



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **REDUCING THE HARMS CAUSED TO CANADIAN FISH STOCKS BY ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

**Report of the Standing Committee on Fisheries and  
Oceans**

**Ken McDonald, Chair**

**OCTOBER 2024  
44th PARLIAMENT, 1st SESSION**

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**Ken McDonald  
Chair**

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## **NOTICE TO READER**

### **Reports from committees presented to the House of Commons**

Presenting a report to the House is the way a committee makes public its findings and recommendations on a particular topic. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.

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# **THE STANDING COMMITTEE ON FISHERIES AND OCEANS**

has the honour to present its

## **SIXTEENTH REPORT**

Pursuant to its mandate under Standing Order 108(2), the committee has studied the illegal, unreported and unregulated fishing and has agreed to report the following:





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# LIST OF RECOMMENDATIONS

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*As a result of their deliberations committees may make recommendations which they include in their reports for the consideration of the House of Commons or the Government. Recommendations related to this study are listed below.*

## **Recommendation 1**

**That the government move urgently to enact legislation with the direct purpose of eliminating forced labour in Canada’s global supply chains, including the seafood sector..... 19**

## **Recommendation 2**

**That the government ensure that all definitions of illegal, unreported and unregulated fishing used for administrative and policy-making purposes include seafood harvested or processed using illegal labour practices such as forced labour. .... 20**

## **Recommendation 3**

**That Fisheries and Oceans Canada act urgently to implement a full-chain boat-to-plate seafood traceability program as promised in the Minister of Fisheries, Oceans and the Canadian Coast Guard’s 2019 mandate letter and following the recommendations of this Committee in its 2022 report, *Traceability and Labelling of Fish and Seafood Products*. .... 21**

## **Recommendation 4**

**Given that wild Pacific salmon are facing multiple existential threats, the Government of Canada should appropriately prioritize prevention of illegal, unreported and unregulated salmon fishing with sufficient enforcement resources as one key part of a multi-pronged effort to protect these critical species. .... 25**

**Recommendation 5**

Given that the human-made climate crisis is causing waters to warm and changing marine species’ behaviour and population distribution, that the Government of Canada ensure that its illegal, unregulated and unreported fishing enforcement policies are forward-looking and adaptive to meet changing needs. .... 25

**Recommendation 6**

That Fisheries and Oceans Canada determine the degree to which IUU fishing is the result of fishers unable to obtain legal access to the fishery and otherwise deprived of their livelihood due to the high cost of purchasing or leasing licences and/or quota..... 27

**Recommendation 7**

That Fisheries and Oceans Canada determine and report the percentage of the total allowable catch on the West Coast in regulated fisheries that is in the hands of foreign investors and not fished, either because the owners withhold access to the licences and/or quota they own or because they price that access out of reach of fishers..... 27

**Recommendation 8**

That Fisheries and Oceans Canada work on a viable and ambitious transition plan for sustainable fishing..... 27

**Recommendation 9**

That Fisheries and Oceans Canada actually address, with no further delay, the implementation of a plan that ensures predictability in its departmental directions involving fisheries. .... 27

**Recommendation 10**

That, to combat illegal, unreported and unregulated fishing more effectively and to increase understanding of what species are being caught through illegal, unreported and unregulated fishing, Fisheries and Oceans Canada:

- increase their dockside monitoring efforts;

- increase their enforcement efforts; and
- increase the number of species subject to dockside monitoring, such as lobster and other high-value species or species with low abundance. .... 33

**Recommendation 11**

That Fisheries and Oceans Canada begin a significant shift by implementing modern technological and computer systems for data collection, such as a form of digital and standardized catch register and that for threatened species, this register must be declared for all Canadian fishers so that reporting requirements are more standardized across the country..... 33

**Recommendation 12**

That Fisheries and Oceans Canada open indicative fishing for hook-and-line mackerel fishing, and that catch reporting obligations be implemented for all Canadian provinces. .... 33

**Recommendation 13**

That Fisheries and Oceans Canada work with various stakeholders to ensure that traceability is a key factor in targeting and preventing illegal fishing..... 33

**Recommendation 14**

That the appropriate actions be taken by Fisheries and Oceans Canada, as quickly as possible, to implement the recommendations made by the Commissioner of the Environment and Sustainable Development in his ninth report of 2023 on monitoring marine fisheries catch to Fisheries and Oceans Canada..... 33

**Recommendation 15**

That Fisheries and Oceans Canada place considerable and practical emphasis on monitoring fisheries and fish catches using appropriate modern technology and tools to counter illegal, unreported and unregulated fishing as much as possible. .... 34

**Recommendation 16**

**That Fisheries and Oceans Canada actively listen to Indigenous and non-Indigenous fishers, as well as other fisheries stakeholders, so that they collaborate with the department to establish predictable and overarching catch monitoring policies..... 34**

**Recommendation 17**

**That Fisheries and Oceans Canada work alongside fishers and harvesters to ensure data on marine biodiversity and fish stocks is being collected accurately and in a timely and ongoing manner to allow for informed decisions to be made with the data being collected..... 34**

**Recommendation 18**

**That, in light of the critical role played by the Indigenous Fisheries Guardianship Program in Indigenous sovereignty, the Government of Canada fully support the Guardianship Program in achieving its full capacity. .... 35**

**Recommendation 19**

**That Fisheries and Oceans Canada take action to increase the enforcement of the *Fisheries Act* to ensure the illegal poaching of species such as bluefin tuna, lobster, elvers, salmon, and etc., is effectively deterred protecting those aquatic populations and the people who legally harvest them..... 45**

**Recommendation 20**

**That the Government of Canada collaborate with provinces on establishing more effective deterrents to illegal, unreported and unregulated fishing by increasing the certainty of apprehension through better enforcement and supporting provincial efforts to aggressively pursue charges, timely prosecution of accused fishers and sanctions upon convictions that reflect the severity of the fishing offence and related actions that harm the public’s sense of security and confidence in the rule of law..... 45**

**Recommendation 21**

**That given the tight-knit nature of small community societies where IUU fishing is a concern, Fisheries and Oceans Canada consider bringing in enforcement personnel from other communities who will not be subjected to ongoing intimidation as a result of pursuing their duties. .... 46**

**Recommendation 22**

**That Fisheries and Oceans Canada, through regulations, establish that fines for IUU fishing be invested in restoration and conservation of fish stocks that would contribute to the sustainability of fisheries and the communities that rely on sustainable fisheries. .... 46**

**Recommendation 23**

**That the Government of Canada, in collaboration with stakeholders, develop and implement a program to provide financial support to fishers that are affected by fisheries closures or reductions to the total allowable catch. .... 46**

**Recommendation 24**

**That boat-to-plate traceability mechanisms be implemented to certify legally harvested seafood, with charges, prosecutions and penalties established for those found guilty of transporting or processing illegally harvested seafood. .... 46**

**Recommendation 25**

**That Fisheries and Oceans Canada recognize that true reconciliation with First Nations in its role as a regulator involves working alongside First Nations to implement their inherent and treaty rights. .... 52**

**Recommendation 26**

**Where fisheries management decisions may have implications for the inherent or treaty rights of First Nations, including the rights to fish and harvest for Food, Social, or Ceremonial (FSC) reasons or for a moderate livelihood, that Fisheries and Oceans Canada use reasonable efforts to ensure First Nations impacted by such decisions are included in the decision-making processes; and**

