or the other depending on fish location, the policy provides two types of overlap privileges — authorized overlaps and historical overlaps.

Authorized overlaps are meant to provide for the inshore groundfish fleet as it existed on January 1, 1982; if vessels are relocated to an alternate home port division, the authorized overlap is rescinded. This provision allows vessels with homeports

located in the extremities of their sector to fish in the NAFO sub-division adjoining their home port division.

As a further means of ensuring that traditional fishing patterns are not disrupted, historical overlaps were granted when it was shown that the vessel fished the specific sector for two years within the period 1978-80. The qualifying period was extended to the years 1980 and 1981 when it was shown that decisions and commitments were made to have a vessel replaced prior to 1980. The Policy contains a list of vessels entitled to historical overlaps as of April 25, 1985, and the applicable termination criteria. Historical overlap privileges expire when there is a change in vessel ownership, when a lending authority seizes the vessel or when the vessel is routinely replaced. However, these privileges do not expire when the vessel is lost through fire, sinking, etc.

As long as the vessel is replaced within a two-year period, the historical overlap privileges continue on the new vessel.

Scope

Sector Management applies to NAFO sub areas 0, 2, 3KLP, 4RSTVWX and 5, and covers all inshore vessels (those less than 65 feet long) fishing any species of groundfish.

Sources

Sector Management Policy for Canada's Atlantic Inshore Groundfish Fishery, Atlantic Fisheries Service, DFO, April 1985

Other Fisheries Management Policies

Aboriginal Fisheries Strategy

Objectives

- To provide a regulatory framework for the management of the Aboriginal fishery for food, social and ceremonial requirements.
- To provide Aboriginal groups with an opportunity to participate in the management of the fisheries, thereby improving conservation, management and enhancement of the resource.
- To provide Aboriginal communities with economic opportunities related to fisheries, while avoiding disruption of existing commercial fisheries.
- To provide a foundation for the development of self-government and co-management projects with Aboriginal groups.
- To improve the skills and capacity of Aboriginal groups to manage the fisheries in which they participate.

Background and key elements

The Aboriginal Fisheries Strategy (AFS), launched by DFO in 1992, seeks to provide for the effective management of the Aboriginal fishery through the negotiation of mutually acceptable and time-limited fisheries agreements between DFO and Aboriginal groups. If an agreement cannot be reached, DFO will issue a communal fishing licence to the group for a fishery for food, social and ceremonial requirements. AFS agreements are without prejudice to the positions of the parties with respect to Aboriginal and treaty rights.

The AFS responds to:

- the *Sparrow* decision of the Supreme Court of Canada, which found that Aboriginals rights to fish for food, social and ceremonial purposes have priority, after conservation, over other users of the resources. The Supreme Court also directed the government to consult with Aboriginal groups when their fishing rights might be affected;
- the need to improve the economic circumstances of Aboriginal communities; and
- the need to explore and test innovative fisheries management arrangements that could be incorporated into treaties and self-government arrangements.

Fisheries agreements negotiated under the AFS may contain:

- a harvest allocation for the Aboriginal group or trap or gear limitation clause;
- terms and conditions to be included in the communal fishing licence(enforcement provisions, data collection, gear and harvest conditions);
- arrangements for the co-management of the Aboriginal fishery by the group and DFO;
- co-operative management projects that seek to improve the management of fisheries generally (e.g., stock assessment, fish enhancement and habitat enhancement);
- a commitment to provide commercial fishing licences and other economic development opportunities; and
- required funding.

A component of the Strategy is the selection and training of Aboriginal fisheries guardians. Trained guardians receive limited enforcement powers under the *Fisheries Act* and are employed by their communities to monitor and control fishing and to conduct other fishery management activities in specified areas.

In 1994, DFO expanded the AFS to include the Allocation Transfer Program (ATP). The ATP is a program designed to enhance aboriginal participation in commercial fisheries with appropriate compensation to fishers who are relinquishing the privilege to fish. Commercial licence-holders agree to voluntarily retire their licences; DFO then issues a new licence as a communal licence to an Aboriginal community.

Scope

The policy is applicable where DFO manages the fishery and where treaties have not been signed.

Sources

Aboriginal Fisheries Strategy, DFO Web site: www.dfo-mpo.gc.ca
R. v. Marshall, [1999] 3 S.C.R. 456, DFO Web site: www.dfo-mpo.gc.ca

Atlantic Dockside Monitoring Program

Objective

- To provide accurate, timely and independent third-party verification of fish harvesters' landings.

Background and key elements

Introduced in the late 1980s as a way of monitoring quotas in the first individual quota fisheries, the Dockside Monitoring Program (DMP) now provides landings information for most fisheries in Atlantic Canada and Quebec. DMPs are now the primary source of landings information.

Dockside monitoring companies (DMCs) and their employed observers are designated by DFO as set out in the Fishery (General) Regulations. To be eligible for designation, DMCs must:

- submit a business plan;
- satisfy the DMP arm's-length criteria by providing affidavits
- attesting that no conflict of interest exists between the DMC and the persons being monitored; and
- establish a quality system that meets DFO's Quality System Standard for a DMP.

To obtain and maintain a DFO designation, a DMC must have its quality system currently listed with the Canadian General Standards Board.

The costs of the DMP are borne by the fishing industry.

Scope

The policy applies to designated DMCs and the dockside observers in their employ.

Source

Atlantic Region Dockside Monitoring Program Policies and Procedures, DFO, May 1999

Canada's Policy for Recreational Fisheries

Objectives

- To conserve, restore and enhance Canada's recreational fisheries and the habitat they depend on.
- To maintain a high quality and diversity of recreational fishing opportunities.
- To encourage a viable recreational fishing industry.
- To promote tourism.

Background and key elements

At the Annual Conference of First Ministers in November 1985, the Prime Minister proposed that governments promote the development of recreational fisheries. Following the conference, the federal government began drafting the Policy in cooperation with provincial and territorial governments. Consultations were held with representatives of angling associations and the recreational fishing industry and the Policy was tabled at the eighth biennial National Recreational Fisheries Conference in October 1986. Results of the conference were submitted to First Ministers in November 1986 and final approval of the Policy was given in June 1987.

Guiding Principles

- Recreational fishing is a valuable, significant and legitimate use of fish resources.
- Governments and resource users share responsibility for the conservation and wise use of the resource.
- Within the context of their respective responsibilities, federal, provincial and territorial governments collaborate in the management of Canada's recreational fisheries.
- The recreational fishing community bears responsibility for harnessing its skills and energy to conserve and develop the resource.

