



## Native Americans and the Environment

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## Fisheries and Aboriginals: The Enclosing Paradigm

### Green Web Bulletin #45

by David Orton

*(This article is part of the material prepared by David Orton, making up a Discussion Paper for a panel debate/discussion at the Learned Societies Conference, on June 5th 1995, in Montreal, on the topic "The environment and the relations with First Nations." This Learneds session is co-sponsored by the Society for Socialist Studies and the Environmental Studies Association of Canada.)*

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The main thrust of the Aboriginal Fisheries Strategy - to allow Native people to become active partners in the conservation, protection and sustainable exploitation of the fishery resource. DFO is also looking at ways to increase Native participation in the commercial fishery. Under this

initiative (which is not part of the Aboriginal Fisheries Strategy), any native commercial fishery participants would be bound to follow the same regulations as others in the commercial fishery. -- *Backgrounder: Projects under the Aboriginal Fisheries Strategy, Native and DFO Partnership, no date, issued in Atlantic Canada.*

For every 10 mature sockeye returning to spawn, about eight are taken by the commercial, Aboriginal and recreational fisheries, leaving but a single pair to escape to the spawning grounds. -- *Fraser River Sockeye 1994: Problems & Discrepancies.*

If an adequate enforcement capacity, representing a significant deterrent to illegal fishing is not established in 1995 and beyond, there is likely to be serious erosion of the Fraser River salmon restoration programs. Further, the increasing market value of all types of fisheries has resulted in similar enforcement issues prevailing throughout British Columbia. If permitted to continue, the attitudinal anarchy reflected in many user groups during 1994 will sooner or later destroy the fishery. -- *Fraser River Sockeye 1994: Problems & Discrepancies.*

## Introduction

The same attitudes, capitalist values and kinds of industrial technologies that are destroying the forests of Canada are also at work in the fishery, but the visible consequences have proceeded much further. The Northern Cod on the East Coast has been fished to commercial extinction. In July of 1992, a 2-year moratorium (since extended) was placed on this fishery. The above quotations, relating to the West Coast 1994 Fraser River sockeye runs, show the same commercial extinction paradigm unfolding. Canada pursues economics-driven conservation policies. Individual, commercially valuable fish species, are managed to their maximum human/corporate exploitation. Then, if environmental factors change or there are major errors in management or policy decisions, and if the rules are flouted or manipulated by participants in the commercial fishery, there is ecological and economic disaster.

There are factors unique to the commercial fishery not found in forestry. Nevertheless, the same basic value choices confront native people about their participation in demanding and gaining access to the food and commercial fishery. On the native side, what values will natives bring to an increased participation in the commercial fishery? On the non-native side, will aboriginal participation and disputes be resolved from the dominant, human-centered and capital-intensive industrial fisheries resource perspective, or from an ecocentric, health of the total marine ecosystem, all-species preservationist perspective? Is the federal government's Aboriginal Fisheries Strategy

(AFS) an appropriate response for natives? Is it acceptable to non-natives? Does this Strategy contribute to the long term survival of Canadian marine and fresh water ecosystems, and promote the biodiversity of animal life in such systems?

For the federal government, certainty in land claims settlements is principally about promoting further economic development. It has become clear that land claim settlements in forested areas can lead to partnership arrangements between first nations and industrial forestry interests. But what is the purpose behind the Aboriginal Fisheries Strategy, given that there is already intense corporate exploitation of the fishery? Does the federal government have an altruistic motive with the AFS, or is there a deeper Machiavellian agenda? It is on the West Coast, with the extremely lucrative and complex salmon fishery, that such questions have perhaps come into sharpest and most contentious focus. (See for a revealing discussion, Fraser River Sockeye 1994: Problems & Discrepancies, 1995, by the Public Review Board, Chairperson, John A. Fraser. This report remains human-centered, where salmon are to be managed "for future generations" and nature is a "resource" to be divided up between different human "user groups." Users are "the commercial, Aboriginal and recreational interest groups," that is, the human exploiters/consumers of the salmon.)

Here on the East Coast there are over 500 species of fish in the fresh and marine waters of the Atlantic Region. (There are basically four regions: Quebec, Gulf, Scotia-Fundy and Newfoundland, which comprise the Atlantic fishery for statistical purposes.) The 200-nautical mile fishing zone was declared in 1977.

There are some deeper fisher/environmental prophetic voices on the East Coast, e.g. Derek Jones, Bernard Martin, and Micmac Fisheries Guardian Sandy Denny. However, unlike the situation in forestry, an oppositional, deep ecology, marine perspective, supportable by natives and non-natives, has yet to emerge and become a contending force in the public debate on "What is a sustainable fishery?"

This discussion paper takes for granted the assumption of the necessity for a commercial fishery, carried out within an awareness of ecological limits. My own sentiment is that all fishing is essentially cruel to the fish which are being caught. Therefore I do not support a recreational or sport fishery, often tied in with leisure-time-as-consumerism. Recognizing this cruelty, is part of the respect towards the fish which is central to an ecocentric food-fishery ethic.

