

Aboriginal Fisheries Strategy

In 1990, the Supreme Court of Canada issued a landmark ruling in the Sparrow decision. This decision found that the Musqueam First Nation has an Aboriginal right to fish for food, social and ceremonial purposes. The Supreme Court found that where an Aboriginal group has a right to fish for food, social and ceremonial purposes, it takes priority, after conservation, over other uses of the resource. The Supreme Court also indicated the importance of consulting with Aboriginal groups when their fishing rights might be affected.

In response to this decision, and to provide stable fishery management, Fisheries and Oceans Canada (DFO) launched the Aboriginal Fisheries Strategy (AFS) in 1992. The AFS is applicable where DFO manages the fishery and where land claims settlements have not already put a fisheries management regime in place.

What are the objectives of the AFS?

- To provide a framework for the management of fishing by Aboriginal groups for food, social and ceremonial purposes.
- To provide Aboriginal groups with an opportunity to participate in the management of fisheries, thereby improving conservation, management and enhancement of the resource.
- To contribute to the economic self-sufficiency of Aboriginal communities.
- To provide a foundation for the development of self-government agreements and treaties.
- To improve the fisheries management skills and capacity of Aboriginal groups.

The AFS is of assistance to DFO in managing the fishery in a manner consistent with the Sparrow decision and subsequent Supreme Court of Canada decisions. The AFS seeks to provide for the effective management and regulation of fishing by Aboriginal groups through the negotiation of mutually acceptable and time-limited fisheries agreements between DFO and Aboriginal groups. Where agreement cannot be reached with an Aboriginal group, DFO will review the consultations with the group and the Minister of Fisheries and Oceans will issue a communal fishing licence to the group, containing provisions that the Minister believes are consistent with the Sparrow decision and subsequent Supreme Court of Canada decisions. The licence allows the group to fish for food, social and ceremonial purposes.

Where DFO reaches agreement with an Aboriginal group, the Minister of Fisheries and Oceans will issue a licence to the group that reflects the agreement reached.

Fisheries agreements negotiated under the AFS could contain:

- provisions with respect to amounts that may be fished for food, social and ceremonial purposes;
- terms and conditions that will be included in the communal fishing licence (e.g. species, amount that may be fished, area, gear, times, reporting requirements);
- arrangements for co-operative management by the Aboriginal group and DFO of fishing by the group for food, social and ceremonial purposes;
- co-operative management projects for the improvement of the management of fisheries in general, such as stock assessment, fish enhancement and habitat management; and
- provisions related to communal licences under the Allocation Transfer Program (ATP) for obtaining access to commercial fisheries and/or other economic development opportunities.

Annual funding of the AFS is \$35 million, with about 125 AFS agreements signed each year since the implementation of the program. Approximately two thirds of these agreements are reached with Aboriginal groups in DFO's Pacific Region, with the balance in Atlantic Canada and Quebec.

The ATP is an integral component of the AFS. This program facilitates the voluntary retirement of commercial licences and the issuance of licences to eligible Aboriginal groups in a manner that does not add to the existing fishing effort, thereby providing Aboriginal groups with much-needed employment and income. Since 1994-95, when the ATP was first launched, approximately 900 commercial licences have been issued to Aboriginal groups.

The AFS program has resulted in:

- better monitoring of Aboriginal fishing;
- improved co-operation on enforcement;
- more selective fishing; and
- the creation of approximately 1300 seasonal jobs per year since 1993 in such areas as commercial fishing, processing, monitoring and fishery enhancement activities.

Background Documents

[Strengthening Our Relationship - The Aboriginal Fisheries Strategy and Beyond](#)

[Strengthening Our Relationship - The Aboriginal Fisheries Strategy and Beyond - Executive Summary](#)