Scope

This policy applies to all recreational fisheries in all jurisdictions.

Source

Canada's Policy for Recreational Fisheries, 1987.

Co-Management Approach

Objective

- To provide greater opportunities for industry to contribute to and participate in decision-making and management of fisheries resources.

Background and key elements

Co-management has been used for some time in many fisheries across Canada and builds on some of the less formal arrangements of the past, including experience gained through co-management of Aboriginal fisheries. It provides a basis for allowing fishers to take on greater stewardship of the fisheries in which they participate. It is recognized that this initiative is not applicable to all fisheries nor is it mandatory.

The co-management initiative began a new chapter in government-industry relations, signaling a move toward greater client stewardship as a key element in fisheries management renewal. DFO is committed to a co-management approach entailing a greater industry contribution to fisheries management decision-making through voluntary participation.

The goal of DFO's Fisheries Management Sector has been to develop a more formal approach to allow fisheries managers to develop a standardized method to co-manage Canada's commercial fisheries. This standardization includes the development (jointly with industry) of an Integrated Fisheries Management Plan (IFMP) and Joint Project Agreements (JPAs).

An IFMP is required for all fisheries and sets out harvest levels, conservation requirements and certain allocation processes for participants. The integrated fisheries management planning process provides a forum for consultation and industry input regarding the management of the fishery.

The IFMP sets out the global allocation for all users of the resource (Aboriginal, commercial, recreational, international or other), as well as for various fleet sectors within a fishery. Under co-management, the allocation scheme developed is usually for a fixed period of up to five years.

JPAs outline the roles, responsibilities and financial commitments of DFO and industry. They are voluntary and usually associated with a multi-year IFMP.

Co-management exists in its most advanced form in land claim settlements such as the *Nunavut Land Claims Agreement*. Legislated co-management arrangements are created under these settlements and provide for co-management boards with legislated responsibilities.

The benefits of co-management have included joint industry-government decision-making, greater collaboration between government and industry to achieve conservation, a more stable operating environment via multi-year management plans, and a clear set of rules for access and allocation to a fishery (e.g., a process for admitting new participants).

Scope

The policy applies to Aboriginal, recreational and commercial fishers/groups/sectors or others who wish to assume greater stewardship of the fisheries in which they participate.

Sources

Framework and Guidelines for Implementing the Co-Management Approach, Volume 1: Context, Concept and Principles, DFO, January 1999

Framework and Guidelines for Implementing the Co-Management Approach, Volume II: Integrated Fisheries Management Plans, DFO, January 1999

Framework and Guidelines for Implementing the Co-Management Approach, Volume III: Joint Project Agreements, DFO, January 1999

Working Together, brochure, DFO, 1997

Policy on User Charging

Objective

- To ensure that, consistent with the Treasury Board Cost Recovery and Charging Policy, those who receive services from DFO should contribute to the cost of providing those services.

Background and key elements

User fees are an integral part of the department's responsible management of public resources.

The department would consider charging users when:

- the revenue to government exceeds the start-up and ongoing cost of administering the charges;
- the activities subject to charging are a legitimate and necessary role for the government and cannot be provided adequately by the private or voluntary sectors; and
- the department has determined that there is no better or cheaper way of delivering the goods or services without compromising program objectives.

The policy also contains the following points:

- DFO must consider users' feedback on the goods and services for which they are being charged. Users' feedback could address issues such as level and structure, ability to pay, and the type, level and cost of delivering the goods or services.
- Treasury Board policy indicates "A cost recovery regime is only appropriate where the benefits (not only monies) to the government outweigh the start-up and ongoing cost of administering the charges.
- The user fees for goods and services should be based on the costs to the government of providing these goods and services.
- DFO should not undercut an equivalent private sector product.
- Before service costs are transferred to clients or client groups through the introduction of user charges, the federal government should assess the cumulative impact of such a move.
- User charges will not be imposed without consulting the affected client groups.
- The department will set user charge revenue forecasts in its

Report on Plans and Priorities. New user charges or major changes to existing initiatives will be identified in the Business Plan.

Scope

All goods, services and privileges provided to specific clients or client groups are potential candidates for user fees, unless the goods or services provided confer a large measure of public benefit (i.e., benefit the general taxpayer).

Source

Policy on User Charging, DFO, draft, May 1998
Cost Recovery and Charging Policy, Treasury Board of Canada,
available from: www.tbs-sct.gc.ca

Direct Sales of Fish to Foreign Vessels in Atlantic Canada

Objectives

- To allow direct sales to foreign vessels under clearly defined criteria.
- To provide increased incomes for fishers, processors and plant workers.
- To improve market penetration for Canadian fish.

Background and key elements

This Policy was introduced in March 1984 in response to both ongoing requests for over-the-side/over-the-wharf sales and the recommendations of the Task Force on Atlantic Fisheries.

The Policy details the conditions under which Canadian fishers are permitted to sell their catch directly to foreign vessels. Such over-the-side sales may be permitted when there is insufficient Canadian processing capacity or no Canadian buyer for the quantity available at the negotiated price. Over-the-wharf sales may be permitted in cases where normal market channels are not available, providing there is some Canadian processing involved.

Foreign vessels participating in the program must either be from a country that fishes in Canadian waters under a bilateral agreement or from a country with market potential for Canadian fish.

Scope

The policy applies to over-the-side sales and over-the-wharf sales. It specifies both the conditions under which sales are allowed and the fisheries to which these rules apply.

Source

Policy on Direct Sales of Fish to Foreign Vessels in Atlantic Canada, DFO, March 1984

Ocean Use

Canada's *Oceans Act*

Objectives

- To address Canada's economic, social and environmental objectives with respect to its three oceans in a collaborative context.
- To codify the principles of conservation and sustainable development through an ecosystem approach, a precautionary approach and integrated management.

Background and key elements

The *Oceans Act* was assented to on December 18, 1996, and entered into force on January 31, 1997. It has three main parts in addition to the preamble:

- Part I defines Canada's maritime zones;
- Part II establishes the role for the Minister of Fisheries and Oceans of leading the development of the Oceans Management Strategy; and
- Part III defines the powers, duties and functions of the Minister of Fisheries and Oceans, including the merger with the Canadian Coast Guard.