(Two of the activists who critically read the draft of this paper did not agree, from a deep ecology perspective, that a commercial fishery should be supported. One of the objections, from a vegetarian viewpoint, was: "I feel that 'respect' is used in an improper manner when what you are doing is letting a sentient being suffocate to death, a process which for a fish takes quite some time...If fish could scream, they would be killed

differently." Another objection to a commercial fishery was: "I do not think that any human activity that seizes other living creatures and turns them into commodities for sale to other humans can be regarded as respectful. The only kind of respectful fishing/hunting that we could agree with would be totally selective with regard to size, sex, numbers, time of year, and totally selective with regard to use, i.e. only for basic food, no luxury gluttony (roe) or fishmeal for cattle. No such thing as 'waste fish' of course, just fish which are inappropriate catches and which are returned to the sea.").

Aboriginal Fisheries Strategy generated from within government: There is a significant difference between the fishery and forestry situations for aboriginals. The Aboriginal Forest Strategy, (see discussion in the Wild Earth article by D. Orton, "The Wild Path Forward: Left Biocentrism, First Nations, Park Issues and Forestry, A Canadian View"), was generated from within the mainstream native movement. The content of this Forest Strategy is fully compatible with the dominant industrial forestry paradigm. The Aboriginal Fisheries Strategy (approved by the federal government, June 1992), was put together as a response to the 1990 Supreme Court Sparrow case.

Some history and theory: It is difficult and highly contentious (and has contemporary political connotations for land claims and treaty settlements), to interpret the past and the role of indigenous peoples. But, as discussed in the Wild Earth article, traditional native views of the Earth while generally respectful towards Nature, seem to have been ultimately human-centered or self-interested. (Was this respect based on a kind of reverence or fear of the unknown?) The belief appears to have been, that animal and plant life are on this Earth for human use, to be harvested in a respectful and ritualized manner. This traditional native attitude, which through its practices placed limits upon the human use of Nature, can perhaps be designated as deep stewardship. (I have also advanced before, the preliminary position that deep ecology is a movement beyond indigenous attitudes towards Nature which center around human use.) Indigenous respect towards the natural world, was a cultural, not genetic response, conditioned by a limited population base, a large land mass, and appropriate survival technologies.

Traditional relationships were not without significant ecological blemish. It has been argued by some, and I accept this view, that, while climatic changes may have been a contributing factor, many large mammal species were apparently hunted to extinction by aboriginal populations in the Americas and in other areas of the Earth, e.g. the pre-European faunal extinctions by Polynesians in New Zealand.

Industrial capitalist society, which treats all of Nature as resources waiting to be turned into commodities, accompanied by an exploding population growth, largely destroys the restraining deep stewardship relationship to the Earth, such as earlier found among indigenous peoples in the Americas.

The Sparrow decision stated that "after valid conservation measures" Indian food fishing has "priority" over other, commercial followed by recreational, user groups. Also, that aboriginal rights have to be affirmed "to permit their evolution over time." The right to sell fish was not decided upon in the Sparrow case. However, on the West Coast, the Department of Fisheries and Oceans (DFO), has introduced AFS pilot sales projects, which have been forcefully opposed by many non-native recreational and commercial fishers, e.g. the B.C. Fisheries Survival Coalition. (See the report Fraser River Sockeye for some discussion of this.) The conceptual distinction made by the DFO between a native food fishery and commercial sales by aboriginals, on the West Coast, has become extremely blurred as the Fraser River report shows. Also, large numbers of natives participate as licensed fishers in the West Coast commercial fishery. This is not the situation on the East Coast where only a handful of natives are licensed as commercial fishers.

The direction that the Aboriginal Fisheries Strategy points, as outlined by the DFO, is one of mainstream anthropocentric industrial participation, as another stakeholder in a fishery, looked at from a private property perspective. For the East Coast, a Backgrounder from the DFO (no date), describes an overview of projects under the AFS in the following manner:

Training native guardians to protect the fishery, restoring streams and the fish populations in them, monitoring the fish stocks and their harvest, creating economic development opportunities for Native people in such areas as aquaculture and recreational fishing.... This policy, unveiled in mid-1992, is meant to integrate Native people into fisheries management, provide them with economic opportunities, and also conserve and enhance the fisheries resource. Some of these projects involve local anglers' associations or the Atlantic Salmon Federation, representing non-Native users of the fishery resource. Some also get financial support from other federal government departments or the provincial governments for cooperative projects led by DFO.

The Strategy responds to the 1990 Sparrow decision of the Supreme Court of Canada which found that an Aboriginal right to fish for food, social and ceremonial purposes, has priority, after the need of conservation are met, over other user groups.

In Atlantic Canada, the federal government has allocated \$30 million dollars to be spent with native bands in a seven-year period. There are various programs: The Native Guardian Program, Restoring and Enhancing Fish Habitats, Cooperative Scientific Research, and Fisheries-based Economic Development. A number of projects are being carried out in the Atlantic Region through these programs.



