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# Standing Committee on Fisheries and Oceans

EVIDENCE

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Wednesday, November 18, 2020

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Chair: Mr. Ken McDonald





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Wednesday, November 18, 2020

• (1610)

[English]

**The Chair (Mr. Ken McDonald (Avalon, Lib.)):** I call this meeting to order.

Welcome to meeting number eight of the House of Commons Standing Committee on Fisheries and Oceans. Pursuant to Standing Order 108(2) and the motion adopted by the committee on Monday, October 19, 2020, the committee is resuming its study of the implementation of Mi'kmaq treaty fishing rights to support a moderate livelihood.

Today's meeting is taking place in a hybrid format, pursuant to the House order of September 23, 2020. The proceedings will be made available via the House of Commons website. So that you are aware, the webcast will always show the person speaking, rather than the entirety of the committee. To ensure an orderly meeting, I would like to outline a few rules to follow.

Members and witnesses may speak in the official language of their choice. Interpretation services are available for this meeting. You have the choice at the bottom of your screen of floor, English or French.

For members participating in person, proceed as you usually would when the whole committee is meeting in person in the committee room. Keep in mind the directives from the Board of Internal Economy regarding masking and health protocols.

Before speaking, please wait until I recognize you by name. If you are on the video conference, please click on the microphone icon to unmute your mike. For those in the room, your microphone will be controlled as normal by the proceedings and verification officer. I remind everyone that all comments by members and witnesses should be addressed through the chair.

When you are not speaking, your mike should be on mute. I can't say that often enough.

With regard to a speaking list, the committee clerk and I will do the best we can to maintain a consolidated order of speaking for all members, whether they are participating virtually or in person.

I would now like to welcome our witnesses. We have the Honourable Bernadette Jordan, Minister of Fisheries and Oceans and the Canadian Coast Guard. With her, also from the Department of Fisheries and Oceans, we have Timothy Sargent, deputy minister; Sylvie Lapointe, assistant deputy minister of fisheries and harbour management; Doug Wentzell, associate regional director general, Maritimes region; and Robert Lamirande, senior adviser.

We will now proceed with opening remarks.

Minister Jordan, please go ahead for seven minutes or less.

**Hon. Bernadette Jordan (Minister of Fisheries, Oceans and the Canadian Coast Guard):** Thank you, Mr. Chair.

It is great to be back here at the fisheries and oceans committee, so thank you to you and the committee members for inviting me. As you said, I am here today because I want to be part of this very important discussion we are having. I am accompanied today by, as you mentioned, my deputy minister, Timothy Sargent; Doug Wentzell, the associate regional director general for the maritime region; Robert Lamirande, senior adviser for indigenous relations; and Sylvie Lapointe, assistant deputy minister, fisheries and harbour management.

I understand that the study currently under way was put forward by MP Battiste and I appreciate the testimony that the committee has heard so far from first nations leadership, industry representatives and academics. All their voices are important to this discussion, and this is a conversation that Canadians need to hear.

Since being appointed to Fisheries and Oceans and the Canadian Coast Guard portfolio in December 2019, I have continued to build on the progress of my predecessors, Minister Jonathan Wilkinson and Minister Dominic LeBlanc, and I've been working with first nations to further implement their treaty right to fish in pursuit of a moderate livelihood.

When Canadians elected a Liberal government in 2015, after 10 years of Harper Conservatives putting reconciliation on the back burner, our government took action and expanded the mandate for moderate livelihood negotiations. These changes led to two rights and reconciliation agreements being signed in 2019, which further implemented the treaty right to fish, as affirmed by the Marshall decision.

While discussions on advancing this treaty right have been taking place regularly, recent events in Nova Scotia highlight the complex issues around the implementation of the Mi'kmaq, Maliseet and the Peskotomuhkati Nation at Skutik historic treaty right. They are a stark reminder that we must continue to do more and to work together.

Our government remains focused and committed to the work we do with first nations to implement their constitutionally protected Supreme Court affirmed right, while ensuring that fisheries remain safe, productive and sustainable for all harvesters. But there are no quick or easy solutions. This takes time and patience, and there will be challenges along the way. However, that cannot deter us from moving forward

We are also continuing our efforts to de-escalate the tensions on the ground by engaging all parties in constructive dialogue. On that front, I have met and will continue to meet regularly with both indigenous leadership and commercial harvesters.

During these discussions we have heard the frustrations from both parties. First nations are frustrated that negotiations have taken too long and that there is a lack of real progress to implement their right. Non-indigenous harvesters are concerned about the future of the fishery and what it means for their livelihoods.

That is why, along with Minister Bennett, our government recently appointed a federal special representative, Allister Surette. He is a neutral third party who is working to foster dialogue and rebuild trust between indigenous and commercial harvesters.

This is a structured forum for Mr. Surette to gather different perspectives and address real questions and concerns, with the goal of building a greater understanding. He will provide recommendations to the government on ways to move forward.

Commercial fishers and first nations have fished side by side for generations, and communities need to come together again. We need to ensure that treaty rights are implemented and the fisheries remain productive for all harvesters.

As the representative undertakes his work, nation-to-nation discussions with first nations on a path forward will continue.

While I cannot speak to the details of these discussions, I believe there has been progress, and I am having productive conversations with many first nations regarding proposed fishing plans in the short and the longer term.

I also want to touch on the issue of conservation as I understand it has been raised a few times at this committee.

I would like to say very clearly that conservation underpins everything we do. Lobster stocks are healthy and we will never move forward with a plan that threatens the health of this species or any other species.

I know that this approach is shared with many of the first nations leaders I speak with regularly. It is also shared very strongly by harvesters in the commercial industry who, over generations, have worked in partnership with DFO to develop conservation practices and regulations that have helped build the stock to the healthy levels we have today. We will not jeopardize that progress.

I will continue to make every effort with industry to increase transparency, formalize the lines of communication and ensure that industry has meaningful opportunities to share their concerns and express their views.

• (1615)

My department, this government and I remain committed to working with first nations leaders to implement their treaty rights.

I will now be pleased to take any of your questions.

Thank you.

**The Chair:** Thank you, Minister.

We'll get right into the questions now. I will remind members that I will try to be as strict as I can on the time so everybody gets their equal time to ask the minister questions.

Mr. Bragdon, I believe you're leading off for the Conservative Party for six minutes or less, please.

**Mr. Richard Bragdon (Tobique—Mactaquac, CPC):** Thank you, Mr. Chair.

Thank you, Minister, for being here with us this evening.

Minister, Premier Stephen McNeil has been very critical of how you've handled this crisis so far. He has said that he is "very dissatisfied, quite frankly". He said:

We need the federal minister to sit down with all sides in a room. It is not enough to sit down with Indigenous leaders or with fishing associations by themselves.

Do you agree with Premier McNeil's position, that you have not done enough to this point?

**Hon. Bernadette Jordan:** Actually, Mr. Bragdon, I have been extremely engaged on this file since I was first appointed minister.

With regard to Premier McNeil's comments, we believe this is a nation-to-nation negotiation. We will continue to work with first nations to make sure we implement their treaty right. However, I do recognize that commercial harvesters have concerns and that is why I have continued to meet with them as well.

One of the reasons we appointed the special representative was that we have heard that commercial harvesters feel they wanted to have a stronger way to communicate with DFO. This third party person will be able to help us move forward.

With regard to the premier's comments, no, I believe we are doing everything we possibly can to make sure that we implement this treaty right.

**Mr. Richard Bragdon:** Thank you, Minister.

Here's a quote from Mr. Alan Clarke. He's a retired DFO officer. He said:

I don't blame the Indigenous fishermen or the non-Indigenous fishermen, I blame minister Jordan and whoever she is getting advice from.

My view is that they have mishandled this situation terribly when they should have been following their own recommendations.

Do you not understand that the tension that exists right now between the indigenous and non-indigenous fishers is a direct result of your government's mishandling of the situation?

**Hon. Bernadette Jordan:** Mr. Bragdon, that's a false claim. The Supreme Court affirmed the right of indigenous people to fish 21 years ago. There has been incremental progress but there have been frustrations on both sides, because we have not come to a place where we were able to implement. That is successive governments, not this one. More progress has been made since 2017, since we've taken office, to make sure we implement this right, than has been for many years. We will continue to work with the first nations to make sure we do that.

With regard to the tensions, there is no excuse. There's no excuse for the tensions, the vandalism and the violence we've seen. We're going to continue to work to make sure we lower those tensions.

• (1620)

**Mr. Richard Bragdon:** Thank you, Minister.

Chief Darlene Bernard was a witness in this study and she said to our committee:

One thing I'm getting very frustrated with is that we've sent letters. We sent a letter to the Minister of Fisheries and Oceans months ago, in August, saying, "We want you to get back here and talk to us, because there is a lot of unrest going on." We never even got a response to it.

We're not getting responses when we're actually asking them to come to talk to us. That has to be changed.

Why didn't you meet with indigenous communities when they were first calling on you to resolve this issue before it escalated into violence?

**Hon. Bernadette Jordan:** With regard to Chief Bernard, I heard that testimony from committee. I have been following up to find out about that letter, because I have not seen it.

I have been meeting with the first nations leadership since the start of this. I've met with all the chiefs from KMK. I've met with the chiefs through Sipekne'katik. I've met with chiefs from New Brunswick, as well as from Prince Edward Island.

With regard to Chief Bernard directly, I have been asking my department to follow up to find out where that letter is, because I have not seen that request.

**Mr. Richard Bragdon:** Minister, a few weeks ago we also heard from a witness who stated:

The current violence is a symptom of a flawed negotiation process followed by the government and the constant exclusion of commercial fishers from fisheries management discussions.

I believe this came from Mr. Cloutier. He said, "The government approach divides coastal communities that depend on fishing for a living."

Clearly, there's a concern here that you're excluding commercial fishers, yet you said previously that you've met with them. Could you tell the committee which commercial fisheries associations you have met with?