Two parts of the *Oceans Act* directly affect fisheries management policies: (1) The Preamble and (2) Part II: The Oceans Management Strategy.

The Preamble of the *Oceans Act* establishes several premises:

- Canada recognizes that its three bordering oceans are the common heritage of all Canadians.
- Parliament reaffirms Canada's role as a world leader in oceans and marine resource management.
- Parliament affirms in Canadian domestic law Canada's sovereign rights, jurisdiction and responsibilities in its exclusive economic zone.
- Canada promotes the understanding of oceans, ocean processes, marine resources and marine ecosystems to foster the sustainable development of the oceans and their resources.
- Canada holds that conservation, based on an ecosystem approach, is of fundamental importance to maintaining biological

diversity and productivity in the marine environment.

- Canada promotes the wide application of the precautionary approach to the conservation, management and exploitation of marine resources to protect these resources and preserve the marine environment.
- Canada recognizes that the oceans and their resources offer significant opportunities for economic diversification and the generation of wealth for the benefit of all Canadians, and in particular for coastal Canadians.
- Canada promotes the integrated management of the oceans and marine resources.
- The Minister, in collaboration with all Canadians, encourages the development and implementation of a national strategy for the management of estuarine, coastal and marine ecosystems.

Part II of the Act directs the Minister to involve stakeholders in the development of an Oceans Management Strategy and its implementation through integrated management plans. Long-term integrated management plans will be based on regional and national goals. This part of the Act also provides the Minister with some basic authorities and management tools to be used within the context of the Oceans Management Strategy. They include:

- the establishment of Marine Protected Areas;
- the establishment and enforcement by regulation of Marine Environmental Quality guidelines, requirements, criteria and standards designed to conserve and protect ecosystem health; and
- the development of Management Plans, including integrated management plans.

Scope

Internal waters consisting of the waters on the landward side of the baselines of the territorial sea, which extends 12 nautical miles from the baseline; the contiguous zone, which extends 12 nautical miles from the outer edge of the territorial sea; the exclusive economic zone, which extends 200 nautical miles from Canada's baseline; and the continental shelf of Canada's three oceans.

Source

Toward Canada's Oceans Strategy, discussion paper, DFO, 1997

DFO Policy on Sustainable Development and Sustainable Development Strategy 2001-2003

Objective

- To carry out decisions by the Department of Fisheries and Oceans in accordance with its commitment to sustainable development.

Background and key elements

DFO's new policy on sustainable development is:

The Department of Fisheries and Oceans is committed to sustainable development and undertakes to integrate economic, environmental and social considerations in the decisions it makes in carrying out its legal mandate, its policies and programs, and its day to day operations.

The Department's commitment to sustainable development is based on its vision: safe, healthy and productive waters and aquatic ecosystems, for the benefit of future generations of Canadians by maintaining the highest possible standards of: service to Canadians, marine safety and environmental protection, scientific excellence and conservation and sustainable resource use.

The Department is committed to continuous learning in its contribution to sustainable development and will monitor this commitment by reviewing progress toward its sustainable development goals on a regular basis and by taking corrective action as appropriate.

Principles that will help to guide application of the sustainable development policy include:

Integrated decision-making: Integrated decision-making recognizes that decisions aimed at sustainable development:

- have a long term focus that seeks to preserve and enhance economic, social and natural capital in order to sustain aquatic

species and to improve the quality of people's lives and ensure continuing benefits for future generations;

- take a horizontal perspective that incorporates economic, environmental and social aspects
- feature an ecosystem approach; and
- accept shared responsibility and commit to transparency and communication of how and why decisions were made.

Accountability: The Department will accept and define its accountability for its role in supporting sustainable development. This means that the Sustainable Development Strategy will:

- develop a management system to review performance against commitments at regular intervals and thereby to document progress and the need for corrective action as necessary to ensure continuous improvement;
- determine the specific real world expected outcomes to be achieved, in a way that is measurable and time-bound;
- define a reporting framework that is committed to and supportive of consultative and transparent operations and decision-making;
- set an example as a way of encouraging and influencing clients, stakeholders and partners to support decisions aimed at sustainable development;
- outline the Department's accountability in its operational activities for compliance, for instance, with standards and requirements for fishing activities, environmental protection and prevention of pollution; and
- reaffirm a commitment to partnership in our relations not only with our private sector stakeholders and members of the public but also with other federal government departments, other levels of government and Aboriginal groups.

Science and knowledge: The Department understands the essential knowledge provided by science and the critical role that knowledge and understanding play in making decisions that are sustainable over time. Therefore, as a basis for its decisions, the Department will:

- be guided by a precautionary approach and risk analysis, recognizing the limitations of our understanding of oceans related sciences;
- provide timely, reliable and best available scientific knowledge, understanding and advice on key aquatic resources and

- ecosystems;
- complement and integrate scientific knowledge and understanding with community and traditional knowledge; and
- integrate and share information and data to enhance cost-effective decisions based on anticipation and prevention of problems, in part through conducting environmental assessments of policies, plans and programs in accordance with the 1999 Cabinet Directive.

Themes of the Sustainable Development Strategy:

The nature of DFO's mandate means that sustainable development is relevant to almost everything that DFO does. To be more effective, however, we plan to concentrate our efforts during 2001-2003 by highlighting key directions. The following are the four themes DFO will focus on to support sustainable development during 2001-2003.

New Forms of Governance and Shared Stewardship.

The concept of sustainable development promotes integration, achieved through new ways of making decisions that seek to recognize the complex inter-relationships within and between aspects traditionally characterized as the environmental, the economic and the social or cultural. Integrated decision making also recognizes the need to involve all those who will be affected by a decision and who will therefore participate in implementing it. The changing expectations of Canadians will have to be embodied in new forms of governance.

Knowledge and Technology for Sustainable Development.

The need for knowledge and mastery of new technologies is increasingly being characterized as an essential need, not only to support the mandate of the federal government but also to enhance the viability and global competitiveness of the Canadian economy and society. Adapting quickly to increasing complexity and inter-dependence in a dynamic operating environment is increasing the need for new research, finding new ways of organizing and communicating knowledge, identifying new sources and different types of knowledge and developing and using new technologies.

Sustainable Operations

Work will continue on reducing the adverse environmental impacts of DFO's operations through the implementation of an Environmental Management System within DFO that is consistent with internationally recognized environmental management standards, e.g. ISO 14001.

