



CANADA

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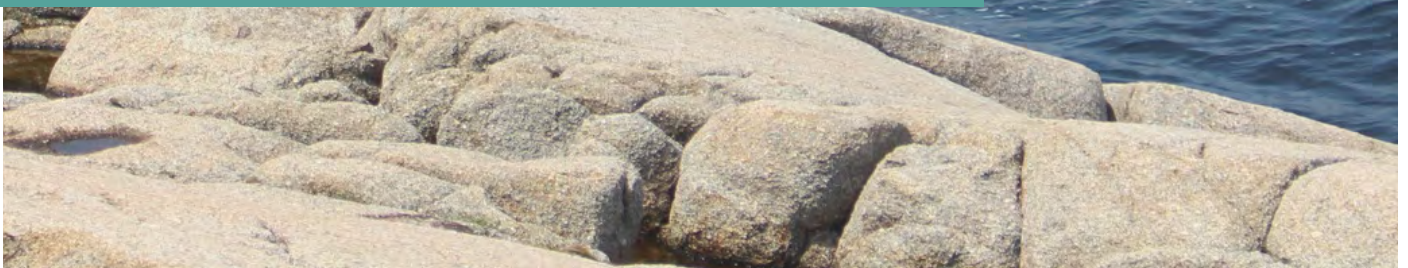


Photo: End of the fishing day in Peggy's Cove, NS, Canada. By Mirella de Oliveira Leis

Why SSF?

Canada is a world-leading ocean nation, with a history of fishing by Indigenous, migrant and Settler communities. With the longest coastline in the world and home to large watersheds and inland aquatic resources, Canadian Indigenous, food, and commercial fisheries have an extensive history of resource use. Scholars have identified defining characteristics for SSF in Canada in terms of vessel length, distance from shore fished, gear type used, socioeconomic importance, and environmental impact. Currently, the lack of formal recognition of SSF in Canada and rather a focus on recreational, commercial and Indigenous fisheries in federal policy limit the potential implementation of a coherent policy framework such as, for example, the SSF Guidelines, which were opposed by Canada during their initial development.

The diversity of fisheries in the three ocean basins that surround Canada and the rivers, lakes, and deltas within its borders, complicate a clear-cut policy definition. Further, the rapidly changing nature of fisheries due to impacts from market influence, climate change, and economic development, are all governed through legal and policy frameworks at different governmental levels and jurisdictions. Another limiting factor is that fisheries in Canada are associated mainly with 'harvesting,' with the default fisher being male. This overlooks the diversity of work that occurs throughout the value chain, including seafood processing which makes the significant role of women and migrant workers in fisheries invisible. It also hides the multigenerational and family-based significance of the fishery in rural coastal communities. Regardless, the documented history of SSF and their social and economic importance in both marine and terrestrial coastal communities highlight their importance across the country and relevance for representation in this scan of legal and policy frameworks for SSF.

What are SSF?

There is no explicit definition of small-scale fisheries in the Canadian legislative or legal context. Inshore fisheries are not defined in the Fisheries Act but are somewhat defined in fisheries management plans for specific fisheries (i.e., Vessel length).

Generally, SSF in Canada use smaller vessels, fish closer to shore, and their catches in local harbours. SSF have important economic and social meaning and value to much of Canada's rural coastal and Indigenous communities. Where applicable, catches are processed locally to maintain benefits through local value chains.