**that because First Nations are distinct from other stakeholder groups in that they possess unique constitutionally protected rights which the Government of**



**Canada has a responsibility to uphold, Fisheries and Oceans Canada engage with Nations as partners rather than stakeholders in consultation and high-level decision-making processes. .... 53**

**Recommendation 27**

**That all Fisheries and Oceans Canada personnel who act as liaisons, communicators, or negotiators with First Nations, and specifically DFO Conservation and Protection Officers, be provided with up-to-date information and increased training and education opportunities regarding Indigenous inherent and treaty fishing rights, and the obligations to uphold such rights to ensure those fishing legally are free to do so. .... 53**

**Recommendation 28**

**That Fisheries and Oceans Canada strengthen data collection related to Food, Social and Ceremonial (FSC) fisheries as to get an improved idea of how much is being harvested which can help contribute to conservation and enforcement efforts. .... 53**

**Recommendation 29**

**That Fisheries and Oceans Canada provide clear definitions and clarifications so that court decisions on Indigenous fishing rights are interpreted appropriately. .... 53**

**Recommendation 30**

**That the allotment for Food, Social and Ceremonial (FSC) fishing be determined in a collaborative manner, taking into account the comments and views of Indigenous peoples, in order to prevent inequality between peoples and promote mutual understanding and goodwill between Indigenous and non-Indigenous fishers. .... 53**

**Recommendation 31**

**That, in order to reduce the likelihood of conflict and division, the Government of Canada undertake region-specific public outreach and education campaigns as necessary to:**

- promote public understanding of First Nations inherent and treaty fishing rights;**

- **reduce misinformation; and**
- **promote the shared goals and values of responsibility and accountability in ensuring the sustainability of fisheries. .... 55**

**Recommendation 32**

**That Fisheries and Oceans Canada publicly release all agreements made with First Nations regarding the management of fisheries and the access to fisheries..... 55**





# REDUCING THE HARMS CAUSED TO CANADIAN FISH STOCKS BY ILLEGAL, UNREPORTED AND UNREGULATED FISHING

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## INTRODUCTION

On January 1<sup>st</sup> 2022, the House of Commons Standing Committee on Fisheries and Oceans (the Committee) adopted the following motion:

That Pursuant to Standing Order 108(2) the committee undertake a study examining the scope and effects of illegal, unreported and unregulated fishing (IUU) on Canada’s fisheries resources and the degradation of those resources caused by illegal, unreported and unregulated fishing; that the committee receive witness testimony from the Minister of Fisheries and Oceans, Minister of National Defence, officials from the Department of Fisheries and Oceans and Department of National Defence and Canadians impacted by IUU fishing; that the committee allot no fewer than eight two-hour meetings to receive said testimony; that the committee also accept written briefs from individuals or organizations who wish to submit input; that the committee present its findings with recommendations in a report to the House; and that the motion is without prejudice to [A]boriginal and treaty rights.<sup>1</sup>

Between 21 November 2023 and 1 February 2024, the Committee heard from 33 witnesses, including harvester organizations, First Nations individuals, academics and researchers, non-governmental organizations and departmental officials from Fisheries and Oceans Canada (DFO) and the Canada Border Services Agency (CBSA). Relevant testimony from the Committee’s study, “Plans to prevent violence during the 2024 elver fishing season,”<sup>2</sup> is also included in this report.

This report provides definitions of IUU fishing and describes IUU fishing in international waters and efforts to counter it by the Government of Canada. It then describes the impacts of IUU fishing in Canadian waters on conservation and on coastal communities. The existing domestic measures in place to counter IUU fishing, as well as the challenges

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1 House of Commons Standing Committee on Fisheries and Oceans (FOPO), [Minutes](#).

2 FOPO, [Plans to prevent violence during the 2024 elver fishing season](#).



surrounding their implementation are described. Finally, the implementation of First Nations' Aboriginal and treaty rights in the context of fishing is discussed.

## **A DEFINITION OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING**

According to the Food and Agriculture Organization of the United Nations (FAO), IUU fishing is

a broad term that captures a wide variety of fishing activity. IUU fishing is found in all types and dimensions of fisheries; it occurs both on the high seas and in areas within national jurisdiction. It concerns all aspects and stages of the capture and utilisation of fish, and it may sometimes be associated with organized crime.<sup>3</sup>

Illegal fishing includes activities:

- conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations;
- conducted by vessels flying the flag of States that are parties to a relevant regional fisheries management organisation but operate in contravention of the conservation and management measures adopted by that organisation and by which the States are bound, or relevant provisions of the applicable international law; or
- in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization.<sup>4</sup>

Unreported fishing includes activities:

- which have not been reported, or have been misreported, to the relevant national authority, in contravention of national laws and regulations; or
- [which] are undertaken in the area of competence of a relevant regional fisheries management organisation which have not been reported or have been misreported, in contravention of the reporting procedures of that organisation.<sup>5</sup>

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3 Food and Agriculture Organization of the United Nations, [What is IUU fishing?](#)

4 Ibid.

5 Ibid.

Unregulated fishing includes activities:

- in the area of application of a relevant regional fisheries management organization that are conducted by vessels without nationality, or by those flying the flag of a State not party to that organization, or by a fishing entity, in a manner that is not consistent with or contravenes the conservation and management measures of that organization; or
- in areas or for fish stocks in relation to which there are no applicable conservation or management measures and where such fishing activities are conducted in a manner inconsistent with State responsibilities for the conservation of living marine resources under international law.<sup>6</sup>

In response to a question, Jamie Fox, former Minister of Fisheries and Communities of the Government of Prince Edward Island, appearing as an individual, observed that identifying instances of IUU fishing was within federal jurisdiction: “The provincial boundaries and provincial jurisdiction and authority apply only when a species actually lands on the dock. Anything on the water side of the boat outward is in the complete control of the Department of Fisheries and Oceans and the minister.”<sup>7</sup>

The FAO has described why IUU is a significant concern:

IUU fishing undermines national and regional efforts to conserve and manage fish stocks and, as a consequence, inhibits progress towards achieving the goals of long-term sustainability and responsibility. Moreover, IUU fishing greatly disadvantages and discriminates against those fishers that act responsibly, honestly and in accordance with the terms of their fishing authorizations. If IUU fishers target vulnerable stocks that are subject to strict management controls or moratoria, efforts to rebuild those stocks to healthy levels will not be achieved, threatening marine biodiversity, food security for communities who rely on fisheries resources for protein and the livelihoods of those involved in the sector.<sup>8</sup>

The Committee heard from many witnesses about the impacts of IUU fishing in international waters. Adam Burns, Assistant Deputy Minister of the Programs Sector at DFO, described the threat posed by IUU fishing to the world’s marine resources:

[IUU fishing] can impact Canadians in many ways, including the potential for direct interception of migratory species, such as salmon and tuna, and trade in IUU caught seafood can undermine the legitimate seafood sector. IUU fishing can also result in

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6 Ibid.

7 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

8 Ibid.



harmful impacts to marine ecosystems and to the economic and food security of developing countries and vulnerable coastal communities that rely on small-scale fisheries for survival.