Managing for Progress and Performance

Performance assessment of sustainable development goals and outcomes will be part of the new performance measurement system being developed to support reporting to the public and to Parliament and to strengthen an organizational culture in DFO in which achievement of results will drive decision-making.

Scope

DFO's sustainable development strategy applies to all activities of the Department of Fisheries and Oceans.

Source

Fisheries and Oceans Sustainable Development Strategy, 2001-2003. Available on DFO Web site (www.dfo-mpo.gc.ca)

Federal Aquaculture Development Strategy

Objective

- To guide the sustainable management of Canada's aquatic resources for the production of high-quality fish and seafood and for the generation of wealth and employment of Canadians by enabling the aquaculture industry to expand and remain competitive, and promoting preliminary and pre-competitive new species development.

Background and key elements

Published in 1995, the Federal Aquaculture Development Strategy is the culmination of several years of consultation and deliberation on how best to create a federal policy framework in which the aquaculture industry could flourish. The strategy is designed to guide the sustainable management of Canada's aquatic resources for the production of high-quality fish and seafood, and for the generation of wealth and employment of Canadians. The strategy outlines a co-operative management framework and rests on two pillars:

- enable the aquaculture industry to expand and remain competitive; and
- promote preliminary and pre-competitive new species development.

Guiding Principles for Aquaculture Development

- Government will create an atmosphere in which aquaculture can flourish.
- Aquaculture is a private sector initiative; principal responsibility for commercial development will rest with the industry.
- Aquaculture is a legitimate use of land and water; industry deserves equitable access to the aquatic resource base.
- Aquaculture development must be driven by the dictates of industry competitiveness in domestic and international markets.
- Aquaculture development must be consistent with government responsibilities, such as public health and safety, navigation and the environment.
- Aquaculture will be considered in the development of fisheries

management policies.

- Aquaculture development will be regionally focused and implemented in a manner consistent with national objectives and standards.
- Harmonization of federal and provincial policies and regulations is essential to aquaculture development.
- Development of a viable supply and services sector is an essential industry component.
- R&D and technology transfer are prerequisites for industry development.
- An appropriately trained workforce is essential to aquaculture development in a global economy.

Aquaculture is characterized by a complex jurisdictional mix involving the participation of municipal, provincial/territorial and federal governments. DFO is one of 17 federal departments and agencies with interests in aquaculture.

Scope

This strategy applies to the aquaculture industry.

Source

Federal Aquaculture Development Strategy, 1995

Federal Public Investment for Primary Fish Processing Activities (Policy Statement)

Objective

- To ensure those funds allocated to support community diversification initiatives inside and outside the fishery do not augment primary processing capabilities.

Background and key elements

Since mid-1993 there has been a virtual moratorium on federal public investment in primary fish processing in Atlantic Canada. With the groundfish resource crisis and widespread idle plant capacity, public funding assistance in any primary processing (including non-groundfish processing operations) is not justified. Public investment in the fishing industry has been restricted to initiatives involving research and development, market penetration, value-added secondary processing and aquaculture, as well as the rationalization/consolidation of processing facilities and the reduction of capacity in the fish-harvesting sector.

Reinforced under the Canadian Fisheries Adjustment and Restructuring (CFAR) measures (which provided funding for community economic development on both coasts through the Atlantic Canada Opportunities Agency, Canada Economic Development and Western Economic Diversification), public investment must support the fisheries renewal agenda, but not contribute to overcapacity. The government has determined that funding allocated under CFAR to support community diversification initiatives inside and outside of the fishery should not augment primary processing capabilities.

DFO will continue to maintain a close relationship with funding agencies to ensure that all fisheries-related proposals are fully assessed from the above perspective. Each proposal will be assessed on its own merits, and the federal government will encourage the provincial governments to support this policy.

Scope

The policy applies to all fisheries-related funding proposals.

Source

Federal Public Investment for Primary Fish Processing Activities
(Policy Statement), May 1998

Management of Fish Habitat

Objective

- To increase the natural productive capacity of habitats for the nation's fisheries resources to benefit present and future generations of Canadians.

Background and key elements

This policy was developed in 1986 following the release of a discussion paper in 1983 and a proposed policy and procedures paper in 1985 that generated public calls for an improved approach to managing fish habitat, including improvements in the process for considering opposing views before habitat decisions are taken. The policy provides a framework to ensure a consistent approach to habitat management activities in Canada.

The policy objective is supported by three goals:

- Maintain the current productive capacity of fish habitats using the principle of no net loss of productive capacity of habitats. (This goal is supported by the No Net Loss Guiding Principle, which provides for no net loss of productive capacity of habitats from economic development activities).
- Rehabilitate the productive capacity of fish habitat in selected areas where economic or social benefits can be achieved through the fisheries resource.
- Create and improve fish habitats in selected areas where the production of fisheries resources can be increased for the social or economic benefit of Canadians.

Scope

The policy applies to all marine and freshwater fish habitat in Canada. Fish habitat is defined in the *Fisheries Act* as spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly to carry out their life processes. DFO works co-operatively with provincial governments, municipalities and the industry to promote the objectives and goals of the Policy.

Source

Policy for the Management of Habitat, DFO, 1986

Marine Protected Areas Program Policy

Objective

- To conserve and protect, under the *Oceans Act*, the ecological integrity of marine ecosystems, species and habitats through a system of Marine Protected Areas (MPAs).

Background and key elements

Confirmed in 1998, the Marine Protected Areas Program Policy provides the rationale for DFO's efforts with respect to the identification, development, establishment and management of MPAs under the *Oceans Act*. An MPA is an area of the ocean that Canada has so designated to conserve and protect:

- commercial and non-commercial fishery resources, including marine mammals and their habitats;
- endangered or threatened marine species and their habitats;
- unique habitats;
- marine areas of high biodiversity or biological productivity; and
- any other marine resource or habitat as is necessary to fulfil the mandate of the Minister of Fisheries and Oceans.

The MPA program has three goals:

- to proactively conserve and protect the ecological integrity of the MPA site;
- to increase knowledge and understanding of marine ecosystems; and
- to contribute to the social and economic sustainability of coastal communities by providing for uses that are compatible with the reasons for designation.