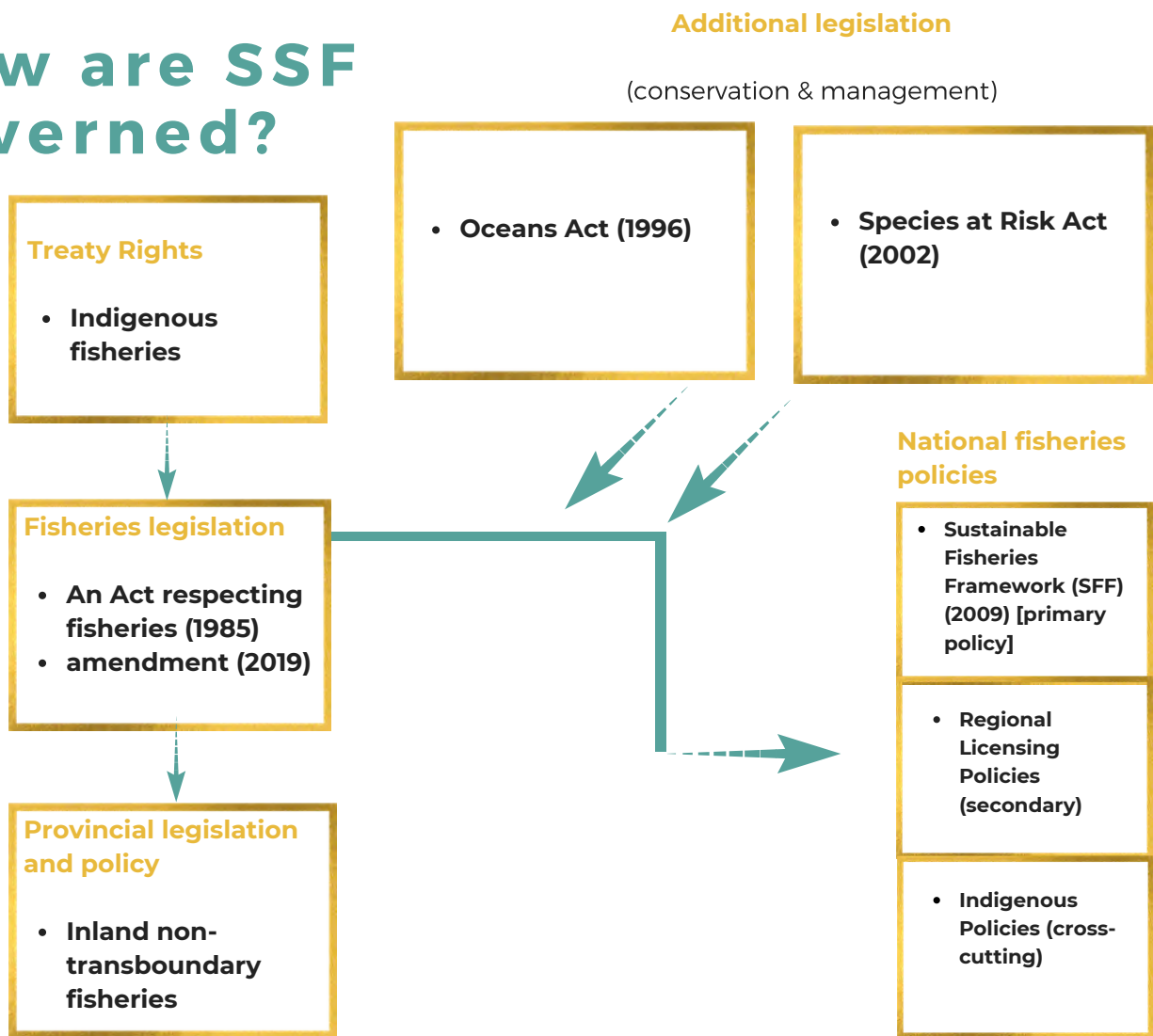
The Fisheries Act (1985)

- refers to **commercial inshore fisheries and communities** (Section 2.5)
- authorizes regulations "respecting the proper management and control of the **seacoast and inland fisheries**, including for social, economic or cultural purposes (Section 43(1)).

R. v. Sparrow, [1990] 1 S.C.R. 1075

- the rights of **Indigenous fisheries** were affirmed in the 1990 Supreme Court of Canada case R v. Sparrow which secures the Aboriginal right to fish for food, social and ceremonial purposes (R v. Sparrow 1990) – fisheries which can be considered small-scale.

How are SSF governed?



Who governs SSF?

National authorities in charge of fisheries governance:

- **Fisheries and Oceans Canada (DFO)** [Primary authority]
- Provincial and territorial governments
- Indigenous governing bodies
- Environment and Climate Change
- Transport Canada
- Economic Development and Community Well-being; Employment and Social Development Canada; Infrastructure and Communities; Women and Gender Equality and Rural Economic Development; and Immigration, Refugees, and Citizenship Canada
- Canadian Food Inspection Agency

DFO Responsibilities:

- Sustainably manage fisheries and aquaculture
- Plan activities affecting estuaries and coastal and marine waters;
- Manages coast guard services and marine science services
- Protect and promote recovery of aquatic species at risk
- Coastal Fisheries Protection Act (regulates access of foreign vessels)
- Canada Shipping Act (outlines search and rescue responsibilities)
- Manages harbours

What principles govern fisheries?

Legislation - **Yellow** **Blue:** Policy

Yes



No



Not clear



Not specific to fisheries



Human rights & dignity



Respect of cultures



Non-discrimination



Gender equality & equity



Equity & equality



Consultation & participation



Rule of law



Transparency



Accountability



Economic, social & environmental sustainability



Ecosystem approach to fisheries



Social responsibility



Other SSF relevant principles



What legal and policy instruments are SSF specific?

Note

Due to Canada's lack of formal recognition of a small-scale fisheries sector nationwide, the majority of the instruments are checked as "No specific provision for SSF" or "Not Clear." Given that there are many relevant policies for this next section in regard to the commercial fisheries, of which a substantial portion are of the 'smaller-scale' i.e., inshore fisheries, the authors have given examples of relevant policies or instances where policies were enacted to support the inshore sector. These examples can be found in the ISSF template.