**Hon. Bernadette Jordan:** Absolutely. I have met with the Brazil Rock 33/34 Lobster Association, the Coldwater Lobster Association, the Maritime Fishermen's Union, the Canadian Independent

Fish Harvesters' Federation, the Bay of Fundy Inshore Fishermen's Association, the Richmond County Inshore Fishermen's Association, and the Lobster Fishing Area 33 port authorities. I'm not sure if I have all of them in front of me, but I can get you a full list.

I have met with all of those associations on more than one occasion, Mr. Bragdon. I have met with the leadership from those organizations.

**Mr. Richard Bragdon:** Thank you, Minister, but we've heard from first nations chiefs, non-first nations fishers, the Premier of Nova Scotia, retired DFO officers, and even professors, who have highlighted that the root cause of all the strife in this situation in Nova Scotia right now is your handling of this crisis.

Outside of your immediate circle, is there anyone who will come out and say that this is being handled well and that we are where we need to be at this point in this crisis? This has escalated over a series of months. Can you point to any independent sources that are saying this is well in hand and it's going well?

**Hon. Bernadette Jordan:** Actually, there have been a number of times when I've spoken with chiefs who have actually gone public and said that they've been pleased with conversations. The commercial harvesters I have met with cannot deny that I have met with them. We've had a lot of conversations over the last number of months. I have met with the leadership of KMKNO on a number of occasions, even before all of this escalated. Back as early as January, I was meeting with their leadership. I think it's important that we continue to have those conversations.

Aside from me, my department officials have also been reaching out to those interested parties, to first nations and to stakeholders, to make sure their voices are heard.

**The Chair:** Thank you, Mr. Bragdon.

We'll now move to Mr. Battiste for six minutes or less.

Go ahead, please.

**Mr. Jaime Battiste (Sydney—Victoria, Lib.):** Thank you, Mr. Chair.

Committee members, what we're talking about here has not been weeks in the making or months in the making. This is 400 years of a relationship between two nations. For most of the first 200 years it was about creating treaties to resolve crises and to live in harmony with one another. For the past 200 years, unfortunately, it has been about treaty denial.

Minister, I want to start off by thanking you not only for coming before us but also for all of your work. I know we've had many conversations and you have had many conversations with Mi'kmaq stakeholders and non-Mi'kmaq stakeholders.

At the heart of this matter is 200 years of injustice. What we're trying to figure out is a way to navigate for the next 200 years, God willing. I realize this is a heavy burden to place on any minister, any person. I also realize that DFO and the RCMP have a difficult burden and responsibility to act in accordance with evolving legal principles such as the honour of the Crown and reconciliation when dealing with indigenous nations.

With that in mind, Minister, this study is all about trying to make recommendations to move forward on that path together towards reconciliation. I'm wondering if there's anything you can talk to us about, some of the complexities that you've found since taking on your role as minister.

• (1625)

**Hon. Bernadette Jordan:** Well, thank you, Mr. Battiste. I would also like to thank you for your advocacy on this and for helping to educate people on this issue. It is a very big issue.

As I've said many times, if there were a simple solution to this long-standing issue, it would have been solved 21 years ago, but there is not. It's very complex. One challenge we face is the whole idea of defining what a moderate livelihood is. I feel that is one of the biggest things we're dealing with. It's different for everybody. What a moderate livelihood is in one community is very different from what a moderate livelihood is in another community. What we need to do, as the Crown or as the government, is to make sure we're listening to those communities.

As you've said, we need to find a path forward for the next 200 years. That path forward has to include first nations communities. I think that for too long we have, over years, built systems that did not include them, and we need to make sure that we do. As we go forward it's going to be extremely important for us to listen to all of the communities involved. Every one of them has a different thought on what a moderate livelihood looks like.

I've been told many times or asked many times, "Why don't you just define the right and then it's done?" I don't think the first nations communities want the Government of Canada to tell them what their moderate livelihood right is. This is something that has to come from the first nations. This is something that has to come through the negotiations. This is something that has to come from ongoing conversations. That is what I am absolutely committed to doing. I see that the only way for us to move forward is through those conversations.

**Mr. Jaime Battiste:** Thank you, Minister.

Minister, many have come before this committee with great fears about the future of the industry. Many argue out there and speculate, as they did 20 years ago, that accommodating a Mi'kmaq moderate livelihood fishery would ruin the fishing industry in the Atlantic.

Last week a major development happened when a Mi'kmaq coalition led by Chief Terry Paul in Membertou announced plans to buy Clearwater, the largest fishing company in Canada. The coalition borrowed millions and will be paying off this loan for the next 25 to 30 years.

Minister, do you feel the Mi'kmaq coalition investment of a quarter of a billion dollars into the fishing industry will ease some of the concerns about Mi'kmaq fishermen depleting the very resource that they have just invested so heavily in?

**Hon. Bernadette Jordan:** First of all, I'd like to say that our government welcomes the collaboration between industry and first nations to grow the Canadian seafood industry. This project represents a positive step to building a strong partnership between indigenous communities and the commercial seafood sector.

It's a business venture, of course, that is voluntary. It's a commercial transaction between Premium Brands, Clearwater Seafoods and the coalition of Mi'kmaq nations. I'm going to continue to work with all partners to make sure that the seafood sector is sustainable for the long term.

As I've said many times, conservation has to underpin every decision that we make. I believe that first nations, as well as commercial harvesters, believe that as well. That is going to have to be the underlying theme of everything we do: making sure that we conserve the species for the long term.

**Mr. Jaime Battiste:** Minister, in your conversation with the Mi'kmaq leadership, have there been solutions proposed that would allow both for them to practise a right but at the same time be transparent, thereby easing the concern of many of the fishermen who depend on the fisheries for their current livelihood?

**Hon. Bernadette Jordan:** I can't speak to negotiations specifically about what is being discussed at the negotiation table.

I will say, of course, Mr. Battiste, the presentation that you put forward with Senator Francis and Senator Christmas is something which, of course, if the chiefs are interested in pursuing it, would be part of the negotiation process.

Right now, as I said, I can't speak to what's being said or done at the negotiation table.

• (1630)

**Mr. Jaime Battiste:** Thank you.

**The Chair:** Thank you, Mr. Battiste.

We'll now go to Madam Gill for six minutes or less, please.

[*Translation*]

**Mrs. Marilène Gill (Manicouagan, BQ):** Thank you, Mr. Chair.

Thank you, Minister Jordan, for being here today. I hope that you've had a good first year in office since last November.

I have several questions for you. As you know, many witnesses have appeared before us. We have a lot of ideas. People don't necessarily agree on everything, as you can certainly imagine. You said that the key issue that we're facing right now is how to define "moderate livelihood". For some people, this concept can be defined, while for others it can't be defined. You said that you couldn't necessarily comment on this. The first nations themselves must say what they want.

I want to know whether your department has tried to hold discussions with the first nations affected by the Marshall decision in order to come up with this definition. Could you provide some figures? We know that 32 first nations were affected, but which ones are we talking about? Even though we can't know everything being said—I won't ask you for the definition put forward by each one—I want to know what efforts have been made. Are we on our way to a definition in the case of some first nations?

[English]

**Hon. Bernadette Jordan:** Thank you very much, Madam Gill, for the questions.

First of all, I'd like to say that over the past 21 years, since Marshall, there has been a lot of work done to implement the Marshall decision, to work to make sure that first nations have access to the fishery. There have been a number of investments made to make sure that there has been access through licences, through boats, through training and through gear, so that first nations communities do have an ability to fish.

I will say that in 1999 the landing value for the first nations fishery was about \$3 million. Last year that landing value was \$120 million, so there has been progress made to making sure that first nations have access to the fishery.

With regard to the definition of a moderate livelihood, I think the big thing here to remember is that we've built systems as governments throughout history that did not include the Mi'kmaq or first nations in those systems. We need to make sure that what we're doing now is allowing the first nations to define the moderate livelihood for themselves. This can't be a top-down approach from government. This has to be something that comes directly from the Mi'kmaq. Although everyone seems to think it would be a much easier solution if the government just had a definition and then put everybody in place, I don't believe that's the best way forward.

[Translation]

**Mrs. Marilène Gill:** Sorry, but I think that my question was misunderstood. I didn't ask that the government establish the definition of "moderate livelihood" for first nations. This is absolutely not the case. You referred to Mr. Wilkinson and Mr. LeBlanc earlier.

I wanted to know what steps you've taken over the past year and what efforts you've made with the 32 first nations to get them to define the term and then share the definition with you. I humbly believe that the government must also take action. I want to know what steps have been taken in this area.

[English]

**Hon. Bernadette Jordan:** I'm sorry. I apologize for misunderstanding the question.

Absolutely there has been progress made in the last three years, since we had a new mandate in 2017 to negotiate.

There have been three agreements signed—two in New Brunswick, one in Quebec—with first nations communities to get them to a moderate livelihood fishery. There are ongoing discussions with other communities to make sure they have their right. We've been reviewing fishing plans that have been supplied to us from first nations communities. We're working with those communities to implement the right, but we want to make sure that the fishery is productive as well as sustainable for everybody.

Right now the fishing plans that we have.... We've asked communities to give them to us. We have a number of them. We are reviewing them, and we will be working with the communities to make sure that those fishing plans are implemented.

• (1635)

[Translation]

**Mrs. Marilène Gill:** Thank you, Ms. Jordan. However, I must say that this didn't really answer my question. I would have liked to know what efforts were made to discuss the definition of "moderate livelihood" with the 32 first nations affected by the Marshall decision. We won't be able to find out how many communities you could speak with. However, it doesn't matter, since I have another question that concerns this situation.

Could you explain why the department doesn't have any indicators to measure the progress of the various negotiations? I'm obviously talking about the first nations affected by the Marshall decision.

[English]

**Hon. Bernadette Jordan:** Of course, I can't speak to what is actually happening in negotiations at this point. What I can tell you is that I have met with the 13 chiefs from KMKNO in Nova Scotia to make sure that we start the path forward with them. I have met with a number of the first nations in New Brunswick to work with them to get their fishing plans so that we can review those plans to find the path forward.