In implementing the MPA program, DFO will

- adhere to the defined objective and goals of the MPA program;
- establish MPAs in a fair and transparent manner;
- adopt the principles of sustainable development, integrated management and the precautionary approach in decision-making;
- base decisions on the best available scientific information and traditional ecological knowledge;

- adopt an ecosystem approach to planning, establishing and managing MPAs (this will include coordinating across jurisdictions and organizations and recognizing the interaction of marine ecosystems with the land);
- plan and establish MPAs with the active participation of interested and affected parties, building on existing programs and institutional or community structures wherever possible;
- promote the use of partnering arrangements in managing MPAs; and regularly evaluate the design, management and effectiveness of MPAs with respect to their stated goals.

Scope

The policy applies to all aspects of the MPA program.

Sources

Marine Protected Areas Policy, DFO 1999 (DFO / 6006)
Working Together for Marine Protected Areas: A National Approach, booklet, DFO, 1998
Oceans Conservation Web site (www.oceansconservation.com)

Related Agreements/Activities

United Nations Fish Agreement (UNFA)²

Objective

- To give practical effect to the *United Nations Convention on the Law of the Sea* duty to cooperate in the management of straddling and highly migratory fish stocks.

Background and key elements

UNFA, signed by Canada in 1995 and ratified in August 1999, provides an internationally endorsed framework for co-operation between the Parties, including:

- guiding principles for conservation and management of straddling and highly migratory fish stocks;
- authority for a more effective high seas enforcement regime; and
- a compulsory and binding mechanism for dispute settlement.

UNFA obliges coastal states and states fishing on the high seas to adhere to 12 general principles for the conservation and management of straddling fish stocks and highly migratory fish stocks. As an UNFA Party, Canada is obliged to ensure that these principles are enshrined in DFO management policies, processes and practices.

1. Adopt measures to ensure long-term sustainability and promote optimal use.
2. Ensure that measures are based on “best science.”
3. Apply the precautionary approach as prescribed in UNFA.
4. Assess impacts of fishing and other human activities and environmental factors on stocks belonging to the same ecosystem.
5. Adopt an ecosystem approach where necessary.
6. Minimize pollution, waste, discards and catch by lost or abandoned gear.
7. Protect biodiversity in the marine environment.
8. Take measures to prevent or eliminate overfishing and excess capacity.
9. Take into account the interests of artisanal and subsistence fishers.

² UNFA entered into force on December 11, 2001 following ratification by the 30th State on November 11, 2001. This agreement marks a milestone in providing a framework for international cooperation on the high seas, a goal long sought by Canada.

10. Collect and share, in a timely manner, complete and accurate data concerning fishing activities.
11. Promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management.
12. Implement and enforce conservation and management measures through effective monitoring, control and surveillance.

UNFA also provides for a new high seas enforcement regime, which applies to the high seas areas covered by Regional Fisheries Management Organizations (RFMOs). More important, the measures of the RFMOs apply to vessels registered to an UNFA member, whether or not the signatory is also a member of the enforcing RFMO. UNFA also provides for the peaceful settlement of disputes between member countries through a compulsory, binding dispute settlement mechanism. This mechanism heralds a major improvement in the resolution of international fisheries disputes.

UNFA also calls for compatibility of conservation and management measures for straddling and highly migratory fish stocks both inside and outside 200-mile zones. Therefore, coastal states and states fishing on the high seas have a duty to cooperate for the purpose of achieving compatible measures with regard to straddling and highly migratory fish stocks. Flag State duties include an obligation to regulate fishing vessel activity to ensure that such activity does not undermine internationally agreed on conservation and management measures. There is an obligation to respond immediately to fully investigate a report of a serious violation of internationally established conservation measures. UNFA also requires transparency in activities of RFMOs.

Scope

UNFA applies to straddling and highly migratory fish stocks on the high seas. Certain management principles also apply to these stocks within 200-mile zones. The Agreement comes into effect when ratified by 30 Parties. UNFA entered into force on December 11, 2001 following ratification by the 30th State on November 11, 2001.

Source

United Nations Fish Agreement, United Nations Web site (www.un.org)

Northwest Atlantic Fisheries Organization (NAFO)

Objective

- To contribute, through consultation and cooperation, to the optimum utilization, rational management and conservation of the fishery resources of the NAFO Convention Area.

Background and key elements

Following the extension of jurisdiction over the living resources to limits of up to 200 miles by the Coastal States of the Northwest Atlantic, eight Parties signed a new Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries on 24 October 1978 in Ottawa, Canada (to replace the International Convention for the Northwest Atlantic Fisheries –ICNAF- which had been in place since 1950). The Convention came into force on 1 January 1979 following the deposit with the Government of Canada of the instruments of ratification, acceptance, and approval by seven signatories: Canada, Cuba, the European Economic Community (EEC), German Democratic Republic (GDR), Iceland, Norway, and Union of Soviet Socialist Republics (USSR). This Convention established the Northwest Atlantic Fisheries Organization (NAFO). There are now 18 Contracting Parties to NAFO.

The Organization consists of a General Council, Scientific Council, a Fisheries Commission and a Secretariat.

The functions of the General Council are:

- (a) to supervise and coordinate the organizational, administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
- (b) to coordinate the external relations of the Organization;
- (c) to review and determine the membership of the Fisheries Commission; and
- (d) to exercise such other authority as is conferred upon it by this Convention

The functions of the Scientific Council are:

- (a) to provide a forum for consultation and cooperation among the Contracting Parties with respect to the study, appraisal and exchange of scientific information and views relating to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries, and to encourage and promote cooperation among the Contracting Parties in scientific research designed to fill gaps in knowledge pertaining to these matters;
- (b) to compile and maintain statistics and records and to publish or disseminate reports, information and materials pertaining to the fisheries of the Convention Area, including environmental and ecological factors affecting these fisheries;
- (c) to provide scientific advice to coastal States, where requested to do so; and
- (d) to provide scientific advice to the Fisheries Commission, or on its own initiative as required for the purposes of the Commission.