We know that IUU fishing can be connected to global organized crime networks, and it is often associated with forced labour and the mistreatment of crews.<sup>9</sup>

With respect to organized crime, Mark Young, Executive Director of the International Monitoring, Control, and Surveillance (IMCS) Network, told the Committee that part of the reason organized crime is involved in IUU fishing is the value of the catch:

You can see that some of the tuna catch goes for thousands of dollars per fish and the income you can receive for that.

For organized crime, there is also the context of using fishing vessels that appear to be engaged in fishing, but there are opportunities to take advantage of potential arms trafficking or drug trafficking associated with the fishing vessel. Typically, those types of fishing vessels that might be involved with that have a master or owners who do not operate at all times in compliance with fisheries' rules and regulations.<sup>10</sup>

More generally, Mark Young also explained that since “three billion people around the world depend upon fish for food and nutrition, IUU fishing practices threaten food security and sustainability and undermine efforts to reduce global hunger and malnutrition, especially in developing countries.”<sup>11</sup>

Morley Knight, Fisheries Management Consultant, appearing as an individual, explained how illegal fishing may occur in Canada. It occurs in the commercial fishery in two ways:

The first is to cheat on quotas or enterprise allocations and land more fish than permitted by the licence. This is prevalent in such high-value fisheries as crab and halibut. The second common objective is to avoid taxation. This occurs in such high-value fisheries as lobster. While there is no quota to abide by, there is a significant incentive to not report all catch and to avoid being taxed on the income.

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9 Adam Burns, Assistant Deputy Minister, Programs Sector, Fisheries and Oceans Canada (DFO), [Evidence](#), 21 November 2023.

10 Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

11 Ibid.



People who are not licensed to fish may also fish illegally:

Sometimes they do that to sell fish, such as salmon, illegally, or it's for their own food. In some cases, people who don't need the food just want to poach salmon, as an example. Perhaps they're just doing it for recreation.<sup>12</sup>

Many witnesses that appeared for this study used the term "illegal fishing" more broadly and applied it, for example, to unauthorized recreational fishing as well as First Nations groups and individuals asserting that they are exercising an Aboriginal or treaty right to fish.

## **ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN INTERNATIONAL WATERS**

A country's exclusive economic zone extends for 200 nautical miles from its coast. IUU fishing often occurs in international waters far from other vessels or surveillance. Monitoring activities from the sea, air and space are part of the compliance and enforcement activities undertaken by Canada in international waters to enforce the rule of law at sea.<sup>13</sup>

The Committee heard that IUU fishing accounts for between 20 and 30% of seafood caught worldwide, representing a value of up to \$23.5 billion U.S. every year.<sup>14</sup> A study commissioned by Oceana Canada found that "Canadians are spending up to \$160 million a year on imported seafood derived from IUU fishing, including seafood potentially harvested using forced labour."<sup>15</sup> The Committee heard that, in terms of imports to Canada, IUU fishing is most commonly being done by high-seas fleets from China, Taiwan, South Korea and Thailand.<sup>16</sup> Ian Urbina, Director of The Outlaw Ocean Project, described different kinds of IUU fishing being done by boats in the Chinese fleet, including: vessels violating Chinese law and other rules by turning off the transponders that track their locations, often for weeks or months; vessel incursions into waters where they are not licensed or permitted; and using gear that is not permitted. He

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12 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

13 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

14 Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023; and Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

15 Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023.

16 Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023.



added that there are also cases of human trafficking and severe human rights abuses on the vessels themselves.<sup>17</sup>

Adam Burns told the Committee that “Canada plays an active role in the global fight against IUU fishing on three fronts: making international rules more effective, enforcing those rules, and forming partnerships to bring concrete solutions to the problem.”<sup>18</sup>

Adam Burns and Mark Young described Canada as a leader in the global fight against IUU fishing.<sup>19</sup>

## International Cooperation

International, collaborative approaches regarding transboundary issues are particularly important for highly migratory stocks, such as mackerel, squid, salmon or skipjack tuna. Morley Knight explained that international collaboration on the management of highly migratory stocks wherever the species is found is necessary to effectively manage the stock: “[If] one country sweeps it all up when they’re in their jurisdiction, then the stock will collapse.”<sup>20</sup> Regional Fisheries Management Organizations (RFMOs) are useful forums to ensure rules are being followed.<sup>21</sup> Adam Burns provided a summary of the value of RFMOs and Canada’s role as a member of several of them:

Canada has leadership roles in seven regional fisheries management organizations, or RFMOs, which collaboratively manage fisheries resources in specific areas of the high seas. These include the critical work of strengthening, monitoring, control and surveillance measures. Through these organizations, Canada has led the implementation of key new measures within these RFMOs, including the introduction of high seas inspection authorities, greater oversight of the transshipment of fish at sea, and the banning of shark finning and plastic pollution.<sup>22</sup>

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17 Ibid.

18 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

19 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023; and Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

20 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

21 Ibid.

22 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023. Canada is a member of the Northwest Atlantic Fisheries Organization (NAFO), the Inter-American Tropical Tuna Commission (IATTC), the International Commission for the Conservation of Atlantic Tunas (ICCAT), the North Atlantic Salmon Conservation Organization (NASCO), the North Pacific Anadromous Fish Commission (NPAFC), the North Pacific Fisheries Commission (NPFC) and the Western and Central Pacific Fisheries Commission (WCPFC).

The Committee heard that the *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* (PSMA) is another tool to combat IUU at the international level.<sup>23</sup> Mark Young described the PSMA as an important global treaty that becomes more effective as more countries sign up. It includes obligations “associated with sharing information and data for inspections conducted in port, especially when there’s a risk of IUU activity associated with the vessel. It provides opportunities for engagement with the appropriate flag state.”<sup>24</sup> Morley Knight agreed that the PSMA is useful for improving the monitoring and tracking of illegal activity. While the PSMA has not changed what happens to foreign ships when they dock in Canada to a great extent, if “vessels happen to be fishing in proximity to Canada but outside of our 200-mile limit, then we can make the request that wherever the vessel lands to, it gets inspected according to the measures” of the PSMA.<sup>25</sup>

Morley Knight said that there has been a reduction in IUU fishing in Canada’s offshore areas, particularly on the East Coast, compared to the situation in the 1990s before rules made it easier to deter and address IUU fishing. While recognizing the ongoing need for surveillance, he gave the following comparison: “They’re no longer catching and misreporting in truckloads. They’re doing it in bucketfuls.”<sup>26</sup>

Adam Burns described collaboration between Canada and other countries in the fight against IUU fishing. He noted the Shared Ocean Fund is part of the Indo-Pacific Strategy,<sup>27</sup> and

will invest \$84 million over five years within the Indo-Pacific region by increasing maritime co-operation, supporting a healthy marine environment and promoting measures against IUU fishing. This fund will enable partnerships with world-leading

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23 *The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing* is “the first binding international agreement to specifically target illegal, unreported and unregulated (IUU) fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing from using ports and landing their catches.” The PSMA came into force in Canada in 2019. See: FAO, [Agreement on Port State Measures \(PSMA\)](#).