Of course, we have signed agreements already with two bands in New Brunswick that will give them access to fisheries to make sure they have what they need to exercise their moderate livelihood.

We've also had very good discussions with bands from P.E.I.

We're going to continue to do that.

**The Chair:** Thank you, Madam Gill.

We'll now go to Mr. Johns for six minutes or less, please.

**Mr. Gord Johns (Courtenay—Alberni, NDP):** Thank you, Minister, for being here today and for your testimony so far. I look forward to seeing you on Tuesday night, when we can ask you other questions that are unrelated to this study.

Witnesses have stated that your current reconciliation agreements as offered from your government have missed the mark, because the mandate lacks any authority to make legal or regulatory changes to address the fundamental constitutional objective of addressing their section 35 rights.

Is the government willing to establish a mutually agreeable process to address these rights with first nations, one that includes Crown-indigenous relations in other departments as required?

**Hon. Bernadette Jordan:** Thank you, Mr. Johns.

I will say that with regard to negotiations, I have been in very close contact with Minister Bennett. She has been part of this as we've been going through it, recognizing how important reconciliation is to our government. We want to make sure that as we go forward we do everything we possibly can to meet our reconciliation objectives, to ensure that we have these extremely important but sometimes extremely difficult conversations. I'm going to continue to do that.

We are working with the first nations to make sure that we can implement their moderate livelihood. That is the first priority and then any ongoing discussions from there we will continue to have as we move forward.

**Mr. Gord Johns:** Minister, we've heard from witnesses that a large part of the issue is that DFO actually doesn't have the mandate to negotiate on a nation-to-nation basis, that that responsibility falls to the government and to Minister Bennett and that she should be leading this discussion.

What actions have you taken to ensure that this is a true nation-to-nation discussion and not one based on existing regulations and colonial procedures?

**Hon. Bernadette Jordan:** This is absolutely a nation-to-nation discussion, and CIRNAC officials are with us at the table. We're making sure that they are very much a part of this. We take a whole-of-government approach to reconciliation, so—

**Mr. Gord Johns:** Okay, Minister, but how involved is Minister Bennett in the ongoing discussions?

There's a clear conflict of interest in your involvement, when you're attempting to negotiate how to implement rights while also being the main representative for the commercial fishery. It is really important that she be the lead.

**Hon. Bernadette Jordan:** Minister Bennett and I have been in very close collaboration on this file. She has been very engaged on it since day one. We have had multiple meetings together with first nations communities. CIRNAC officials sit at the negotiating table with us. We recognize how important it is to have them there. That's one of the reasons we'll continue to make sure that CIRNAC is part of this conversation.

**Mr. Gord Johns:** Witnesses to these proceedings as well as from the five Nuu-chah-nulth nations in my riding that are in court with your government have stated that the government has failed to honour Supreme Court of Canada decisions that affirm first nations treaty and protected inherent rights to fish or to earn a moderate living. The DFO interim policy response of the aboriginal fisheries strategy, the FSC licensing system and other access programs don't address the treaty-protected inherent rights of first nations.

Is your government going to address the decades of outstanding business by demonstrating a willingness to prioritize this work with first nations and ensure that these court decisions are honoured and implemented effectively through nation-to-nation dialogue?

• (1640)

**Hon. Bernadette Jordan:** I would say that this is absolutely our number one priority. I will say that we have been working with first nations to make sure that they are able to implement the treaty right that is Supreme Court affirmed. These are ongoing discussions that

we are having now with first nations communities. No one is arguing that they have the right. We have to make sure that we implement it, and that is what we are working towards. We are not shirking our responsibilities, as you seem to indicate. This is something that has been top of mind for me, and I have been working diligently—

**Mr. Gord Johns:** Minister, you can—

**Hon. Bernadette Jordan:** You asked me a question. Could I finish answering it, please?

**Mr. Gord Johns:** Okay.

**Hon. Bernadette Jordan:** Thank you.

I will say that this is not something that's a simple solution. This is not an easy solution. If it were easy, it would have been solved years ago. I'm going to continue doing everything I can to make sure that first nations rights are implemented.

**Mr. Gord Johns:** You can stress urgency all day, though, and emphasize how big of a priority it is, but the reality is that it's been 21 years since the Marshall decision was made and much longer since the treaties were first signed. If we go back to the Nuu-chah-nulth, that's 2009. The lived experience of first nations is that it isn't a priority for this government, and there's not much optimism that things will be different in the near future.

What is different about your government, and how can the Mi'kmaq trust that you're actually going to commit to prioritizing this work and the Nuu-chah-nulth's?

**Hon. Bernadette Jordan:** Actually, Mr. Johns, since 2017, since we had a negotiating mandate put forward, we've signed agreements with first nations. We signed three negotiation mandates last year. We know there is more to be done. We're continuing to work with the first nations, but up until 2017, there was no negotiating mandate to do this work.

Since we've been elected, we've made this a priority. We will continue to do that. It's like you said; it's been 21 years. It's not easy, but it is definitely something that needs to be done, and I am absolutely committed to making sure it gets done.

**Mr. Gord Johns:** With regard to the mandate, does your department support a self-governing Mi'kmaq treaty fishery governed in accordance with Mi'kmaq law?

**Hon. Bernadette Jordan:** These are all discussions we are having with the Mi'kmaq right now. Minister Bennett is extremely engaged in this file. We are going to continue to have those discussions. We know there are section 35 rights involved. These are all things we are talking about when we are meeting with first nations communities.

**The Chair:** Thank you, Mr. Johns.

**Mr. Gord Johns:** Thank you.

**The Chair:** We'll now go to Mr. Morrissey for five minutes or less, please.



No, it's Mr. d'Entremont. I'm sorry. I'm getting ahead of myself.

**Mr. Chris d'Entremont (West Nova, CPC):** Morrissey, d'Entremont—they're close to the same.

Minister, it's good to see you. Congratulations on removing the *Cormorant* today. That was probably a big day in your lives, so congratulations on that.

I want to go back to the core of why we're here talking about it, because this is ground zero for what I would call the lobster crisis.

Minister, when were you made aware that there was an illegal commercial summer fishery going on in St. Marys Bay?

**Hon. Bernadette Jordan:** I will say there have been concerns around St. Marys Bay for a number of years now. We have had discussions; I have had discussions with commercial harvesters over the past number of years with regard to the situation in St. Marys Bay. Those discussions I had with them actually led to me meeting with first nations communities prior to this summer to try to work out an agreement with them. The escalation that happened was really something that made everyone recognize that this needs to be dealt with quickly.

[Translation]

**Mr. Chris d'Entremont:** Thank you.

I'll ask my next question in French. It concerns the municipality of Clare, the region of Robert Thibault, the former Liberal minister of Fisheries and Oceans, who is now the spokesperson for the Western Nova Scotia Lobster Dealers Coalition.

In a Radio-Canada article dated November 15, 2020, he said the following:

This has been going on for 25 years, maybe longer. In the past two or three years, it has become industrial scale. It has become organized poaching, where people from the Acadian community welcome or recruit people from the indigenous community to come and fish commercially out of season.

What do you think about Mr. Thibault's statement?

• (1645)

[English]

**Hon. Bernadette Jordan:** Thank you, Mr. d'Entremont.

Of course, I can't speculate on things that are literally speculation. As I have said all along, first nations have an affirmed Supreme Court right to fish. We will continue to work with them to make sure that we implement their moderate livelihood fishery.

With regard to any type of illegal activity, if it is going on, that has to be reported to the RCMP, and then they have to be able to do their job.

**Mr. Chris d'Entremont:** Well, the fishing is under your responsibility, so why was there so little enforcement? Has there been enforcement or any kind of review of what was going on in St. Marys Bay over the last number of years? Have you pulled traps? Have you been checking those traps? Are they conforming, non-conforming? What kind of work has been done at St. Marys Bay up to now?

**Hon. Bernadette Jordan:** There have been a number of traps pulled over the past number of years and this year as well. There have also been charges laid, and I believe there was actually a court

decision on a buyer who was buying illegal lobster. There has been ongoing work done. Of course, I can't speak to ongoing investigations about what's happening, but absolutely C and P are always there to do their job. That is their main goal, to make sure that they do everything they can to protect the species and to keep people safe.

I have a great deal of respect for the C and P officers who are working very hard right now in a very challenging time to make sure that they're doing everything they can to keep the tensions on the water low.

**Mr. Chris d'Entremont:** What I'm trying to really get to is if there is data that maybe you can provide to committee on the last five years.

How many traps have been pulled? How many of them have been conforming? Did you end up pulling or checking the traps that Sipekne'katik had put in the water during their moderate livelihood...?

I'm just wondering about data, plus about what happened.

**Hon. Bernadette Jordan:** My deputy is also on this call. I can ask him if there is anything that we can provide to the committee in writing at a further date.

**Mr. Chris d'Entremont:** Okay, we'll talk about that one later on.

Let me bump off to something that's a little more disturbing, Minister.

Chief Sack has been threatening everyone who has an opposing view, including you. He's targeted you in a number of articles today. Not that we should all listen to Facebook, but in the most recent post, he wants to recruit warriors to disrupt the opening of district 34.

I'm wondering what the Department of Fisheries is going to be doing to make sure that everyone stays safe during the opening of the season next week.

**The Chair:** Make it a very brief answer, please.

**Hon. Bernadette Jordan:** That's a very important question.

I have to say that the priority has to be people staying safe. I would like to have referred this one to my departmental officials, but I don't think I'm going to have time to do that.

**Mr. Chris d'Entremont:** Maybe I'll get back to it in my second round.

**Hon. Bernadette Jordan:** Okay.

**The Chair:** That's not a problem. Thank you for that.

Now I'll go to Mr. Morrissey for five minutes or less.

I apologize for trying to get him up earlier.

**Mr. Robert Morrissey (Egmont, Lib.):** No, you caught me off guard, Chair. I wasn't ready, but thanks for getting me in now.