The functions of the Fisheries Commission are:

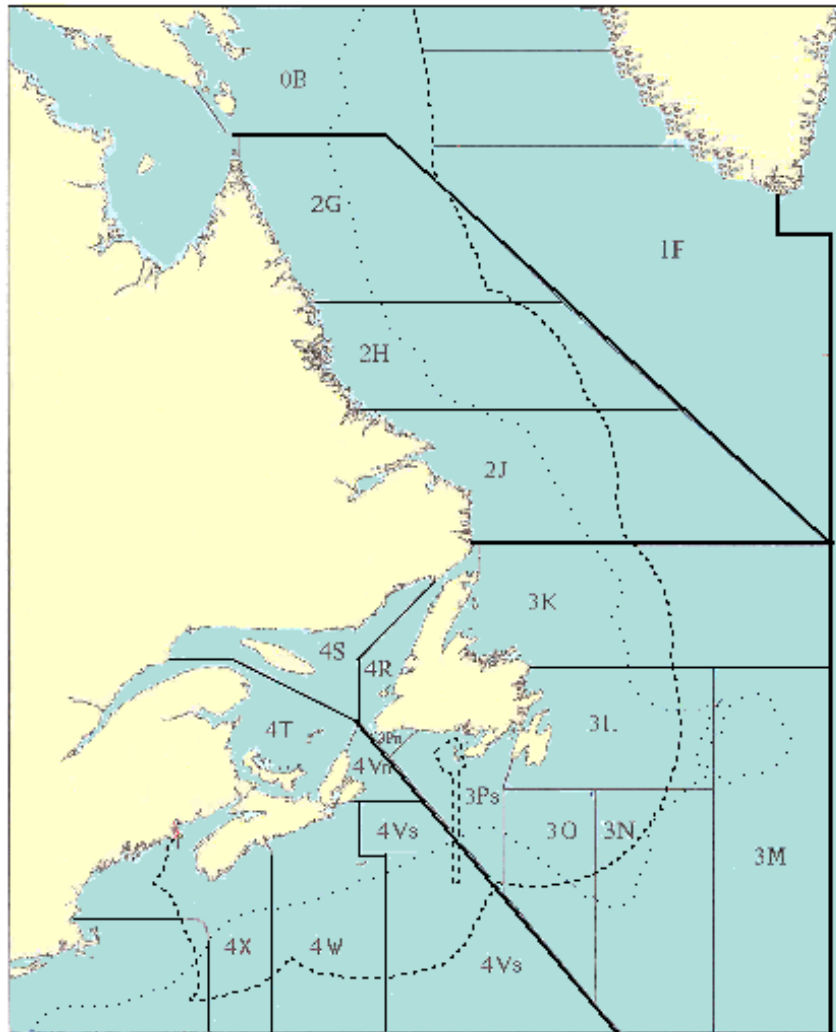
- a) to manage and conserve the fishery resources of the Regulatory Area (which is that part of the Convention area found outside the jurisdiction of any Coastal State, i.e. outside 200 miles and includes the Flemish Cap, Nose and Tail of the Grand Banks.)
- b) to develop and adopt proposals for joint action by the Contracting Parties designed to achieve the optimum utilization of the fishery resources of the Regulatory Area. In considering such proposals, the Commission shall take into account any relevant information or advice provided to it by the Scientific Council.

The Secretariat provides services to the Organization in the exercise of its duties and functions.

Scope

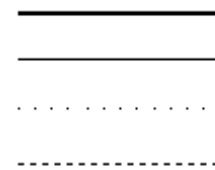
The Convention Area comprises the waters of the Northwest Atlantic Ocean north of 35'00`N latitude and west of the line extending due north from 35'00`N latitude and 42'00`W longitude to 59'00N` latitude, thence due west to 44'00`W longitude, and thence due north to the coast of Greenland, and the waters of the Gulf of St. Lawrence, Davis Strait and Baffin Bay south of 78'00`N latitude

THE NAFO CONVENTION AREA



Subareas and
Divisions of the
NAFO Convention Area

Boundaries of Subareas
Boundaries of Divisions
Depth contour, 100 fath (188 m)
200 mile Fishing Zone Boundary



Source

Structure and Function of NAFO, Web site www.nafo.ca

International Commission for the Conservation of Atlantic Tuna (ICCAT)

Objective

- The conservation of tuna and tuna-like species in the Atlantic Ocean and adjacent seas through the maintenance of populations at levels which will permit maximum sustainable catch.

Background and key elements

The organization was established in 1969, at a Conference of Plenipotentiaries, which prepared and adopted the International Convention for the Conservation of Atlantic Tunas which was signed in Rio de Janeiro, Brazil, in 1966.

About 30 species are of direct concern to ICCAT: Atlantic bluefin, yellowfin, albacore and bigeye tuna; swordfish; billfishes such as white marlin, blue marlin, sailfish and spearfish; mackerels such as spotted Spanish mackerel and king mackerel; and, small tunas like skipjack, black skipjack, frigate tuna, and Atlantic bonito.

Through the Convention, ICCAT is established as the only fisheries organization responsible for the study and management of tunas and tuna-like fishes in the Atlantic. Such studies include research on biometry, ecology, and oceanography, with a principal focus on the effects of fishing on stock abundance. The Commission's work requires the collection and analysis of statistical information relative to current conditions and trends of the fishery resources in the Convention area. The Commission also undertakes work in the compilation of data for other fish species that are caught during tuna fishing ("bycatch", principally sharks) in the Convention area, and which are not investigated by another international fishery organization.

The Convention is open for signature, or may be adhered to, by any Government which is a Member of the United Nations or of any specialized agency of the United Nations. Instruments of ratification, approval, or adherence may be deposited with the

Director-General of the Food and Agriculture Organization of the United Nations (FAO), and membership is effective on the date of such deposit. Currently, there are 31 contracting parties.

Scope

Applicable to tuna and tuna-like species in the Atlantic Ocean and adjacent seas (e.g. Mediterranean Sea). Species caught in Canadian waters include Atlantic bluefin, yellowfin, albacore bigeye, and swordfish.

Source

International Commission for the Conservation of Atlantic Tunas (ICCAT) Web site: www.iccat.org.

North Atlantic Salmon Conservation Organization (NASCO)

Objective

- To contribute through consultation and cooperation to the conservation, restoration, enhancement and rational management of salmon stocks subject to the Convention, taking into account the best scientific evidence available to it.

Background and key elements

The North Atlantic Salmon Conservation Organization (NASCO) is an international organization established under the Convention for the Conservation of Salmon in the North Atlantic Ocean which entered into force on 1 October 1983. The Contracting Parties are Canada, Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Norway, the Russian Federation and the United States of America. Twenty six non-Government organizations have observer status to NASCO.

The Organization consists of a Council, three regional Commissions (North American Commission, North-East Atlantic Commission and West Greenland Commission) and a Secretariat.