24 Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

25 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

26 Ibid.

27 The Indo-Pacific Strategy aims to promote regional peace, resilience and security; expand trade, investment and supply chain resilience; invest in and connect people; support sustainable development across the region; and expand and deepen Canada’s regional partnerships. See: Global Affairs Canada, [Canada’s Indo-Pacific Strategy](#).



non-governmental organizations that can help overcome the complex jurisdictional challenges posed by IUU fishing.<sup>28</sup>

Under the Shared Ocean Fund, Canada has provided funding to the Joint Analytical Cell, “a group of non-governmental organizations that will work together to deliver high-quality fisheries intelligence, data analysis and capacity support alongside authorities in developing countries.”<sup>29</sup>

## Satellite Monitoring

Witnesses provided information concerning the various ways in which satellite technology is being used to detect IUU. Ian Urbina described automatic identification system (AIS) darkness as when “vessels go invisible or go ‘dark’ by turning off their transponders for long periods of time—often weeks and months.”<sup>30</sup> Minda Suchan, Vice President of the Geointelligence Division at MDA, offered a description of the RADARSAT-2 satellite technology that has been used to monitor fisheries for more than 15 years:

In partnership with Canada’s Department of Fisheries and Oceans and Global Affairs Canada, we have been utilizing our satellite technology to detect vessels engaged in illegal, unreported and unregulated fishing.

Radar satellites can take images of the earth, day or night, through all weather conditions, giving us complete insight into what is happening on our oceans’ surfaces. By combining radar satellite imagery with our maritime insight analytics, we are able to locate and track fishing vessels that have switched off their location transmitting devices in an attempt to evade monitoring, control and surveillance.<sup>31</sup>

DFO’s Dark Vessel Detection program provides a “state-of-the-art satellite surveillance system to support vulnerable developing states in the detection and tracking of potential IUU fishing vessels.”<sup>32</sup> Training on how to use DFO’s Dark Vessel Detection program has

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28 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

29 Ibid. See : Prime Minister of Canada, [Canada supports strong, ambitious international action at the 78th Session of the United Nations General Assembly](#), Background, 21 September 2023.

30 Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023.

31 Minda Suchan, Vice President, Geointelligence Division, MDA, [Evidence](#), 7 December 2023.

32 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

been offered to analysts in the Philippines and Ecuador.<sup>33</sup> The Dark Vessel Detection program is also deployed to support 15 Pacific Island states.<sup>34</sup>

Mark Young cautioned that, while “[t]echnology can help shed light on vessel activities and make vessel tracking more effective,” the technology alone is not very useful without “the ability to integrate these technologies with other fisheries information and to have outputs effectively analyzed by capably trained and knowledgeable fisheries officers.”<sup>35</sup>

## Vessel Patrols

Adam Burns and Morley Knight confirmed that vessel presence and patrols and inspections near the 200-mile limit can be a deterrent for IUU fishing and are an important element in an effective compliance program.<sup>36</sup> In the summer of 2023, Canada “enhanced its monitoring of international waters by conducting its first high seas inspection operations in the north Pacific, patrolling over 12,000 nautical miles and detecting 58 violations of international agreements and over 3,000 illegally harvested shark fins.”<sup>37</sup> Adam Burns told the Committee that Canada works closely with partners, including the United States, Japan and Korea.<sup>38</sup> Minda Suchan told the Committee that ships have been boarded following their identification by radar technology, allowing for IUU fishing to be confirmed and stopped.<sup>39</sup>

Marc Mes, Director General of Fleet and Maritime Services of the Canadian Coast Guard (CCG), explained that the reduction in the number of patrols by CCG ships in the Northwest Atlantic Fisheries Organization Regulatory Area in Atlantic Canada over the last two years was “primarily due” to the fact that CCG ships are going through vessel life

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33 Minda Suchan, Vice President, Geointelligence Division, MDA, [Evidence](#), 7 December 2023.

34 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

35 Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

36 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023; and Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

37 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

38 Ibid.

39 Minda Suchan, Vice President, Geointelligence Division, MDA, [Evidence](#), 7 December 2023.



extension in preparation for the arrival of new vessels. He said that patrols would be back up to normal levels within the next year or so.<sup>40</sup>

## Forced Labour

The Committee heard that forced labour and human rights abuses can occur on fishing vessels.<sup>41</sup> The national targeting centre is CBSA's "targeting centre that applies scenario-based targets, algorithms, intelligence, research and open-source research"<sup>42</sup> to secure Canada's borders. The national targeting centre completes risk assessment of the crews, vessel and the goods entering a Canadian port. An international vessel coming to a Canadian port might be inspected and workers' status confirmed.<sup>43</sup> CBSA works to ensure that "only lawfully employed foreign nationals, Canadians, permanent residents and temporary workers are employed with any potential fishing venture or companies."<sup>44</sup> Risk assessments of commercial vessels with foreign workers often involve verifying that the workers are "appropriately documented and that the employers are employing them lawfully."<sup>45</sup>

Forced labour can also be found in another part of the fisheries supply chain: processing plants. Ian Urbina noted the use of North Korean state-sponsored forced labour or Xinjiang Uyghur state-sponsored forced labour in China's seafood-processing infrastructure.<sup>46</sup> Since large quantities of the fish landed in Canada, or elsewhere around the world, are shipped to China for processing, seafood products resulting from forced labour can be found on Canadian plates.<sup>47</sup> Companies selling seafood processed in China on the Canadian market may be turning a blind eye to the possibility of forced labours in the Chinese supply chain because of lower costs.<sup>48</sup>

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40 Marc Mes, Director General, Fleet and Maritime Services, Canadian Coast Guard, [Evidence](#), 1 February 2024.

41 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023; Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023; Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023; and Mark Young, Executive Director, International Monitoring, Control, and Surveillance (IMCS) Network, [Evidence](#), 1 February 2024.

42 Daniel Anson, Director General, Intelligence and Investigations, CBSA, [Evidence](#), 28 November 2023.

43 Ibid.

44 Ibid.

45 Ibid.

46 Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023.

47 Ibid.

48 Ibid.

Kimberly Elmslie, Campaign Director at Oceana Canada, underscored the urgent need to “enact legislation with the direct purpose of eliminating forced labour in Canada’s global supply chains, including the seafood sector,”<sup>49</sup> which would, in combination with other recommendations she proposed, create safeguards “so that Canadians purchasing seafood are not unknowingly contributing to forced labour or other human rights abuses.”<sup>50</sup> Ian Urbina proposed that the core concerns that will need to be addressed by industry and government players are: “import controls, supply chain tracing and a willingness of companies, be they Canadian, American or any others, to reckon with whether they can actually keep track of the conditions on the vessels or in the processing plants.”<sup>51</sup> He believed a lack of political will or a lack of experience in using existing laws on import controls may be hindering efforts to “stop the import of certain seafood that’s been tied to IUU [fishing] or human rights [abuses].”<sup>52</sup>

### **Recommendation 1**

**That the government move urgently to enact legislation with the direct purpose of eliminating forced labour in Canada’s global supply chains, including the seafood sector.**

Ian Urbina proposed that not considering “sea slavery” and human rights in the processing infrastructure when talking about IUU fishing would mean needing to solve the same problem twice. He added that if “we have a bifurcated, siloed method of tackling IUU that doesn’t include the human conditions, these same concerns within the seafood supply chain are going to come up again in a separate form.” He encouraged the Committee to consider human conditions in the definition of IUU fishing.<sup>53</sup>

### **Recommendation 2**

**That the government ensure that all definitions of illegal, unreported and unregulated fishing used for administrative and policy-making purposes include seafood harvested or processed using illegal labour practices such as forced labour.**

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49 Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023.