There have been practical changes in increased access for example, to salmon and lobster for natives in the Maritimes. Thus, in Pictou County N.S., during the 1994 salmon spawning run on the East River, a temporary Micmac box trap, constructed by the DFO, with its mouth extending about a third across the river, caught all fish within this third travelling up stream. Micmac in Pictou County were allocated a certain number of salmon and it was the responsibility of a Native Fisheries Guardian, working with the DFO, to see that the set quota was adhered to. In Pictou County in 1994, the Fisheries Guardian appointed by the Pictou Landing Micmac Band Council was Sandy Denny. He has often publicly criticized the Scott pulp mill for its effluent and gas discharges, and its impact on the health of the local native community and the ecology. Denny has also on occasion spoken out against his own Band Council on health, ecological, and social issues.

Within Nova Scotia there have been disputes between natives and non-natives, reflected in newspaper stories, over fishery allocations as they concern lobsters and salmon. On the non-native side, because of the absence of a commercial salmon fishery, the salmon discussions have mainly concerned sport fisher people and their access to salmon streams. Non-native inshore fishers have been involved in disputes with natives, over access and the catching of lobsters. In Nova Scotia and Prince Edward Island, newspaper stories report of natives (sometimes with the assistance of non-natives) having fished undersized lobster and offering them for sale. Boats have been burned, and lobster pots cut loose and destroyed in the lobster inshore fishery. Members of the B.C. Fisheries Survival Coalition visited Nova Scotia in 1994, to meet with fishers concerning the AFS. The most commonly heard public issue raised by non-native commercial and sport fishers, is that there are different laws governing the two groups and hence different consequences for transgressions. In fishing, as in hunting, Micmac are asserting their right to enforcement and to discipline according to their own values, any transgressors in the native community.

At the present time on the East Coast, the Sparrow decision is the model for DFO/aboriginal relations in the various fisheries. But as well as conflicts and incidents between non-native and natives in the lobster and salmon fisheries, there are conflicts within the native community over whether or not to abide by the Sparrow decision.

A guide to aboriginal fisheries in Nova Scotia, produced cooperatively by the Mi'kmaq Grand Council, the Union of Nova Scotia Indians, the Native Council of Nova Scotia and the DFO, came out in 1993. This guide was called, Mi'kmaq Fisheries: Netukulimk, Towards A Better Understanding. In this guide, the concept of Netukulimk, is outlined as the Micmac world view and defined as follows:

A Mi'kmawey concept which includes the use of the natural bounty provided by the Creator for the self-support and well-being of the

individual and the Nation.

This concept remains human-centered. Throughout the text in the above document, fish are viewed as a resource to be managed for human use, with aboriginal use in first place. The working assumption is that fish "stocks" can be managed for humans, and that we have the knowledge to do this. Whether we should do this is not questioned. The guide to aboriginal fisheries accepts the literalness of aboriginal treaties in a frozen-in-time manner.

Another Micmac perspective by historian Dan Paul, author of *We Were Not The Savages*, and a regular columnist in the newspaper "The Chronicle Herald" (published in Halifax, N.S.), has shown that a progressive historical understanding bears no relationship to contemporary ecological awareness. Paul has written two columns calling for a large commercial kill of seals. His columns are from the perspective that humans are the most important species and must manage wild nature, seals are destroying the fishery and are a wasted resource, etc.

As reported in newspaper articles, 13 of the 16 native bands in Nova Scotia have agreed to communal food fishery licenses with the DFO. This means accepting the opportunities and restraints, i.e. regulatory authority of the DFO, flowing from the Sparrow decision.

There is, however, opposition to the Sparrow model from within the native community. From this native perspective, given that:

- a non-biocentric/ecocentric or "resourcist" view is adopted;
- a literal interpretation of the Treaty of 1752, the Royal Proclamation of 1763, and the statements in the 1982 Canadian Constitution on aboriginal rights are all affirmed; then,
- aboriginal people have the right to fish anytime, without regard to season or regulation and with complete freedom to sell their catch.

Thus Dwight Dorey, President of the Native Council of Nova Scotia (part of the Native Council of Canada), who represents status and non-status natives living off reserves, said in a newspaper interview in June of 1993, that

he believes court decisions on native fishing rights give native fishermen 'free liberty for hunting and fishing.' 'The federal government doesn't have the authority to impose a licensing system on us' he added.

An ongoing court case (as of April/95), is an expression of the above position. Donald Marshall, a Micmac who served 11 years in prison for a murder he did not commit, was charged in August of 1993 with fishing eels without a license in Pomquet Harbour,

Antigonish County. Marshall was also charged with fishing out of season and with illegally selling fish. The position of the defence is that the Treaty of 1752 gives any Micmac the right to fish or hunt without restriction and to engage in sales.

### **Additional Paradigm Factors Facing Native and Non-Native Fishers**

#### **Necessity to Adapt to the Ocean Rhythms Not Followed**

Human activities are fundamentally changing, not adapting to the marine ecosystem. The oceans off Canada's East Coast have been commercially exploited since the late fifteenth century, without any attention to the rhythms and tolerances of the oceanic ecosystem. It was simply a "sea of slaughter" as Farley Mowat has documented. Gone forever are the Sea Mink, the Great Auk and the Labrador Duck. The Atlantic populations of the Walrus and the Gray Whale have been wiped out. Currently the Right Whale is on the verge of extinction on the East Coast.