Madam Minister, it's actually a bit ironic, even hypocritical, to sit here and listen to some of the questions from the Conservatives, the official opposition, criticizing you on your approach. You've been the minister for one year versus the period from 2006-15 when the former Conservative government was basically absent on this file and kicked it down the road. As well, you may be able to refresh the memories of some members of the committee here on what the former government's approach was as it relates to enforcement, with cutbacks in that area that led us to some of the issues we have today. You can do that in your answer.

You gave a good statistic where you gave the value of the first nations fishery today versus 2019. We've been hearing from witnesses on this committee, and there appears to be a view held that there's been no access since Marshall in 2019. I know you won't have it here, but could you give a brief overview, and provide to the committee a detailed listing of the access to various fishery stocks first nation community by first nation community so we can see exactly what progress has been made over those years?

• (1650)

**Hon. Bernadette Jordan:** Absolutely, Mr. Morrissey. I'm happy to get that information to the committee.

I will say that for AICFI and its predecessors, including the Marshall response initiative, there was a significant amount invested over the past 21 years in programs that have provided close to \$530 million for licences, vessels, gear and training. In order to increase the first nations participation in the commercial fishery, we want to make sure that they are able to pursue a moderate livelihood, and this is actually one of the ways that the governments have addressed this concern, but I'm more than happy to get you more information in terms of which first nations received and when.

**Mr. Robert Morrissey:** Thank you, Minister. It is important, because there has been a perception that nothing has occurred.

I want you to comment briefly, as you said earlier, on how many agreements have been signed since our party formed government versus a period before, because I haven't been hearing much on this. Would you have information on that?

**Hon. Bernadette Jordan:** When we came into government in 2015, there were no agreements signed. We received a new negotiating mandate in 2017. Since that time, we have signed agreements with Esgenoôpetitj in New Brunswick, as well as Elsipogtog in New Brunswick, and I believe, Viger in Quebec. I can get my department to confirm that. Those have all been signed in the past year.

We also have had very good, very positive discussions with first nations in other areas, who I think we are very close to signing agreements with, and I believe we will see those in the very near future.

**Mr. Robert Morrissey:** Therefore, Madam Minister, progress is being made on what everybody acknowledges is an extremely difficult file to manage. Certainly I know you've been taking a lot of pressure, but I want to compliment you on the approach that has been taken under your leadership.

In your opening comments, you made a comment that is important for the commercial fishers to hear from you as minister, that

you will not allow the stocks to be jeopardized. That's one of your overriding management issues. Could you speak to that a bit more and the tools you have to ensure that?

**Hon. Bernadette Jordan:** Absolutely.

Conservation underpins everything we do at DFO. Making sure that the stocks, which are healthy right now, remain healthy for generations and sustainable for long-term fisheries is critical. That's not only for commercial harvesters, but for first nations as well. Everybody has the same goal here. Nobody wants to see the stocks depleted. Every decision that I make with regard to agreements, with regard to making sure we're moving forward in a positive way, will always have conservation at the head of it. We'll always have conservation and make sure that we have a long-term, sustainable industry.

As you know yourself, Mr. Morrissey, in your area, we rely on it here in Atlantic Canada. The lobster fishery has to be something that we continue to work on to make sure it is there for years and generations to come.

**Mr. Robert Morrissey:** Chair, how's my time? Is it gone?

**The Chair:** Yes, Mr. Morrissey. Just now, your time is up. Thanks for that.

We'll now go Madam Gill for two and a half minutes, please.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

Perhaps some witnesses who participated in the various consultations will agree. I realize that we're getting very vague responses.

We were told earlier that "moderate livelihood" couldn't be defined, because the first nations must provide the definition. We're now being told that the agreements signed with the Maliseet of Viger, for example, are having a positive impact and that the measures under way are also having a positive impact. I have trouble taking a position on this issue. I imagine that the first nations are also having trouble.

I want to hear the minister talk about initiatives, for example. She spoke about initiatives described as positive, including the Marshall decision and the agreement with the Maliseet people. However, people from the first nations are saying that they don't necessarily want commercial fishing.

How can you explain the fact that your statements don't necessarily align with what the first nations want in terms of the proposal and the organization of various programs, for example?

**Hon. Bernadette Jordan:** Thank you, Ms. Gill.

• (1655)

[English]

What you actually just said is completely how we've been working. Not everyone has the same agreement on what they want. Some want a fishery that isn't commercial in scope. It's not the giant, million-dollar licences and boats. It's a small fishery for themselves, for their communities. It's not the same. That is one of the challenges we have, that everyone is different.

Some communities want those large-scale commercial fisheries. They want the access and the ability to make sure that they can fish in the bigger picture; whereas some communities don't want that. Therefore, that's what we're doing right now. We're working with those communities to find out what they want in their fishing plans.

[Translation]

**Mrs. Marilène Gill:** That may be the case. However, I was saying that this isn't what they're asking for. We've heard them say that they wanted certain types of fishing, and that commercial fishing doesn't necessarily equate to a "moderate livelihood".

Lastly, if we don't want to define "moderate livelihood", how do we know whether the treaties are good? How can we assess this livelihood if we don't have any indicators regarding the progress of all negotiations and agreements?

[English]

**The Chair:** Give a quick answer, please.

**Hon. Bernadette Jordan:** I will say that part of the biggest challenge of this is to determine what it is the first nations want in terms of their moderate livelihood. As I have said many times, it is different from community to community. That is one of the reasons we are continuing to have these ongoing discussions. Some do want the larger commercial access; others are looking for just a small-scale niche fishery. That's one of the reasons we have to continue to have these long-term discussions.

**The Chair:** Thank you, Madam Gill.

Now we'll go to Mr. Johns for two and a half minutes, please.

**Mr. Gord Johns:** Thank you, Mr. Chair, and thank you, Minister.

Minister, we just heard the Conservatives call this Sipekne'katik treaty fishery an illegal fishery. Do you see it as an illegal fishery?

**Hon. Bernadette Jordan:** Mr. Johns, the first nations have a Supreme Court-affirmed right to fish a moderate livelihood. There is absolutely no question around that. The question, of course, is how we implement that right. That is what we are working towards now.

**Mr. Gord Johns:** I'm really happy to hear you say that. Also, they made an accusation about Chief Sack bringing in warriors. My understanding is that Chief Sack has actually called off warriors coming to the region in the hope that the RCMP would be there to protect them. We didn't hear the Conservatives on the ground calling off fishers who were threatening fishers.

Can you speak about what you're going to do to ensure that those indigenous fishers are protected on the ground and on the water?

**Hon. Bernadette Jordan:** I will say there is absolutely no place for violence. There is absolutely no place for vandalism. Although you understand the frustrations people feel, this is not the way to move us forward. The RCMP have been on the ground in the St. Marys Bay area as well as in other areas that have seen some concerns. Of course, the RCMP are regulated through the Province of Nova Scotia, but we as the federal government have made sure that they have the resources they need in order to address these concerns. The RCMP have a job to do and they are there to do that job.

**Mr. Gord Johns:** Minister, we've been told you've been meeting regularly with Mi'kmaq leadership in Nova Scotia, but we've heard from other first nations leaders about a lack of communication from you and the need for political dialogue away from the table. Are you prepared to commit to regular meetings with first nations leadership across the entire region to discuss fisheries issues?

**Hon. Bernadette Jordan:** Absolutely. I'm happy to meet with all of the first nations to make sure that we do move this forward. I have actually, in the past, met with many of the first nations in all of the provinces, right across the country, but particularly in Atlantic Canada. It's extremely important that we get their fishing plans so that we know what it is they would like to exercise as their moderate livelihood so that we can work with them to make sure that the right is implemented.

**Mr. Gord Johns:** Minister, I'm running out of time, I believe. Thank you.

**The Chair:** You have about three seconds left, Mr. Johns.

**Mr. Gord Johns:** Thank you.

**The Chair:** If you'd had a bit more and got a question in, I would have allowed an answer.

We will now go to Mr. Williamson for five minutes or less, please.

**Mr. John Williamson (New Brunswick Southwest, CPC):** Thank you, Mr. Chairman.

Thank you, Minister Jordan, for being here today.

In testimony before this committee, first nations leaders who we've heard from, along with lawyers and academics, believe indigenous communities can regulate and oversee an indigenous fishery outside of DFO control.

What do you think of that view we're hearing repeatedly at committee?

• (1700)

**Hon. Bernadette Jordan:** I would say that DFO has a responsibility to make sure that the fishery is sustainable for the long term. However, I would also say that I think it's important that we work with the first nations communities to make sure, as they implement their right, that we have the same goals and objectives. We need to work together to implement that right in a way that is going to make sure they are able to have their moderate livelihood but also in a way we are convinced is not a conservation challenge. These are all things we are having ongoing discussions about, and I would say that it's extremely important that we continue to work together to find the right path forward.

**Mr. John Williamson:** Thank you.

In the Marshall decisions, the ruling is that government oversight is paramount and that the authority to regulate both indigenous and traditional fisheries resides with the federal government. Do you agree with that court ruling?

**Hon. Bernadette Jordan:** I believe the court ruling was very clear on the role that the Government of Canada plays in the fishery. I believe also, though, it was very clear that the first nations have a right that needs to be implemented. I think that finding that balance is what we need to work towards, making sure that we have the ability to implement the right, but also to make sure that we protect the fishery for the long term.

**Mr. John Williamson:** Do you support one fishing season? I recognize that all the different LFAs have different seasons, but within those LFAs, do you support one fishing season as the Government of Canada works towards the moderate livelihood?

I'll point out that the Marshall decision upheld this. The 1999 fisheries committee also recommended this. Today, MP Wayne Easter is also saying that this should be the policy.

Is that your policy?

**Hon. Bernadette Jordan:** You know, we are continuing to have negotiations with first nations to make sure they can implement their treaty right. I can't speak to what's going on at the negotiation table. I will say that I have heard very loudly and clearly from commercial harvesters around their concerns.