50 Ibid.

51 Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023.

52 Ibid.

53 Ibid.





## Traceability and Import Controls

The CBSA works to ensure that “only legal and lawfully declared or fished products are admitted into Canada.”<sup>54</sup> Daniel Anson, Director General of Intelligence and Investigations at the CBSA, described some of the training received by border services officers in relation to IUU fishing. This includes a rummaging course that familiarizes officers with “vessels, patterns, methods of concealment and deep concealment” including areas where contraband or illegally fished or harvested products might be hidden.<sup>55</sup> In addition to the training, operational bulletins are issued “to ensure that frontline officers are attuned to the different types of evolving threats and trends, even if they are economically dependent.”<sup>56</sup> In the case of any product resulting from IUU fishing, the bulletin would include a description of the product and how to identify it.<sup>57</sup>

Kimberly Elmslie emphasized the importance of a “full chain[,] boat-to-plate traceability system for all seafood sold and caught in Canada.”<sup>58</sup> Given that “Canada’s seafood supply chain remains opaque, with weak traceability standards,” Kimberlie Elmslie emphasized that:

When fish derived from illegal, unregulated and unreported sources enters the Canadian supply chain, it undermines our food safety, cheats consumers and the Canadian fishing industry, thwarts efforts to stop overfishing and contributes to human rights abuses.

In Canada, a lack of traceability in seafood supply chains is allowing fish from IUU sources to enter our marketplace. Without traceability, an endangered species of fish caught by forced labour on a vessel fishing illegally can make its way onto Canadian grocery store shelves with no way for consumers to know the truth about its origin.<sup>59</sup>

In addition to countering IUU fishing and the use of forced labour, enhanced traceability would reduce mislabelling of seafood products. The Committee heard that 46% of seafood samples collected in Canadian grocery stores and restaurants for DNA testing by Oceana Canada in the spring of 2021 were mislabelled. Mislabelling can lead to the

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54 Daniel Anson, Director General, Intelligence and Investigations, CBSA, [Evidence](#), 28 November 2023.

55 Ibid.

56 Ibid.

57 Ibid.

58 Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023.

59 Ibid.

unknowing consumption of endangered species or of species that can have adverse health effects.<sup>60</sup>

### Recommendation 3

**That Fisheries and Oceans Canada act urgently to implement a full-chain boat-to-plate seafood traceability program as promised in the Minister of Fisheries, Oceans and the Canadian Coast Guard’s 2019 mandate letter and following the recommendations of this Committee in its 2022 report, *Traceability and Labelling of Fish and Seafood Products*.**

## IMPACTS OF ILLEGAL, UNREPORTED AND UNREGULATED FISHING IN CANADA

### On Biodiversity and Conservation

One of the reasons that IUU needs to be addressed is the impact that it may have on specific fish stocks, which may in turn affect the environment more broadly. In the context of the impacts of IUU fishing on species conservation, several witnesses shared specific concerns about the lobster and Pacific salmon fisheries. Colin Sproul, President of the Unified Fisheries Conservation Alliance, told the Committee that “[c]onservation needs to come first, and ideology and politics after.” With respect to lobster specifically, the Committee heard that

the important thing to point out is not the amount of lobster, but the location where the fisheries are being operated. They’re very important, shallow, warm fishery spawning grounds that haven’t had fishing in them, by a self-imposed rule from lobster fishermen, for more than 100 years, because we’ve understood the importance of those places.

We believe the cumulative effect is not only related to the lobster that’s coming ashore, but also to the damage to breeding females when they’re in such a vulnerable stage around their moult in the summertime.<sup>61</sup>

Ian MacPherson, Executive Director of the Prince Edward Island Fishermen’s Association, explained that:

[C]ertain species, such as herring and rock crab, form the critical foundation of our fisheries in eastern Canada. The collapse of these fisheries would essentially lead to a collapse of many other fisheries that rely on these stocks for survival and their

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60 Ibid.

61 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.



important place in the ecosystem. Any illegal activity around these two fisheries should be treated with heightened severity.<sup>62</sup>

Jesse Zeman, Executive Director of the B.C. Wildlife Federation, told the Committee that the 2023 spawning forecast for two indicator stocks with the interior Fraser steelhead, the Chilcotin and the Thompson, puts them “well inside the extreme conservation concern zone.”<sup>63</sup> He shared that in August 2021, two steelheads, most likely part of the Chilcotin stock which was estimated to have a spawning run of 19 fish at that point, were seized by fisheries officers in the mid-Fraser. IUU fishing meant that “10% of the entire run was killed by one incident that was found by fisheries officers.”<sup>64</sup>

Jesse Zeman also spoke about the impact of declining fish stocks on the environment more broadly:

[W]e’re all interconnected. We need to take care of this resource if we want old growth trees. If we want to take care of grizzly bears, then here in British Columbia we’re going to need salmon in our rivers. Again, in the absence of a properly funded and staffed compliance and protection agency, we really don’t know how much goes missing. We have these cases where people get busted or get fines or end up in court, but I think we’re only really scratching the surface as it relates to IUU. It’s an unknown, it feels like.<sup>65</sup>

In response to a question about whether DFO estimates the amount of IUU removal from a fishery before establishing the total allowable catch, Adam Burns told the Committee that DFO’s “science advice takes into account as much information as it can, and often does include estimates of unreported catch as well in the advice we’re provided.”<sup>66</sup> A follow-up written response from DFO further explained that:

Unaccounted-for catch can be taken into account directly or indirectly depending on the methodology used to assess the stock.

Direct accounting takes place in some models which specify “catch bounds” that allow the model to estimate the true levels of catch based on what we know from the survey information, natural mortality, growth and recruitment in the stock.

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62 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

63 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

64 Ibid.

65 Ibid.

66 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

Indirect accounting occurs in stock assessments where underestimated catch is attributed to natural mortality or to lower productivity (i.e. lower growth and reproductive rates), which adds uncertainty to the stock assessment, and is communicated in the Science advice supporting the TAC decision.

For stocks that are assessed and managed under what is called a “Management Strategy Evaluation,” overages can be estimated and taken into account. In such cases, Harvest Control Rules can be tested under assumptions of fixed overages (e.g. 10% higher catch overage) to ensure the harvest strategy would be sustainable even if catch is underestimated.

Underestimated catch can also be accounted for directly at the decision making stage by “setting aside” amounts of fish from the official TAC.<sup>67</sup>

The Committee also heard about the importance of long-term funding to support salmon:

The bottom line here in Canada is that we need dedicated, long-term funding to take care of our salmon. We currently do not have that. Salmon, quite frankly, do not operate on four-year time scales like our electoral process. When times get tough, the first thing that’s cut is the environment. When times are good, the last thing that gets funding is the environment. Canada really needs to move to a sustainable, long-term funding model that is dedicated to taking care of our fish, wildlife and habitat. Unless we do that, I think things are going to continue to slide.<sup>68</sup>

The Committee heard that climate change is affecting marine species and fish stocks.<sup>69</sup> Ian MacPherson and Jamie Fox proposed that monitoring and enforcement should evolve to follow the shifts in the distribution of fish stocks caused by climate change.<sup>70</sup>

Colin Sproul told the Committee that the fishing industry is starting to link the decline of lobster to the removal of lobster out of season and damage to the breeding stock resource.<sup>71</sup> Murray Ned-Kwilosintun, Executive Director of the Lower Fraser Fisheries

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67 Department of Fisheries and Oceans, [Written Responses to Questions posed on November 21, 2023](#).