As well as being commercially exploited, the East Coast is increasingly commercially polluted. It is becoming a sea of pollution. The St. Lawrence River acts like a giant industrial funnel pouring industrial excrement from the heartland of North America into the Northwest Atlantic. The Belugas of the St. Lawrence are the well known toxic canaries showing the face of the future for river life. Approximately 20 pulp and paper mills in the Atlantic region discharge industrial toxics - this includes the natural toxicity of discharged wood ingredients, and the run-of-the-mill chemicals used in the various pulp and paper making processes - with minimal remedial measures. In addition, seven of these mills use chlorine to bleach pulp. These mills release hundreds of organochlorine compounds in the effluent. Some of the compounds bioaccumulate and some taint marine organisms. There are additional industrial discharges from oil refineries and other corporate polluters. Large quantities of human waste flow into the inshore coastal zone, resulting in the contamination of many areas for shellfish.

Anadromous fish: Species living in salt water but ascending rivers and streams for spawning, are directly affected by the extensive degradation of rivers and their feeder streams. This degradation is a by-product of federally and provincially subsidized forestry practices, e.g. clear cutting and biocide applications. In part, these forest practices were financed in Nova Scotia by the Canada-Nova Scotia Cooperation Agreement For Forestry Development, 1991-95 and by similar agreements in the other Atlantic provinces. Where I live, there is extensive clear cutting in the watershed of Pictou Harbour to feed the pulp and paper industry. The Pictou Harbour watershed contains three salmon streams. Large clear cuts are affecting the regular all-year-round release of water to these streams, as well as increasing their sediment loading. Agricultural practices like manure disposal, fertilizer and pesticide use, cultivation right up to stream banks, etc. also undermine water quality for all river life. A project



supposedly to clean it up, funded by the federal Green Plan as part of the Atlantic Coastal Action Program, has as partners in this "Pictou Harbour Environmental Protection Project" among others, mainstream environmentalists, the Maritime Fishermen's Union, the DFO, and the pulp mill Scott Maritimes!

The federal Fisheries Act, makes pollution illegal. Section 31 states;

No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.

To enforce this Act and end the polluting of the marine ecosystem, would of course mean the dismantling of existing industrial society as we know it. This is why it is not enforced in any meaningful way against corporate industrialists, industrial forestry or agriculture, or even against towns or cities discharging raw sewage.

### **Fished to Commercial Extinction**

Since the collapse of the Northern cod stocks, those cod populations primarily found in an area of about one million square kilometres, extending from the Hamilton Inlet Bank off Labrador to the northern half of the Grand Banks, it has been revealed that other groundfish species, e.g. haddock and pollock, face the real prospect of commercial extinction. Drastic allocation cuts, as well as some total closures, were put into effect for most sought-after groundfish species in the 1994 "Groundfish Management Plan." The November 1993 Cashin report, Charting A New Course: Towards The Fishery Of The Future, showed that the catch of ten principal cod and flatfish populations declined 90 per cent over five years. Many commercially targeted species, whether groundfish or pelagics (herring, mackerel and capelin), have an observed weight-at-age which is decreasing because of intense commercial fishing pressures. This will be reflected throughout the entire ocean food web, e.g. capelin feed Humpback and other whale species and seabirds such as puffins.

### **Greenwash Language**

In the commercial fishery, as in commercial forestry, greenwash language has been taken up by governments, corporations and their representatives on various allegedly independent committees and councils, and in international forums. Notwithstanding this, the talk of the need for a conservation ethic to the commercial fishery, is nothing but greed and dishonesty packaged in greenwash. The November 1994 Report of the Fisheries Resource Conservation Council (FRCC), Conservation: Stay the Course, 1995 Conservation Requirements for Atlantic Groundfish, speaks of an "ecological approach" and an "ecosystem approach," but comes down on the side of intuition in staying the course in the service of human economic interests.

## **Environmental Involvement Weak**

Environmental involvement in oceans issues in Canada is far weaker and less theoretically and factually coherent than environmental involvement in land issues. The federally funded Canadian Environmental Network has an Ocean Caucus, which emerged relatively recently (1992). The Caucus has a shallow ecology perspective, i.e. it tries to make the existing economic/political system work in a less ecologically destructive manner, by appealing to the existing class forces responsible for the destruction to change. A major focus of the work of the Caucus, seems to be trying to obtain access to the federal minister of fisheries to plead various issues. In the fishery on the East Coast, it has been user groups with their own human-centered economic self-interests which have attempted to exert influence on the DFO, as voices in dividing up the fishery spoils. Although there is relatively more environmental activity in B.C. compared to the Atlantic Region, the same limited environmental involvement in oceans issues applies.