Conservation will always be what underpins everything we do at DFO. That has to be the number one priority, and making sure the stocks are healthy for the long term is that priority.

**Mr. John Williamson:** So you're open to establishing a second parallel fishing—

**Hon. Bernadette Jordan:** Please don't put words in my mouth.

**Mr. John Williamson:** No, I'm asking you a question. I'm going to ask you to clarify. You are open to establishing a second parallel fishery in the LFAs in Atlantic Canada.

**Hon. Bernadette Jordan:** No, you are putting words in my mouth, Mr. Williamson. I asked you not to do that.

What I said was it's extremely important that we implement the first nations right to a moderate livelihood fishery, that the Supreme Court was clear on how the Government of Canada regulates that fishery. That will be part of the negotiations as we go forward.

**Mr. John Williamson:** Okay.

So do you agree or disagree with your colleague MP Wayne Easter that the indigenous and non-indigenous fisheries should all occur within the regulated seasons?

**Hon. Bernadette Jordan:** Mr. Easter has a right to his opinion as an MP. He has been very vocal on this issue. He's a former chair of the fisheries committee.

I will say that I will not comment on what is being negotiated at this point. I will say that I have heard from commercial harvesters about their concerns around seasons. This is something that I understand completely, and I will put conservation first in all of the negotiations that I'm having.

**Mr. John Williamson:** But you're not closing the door to the proposal at the negotiation table of having two separate fisheries in different seasons.

**Hon. Bernadette Jordan:** I am not able to speak to what is being negotiated. I will say that I have heard very loud and clear from commercial harvesters what their concerns are—

**Mr. John Williamson:** Minister, that's not good enough, and I'm not asking you to speak to specific negotiations—

**The Chair:** I'm sorry, but your time is up, Mr. Williamson.

**Mr. John Williamson:** —but you can put parameters around what is—

**The Chair:** Mr. Williamson—

**Mr. John Williamson:** Thank you.

**The Chair:** Mr. Williamson, if you'd listen to the chair for just a moment, when I indicate that your time is up, I mean that your time is up. I'm trying to give everybody equal questioning. I don't want to be cutting people off way before their time is up for a ramble afterwards, so I'd appreciate that kind of attention, please.

We'll now go to Mr. Kelloway for five minutes or less.

• (1705)

**Mr. Mike Kelloway (Cape Breton—Canso, Lib.):** Thank you, Mr. Chair.

Hello, colleagues, and hello, Minister. It's good to see all of you and the minister as well today.

I have a quick statement and then a couple of questions on conservation.

This gives me an opportunity to give a special shout-out to the commercial fishers in Cape Breton—Canso, who have been demonstrating leadership during a complex, challenging and nuanced time. The same would be said to the three Mi'kmaq communities in my riding.

I want to go on the stream, I guess, of conservation. A few of us have talked about it today.

We've heard here at this committee that the lobster stocks cannot support a moderate livelihood, and that commercial fishers' largest concern—and I've heard this, too, through many meetings I've had—is having a fishery that lasts for generations. Could you tell us about the state of lobster stocks?

The second question is this, Minister. On your statement on Friday around this issue, I'm wondering if you could explain the status of the lobster in St. Peters Bay in my riding and the context of that.

**Hon. Bernadette Jordan:** Thank you, Mr. Kelloway.

I will say that generally lobster stocks are very healthy. The monitoring recently indicated that the fishing activities that are taking place have increased significantly in St. Peters Bay. The scale of the fishery operation currently there is actually even in excess of what is being proposed as first nation moderate livelihood fishing.

DFO is responsible for the overall management of Canada's fisheries and the stocks that they depend on. The fisheries officers are very concerned about the excessive fishing there and about how it could negatively impact the long-term sustainability. We are concerned about that. We want to make sure, as I have said every time I've talked about this issue, that conservation is the priority. As I've said, right now what's going on in St. Peters Bay is more than what even the first nations moderate livelihood plans have indicated they would be fishing.

**Mr. Mike Kelloway:** Thank you very much.

I want to actually build on something that MP Morrissey talked about in one of his questions, which is the government's track record on reconciliation on the east coast. I wonder if you could do a deeper dive on that for us, because I think the track record to date on reconciliation in our corner of the world is an important narrative and an important reality.

**Hon. Bernadette Jordan:** In 2015 when we formed government, there had not been any agreements with any of the first nations in Atlantic Canada. In 2017, we as a government came out with a mandate to negotiate with first nations on rights and reconciliation agreements with fisheries components.

We have actually made significant progress since 2017 on those agreements. We know there's a lot more to be done. We know it is a challenge for first nations and governments to come together to make sure that we implement those rights. As I said, we have signed three agreements now. We have others that are very close to being signed. We know there are communities that want to have ongoing agreements with the Government of Canada to exercise their moderate livelihood, and that has to be the priority.

I will say that we have been working diligently since 2017 when we first got the mandate to do this in order to make sure we could address some of these first nation communities and the long-standing issue of a right that has not been implemented.

**Mr. Mike Kelloway:** Thank you very much.

How much time do I have, Mr. Chair?

**The Chair:** You have one minute.

**Mr. Mike Kelloway:** Okay, I have another question and I think it will probably take less than a minute, but maybe we'll have the right amount of time. I'm not sure. It's an important question, not

just for those who are here today but for Canadians who are watching.

Can you, in 50 seconds or less, by the way, please try to explain the challenges and complexities of what is happening out of the Marshall decision? I know we have only 40 seconds now, but maybe we could try to crystallize some of the challenges and complexities that you and others around the table are facing.

• (1710)

**Hon. Bernadette Jordan:** Thank you very much, Mr. Kelloway.

It is a very challenging and very complex issue. I've said many, many times that if it were simple, it would have been solved over the last 21 years. We have, a number of times, made incremental progress in making sure that first nations have access, but we've never actually worked to a point where we have been able to implement the right. The right looks different from community to community. It can't be something on which the government just goes in and puts its foot down and says, "This is what a moderate livelihood looks like." It has to be done with the communities. They have to be ready to have those conversations. They have to be willing to talk to us about what they see as their way forward.

A lot of really good hard work has gone into the fishing plans that we have received so far, which will show us the path forward. I'm looking forward to actually getting some understanding with these communities on these agreements.

**Mr. Mike Kelloway:** Thank you, Minister.

**The Chair:** Thank you, Mr. Kelloway.

That completes our first round of questioning. We'll now get into our second round and we'll go to Mr. Moore for five minutes or less.

Go ahead, please.

**Hon. Rob Moore (Fundy Royal, CPC):** Thank you, Mr. Chair.

It's great to be here with all of you today on the fisheries committee.

I'm particularly pleased to be on committee today as in my riding of Fundy Royal, I represent two fishing communities that fish out of different districts, St. Martins as well as Alma. My constituents are watching this issue very closely, because they're concerned about the broader implication on the fisheries throughout the region.

Minister, have you read the entirety of the Marshall decisions?

**Hon. Bernadette Jordan:** I have not read it in its entirety.

**Hon. Rob Moore:** Do you know, though, who is ultimately responsible? The Marshall decision, you realize, did not find that there could be no laws as it pertains to the indigenous and non-indigenous fisheries.

Ultimately, who's responsible in Atlantic Canada for the fishery and for policing what happens on our waters?

**Hon. Bernadette Jordan:** The Marshall decision actually said that the fishery is regulated under the Government of Canada, under the Marshall decision. I don't believe anyone thinks that there should be a lawless—I think is the word you used—fishery. I believe that first nations have a right that was also affirmed in the Marshall decision. We need to make sure that we implement that right.

**Hon. Rob Moore:** I didn't say lawless. I said the laws as they pertain to our country. It is the responsibility of the Department of Fisheries and Oceans to enforce that.

When I first came on to this committee today, I was hoping to hear some assurances that communities throughout our region would take from your testimony. In fact, I get the impression that everything seems to be going just great from the perspective of yourself and other members. I don't think that's the way people see it.

I hope you understand that the engagement that you've had on this file has communities across Atlantic Canada concerned about the broader impact throughout our region.

What would you say other communities, like St. Martins and Alma, are to take away from the handling of this issue in your own backyard?

**Hon. Bernadette Jordan:** Thank you, Mr. Moore.

I would say that because I come from a small rural coastal community myself that, as the Minister for Fisheries and Oceans, I will never do anything that's going to undermine the conservation of our industry or of making sure that we have a long-term, sustainable fishery.

This is critical to us as Atlantic Canadians. It's also critical to us as all Canadians to make sure that first nations who have a treaty-affirmed right to fish for a moderate livelihood are able to implement that right. That is something the Supreme Court of Canada ruled on in 1999. I will always stand and say that conservation is the number one priority and objective. I have heard that from commercial harvesters and I've also heard that from first nations.

We all want the same thing. We need to figure out how we get there. In the conversations that I continue to have with commercial harvesters, with industry representatives and with first nations, they have all said that that is their overall objective.

I am not going to do anything at any point that is going to undermine that conservation objective. The commercial industry is extremely important to us in Atlantic Canada. We want to make sure that it is sustainable for the long term. Those are all things that I am working towards every day.

• (1715)

**Hon. Rob Moore:** Thank you, Minister.

We all agree on conservation, but I would hope that we around the table also agree that community members throughout Atlantic Canada deserve to know what the rules are and that they'll be applied. There's been a complete vacuum on this issue. Our communities are calling out for leadership on it.

Minister, you said the RCMP has a job to do. I would say that you, Minister, and your department have a job to do. That is to regulate the fisheries throughout Atlantic Canada. What I've heard so far has not been encouraging.

Mr. Morrissey mentioned that you'd been minister for a year, but your government has been in government for the last five years. This episode has been allowed to fester over the last little while. We've watched it unfold. It's extremely important for the future, not just for the conservation that I think we can all agree on, but also for the sustainability of our communities and our fisheries.

I think the fishermen in my riding would like to hear a stronger statement from you, Minister, that their livelihood and their ability to earn a living is going to be protected as we move forward.