68 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

69 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023; Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023; Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023; Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024; and Annette Gibbons, Deputy Minister, DFO, [Evidence](#), 13 February 2024.

70 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023; and Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

71 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.



Alliance, stressed that “processes and structures that are all about harvest and all about socio-economics” make it “pretty hard to protect and conserve salmon.”<sup>72</sup> Conservation of a resource and cultural impacts are connected. He also explained, “[w]hen the salmon disappear, so do our culture and identity.”<sup>73</sup>

Finally, Greg Witzky, Executive Director of the Fraser Salmon Management Council, stressed the importance of Indigenous knowledge in managing fisheries:

Indigenous people have known what to do for 10,000 or more years, since time immemorial. Western science has really, in 150 years, brought us to the brink of extinction and extirpation in a lot of runs. Let’s give [I]ndigenous people their rightful chance to help bring back this resource, which is resilient. They can recover. We just need to give them the chance. Indigenous peoples have in our spirit to make a movement to bring back the salmon. We just all need to do it together.<sup>74</sup>

Murray Ned-Kwilosintun highlighted that the *Pacific Salmon Treaty* does not recognize First Nations as “representatives with authority over their own territories and resources.”<sup>75</sup> He did not believe First Nations participants received sufficient funding to participate effectively at Pacific Salmon Commission meetings.<sup>76</sup>

Based on the testimony summarized above, the Committee recommends:

#### **Recommendation 4**

**Given that wild Pacific salmon are facing multiple existential threats, the Government of Canada should appropriately prioritize prevention of illegal, unreported and unregulated salmon fishing with sufficient enforcement resources as one key part of a multi-pronged effort to protect these critical species.**

#### **Recommendation 5**

**Given that the human-made climate crisis is causing waters to warm and changing marine species’ behaviour and population distribution, that the Government of Canada ensure that its illegal, unregulated and unreported fishing enforcement policies are forward-looking and adaptive to meet changing needs.**

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72 Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024.

73 Ibid.

74 Greg Witzky, Executive Director, Fraser Salmon Management Council, [Evidence](#), 30 January 2024.

75 Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024.

76 Ibid.

## Loss of Access to Fisheries and Loss of Economic Opportunity

The Committee heard that IUU fishing has affected the access to fisheries for those with licences, which in turn limits or negates the economic benefit of their participation. When he appeared in December 2023, Stanley King, then Acting President of the Canadian Committee for a Sustainable Eel Fishery Inc., told the Committee that “[i]llegal harvesting [of elvers] has steadily increased in recent years, but exploded in 2023, when licensed fishers were outnumbered 10 to one by poachers.”<sup>77</sup>

On 11 March 2024, the Hon. Diane Lebovillier, Minister of Fisheries, Oceans and the Canadian Coast Guard announced that elver licences would not be issued for 2024 and the Maritimes Region elver fishery would not be opened.<sup>78</sup> The March 2024 announcement that the elver fishery would not be opened has been a great concern to licence holders. During the Committee’s study, “Plans to prevent violence during the 2024 elver fishing season on 19 March 2024,”<sup>79</sup> Genna Carey, President of the Canadian Committee for a Sustainable Eel Fishery Inc., told the Committee that the cost of cancelling the elver fishery since 2020 to rural communities has been \$100 million.<sup>80</sup> During that same meeting, Zachary Townsend, Fisherman at Shelburne Elver Cooperative, explained that “[w]hen the minister doesn’t cancel the fishery, Shelburne Elver employs up to 50 people. This injects money into rural communities in an economically depressed area.”<sup>81</sup> Zachary Townsend added, “after last year, there were so many people hurting because the fishery was shut down after two weeks. I want to add to the point that many people were barely able to get through to this year because of that shutdown.”<sup>82</sup>

Stanley King and Genna Carey both requested that the Minister of Fisheries, Oceans and the Canadian Coast Guard meet with elver licence holders.<sup>83</sup>

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77 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023

78 Government of Canada, *Statement*, “[Minister Lebovillier’s decision regarding the elver fishery in 2024](#),” 11 March 2024.

79 FOPO, [Plans to prevent violence during the 2024 elver fishing season](#).

80 Genna Carey, President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024.

81 Zachary Townsend, Fisherman, Shelburne Elver Cooperative, [Evidence](#), 19 March 2024.

82 Ibid.

83 Stanley King, Spokesperson, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024; and Genna Carey, President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024.



With respect to the impact of IUU fishing and its importance to Atlantic provinces, Jamie Fox told the Committee that it was a concern for provincial fisheries ministers between 2019 and 2023, and that ministers asked for more collaboration between the Canada Revenue Agency, Royal Canadian Mounted Police (RCMP), DFO and the provinces. He stressed the negative impact on fishers, who are “small businessmen trying to make money for their families. That money is directly spent inside small towns, harbours, cities and stuff. When you take that money out illegally, there is an impact to the Government of Canada, the province itself and also the community.”<sup>84</sup>

Referring to the recent closure of a large lobster processor in Nova Scotia, which was reportedly due to an insufficient amount of product, Colin Sproul stressed the importance of the lobster fishery: “It’s incredibly important to our economies, and to coastal communities, both [I]ndigenous and non-[I]ndigenous. Anything that endangers the resource needs to be taken seriously by the department.”<sup>85</sup>

Jim Mclsaac, Coordinator of the BC Commercial Fishing Caucus, explained that “[t]he entire salmon fishery is pretty much closed here... We’re a shadow of what we used to be as a salmon fishery.”<sup>86</sup> In 2022, despite no commercial fishery being anticipated on the Fraser River, illegal fishing was occurring in the lower part of the Fraser River. He added that DFO had opened the commercial sockeye fishery for six hours, giving “some legitimacy to the illegal sale of fish along the river.”<sup>87</sup>

The Committee also heard about the economic impacts of illegally exported goods:

Illegal exports inherently have all sorts of impacts, such as the loss of revenue, the avoidance of revenue to the consolidated revenue fund for the Government of Canada and also local taxes or provincial taxes that may or may not have been paid. The same circumstance would exist with all trade fraud and trade-based money laundering. There are a lot of revenue evasion methods that are implicit in those types of activities.<sup>88</sup>

For the reasons described above, this Committee recommends:

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84 Ibid.

85 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 5 December 2023.