## **Consulting Bodies and their Reports Represent Corporate Interests**

The 14-member Fisheries Resource Conservation Council is appointed by the federal minister of fisheries to give him advice. By its composition, the Council represents the forces which have destroyed the fishery and which are now charged with recommending solutions. Thus the chairman is Herbert Clarke, a former Executive Vice-President of Fisheries Products International, the largest Canadian seafood company. A major thrust in the 1994 FRCC Report, is to recommend "common sense" action "to significantly reduce" harp, hooded, and grey seal populations supposedly to help groundfish populations to recover. The federal minister of fisheries' initial response has been to subsidize the killing of harp (quota 186,000) and hooded (quota 8,000) seals. Derek Jones, a Nova Scotia long liner and a persistent critic of destructive gear types like dragnets and gill nets, and of the anthropocentric and corporate orientation of the DFO, concluded a newspaper review of the above report by asking, "Why is Stay the Course the first report by a civilized nation that concludes a natural predator has 'disrupted our ocean's natural eco-system?'"

Another corporate-oriented recent document on the fishery, the 1993 Report, Charting A New Course: Towards The Fishery Of The Future (Chaired by Richard Cashin, President of the Newfoundland Fishermen, Food and Allied Workers Union), pushes professionalisation for the fishery of the future. It calls for a reduction of between 40 to 50 per cent in the harvesting and processing capacity. Neither the Cashin Report nor the FRCC Report mention the Aboriginal Fisheries Strategy or the entry of native peoples into the commercial fishery. The Cashin Report states that in 1990 in Atlantic Canada, there were 64,000 registered fishers, and 60,000 fish plant workers employed in about 800 plants. There were about 28,000 fishing vessels of various sizes registered. Unless there is mobilization for a deeper, alternative, ecological and social perspective to that of

the Cashin Report, the fishery will be contracting as regards people employed and the overall number of boats. This Report supports the continuation of a mixed fishery - inshore, midshore, and offshore, in other words, retaining the existing destructive gear types, e.g. otter trawls, scallop rakes, clam dredges, gill nets, etc. (The Cashin Report even speaks of how Canada is now positioned to export fishing technologies to developing countries like India! This exporting is already underway.) The Environment Canada 1994 publication *State of the Environment in the Atlantic Region*, estimates the numbers of offshore (greater than 65 feet) vessels to be 60 scallop draggers and 100 groundfish trawlers.

Natives are invisible in the Cashin and the FRCC Reports. Both of these recent reports look at the crisis in the East Coast fishery through a corporate and human-centered lens.

### State More Involved in the Fishery

Due to the extensive state regulatory role in the fishery, and its power to disburse unemployment insurance in this highly seasonal industry, the government is much more involved in the lives of fishers and plant workers, than it is in the lives of forestry and pulp and paper mill workers.

The federal (and provincial) governments have strongly influenced, and thus limited, the thinking of fisheries-related organizations. This has been done through various mechanisms. In addition to regulating through various licenses, who can take part in the commercial fishery and which areas can be fished, this influence has been exercised through:

1. Direct government grants to organizations representing fishers, e.g. the Maritime Fishermen's Union and the Eastern Fishermen's Federation;
2. Bringing fishing organizations into various stakeholder meetings with the promise of some input into dividing up the Fisheries pie;
3. Through the power of unemployment insurance, that is, the annual struggle by many fishers and plant workers to obtain enough fishing-related work to qualify to draw benefits in the off-season.

Stakeholder meetings work from the premise of self interest, that is, the assumption that a participating organization can only represent a narrow particular interest and that there are no organizations which speak for the general interest. A trade-off among particular interests is assumed to represent the common interest. Basically only organizations which have a direct economic interest in the commercial fishery are considered stakeholders by the DFO. The public and environmental organizations are shut out. Stakeholder thinking is totally human-centered. Nature, i.e. commercially desirable fish species, can be exploited or divided up for human self-interest. Non-human marine life forms are not

represented at the bargaining table. No one speaks for the cod, mussels, lobsters, plankton, terns, puffins, murres, seals, or for the overall marine ecosystem. (The ultimate extension of anthropocentric control, and a growing threat to wild fish populations, some bird species and some marine mammals, is the increasing number and heavy promotion of aquaculture sites.) Among human interests, corporate interests in the fishery, as everywhere else, have the most standing.

Drawing UI on an annual basis, and being paid not to fish through programs like The Atlantic Groundfish Strategy (TAGS), can create psychological dependency on the state. The Cashin Report shows that in 1990 in the Atlantic Fishery, Unemployment Insurance accounted for 30 per cent of the income of fish plant employees and 34 per cent of the income of fishers. Also, UI as a part of income is rising, according to this Report. Qualifying for UI often requires provincial or federal government interventions, e.g. make-work projects. There is widespread fraud to qualify for maximum benefits, as the Cashin Report shows.