**Hon. Bernadette Jordan:** Well—

**The Chair:** I'm sorry, Minister. We've gone about 40 seconds over the allotted time. You can submit something in writing if it doesn't get done later in the testimony.

We'll now go to Madam Petitpas Taylor for five minutes or less, please.

**Hon. Ginette Petitpas Taylor (Moncton—Riverview—Dieppe, Lib.):** Thank you very much, Mr. Chair. I have to say that you run a tight ship when it comes to the clock. Well done.

I have a special welcome and thank you, Minister Jordan, for being with us today, and to your officials, Deputy Minister Sargent, Madam Lapointe, Mr. Wentzell and Mr. Lamirande. We really appreciate all of you being here to provide your insights and your thoughtful comments on a file that is really complex.

Minister Jordan, I know that you've been working tirelessly over the past year, and we appreciate your openness and, really, all of your hard work on what we know has been really challenging at times. I am from the Moncton area, and I'm not in a fishing community per se, but I have to say that this file certainly has captured the attention of many Canadians and everyone is really watching this. We really want it to come to a resolution, so again, thank you for being with us today.

I have two specific questions for you. First, I'm wondering if you would be able to speak to us and elaborate on the federal special representative who was recently appointed, Monsieur Surette. Could you elaborate on his role and his responsibilities?

**Hon. Bernadette Jordan:** Absolutely. Thank you for that question.

Mr. Surette was a joint appointment by me and Minister Bennett from Crown-Indigenous Relations. One of the things we heard from commercial harvesters a great deal was that they wanted to be at the table. We of course are negotiating nation to nation with the first nations communities. We wanted to make sure, though, that they felt their voice was heard. The appointment of the special representative is there to actually foster dialogue between the first nations communities and the commercial harvesters to make sure that everyone's voice is heard, to make sure that we are absolutely engaged with the commercial harvesters.

Mr. Surette is a well-respected member of his community. He has experience in working with the fisheries in the past in terms of difficult situations in fisheries, particularly in New Brunswick and Prince Edward Island. He brings a wealth of knowledge to this table. The other thing that he is going to be able to do is that he will be coming back to Minister Bennett and me with an interim report in December, as well as a final report in March, with possible ways forward to help us bridge these gaps.

Commercial harvesters and first nations have fished together for generations. The divisions that have happened over this issue are difficult, and we need to make sure that we are doing everything we can to bridge those gaps and make sure that we can have our communities meld back together again.

• (1720)

**Hon. Ginette Petitpas Taylor:** Thank you so much.

I couldn't agree more. Mr. Surette is certainly an appropriate individual to be doing these functions, so thank you for that.

My last question for you is, how are we ensuring that the harvesters are a part of the bigger conversation here? We certainly want to make sure that they have their voices heard as well. Could you share with us how we are ensuring that they're at the table?

**Hon. Bernadette Jordan:** As I've said, this is a nation-to-nation negotiation. All of the negotiations are happening between the Government of Canada and the first nations communities. However, the commercial harvesters have an extremely important role to play. We want to make sure that we are hearing from them. I have been meeting with them on a regular basis. My department officials have met with them all on a regular basis as well.

Having Mr. Surette there as well is going to be extremely beneficial, because having a third party that's independent, that they feel they can probably say things to that maybe they wouldn't be comfortable saying to a DFO official or to me, is I think very beneficial. They've been long-time stewards of the resource. We want to make sure we're hearing from them.

Our communities rely on our commercial industry, and we want to make sure, as I've said many times, that this is sustainable and for the long term and make sure that we have everything we need to have the right path forward for everybody.

**Hon. Ginette Petitpas Taylor:** Great.

I think I have one more minute. Perhaps, Mr. Chair, if I can, I'll ask one—

**The Chair:** You have 40 seconds.

**Hon. Ginette Petitpas Taylor:** Forty seconds?

Very quickly, I guess, what steps are we taking to make sure everyone is safe, to really ensure the safety and security of everyone involved in this?

**Hon. Bernadette Jordan:** That is actually a really important question. We have been doing everything we can to keep tensions down. We feel that having Mr. Surette there as someone who can speak to the commercial harvesters has kept down tensions on the water.

My officials engage regularly with the members of the communities, both of the first nations as well as the commercial industry. The RCMP are there on the ground not only if anything happens, but just to make sure that temperatures are lowered in the area. We've seen that it has happened over the last number of weeks, and we hope that continues.

**Hon. Ginette Petitpas Taylor:** Thank you very much.

**The Chair:** Thank you.

We'll now go to Madam Gill for two and a half minutes, please.

[*Translation*]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I'll play devil's advocate. Non-indigenous and indigenous fishers have questions. Ms. Jordan, you said earlier that it isn't possible to operate without a regulatory framework. However, given what's happening in the fisheries out of season, how do you explain the fact that no regulations are being upheld?

[*English*]

**Hon. Bernadette Jordan:** There are actually regulations in place. The conservation and protection officers are there to do a job. They are monitoring situations. They have removed traps in areas where they feel that overfishing has become a concern. I put out a statement last week with regard to the conservation in St. Peter's Bay specifically, in Cape Breton, where there's an increased fishing effort that is a concern. The conservation and protection officers are there to do a job. I do not direct them, but they are absolutely working to make sure that the laws are upheld.

[*Translation*]

**Mrs. Marilène Gill:** Are you using methods to quantify these catches or are you collecting data on the current situation so that we can get an overview of the area?

[*English*]

**Hon. Bernadette Jordan:** The C and P officers, of course, have seized some traps. We would have, at the department level, some of the information on those.

I'm actually going to turn to Doug Wentzell, who is the regional director there. Maybe he could talk about the science and what we're seeing from those actions.

Doug, are you there?

• (1725)

**Mr. Doug Wentzell (Associate Regional Director General, Maritimes Region, Department of Fisheries and Oceans):** I am indeed, Minister.

There are a couple of points that I could maybe share with the committee, Chair.

As the minister mentioned earlier, lobster stocks across the Maritimes region are in the healthy zone. We determine that through a range of science, ranging from catch data from industry in addition to fishery independent data that we collect.

In terms of fishing in St. Peters Bay, again, as the minister referenced earlier, we are aware that there are a number of traps that are present in the bay. We are working very closely with our first nations partners to collaboratively work towards managing any risk to conservation in that particular geography, and we'll continue to do that.

**The Chair:** Thank you for that.

Thank you, Madam Gill.

We'll now go to Mr. Johns for two and a half minutes, please.

**Mr. Gord Johns:** Minister, we keep hearing from the Conservatives that the threat of a moderate fishery, a treaty-protected fishery, is having on the stocks, but the Sipekne'katik announced their treaty fisheries catch volume for LFA 34, and they cited that it's 0.005% of the overall commercial catch.

Can you confirm that what they're doing right now is not going to have an impact on the health of those stocks?

**Hon. Bernadette Jordan:** I will say that we are always going to be concerned about conservation first.

What is happening in St. Marys Bay is very different from what has happened in St. Peters Bay. St. Peters Bay is a much smaller area with a lot more traps than what we were seeing in St. Marys Bay. These are all things that C and P is working to make sure that it monitors. The fluctuations in landings in St. Marys Bay are consistent with those across all of the LFAs, so we do not see a conservation challenge right now. The stocks are healthy.

**Mr. Gord Johns:** Minister, do you see that there's a systemic racism problem in the Department of Fisheries and Oceans?

**Hon. Bernadette Jordan:** I believe, Mr. Johns, as the Prime Minister himself has stated, that there's systemic racism throughout every department in Canada. We know there are challenges. We take them very seriously. We're working extremely hard to make sure we address any concerns that are raised.

I think one of the big things—and I'm just going to give a shout-out here to MP Battiste because he talks a lot about education and how important it is for us to all understand that we're all treaty people and that we all have a role to play in making sure we're addressing things like racism. I've been very impressed with DFO as well as the Canadian Independent Fish Harvesters' Federation, which is now offering courses on treaty rights and on working with first nations as part of their regular programming so that people can understand better what it means to have a treaty right.

**Mr. Gord Johns:** We've had many groups testify here that aren't doing anything and fisheries organizations that don't have any plans to address systemic racism.

What's your department going to do to help engage those organizations around education? I couldn't agree more, Minister. Who in your cabinet is going to help lead this? Clearly there's an issue. Also, what are you doing in your department to tackle the systemic racism that is ingrained in the Department of Fisheries and Oceans?

**Hon. Bernadette Jordan:** We have taken steps, as I've just said. We're working right now with one of the fishing associations, the Canadian Independent Fish Harvesters' Federation, to offer some training or courses to harvesters who are interested in what it means

to have a treaty right. Those are extremely important conversations. This is a first step. As you well know, every journey starts with a first step.

This is something that can absolutely be expanded to other organizations that are interested. We will work to make sure that those things are available to other fishing organizations that want to take advantage of them. I hope that they would.

**The Chair:** Thank you, Mr. Johns.

We now go to Mr. Bradgon for five minutes or less, please.

**Mr. Richard Bragdon:** Thank you, Mr. Chair.

Minister, I want to go back again to your colleague MP Wayne Easter, who chaired the fisheries committee looking at the moderate livelihood fisheries. He recently stated publicly that the lobster fishery must remain in season. He really emphasized that as being important.

Do you share Mr. Easter's opinion that all fishing should be kept in season? If so, what direction have you given to the DFO officers on how to enforce seasons for all fishers?

● (1730)

**Hon. Bernadette Jordan:** First of all Mr. Bradgon, I do not give direction to C and P officers. They have a job to do. They do that job. I do not direct C and P. That would be like the Minister of Public Safety directing the RCMP. It just doesn't happen. They are officials of the law and they will uphold the law.

With regard to the question around seasons, which is an important one, there are many paths to making sure we reach a lasting solution here. Those paths are being discussed at the negotiation table. This is not something that I'm going to comment on to prejudice how negotiations go.