Its main functions are:

- (a) to provide a forum for the study, analysis and exchange of information among the Contracting Parties on matters concerning the salmon stocks subject to this Convention, and on the achievement of the objective of the Convention;
- (b) to provide a forum for consultation and co-operation on matters concerning the salmon stocks in the North Atlantic Ocean beyond Commission areas;
- (c) to facilitate the co-ordination of the activities of the Commissions and to co-ordinate the initiatives of the Contracting Parties under article 2 paragraph 3;
- (d) to establish working arrangements with the International Council for the Exploration of the Sea and other appropriate fisheries and scientific organizations;
- (e) to make recommendations to the Contracting Parties, the

- International Council for the Exploration of the Sea or other appropriate fisheries and scientific organizations concerning the undertaking of scientific research;
- (f) to supervise and co-ordinate the administrative, financial and other internal affairs of the Organization, including the relations among its constituent bodies;
 - (g) to co-ordinate the external relations of the Organization; and
 - (h) to perform such other functions as are conferred on it by the Convention.

Scope

- (a) The North American Commission: maritime waters within areas of fisheries jurisdiction of coastal States off the east coast of North America (this includes the waters off Eastern Canada).
- (b) West Greenland Commission: maritime waters within the area of fisheries jurisdiction off the coast of West Greenland west of a line drawn along 44°W longitude south to 59°N latitude, thence due east to 42°W longitude and thence due south; and
- (c) North-East Atlantic Commission: maritime waters east of the line referred to in subparagraph (b).

Source

North Atlantic Salmon Conservation Organization Web site:
www.nasco.int

Agreement on Interjurisdictional Cooperation

Objective

- To foster a significant improvement in relations among the federal government and the governments of the provinces and territories on issues pertaining to fisheries and aquaculture.

Background and key elements

The Agreement on Interjurisdictional Cooperation, signed by ministers from all Canadian jurisdictions in September 1999, commits each signatory government to respect several principles of cooperation, including:

- using decision-making processes that incorporate timely consultation with other jurisdictions, providing reasonable notice of a decision that may affect another jurisdiction before announcing it publicly;
- being open and publicly accountable to one another for commitments made within the Agreement;
- identifying and pursuing opportunities to collaborate for the purpose of achieving increased efficiency, effectiveness and streamlining; and
- collaborating, where appropriate, on the development of policies designed to address the particular needs and opportunities of each jurisdiction.

As an example, under the Agreement, the federal government promised to consult the provinces and territories on key fisheries management plans and allocations, and the provinces and territories promised to consult other jurisdictions on legislation and regulations related to fish habitat, programs and initiatives concerning the processing sector, provincial-territorial licensing and fisheries development initiatives.

The Agreement also created the Canadian Council of Fisheries and Aquaculture Ministers (CCFAM), supported by a Committee of Deputy Ministers and an Interjurisdictional Working Group of officials. The CCFAM meets annually and may meet more frequently as needed.

Scope

The provisions of the Agreement apply to all signatory governments, federal, provincial and territorial.

Sources

The Agreement on Interjurisdictional Cooperation with Respect to Fisheries and Aquaculture, DFO Web site (www.dfo-mpo.gc.ca)
News release on CCFAM meeting, September 23, 1999, DFO Web site (www.dfo-mpo.gc.ca)

Nunavut Wildlife Management Board

Objectives

With respect to fisheries management, the *Nunavut Land Claims Agreement* seeks:

- to enable Inuit to participate in decision-making concerning the use, management and conservation of land, water and resources, including offshore areas;
- to provide Inuit with wildlife harvesting rights and rights to participate in decision-making concerning wildlife harvesting;
- to encourage self-reliance and the cultural and social well-being of Inuit.

Background and key elements

The *Nunavut Land Claims Agreement Act* ratifying the *Nunavut Land Claims Agreement* came into effect on July 9, 1993. The Agreement establishes the Nunavut Wildlife Management Board (NWMB), which is the main instrument of wildlife management in the Nunavut Settlement Area (NSA). The NWMB is a public board made up of nine members. Four designated Inuit organizations each appoint one member, the Governor-in-Council appoints three members and the Commissioner-in-Executive Council appoints one member. The Governor-in-Council appoints a chairperson from nominations provided by the eight appointees.

Some provisions of the *Nunavut Land Claims Agreement* also apply to the adjacent marine areas of Baffin Bay and Davis Strait (Zone I), and James Bay, Hudson Bay and Hudson Strait (Zone II). In these areas specifically:

- government will maintain structures to promote coordinated management of migratory marine species;
- the NWMB shall appoint appropriate representation from the NSA to such structures;
- DFO shall seek the advice of the NWMB concerning wildlife management decisions within the marine areas of the NSA; and
- the NWMB may identify wildlife research requirements.

In addition, government must give special consideration to the

importance of the principles of adjacency and economic dependence of communities in the NSA on marine resources when allocating commercial fishing licences in Zones I and II.

The Minister of Fisheries and Oceans retains the ultimate responsibility for the conservation and management of fish and marine mammals and their habitats.

Specific principles of the *Nunavut Land Claims Agreement* are relevant to fisheries management:

- a long-term, healthy, renewable resource economy is both viable and desirable;
- an effective system of wildlife management must complement Inuit harvesting rights and priorities, recognize Inuit systems of wildlife management, and provide optimum protection to the renewable resource economy;
- the wildlife management system and the exercise of Inuit harvesting rights are governed by and subject to the principles of conservation; and
- Inuit must play an effective role in all aspects of wildlife management, including research.

Decisions of the NWMB or the Minister of Fisheries and Oceans in relation of Part 6 of the Agreement (Harvesting) shall restrict Inuit harvesting only to meet a valid conservation objective, give effect to the allocation systems in the Agreement, or protect public health and safety.

Additional activities of the NWMB include:

- ascertaining and adjusting the basic needs level;
- dealing with priority applications and allocating resources to other residents;
- establishing, modifying or eliminating a total allowable harvest;
- allocating resources to existing operations;
- making recommendations pertaining to the allocation of the surplus;
- establishing, modifying or removing non-quota limitations; and
- participating in scientific research, approving plans for the management and protection of particular wildlife, identifying research requirements pertinent to wildlife management and

reviewing research proposals.