### **Self-Righteousness and Denial**

Workers in the East Coast fishery are classified as inshore, midshore, offshore or plant workers. Like their counterparts in the forestry sector and in the pulp and paper mills, such workers have in the main, with some important exceptions, overwhelmingly defended their own narrow economic interests in a number of different fishing organizations - often self-righteously. They have opposed conservation measures which would cause cut backs in their own personal incomes and denied any personal responsibility for the crisis in the fishery. One particularly glaring example of the supremacy of self-interest, would be the bluefin tuna fishers who, at the end of September 1994, blocked the Canso Causeway between Cape Breton and mainland Nova Scotia for several hours. They were trying to use the travelling public as a lever, to pressure the DFO to reopen this tuna fishery using the 1995 quota! The magnificent Northern bluefin tuna, which can weigh over 400 kilograms, is reported to be down to about 15 percent of its historic spawning population, according to the International Commission for the Conservation of Atlantic Tunas.

The collapse of the groundfishery with its many closures and restrictions has launched some conservation discussion and demands, e.g. closure of spawning areas. Yet I am not aware of any fishing organization which has ever spoken against the killing of seals, or the recent culls of cormorants in the Maritimes. Public conservation discussions by fishers stay within the parameters of human self-interest. While having serious contradictions, corporate and inshore fishers have come to have a joint vested interest in their exclusive access to the fishery commons, as do timber companies and loggers in accessing the crown land forestry commons.

## What is Needed for Natives and Non-Natives to Take The Fishery Preservationist Path?

For a sustainable fishery, there need to be societal changes, as well as changes in the actual conduct of the commercial fishery. Present industrial capitalist society is based on endless economic growth and consumerism. The anthropocentric perspective prevalent today leads to the promotion of unlimited expansion for our finite world. There is little concern about human population growth, and the effect this is having on other species. The focus is international, instead of local and bioregional. All this has to be fundamentally changed to make a truly sustainable fishery possible.

The conventional wisdom in the fishery is that social structures must adapt to the international capitalist economy, with the large fisheries corporations, e.g. Fishery Products International and National Sea Products Limited, as economic models. Consequently, Canadian fish corporations should buy or trade fish from anywhere in the world. Or, they should vacuum up fish with the most efficient technologies anywhere in the world, employing the least number of people and in the shortest possible time. While in the short term this may be profitable for a trans-national fish corporation, it is anti-ecological and anti-social. It will cause the eventual destruction of the fishery and armed conflicts between nation states, as are starting to occur over the remnant global fishery outside the 200-mile zone. Such thinking means the eventual destruction of those coastal communities which have evolved in a relationship with fishing. Understanding the unsustainable consequences of the adoption of the trans-national corporation as economic model for the commercial fishery, must mean to reject it. For both natives and non-natives, a future sustainable fishery has to be reconstructed and the political support built for it. The bioregional vision is appropriate. This could mean a small boat near-shore fishery, governed by an ecocentric ethic and with accountability to the appropriate coastal guardian community. Fishers, whether native or non-native, are but one, although important, component of such a community.

Changes are needed before there can be a long term bioregional, sustainable inshore fishery in Canada, in which natives and non-native can participate. Some changes required, which are not part of the federal government's Aboriginal Fisheries Strategy, are:

1. Changing our ethics from anthropocentrism to ecocentrism and manifesting this in all fisheries policies.

A change in ethics from the existing human-centeredness in the commercial fishery to an all-species perspective is needed. The eight-point deep ecology Platform (see Appendix), provides a minimum summary of the needed ethical change. Humans are a part of nature, one species among many. Nature does not exist to serve human purposes. Regardless of their usefulness to humans, other



species do not need to justify their right to exist. Most importantly, nature functions in an ecocentric way, whether or not humans recognize it. Our failure to see this is leading us to the edge of ecological disaster. Humans cannot own the Earth, as they cannot own the fishery.

The commercial fishery has to be conducted in a manner respectful towards the fish, and its overall intensity has to be drastically scaled back. The existing maximum human-centered exploitation to serve a global market cannot go on. Sea birds, marine mammals and other species, must have their own, allocations of food, sufficient for their needs. Ecologically wasteful roe fisheries, such as herring and capelin, with their discard of carcasses, have to be eliminated. If there are conflicts between humans and other oceanic life forms, humans have to defer, since humans have choices as to their means of subsistence. We cannot favour our own species by culling other oceanic species, seen as competitors in the commercial fishery.

We have to see the ocean as an interconnected web of life, maintain a respectful attitude towards all forms of marine life, understand that everything has its place, and that humans are not superior to any marine animal or plant life.

2. The reinstatement and internalization by fishers and the Canadian public of the view that the oceans are a Commons.

A common marine area means common responsibility, enforced by a social, environmentally conscious community. The Commons have to be understood in an all-species sense, not as nature owned by humans. The position put forth in the 1982 Kirby Task Force Report on the Atlantic Fisheries, Navigating Troubled Waters seriously undermined a collective sense of responsibility towards the preservation of the East Coast marine ecosystem. Kirby declared that the "tragedy of the commons" or the common property nature of the fishery, was the key factor promoting instability and inefficiency in the fishing industry. Kirby's solution, which was eventually adopted as federal fisheries policy, was to privatize nature. Thus commenced the privatization of the fishery. Enterprise allocations for fish quota were introduced in 1982 for offshore vessels greater in length than 100 feet. Later this thinking was expanded throughout the fishery. Midshore enterprise allocations for vessels 65 to 100 feet were introduced in 1988. Individual quotas for snow crab and shrimp were also introduced in the Gulf fishery. Inshore fishers (under 45 feet), believe this thinking is being considered for their fishery, e.g. lobsters. Giving ownership to specified amounts of fish was alleged to protect the Commons and foster rational exploitation of the fishery. Quota came to have a monetary value. What this privatization allowed, as would be expected, was a corporate concentration of commodity value derived from the formerly shared oceans commons.