I can't stress enough—I've said it before and I'll say it again—that I have heard very loud and clear from commercial harvesters what their concerns are. Those are things that I take very seriously as I'm going forward with any of the negotiations that we're doing.

**Mr. Richard Bragdon:** Thank you, Minister.

I'm glad to hear you're taking it very seriously, but it would seem by the input that we've been receiving that they feel like many times, whatever input they have had has not been heard, received, implemented or factored in.

In fact, with what has been circulating and what is out in the public right now, many questions are arising. Is your government currently actively pursuing the establishment of a separate fishing authority? Is your government open to having two separate and distinct fishing authorities?



I think that's a fair question that a lot of Canadians have right now. I want to come back to that. Are you open to establishing a separate fishing authority?

**Hon. Bernadette Jordan:** Mr. Bragdon, the Supreme Court made it very clear that first nations have a right to a moderate livelihood fishery. I am working in negotiations with first nations to make sure that we implement that right. The negotiation is between the first nations and this government.

I don't know how much more clear I can make that. These things are part of negotiations. I have heard very loud and clear from the commercial harvesters what their concerns are. I have talked to many community members and to stakeholders about—

**Mr. Richard Bragdon:** Thank you, Minister.

No one is disputing that indigenous peoples have a right to fish. What is happening here is that many stakeholders have felt totally left out of the process and in the dark. Things have escalated to the point of tension where we are right now because of the absence of leadership and direct involvement by those who should be at the table as part of the process of reconciliation and coming to a solution that all parties can be part of.

I feel right now, Minister, there's an absence there. Now we're outsourcing to third parties and other interested people to do the job that should have been done right from the beginning by you, the minister, and the leadership of this country, namely the Prime Minister. They've not been involved. Why is that?

**Hon. Bernadette Jordan:** I would disagree with you, Mr. Bragdon. They have been involved.

I have been meeting with the commercial harvesters since before I was the minister. I have heard from commercial harvesters about their concerns. I take everything I hear from them into consideration in everything I do. I can provide you with a list of who I have met with. I think I already have done so.

The important thing here is to make sure they are listened to. One thing they asked for was someone they could talk to, and that's why we have Mr. Surette in place. It is important—

**Mr. Richard Bragdon:** Thank you, Minister.

I appreciate that, but did you consult with the first nations and the commercial fishers before making the decision of who you appointed to be the third party negotiator?

**Hon. Bernadette Jordan:** This is an independent appointment. We wanted to make sure it was somebody—

**Mr. Richard Bragdon:** So you didn't.

**Hon. Bernadette Jordan:** We wanted to make sure it was somebody who could speak to both sides, and that is one thing we took into consideration.

Mr. Surette has a stellar reputation in dealing with this type of issue. He is well respected in his community; he is well respected in the fishing industry for working through fisheries issues in the past, and I have full confidence in his ability.

• (1735)

**The Chair:** Thank you, Mr. Bragdon.

We'll now go to Mr. Battiste for five minutes or less, please.

**Mr. Jaime Battiste:** Thank you, Minister.

Since 1999, the Unama'ki Institute of Natural Resources, UINR, has been working together and collaboratively with the Department of Fisheries and Oceans and various protection agencies on a wide swath of different species, such as eels, oysters, salmon. We had Shelley Denny, who is doing her Ph.D. in marine biology, testify at this committee that they've been working collaboratively with government on a number of species.

Are they not a promising example of how government can collaboratively work with indigenous nations on resource management? They've been doing it for more than 20 years. Is Unama'ki not a model that has been working in Cape Breton, and is this something we could expand to all of the fishery?

**Hon. Bernadette Jordan:** Absolutely. Shelley Denny is somebody who has been working quite closely, I believe, on a number of different issues with regard to fisheries management. There are a number of Mi'kmaq science-led studies that we've seen. It's important that as we move forward with the first nations' ability to implement their right, we have the right science.

It would be great if we could build capacity within the communities themselves to provide that science to the Department of Fisheries and Oceans, to have their own guardians program, for example. I think these are all ways that we can make sure, as I said, that we're building capacity within the communities to help manage this fishery.

**Mr. Jaime Battiste:** Thank you, Minister.

We've heard chiefs talk in this committee about the communities' really having no appetite for selling rights. In fact, one chief said at the last meeting that a Mi'kmaq chief who suggested selling that right wouldn't be chief for very long.

With that in mind, is there flexibility within our negotiations or elsewhere to look at a model that doesn't include modifying existing rights or, as they would call it, selling existing rights?

**Hon. Bernadette Jordan:** I don't think anybody wants first nations to sell their rights. I think that is absolutely not the approach we would want to take, as a government. As I've said many times, this is a right that has been affirmed by the Supreme Court, and we want to make sure it's implemented.

With regard to flexibility in negotiations, as I've said many times already tonight, I can't speak to what's actually happening at the negotiating table. However, having flexibility around mandates, around how we do this from community to community, is going to be extremely important as we go forward, in order to make sure that we are implementing those rights.

**Mr. Jaime Battiste:** Thank you, Minister.

I find it odd. I've heard the Conservative members opposite talk to you about have they read the Marshall decisions. As a former professor of Mi'kmaq studies, I'm wondering sometimes what Marshall case they're alluding to. Both Marshall I and Marshall II said that Donald Marshall Jr., someone who grew up 30 minutes away from me, someone I knew in my life and thanked for his efforts.... Not once but twice he went in front of the Supreme Court. He fished for eels, sold those eels out of season both times, and both times the Supreme Court ruled that his treaties were protected by section 35 of the Constitution and also by section 52 of the Constitution, which says that the Constitution of Canada is the supreme law of Canada and that any law that is inconsistent with that provision of the Constitution is to the extent of the inconsistency of no force and effect.

I'm wondering how much that weighs into Canada's judgment when we're dealing with Mi'kmaq rights that have been upheld twice in the Supreme Court of Canada and that are recognized by the Constitution, the supreme law of this Canada. How much weight do we give to that when we're actually considering putting any kind of regulations in place that would be of no force and effect legally?

• (1740)

**Hon. Bernadette Jordan:** I would say that is actually a very good, very valid point. The Prime Minister himself has said that there is no more important relationship for us as a government than with first nations people. We have seen over centuries building systems that do not include first nations, and that has to change. This is part of that change, and change is difficult. There are going to be challenges along the way as we move forward with this, but we as a government are committed to making sure that we do uphold those rights, that we don't have another situation where we have another Marshall case, and that we are upholding the laws of the land. That's one of the things that will guide us as we move forward.

**The Chair:** Thank you, Mr. Battiste.

We'll now go to Mr. d'Entremont for five minutes, please.

**Mr. Chris d'Entremont:** Thank you very much, Mr. Chair.

I want to start off by saying I was listening to Mr. Johns a couple of times. It seems that he's continually mixing up what district 34 is versus what St. Marys Bay is. I wish that he would reach out to people in my riding and understand the situation that they find themselves in. He continues to try to draw the issue of an illegal commercial summer fishery that has been going on in St. Marys Bay for close to 25 years, according to the previous minister of fisheries, who can look out his front window and watch what's going on there. This has been the challenge for the people of Clare for a number of years. They are very concerned about it. They are very concerned about what's happening in their bay, which they look at every day.

Mr. Johns, I do hope at some point that you do reach out to folks like that. I offered you my phone number on a number of occasions so that you could understand the situation here in southwest Nova Scotia.

I want to talk a little bit about Bear River and Acadia, because Bear River and Acadia have written two letters at this point. Bear

River is sort of to the Annapolis side of things and Acadia is the band to the southwest corner of it. They talked about the territorial area of their bands and how St. Marys Bay fits in their traditional area.

Has the minister considered the letters from Chief Potter and Chief Robinson?

**Hon. Bernadette Jordan:** Thank you, Mr. d'Entremont.

I actually have met with Chief Potter directly, and I recognize the challenges that she has brought forward. I will continue to have conversations with her as well as with Chief Deborah. I know that Chief Deborah is in the middle of an election right now, but it's extremely important to me to hear from all of the first nations that are impacted.

As I have said from the beginning, this is a very complex issue. That's one of the challenges, that you do have first nations within other areas that are impacted. We want to make sure that we're doing everything that we can to support them as well.

**Mr. Chris d'Entremont:** All right. Let's go back to where I left off last time and talk about Chief Sack and what's happening on Facebook; not that we should listen to what happens on Facebook, but this is where it's coming from.

Yesterday and today he's been trying to recruit people to disrupt the opening of district 34. I can send copies around to folks, if they haven't seen it. I'm just wondering what the minister is doing within her branch, and maybe what she's doing with Public Safety, on making sure that everyone, I mean everyone, is safe in this particular instance.

**Hon. Bernadette Jordan:** Absolutely. That has to be the number one priority. You and I have had this conversation a number of times about safety.

I would like to ask Doug Wentzell if he would be willing to comment on this one. I know that he is well apprised of the situation.

**Mr. Doug Wentzell:** Thank you, Minister.

To pick up on Mr. d'Entremont's question, I think given the current environment, we continue to be concerned, as the minister has said on many occasions, for the safety of all harvesters. We take any and all threats to orderly fisheries very, very seriously. We work very closely with our RCMP colleagues and other enforcement partners on the ground to share intelligence and make sure that everybody informs the risk assessment appropriately. We're also working very closely, in terms of the mandate of Fisheries and Oceans Canada, with individual harbour authorities to ensure that they are assessing the safety and security of harvesters at local ports.

We are working, of course, with all commercial harvesters, both first nations and non-first nations, to help ensure that they can prosecute the fisheries appropriately. We're going to continue to do that. Again, it's going to be through open dialogue that we move this forward, not through violent or disruptive acts.

Thank you.

• (1745)

**Mr. Chris d'Entremont:** I wrote a quick email, and my office wrote a quick email, to Deputy Minister Sargent when it came to the usage of the Saulnierville wharf. We know there's still an injunction there. Of course, indigenous folks are doing their fishery from there, but there are 15 or so boats and fishers who normally use Saulnierville wharf for their home port. Has there been some work on that one?