Scope

The NSA encompasses the eastern portion of the Arctic Islands and mainland, adjacent marine areas and the Belcher Islands and adjacent islands. Some provisions of the Agreement also apply to Canadian seas north of 61° N and to James Bay, Hudson Bay and Hudson Strait. The NSA contains 25 communities. There are approximately 23,000 beneficiaries.

Source

Nunavut Land Claims Agreement, Indian and Northern Affairs Canada Web site (www.inac.gc.ca) or (www.tunngavik.com)

Industry-developed Policies

Canadian Code of Conduct for Responsible Fishing Operations

Objective

- To help achieve sustainability in commercial fisheries by encouraging responsible fishing methods based on conservation objectives.

Background and key elements

The *Canadian Code of Conduct for Responsible Fishing Operations* is an industry-led policy initiative supported by DFO to implement the *Code of Conduct for Responsible Fishing* of the Food and Agriculture Organization (FAO) of the United Nations. Canada has ratified the FAO Code, which commits DFO to support the development and implementation of responsible fishing requirements in conservation harvesting plans and other areas of fisheries management.

In this industry-led Code, sustainability is understood to mean the harvesting of a stock in ways that do not threaten the health of the stock, or inhibit its recovery if it has previously been in decline, thereby maintaining its potential to meet the needs and aspirations of present and future generations of fish harvesters.

The Consensus Code is guided by nine principles:

1. Fish harvesters will take appropriate measures to ensure that fisheries are harvested and managed responsibly to safeguard the sustainable use of Canada's freshwater and marine resources and their habitats for present and future generations of Canadians.
2. Taking into account the economic importance of the fisheries to industry participants and their communities, fish harvesters will take appropriate measures to pursue the ecological sustainability of Canadian fisheries.
3. Fish harvesters will acknowledge that conservation and the sustainable use of freshwater and marine resources is a shared responsibility, and requires a spirit of cooperation, among all industry participants and the appropriate regulatory authorities.

4. Fish harvesters will address problems of fisheries in Canada, adopting specific mechanisms and regulations as required.
5. Fish harvesters will work to balance the level of fishing effort with the sustainable supply of fisheries' resources to ensure responsible management and responsible professional harvesting.
6. To the extent practical, fish harvesters will minimize unintended by-catch and reduce waste and adverse impacts on the freshwater and marine ecosystems and habitats to ensure healthy stocks.
7. Fish harvesters will develop, maintain and promote public awareness and understanding of the issues surrounding responsible fishing and the measures taken by fish harvesters to conserve stocks and protect the environment.
8. Fish harvesters will promote the recognition of their specialized knowledge gained through experience, and the integration of this knowledge within scientific analyses and fisheries management policies and regulations.
9. Fish harvesters will conduct harvesting operations in accordance with Canadian fisheries' laws and regulations; international laws, regulations, conventions, declarations and protocols adopted by Canada; and harvesting plans adopted by each fishery.

The Consensus Code also sets out guidelines to address a wide range of operational issues including the handling of gear conflicts, gear selectivity, responsibilities for disposal of waste materials, energy conservation and compliance with fisheries regulations and fishing plans.

Scope

The Consensus Code is applicable to all commercial fishing operations in Canadian waters.

Source

Canadian Code of Conduct for Responsible Fishing Operations,
DFO Resource Management Branch, Consensus Code, 1998

Industry Professionalization

Objectives

Two provinces, Newfoundland and Labrador and Quebec, have enacted legislation to create Professional Fish Harvesters Certification Boards (in Quebec the Bureau d'accréditation des pêcheurs et des aides-pêcheurs du Québec). Their objectives are:

- To promote the interests of fish harvesters as a professional group.
- To operate and maintain a fish harvester registration professionalization program.
- To define standards for professionalization.
- To issue certificates of accreditation to qualifying fish harvesters.
- To provide an independent appeals procedure for fish harvesters.
- To develop, maintain and monitor compliance with a code of ethics.
- To apply sanctions against fish harvesters who violate the Board's Code of Ethics.
- To act in an advisory role to the federal and provincial governments in matters relating to fisheries policies, consistent with the common good of fish harvesters.

Background and key elements

Although not in DFO's mandate, the department supports initiatives related to industry professionalization and has developed its own policy framework with respect to professionalization. Two provinces, Newfoundland in 1997 and Quebec in 1999, have taken the lead in developing legislation and certification systems for industry organizations.

The lead agency for fish harvester professionalization is the Canadian Council of Professional Fish Harvesters (CCPFH), which is linked to regional professionalization bodies. The CCPFH is a national sector council mandated and financially supported by Human Resources Development Canada.

Professionalization refers to the development and recognition of the special skills and experience required to become a professional fish harvester. In practical terms, it involves the

development by industry of apprenticeship systems with expanded education and training requirements to define a career ladder for harvesters. Professionalization also involves accrediting fish harvesters who have long-term attachments to fishing and establishing qualifying standards and an apprenticeship regime for new entrants.

Finally, it includes improving education and training standards relating to conservation and responsible fishing and anticipating and addressing future human resources trends and needs.

Scope

The respective provincial certification regimes apply to inshore commercial fish harvesters in Newfoundland and Labrador and inshore and mid-shore commercial fish harvesters in Quebec.

Source

Professional Fish Harvesters Certification Board, Newfoundland and Labrador, Fish Harvesters Resource Centre, 1998
Government of Quebec web site www.agr.gouv.qc.ca.

Source Documents

Source Documents

1982 Rules for Enterprise Allocations for the Atlantic Groundfish Fisheries, DFO, March 18, 1982

Aboriginal Fisheries Strategy, DFO Web site (www.dfo-mpo.gc.ca)

The Agreement on Interjurisdictional Cooperation with respect to Fisheries and Aquaculture, DFO Web site (www.dfo-mpo.gc.ca)

Atlantic Region Dockside Monitoring Program Policies and Procedures, DFO, May 1999

Canada's Foreign Fishing Relations Policy, available from DFO

Canada's Oceans Act, overview from DFO's Web site (www.dfo-mpo.gc.ca)

Canada's Policy for Recreational Fisheries, 1987

Canadian Code of Conduct for Responsible Fishing Operations, DFO Resource Management Branch, Consensus Code, 1998

Commercial Fisheries Licensing Policy for Eastern Canada, DFO, 1996

Cost Recovery and Charging Policy, Treasury Board of Canada, available from: www.tbs-sct.gc.ca

Departmental Operational Framework for Recreational Fishing in Canada, DFO, July 2000

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