86 Jim Mclsaac, Coordinator, BC Commercial Fishing Caucus, *Evidence*, 5 December 2023.

87 Ibid.

88 Daniel Anson, Director General, Intelligence and Investigations, CBSA, *Evidence*, 28 November 2023.



### **Recommendation 6**

**That Fisheries and Oceans Canada determine the degree to which IUU fishing is the result of fishers unable to obtain legal access to the fishery and otherwise deprived of their livelihood due to the high cost of purchasing or leasing licences and/or quota.**

### **Recommendation 7**

**That Fisheries and Oceans Canada determine and report the percentage of the total allowable catch on the West Coast in regulated fisheries that is in the hands of foreign investors and not fished, either because the owners withhold access to the licences and/or quota they own or because they price that access out of reach of fishers.**

### **Recommendation 8**

**That Fisheries and Oceans Canada work on a viable and ambitious transition plan for sustainable fishing.**

### **Recommendation 9**

**That Fisheries and Oceans Canada actually address, with no further delay, the implementation of a plan that ensures predictability in its departmental directions involving fisheries.**

## **EXISTING DOMESTIC MEASURES AND THEIR ENFORCEMENT**

### **Monitoring**

Monitoring fisheries is an essential tool for identifying IUU fishing and protecting fish stocks. Neil Davis, Regional Director of the Fisheries Management Branch for the Pacific Region at DFO, explained that in domestic waters on the Pacific coast,

we have overflights monitoring fisheries. We have officers in midshore patrol vessels, and in smaller coastal vessels. As we move towards the coastline, we have at-sea and dockside monitoring programs that fishers themselves are expected to adhere to. All of those things give us some oversight.<sup>89</sup>

Neil Davis also discussed the Observe, Record, Report (ORR) line that was available to harvesters and the public to report alleged violations, which “can support the ability of

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89 Neil Davis, Regional Director, Fisheries Management Branch, Pacific Region, DFO, [Evidence](#), 21 November 2023.



our conservation and protection officers to respond.”<sup>90,91</sup> However, Jesse Zeman shared concerns about the effectiveness of that reporting line, observing that “most of the time, [the reporting line] went to voice mail and, if you were lucky, you would get someone on the line to report it to.” He explained further that DFO biologists were also unable to get through the ORR line when trying to report infractions.<sup>92</sup> In response to these challenges, the B.C. Wildlife Federation developed its own reporting app, which was initially met with resistance by DFO.<sup>93</sup>

Adam Burns discussed work on the electronic logbook program. While the program is mostly voluntary, it is mandatory for some Quebec fisheries. He explained that DFO was considering moving to an entirely electronic logbook system, which would yield “real-time data coming from harvesters to better understand the state of play of a particular fishery and also to make it easier for them to provide us that information.”<sup>94</sup>

Ian MacPherson told the Committee that PEIFA would be launching an electronic log application in the spring of 2024:

The e-log option has been discussed since 2014, but is being used in very few fisheries. There is no clear path for widespread implementation, which puts the investment by groups such as the PEIFA in a position of uncertainty. The time for a detailed implementation path is now, and all harvester groups need to be participants once a fishery is activated for e-logs.<sup>95</sup>

He pointed out that electronic logs for lobster were supposed to be implemented in “2018 or 2019, but it keeps getting moved. It’s a significant capital investment, so it’s very hard to get things implemented if there’s no implementation date.” With respect to whether DFO has a sense of what the combined legal and illegal lobster catch is, Ian MacPherson responded “no.”<sup>96</sup>

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90 Ibid.

91 The Conservation and Protection Program (C and P) at DFO is “responsible for promoting and maintaining compliance with legislation, regulations and management measures to achieve the conservation and sustainable use of Canada’s aquatic resources, and the protection of species at risk, fish habitats and oceans.” Government of Canada, [National Fisheries Intelligence Service](#).

92 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

93 Ibid.

94 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

95 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

96 Ibid.

Some witnesses spoke about the importance of data collection to combat IUU fishing in Canada. Julian Hawkins, Chief Executive Officer of Vericatch, told the Committee, “I can’t think of a better way of helping tackle IUU than getting actual data as to what’s going on. That has to be the core of everything.”<sup>97</sup> He described the benefits of e-logs as follows:

Digital catch reporting through electronic logbooks helps fisheries in quite a few different ways. Obviously, it can reduce the time, the cost and the effort of reliably gathering information as to what is going on. It can empower harvesters and the DFO with real-time information so that they can make good and timely decisions based on actual data. It can help reduce negative impacts—in the fishing business, there can be many—and it can offer proof of origin with regard to the supply chain, which, again, helps tackle IUU.<sup>98</sup>

Jamie Fox explained that “e-logs are a necessary step in assisting both the federal and the provincial governments in the collection of real-time data that will allow more accurate and timely decisions to be made concerning our resources.”<sup>99</sup>

Carl Allen, Vice-President New Brunswick of the Maritime Fishermen’s Union, expressed privacy concerns relating to electronic logbooks and third parties, explaining that

[B]ecause of the proprietary information and the harvesters being concerned how that may be used, certain organizations like the RPPSG [Regroupement des pêcheurs professionnels du sud de la Gaspésie] in the Gaspé, and even the PEIFA, have tried developing their own e-logs, because as member organizations we want to control the information.”<sup>100</sup>

With respect to electronic logbooks, third parties and privacy, Julian Hawkins explained, however, that data was securely stored on servers in Canada, and that their privacy policy was compliant with federal and provincial laws.<sup>101</sup>

Dockside monitoring is another catch monitoring tool that was discussed by witnesses. Ian MacPherson proposed that hiring guidelines for dockside monitors could be modified to reflect the “current climate of labour shortages” by reducing the educational requirements or the restrictions on crew members or fishers that hold licences that are

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97 Julian Hawkins, Chief Executive Officer, Vericatch, [Evidence](#), 1 February 2024.

98 Ibid.

99 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

100 Carl Allen, Vice-President, New Brunswick, Maritime Fishermen’s Union, [Evidence](#), 12 December 2023.

101 Julian Hawkins, Chief Executive Officer, Vericatch, [Evidence](#), 1 February 2024.



not currently being fished.<sup>102</sup> Morley Knight emphasized the importance of dockside monitoring for lobster, which “is the most lucrative fishery in Canada. Almost all quota fisheries have a dockside monitoring program [DMP], but lobster does not. Industry will resist, but an effective DMP would resolve most of the current problems in the lobster fishery.”<sup>103</sup> He further explained the benefits of such a program:

I think the DMP is an essential link with the other tools in place in the fishery. For example, lobster harvesters are required to complete logbooks, and purchasers—whether they’re buyers or processors—are required to complete purchase slips and report landings to provincial and/or federal officials. The opportunity to tie that all together comes with the dockside monitoring program, which ensures, through a third party verification system, that all landings are reported and cash sales aren’t occurring without the proper documentation.<sup>104</sup>

Melanie Sonnenberg, President of the Canadian Independent Fish Harvester’s Federation, however, disagreed that dockside monitoring was the solution to IUU lobster fishing, explaining that “[p]eople who are fishing illegally are not going to be caught through a DMP process, particularly in a fishery that uses control efforts like the lobster fishery,” and that “the people who are using illegal methods are trying to hide from something, and usually it’s from reporting to CRA.”<sup>105</sup>

In a brief submitted to the Committee, Alan Joseph Clarke, who worked with DFO in various capacities for 35 years, also disagreed with dockside monitoring for lobster, explaining that “the scope and operational magnitude of the inshore lobster fishery in Southwest Nova would make DMP of inshore lobsters an extremely expensive and almost impossible operational task.”<sup>106</sup>

Effective monitoring tools, such as e-logs and dockside monitoring, contribute to reliable traceability systems. Stanley King explained to the Committee that Maine has a traceability system for its elver fishery, which uses swipe cards and helps to identify fish that have been harvested illegally: “We know, from the time the fish are caught at the

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102 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