In several fisheries in Nova Scotia, including herring, groundfish, and scallops, corporate interests buy transferable quotas from other fishers and companies. In southwestern Nova Scotia, newspaper reports have stated that about 60 per cent of groundfish quotas are controlled by a very few processors. This privatizing trend on the East Coast is a particular illustration of the undermining of the Commons around the world. The Commons, with their social controls, are correctly seen by trans-national corporate enthusiasts, as an impediment to the global capitalist enterprise and aspired continuous economic growth.

### 3. Establishment of an extensive marine protected areas system.

A marine protected areas system, essentially means we need a Wildlands Project Strategy (as presented in the Wild Earth journal), in a marine setting for the Atlantic, Pacific and Arctic Oceans, and for the Great Lakes. As well as very large areas being set aside for complete protection, fish spawning areas, sea bird colonies, whale calving areas, and all key reproductive and feeding areas need protection from commercial exploitation.

The system of marine conservation areas is going nowhere in Canada, because of opposition from vested interests, even though Parks Canada has as part of its mandate the establishment of such a marine parks system. There is increasing public and academic interest in a system of marine protected areas on the East Coast. Twenty nine Maritime Regions of Canada have been delineated and each of these Regions is supposed to have a marine conservation area system. There are nine designated marine regions for the Atlantic Ocean. At present there are marine parks in Ontario's Georgian Bay and on the West Coast of Vancouver Island. There are park proposals for the Saguenay, and for Gwaii Haanas (two proposals) on the Queen Charlotte Islands.

Parks Canada, in its 1994 Guiding Principles and Operational Policies, states that:

The goal of a national marine conservation area management plan is to provide for sustainable use of the area consistent with the need to maintain the structure and function of marine ecosystems.

The degree of proposed ecological protection does not compare with that for terrestrial national parks and the sustainable use in the above definition well shows this. A proposed zoning system make distinctions between three zones.

- Zone one is a preservation zone.
- Zone two is a natural environment zone.

- Zone three is a multiple use conservation zone where fishing and hunting are allowed.

There is no breakdown of the size to be covered by the three different zones which will guide conservation area management policy.

Aboriginal rights hold in any marine conservation area, as does non-aboriginal local use. The Parks Canada publication also states:

Where new national marine conservation areas are established in conjunction with the settlement of land claims of Aboriginal peoples, the final boundaries as well as harvesting rights and involvement of aboriginal peoples in planning and management will be proposed in legislation according to the terms of the land claim agreement. In the interim, the area may be set aside as a "national marine conservation areas reserve" under the Act and traditional hunting, fishing and other marine resource based activities by entitled Aboriginal peoples will continue.

What we have then, like in terrestrial national parks, is a subordination of ecological integrity to aboriginal use by Parks Canada. (See discussion in "The Wild Path Forward: Left Biocentrism, First Nations, Park Issues and Forestry, A Canadian View" in Wild Earth.)

#### 4. No destructive fishing technologies to be utilized.

The FRCC (Fisheries Resource Conservation Council) has prepared a discussion paper, to be issued before the end of 1994, which describes conservation advantages and disadvantages of each gear, including the selectivity of each gear, the environmental and/or habitat impacts of each gear technology, the manageability implications, and the potential for abuse. A small industry working group has also conducted a 'truthing' review of the document. (Our emphasis.) -- *Conservation: Stay the Course, November 1994.*

The corporate, capital-intensive industrial fishery interests, have a short-term interest in keeping productive but destructive technologies, as in commercial forestry. All fishing technologies which are bottom destroying or non-selective in their application, e.g. draggers and gill/drift nets have to be banned. As reported by Environment Canada in State of the Environment in the Atlantic Region 1994, there has been "no systematic effort" to assess or compare the impact of various fishing technologies on ocean habitats within the region.

There are hundreds of lost or abandoned gill nets which continue to ghost fish in the ocean. Sea birds are trapped in nets as they dive for food. As well, gill nets in the Bay of Fundy catch porpoises in substantial numbers. Any fishing gear which is destructive to species of marine life, other than that being respectfully sought, has to go. It has to be recognized however, that all fishing gear can lead to a by-catch of some non-targeted wildlife. The essentially ignored problem is how to minimize this in the commercial fishery. According to the long liner Derek Jones, the use of the right hooks, spacing and appropriate bait, and with an ecocentric knowledge-based attitude, there can be high selectivity (not total) in catching fish. The inshore lobster fishery, for Jones, is an example of a selective fishery using appropriate catching gear. He feels that what he calls resource crimes in the fishery must be made socially unacceptable. There must be a change to a respectful attitude in the commercial fishery. When human society has become respectful of all other species, it simply will not think of using non-selective fishing gear.