**The Chair:** Thank you, Mr. d'Entremont. We've gone over time.

We'll now go to Mr. Morrissey for five minutes or less, please.

**Mr. Robert Morrissey:** Thank you, Chair.

Minister, I was pleased to hear you make several comments in response to earlier questions. Paraphrasing you a bit, you stated you'd never do anything to harm the overall fishery. You assured that harvesters are not left out. You heard their concerns. You don't want them to be left out in the process.

Some are trying to paint you, Minister, and your ministry as not hearing the concerns from the commercial industry, and that the government's only focused in one direction. Could you comment on your role as the minister and what steps you are taking to ensure that the interests of this very valuable commercial fishery are protected in maritime Canada in particular, in Atlantic Canada? I believe you may have alluded to it earlier, but I want you to have the opportunity to be clear and on the record so that there's no misunderstanding of your position that you have to adjudicate and protect both sides in this discussion.

**Hon. Bernadette Jordan:** Yes. Thank you, Mr. Morrissey. That is absolutely the case. I have been meeting with commercial harvesters since I was first elected, but since becoming the minister, I've met with a number of the commercial harvesters, even before the rise of tensions we saw in St. Marys Bay. I will continue to meet with them, as they have an extremely important voice in all of this, to make sure their concerns are being heard.

One reason we appointed Mr. Surette as the federal special representative was that we wanted to make sure the commercial harvesters had a voice. They obviously cannot be at the negotiating table, because it's a nation-to-nation negotiation, but what they have to say is extremely important. It's important to me. It's important to the department. It's important to the government. We want to make sure we recognize their concerns.

As I said, I come from a small commercial fishing area. We're not going to do anything that's going to impact the stocks. We need to make sure the industry is sustainable for the long term. That is the number one priority I have and it will continue to be.

**Mr. Robert Morrissey:** Thank you, Minister.

Just to further clarify, so that we all understand the facts, we understand that the negotiations you're responsible for currently, to reach agreements with the first nations community on moderate livelihood, are between you as representatives of the Government of Canada and the first nations community. Those negotiations must stay home in that context, but at the same time, you do not give up your jurisdiction or responsibility for ensuring that the interests of the commercial fishery are taken into consideration when decisions are made. Am I correct on that?

**Hon. Bernadette Jordan:** That's correct. I think it would be safe to say that I have to take fisheries management decisions into account with any decision, and that would include any negotiations we have. All of the fisheries management decisions that go through DFO come through me, whether they are with regard to seasons, catches or anything else. All of them come through DFO. That will continue. We need to make sure that we are protecting this very valuable resource and something that's extremely vital to growth in Atlantic Canada.

• (1750)

**Mr. Robert Morrissey:** So the voice of the commercial industry, commercial fisheries in Atlantic Canada, is resonating within your ministry and you personally.

**Hon. Bernadette Jordan:** I have met with commercial harvesters on a regular basis. My officials have met with them almost daily, it seems, in a lot of cases. I said I could provide a list of the ones that I have met with.

I know that there's more to do. We have been focused pretty much on Nova Scotia recently, but I'm more than happy to talk to representatives from other areas as well. I have met with P.E.I. and with Cape Breton, with people from the independent fisheries associations, which represent members in all the provinces in Atlantic Canada and Quebec. Those are conversations that I consider extremely valuable and I'll continue to have them.

**Mr. Robert Morrissey:** Thank you, Minister. It's extremely important that the commercial fishers, who are following this process as well, hear that coming from you, so I appreciate those comments.

Chair, am I out?

**The Chair:** You're on the button there now. You're done.

**Mr. Robert Morrissey:** Okay.

**The Chair:** We'll now go to Madam Gill for two and a half minutes or less.

Go ahead, please.

[Translation]

**Mrs. Marilène Gill:** Thank you, Mr. Chair.

I want to revisit the issue of management with the minister.

Do you believe that several regulatory frameworks can coexist in the same territory and for the same species? Do you think that this situation is beneficial in terms of resource management?

[English]

**Hon. Bernadette Jordan:** What I believe is that we need to find a path forward to implement a first nations right that respects conservation, that respects fishing effort, and that makes sure we address the concerns we're hearing from commercial harvesters. That is what I believe. That underpins everything I do: to make sure that we're moving forward to implement the first nations right to a moderate livelihood but at the same time making sure that the resource is sustainable for the future, making sure that every decision that we make deals with the conservation objectives that we've set for the industry. Right now, lobster is specifically what we're talking about. That is a very healthy stock. We want to make sure it stays that way.

[Translation]

**Mrs. Marilène Gill:** You spoke earlier about situations where people were willing to talk, for example, about what constitutes a moderate livelihood. People are willing to speak and meet with you. The same applies to the issue of management. When non-indigenous and indigenous commercial fishers all agree on the issue of regulations, you'll give your approval. However, I understand that it's difficult, given the current tensions—

[English]

**The Clerk of the Committee (Ms. Nancy Vohl):** Mr. Chair, we lost the sound from Ms. Gill.

**The Chair:** Can you hear us, Madam Gill?

[Translation]

**Mrs. Marilène Gill:** Can you hear me now? I don't know what happened.

[English]

**The Chair:** Yes. Go ahead.

[Translation]

**Mrs. Marilène Gill:** I want to know whether you and your department have considered the possibility of co-management. Everyone would sit at the same table and could talk about their own plans and desires. The same would apply to the department, of course, when it comes to conservation and management.

Have you considered this possibility? You spoke about the future. According to the people we've met, getting everyone to sit at the same table to discuss management would be a solution for the future.

[English]

**Hon. Bernadette Jordan:** With regard to ongoing negotiations, the negotiations with first nations have to be on a nation-to-nation basis. That is between the Government of Canada and the first nations communities.

With regard to making sure that commercial harvesters are heard, we are absolutely engaging with the commercial industry. We also have the special representative who is working with them to bridge gaps, to make sure that he can foster dialogue and make sure he is also hearing from the commercial sector about what has to happen from their perspective. These are all things that are extremely important and will lead into making sure that we have the right path

forward, to making sure that we implement the right but still protect the fishery for the long term.

• (1755)

**The Chair:** Thank you, Madam Gill.

We'll now go to Mr. Johns for two and a half minutes, please, to close it out.

**Mr. Gord Johns:** Thank you, Mr. Chair.

Before I ask a question, just for the record, I find it disappointing and actually appalling that the Conservatives are spending time attacking me on this committee—

**Mr. Chris d'Entremont:** It's because you're irrelevant.

**Mr. Gord Johns:** —and trying to shame Chief Sack.

They haven't even picked up the phone. They haven't even called Chief Sack or the Sipekne'katik people during this whole crisis. Not one Conservative has called them, according to the nation. Instead, it takes an NDP MP, 5,000 kilometres away, to stand up for their safety, the courts of Canada and their inherent and treaty rights. When you talk about relevance, that is relevant.

**Mr. Chris d'Entremont:** What about the local bands?

**Mr. Gord Johns:** Minister, we've heard time and time again in this committee that in order to have a just process, indigenous people often have to break an unjust law. As a result, there's an over-criminalization of indigenous people in the eyes of the public and the government. In reality, it's the government that is refusing to hold up the law, to hold up section 35 of the Constitution, and is not responding when first nations are the victims of domestic terror attacks such as we saw.

Why is it that your government and the Conservative governments that came before are not able to follow the law when it comes to indigenous fishing rights?

**Hon. Bernadette Jordan:** Mr. Johns, I can't speak to the RCMP's investigations. I know there have been charges laid after what happened in St. Marys Bay. I know they are on the ground there now to try to keep tensions down. They will continue to do the work they need to do.

We need to make sure that people are safe. I think that has to be the number one priority for all of us as we go forward. As you and I have had this conversation before, first nations treaty rights are inherent rights that we need to make sure are implemented. I am working diligently to make sure that we find that path forward.

It has been a very difficult few months, there's no question, in terms of how we've seen things happening in St. Marys Bay with regard to vandalism, with regard to the frustrations we see from commercial fishers and from first nations fishers. We want to make sure we're doing everything we can to keep everyone safe and still move forward to make sure that we implement the treaty right.

**Mr. Gord Johns:** Minister, multiple witnesses at this committee have said they don't believe DFO is capable of negotiating in good faith with indigenous fishers on a nation-to-nation basis.

Why is there a perception that DFO can't negotiate? Is there a problem with your mandate or with the resources that DFO has, or are there legislative changes that need to be made?

**Hon. Bernadette Jordan:** We're working with a number of different things. We are also making sure that we include CIRNAC in negotiations. They are at the table with us, with Minister Bennett.

Mr. Johns, as you well know, this is a long-standing issue. This is not something that happened in the last two months. This has happened over successive governments, over many years. We need to do everything we possibly can to move forward, to make sure that we're working with first nations communities, that we are listening to the commercial industry, and that we are going to move forward to make sure we implement a treaty right that was affirmed by the Supreme Court of Canada 21 years ago.

**Mr. Gord Johns:** Mr. Chair, how much time do I have?

**The Chair:** Your time is up, Gord. I'm sorry about that. Two and a half minutes aren't long once you start the clock. We'll close off here.

I want to say a special thank you to the minister and her staff this evening for accommodating us for the full two hours, even though

we were late starting. We really do appreciate your time here at the committee. I want to say a big thank you to all committee members this evening for the congenial way they acted, for the most part. You treated the minister with the utmost respect—I do appreciate that, as chair—and treated all other members with respect. I will close off with that.

I want to say a big thank you to staff, to the clerk, to the analysts, and of course to the wonderful interpreters we use every evening when we have our committee meetings.

I wish everybody on the committee a good evening. Enjoy what's left of your evening. Here in Newfoundland, it's later than anywhere else, so there's not much of the evening left. It's nightfall, and I'm not going to be up much longer.

Again, thanks for everything today. I look forward to seeing everybody again soon.

The committee now stands adjourned.

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