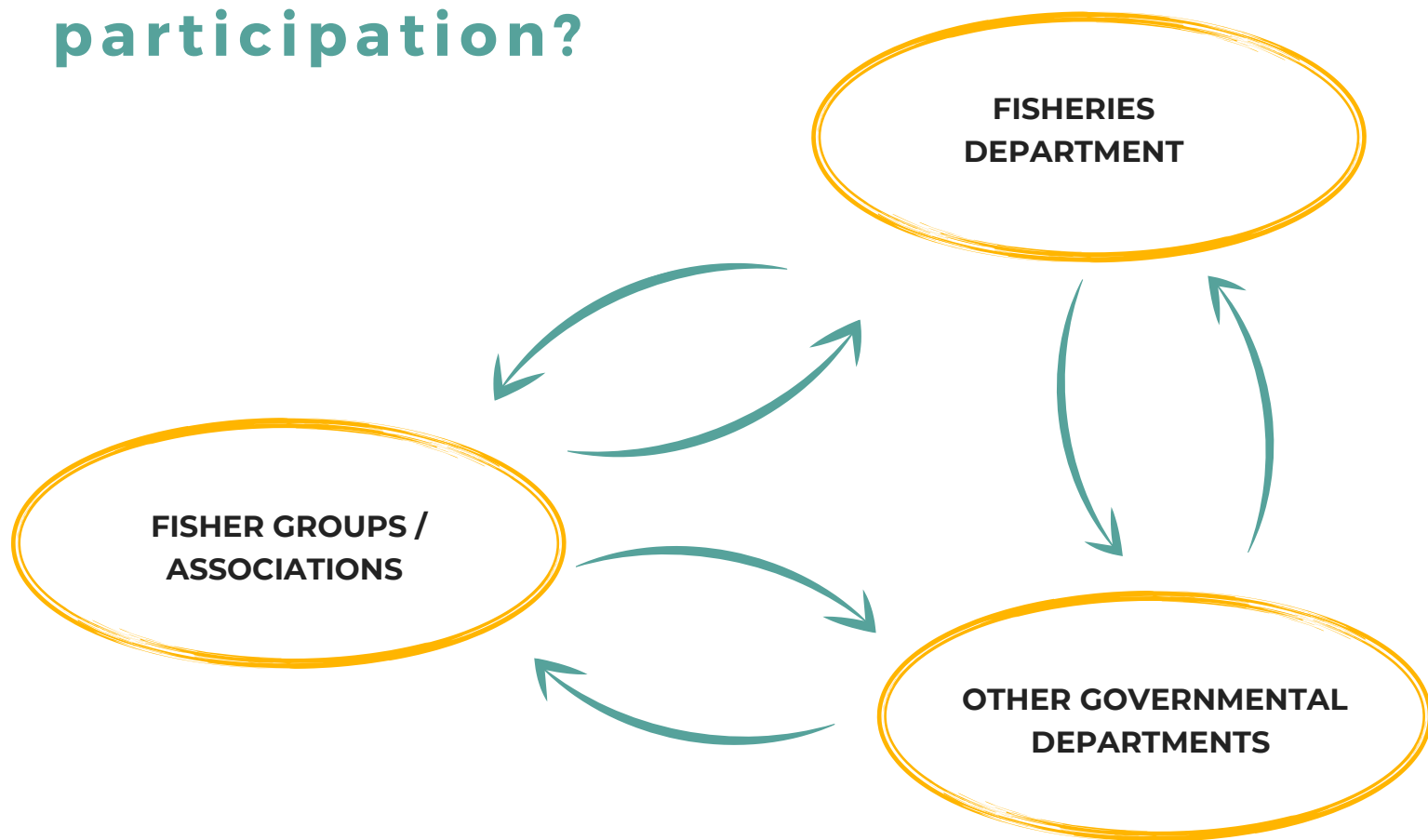
No specific provisions for SSF

- Exclusive fishing area or priority access to fishery resources for SSF
- MCS measures and others aimed to deter, prevent and eliminate IUU applying to SSF
- Labour rights or social benefits for SSF along the value chain
- Capacity building program for SSF
- Recognition of SSF as professional workers, along the value chain
- Responsible trade in fish and certification of fishery products from SSF, including sanitary and safety standards for domestic vs. export markets
- Legal protection of women in SSF, along the value chain
- Special treatment to women in SSF
- Protection of SSF from disaster risks/ climate change, and/or recognition of SSF vulnerability in disaster risk/climate change policies and strategies

Not clear

- Tenure and related rights for SSF
- Registration requirements for SSF
- Social development, employment and decent work for SSF along the value chain

What are opportunities for interaction & participation?



Representation of SSF in governance

Representation is about recognizing that SSF exist in Canada. Although there is opportunities for co-management as outlined below, there is no indication that representation of both Indigenous and settler fish harvesters is legally required.

Fishers' participation in management, including co-management or decentralised fisheries management schemes

Co-management is narrowly interpreted in some cases as sharing information rather than sharing authority. There are some instances in which co-management is sharing authority but these schemes are not central to most fisheries.

Holistic form of governance or reform

Although a holistic governance regime has yet to be formally integrated, there are policies in place that support ecological, economic, social and institutional objectives in fisheries management. There are various initiatives in government that seek to formalize these goals.