5. No fisher or company to acquire a financial interest by being granted the privilege of fishing the marine commons.

A lobster license of an inshore fisherman or woman, the license of a company operating a fishing vessel, or any quota, have to revert to the appropriate coastal guardian community after a person or company retires, or moves out of the fishery. Licenses or quotas cannot be "bought." No corporate entity or individual fisher should receive financial compensation from the state for leaving the fishery. There should be no federal governments buy-outs to allegedly reduce fishing capacity. (The DFO is buying up some commercial fishing licenses to be used as so-called economic development tools by natives, citing the Aboriginal Fisheries Strategy as justification. According to the DFO, the average asking price, as reported in N.S. newspapers for a lobster license, in March of 1993 was \$100,000.)

## Conclusion

Before the arrival of Europeans here on the East Coast (John Cabot laid claim to Newfoundland for England in 1497), Micmac harvested the forests and the oceans in a respectful and restrained manner. Micmac fishing before Columbus was not to create commodities for exchange and profit, but rather for food. After Cabot arrived, a commercial fishery off the Newfoundland Grand Banks for a European market developed within a few years. Fish became commodities.

This article has shown in some detail the non-sustainable enclosing paradigm with which any authentic Aboriginal Fisheries Strategy has to contend with. There is an equivalent

paradigm for commercial forestry. Both paradigms sharply limit and condition the nature of any aboriginal participation and undermine any hope for long-term ecological sustainability for native or non-native Canadians.

A food fishery for first nations should be supported. (A food fishery for non-native Canadians - often opposed by commercial fishers - who have access to marine and inland waters, should also be supported, before any commercial fishery.)

The Sparrow decision is no long-term solution. This decision says that aboriginal rights have priority, subject to conservation considerations. There are some troubling definitions which are left aside. For example, how are aboriginal rights to be defined? How are such rights passed on? How do these rights remain outside of the values of industrial society, etc? Often, the definition of aboriginal rights can lead to an elevation of some human rights above those of other humans. This seems to be, in its fundamental implication, a racist (and speciesist) and with regards to any practical implementation, a very divisive perspective.

The right to economic and social redress for aboriginal Canadians, which must be supported, is a separate issue from that of aboriginal rights. Rights are socially given, they are not innate by virtue of nationality, ethnicity, race or skin colour, as the Sparrow decision implies. Rights are in the end, human interventions within political systems. However, the positive contribution of the Sparrow decision has been to force, at least theoretically, priority consideration of aboriginal peoples regarding fishing access in Canada.

Unless aboriginals want to become part of the problem, they must ally themselves with any non-natives who want to take the preservationist path in a bioregional, community-grounded inshore fishery. Some of the possible features of such an ecocentric fishery, which could appeal to natives and non-natives, have been sketched in this paper. Irrespective of Supreme Court rulings or statements in the Canadian Constitution, the actual orientation in the commercial fishery as in forestry, is decided by the dominant corporate interests. These corporate interests, through their government partners, ensure policies are enacted which serve corporate welfare, not ecological or community health. The DFO-drafted AFS, does not challenge corporate control. What it has done, is to help create divisions between small fishers and thus undermine a needed unity necessary for fundamental change in the commercial fishery. Was this the real intent of the Aboriginal Fisheries Strategy?

## Appendix

### **Deep Ecology Platform**



1. The well-being and flourishing of human and nonhuman life on Earth have value in themselves (synonyms: inherent worth, intrinsic value, inherent value). These values are independent of the usefulness of the nonhuman world for human purposes.
2. Richness and diversity of life-forms contribute to the realization of these values and are also values in themselves.
3. Humans have no right to reduce this richness and diversity except to satisfy vital needs.
4. Present human interference with the nonhuman world is excessive, and the situation is rapidly worsening.
5. The flourishing of human life and cultures is compatible with a substantial decrease of the human population. The flourishing of nonhuman life requires such a decrease.
6. Policies must therefore be changed. The changes in policies affect basic economic, technological, and ideological structures. The resulting state of affairs will be deeply different from the present.
7. The ideological change is mainly that of appreciating life quality (dwelling in situations of inherent worth) rather than adhering to an increasingly higher standard of living. There will be a profound awareness of the difference between big and great.
8. Those who subscribe to the foregoing points have an obligation directly or indirectly to participate in the attempt to implement the necessary changes.

-- Arne Naess and George Sessions (*Clearcut: The Tragedy of Industrial Forestry*, Bill Devall ed. San Francisco: Sierra Club Books and Earth Island Institute, 1993).

April, 1995

Acknowledgements: Special thanks to Helga Hoffmann who shared many discussions on the difficult genesis and writing of this paper. The following persons read the draft and freely contributed their ideas: Derek Jones, Scott Leslie, Billy MacDonald, Dan Bourque, Tom Holzinger, Ian Whyte and Philip Fleischer.

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