103 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

104 Ibid.

105 Melanie Sonnenberg, President, Canadian Independent Fish Harvester’s Federation, [Evidence](#), 12 December 2023.

106 Alan Joseph Clarke, [Brief to the Standing Committee on Fisheries and Oceans](#), 19 January 2024.

river, when they're swiped in, who they're sold to and who buys them again. [...] The traceability issue, the chain of custody, is always transparent."<sup>107</sup>

Appearing during the Committee's study, "Plans to prevent violence during the 2024 elver fishing season on 19 March 2024,"<sup>108</sup> Stanley King told the Committee that Maine took less than one year to have its traceability system for elvers in place.<sup>109</sup> He explained that Maine has also partnered with a number of First Nations and "made it a group problem. Everybody wants this fishery to run smoothly, because it benefits everybody."<sup>110</sup> He also shared that elver fishers have been consistently asking for such a system to be implemented in Canada:

We've been asking the DFO for a traceability system for 10 years. That's 10 full years of asking repeatedly if we can please have a traceability system, so that is first and foremost. We have just now initiated an industry-funded pilot project that we hope will get off the ground, but again, that's our idea. We've put this forward; the DFO has really done nothing.<sup>111</sup>

Appearing in the context of the Committee's study, "Plans to prevent violence during the 2024 elver fishing season," Annette Gibbons, Deputy Minister of DFO, agreed that a traceability system for elvers was important:

A traceability system and regulations on possession along the supply chain really go hand in hand. The regulations are what will give us the additional enforcement authorities to prohibit the possession of elvers. The traceability system will allow us to be able to track what is happening across the supply chain.

We need those two pieces. We've been working very hard on it and have made very good progress on the regulations, but there's still work to do.<sup>112</sup>

Kimberly Elmslie recommended that DFO "[i]mplement a full-chain boat-to-plate traceability system for all seafood sold and caught in Canada [...] For domestic stocks,

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107 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023.

108 FOPO, [Plans to prevent violence during the 2024 elver fishing season](#).

109 Stanley King, Spokesperson, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024.

110 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023.

111 Ibid.

112 Annette Gibbons, Deputy Minister, DFO, [Evidence](#), 13 February 2024.



DFO should report on performance and management decisions for all stocks.”<sup>113</sup> She described an “implementation gap” within DFO where very good policies developed by the department are not being implemented and gave the example of the *Fisheries Monitoring Policy* as an “excellent policy” that “hasn’t been implemented yet.”<sup>114</sup> The November 2023 report by the Commissioner of the Environment and Sustainable Development on monitoring marine fisheries catches also noted implementation gaps.<sup>115</sup> That report concluded that “Fisheries and Oceans Canada remained unable to collect the dependable and timely catch data that it needs to sustainably manage commercial marine fisheries and protect Canada’s fish stocks.”<sup>116</sup>

Ghislain Collin, President of the Regroupement des pêcheurs pélagiques professionnels du sud de la Gaspésie, shared how the variation in reporting requirements between provinces can disadvantage provinces with greater requirements: “No catch-reporting measures are in force in the other provinces, except for trawler fleets. The Quebec fishery is highly regulated. Hail-ins, logbooks and dockside weighing are a part of commercial fishers’ everyday lives in Quebec.”<sup>117</sup>

Based on the evidence summarized above, this Committee recommends:

#### **Recommendation 10**

**That, to combat illegal, unreported and unregulated fishing more effectively and to increase understanding of what species are being caught through illegal, unreported and unregulated fishing, Fisheries and Oceans Canada:**

- **increase their dockside monitoring efforts;**
- **increase their enforcement efforts; and**
- **increase the number of species subject to dockside monitoring, such as lobster and other high-value species or species with low abundance.**

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113 Kimberly Elmslie, Campaign Director, Oceana Canada, [Evidence](#), 12 December 2023.

114 Ibid.

115 See: Commissioner of the Environment and Sustainable Development, [Report 9—Monitoring Marine Fisheries Catch—Fisheries and Oceans Canada](#).

116 Ibid.

117 Ghislain Collin, President, Regroupement des pêcheurs pélagiques professionnels du sud de la Gaspésie, [Evidence](#), 7 December 2023.

**Recommendation 11**

**That Fisheries and Oceans Canada begin a significant shift by implementing modern technological and computer systems for data collection, such as a form of digital and standardized catch register and that for threatened species, this register must be declared for all Canadian fishers so that reporting requirements are more standardized across the country.**

**Recommendation 12**

**That Fisheries and Oceans Canada open indicative fishing for hook-and-line mackerel fishing, and that catch reporting obligations be implemented for all Canadian provinces.**

**Recommendation 13**

**That Fisheries and Oceans Canada work with various stakeholders to ensure that traceability is a key factor in targeting and preventing illegal fishing.**

**Recommendation 14**

**That the appropriate actions be taken by Fisheries and Oceans Canada, as quickly as possible, to implement the recommendations made by the Commissioner of the Environment and Sustainable Development in his ninth report of 2023 on monitoring marine fisheries catch to Fisheries and Oceans Canada.**

**Recommendation 15**

**That Fisheries and Oceans Canada place considerable and practical emphasis on monitoring fisheries and fish catches using appropriate modern technology and tools to counter illegal, unreported and unregulated fishing as much as possible.**

**Recommendation 16**

**That Fisheries and Oceans Canada actively listen to Indigenous and non-Indigenous fishers, as well as other fisheries stakeholders, so that they collaborate with the department to establish predictable and overarching catch monitoring policies.**

**Recommendation 17**

**That Fisheries and Oceans Canada work alongside fishers and harvesters to ensure data on marine biodiversity and fish stocks is being collected accurately and in a timely and**



**ongoing manner to allow for informed decisions to be made with the data being collected.**

## Indigenous Guardians

The Committee heard about Indigenous guardians in the context of fisheries. Adam Burns explained that “Aboriginal fisheries guardians are an important part of reconciliation, and, certainly, we have some really good examples where that system is working well. It is an area that the department is seeking to expand.”<sup>118</sup> He explained that the roles that can be performed by these guardians include monitoring and some enforcement activities.<sup>119</sup>

Trevor Russ, Director of Policy and Programs at Coastal First Nations – Great Bear Initiative, explained that, in addition to research partnerships, their member nations’ guardian programs monitor a marine territory for illegal activity.<sup>120</sup> He noted, however, that guardian programs face challenges due to funding: “There’s very minimal support for our communities. They’re always challenged to find the financial resources to carry out the entirety of the work, but they work very hard with the limited access to resources they have.”<sup>121</sup>

Trevor Russ offered some specifics about how guardians monitor:

If the commercial fishers are coming in, typically the guardians will attend the off-load, and they’ll record the catch that’s coming in. If it’s a dual fishery, they’ll record both the commercial catch and the rights-based access catch.

The other part that is monitored is more on a voluntary basis, which is referenced on the recreational side. Because they don’t have any enforcement authorities, it’s really just a question that’s asked and the fisher has to be willing to share their information.<sup>122</sup>

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118 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

119 Ibid.

120 Trevor Russ, Director, Policy and Programs, Coastal First Nations - Great Bear Initiative, [Evidence](#), 30 January 2024.

121 Ibid.

122 Ibid.



## Recommendation 18

**That, in light of the critical role played by the Indigenous Fisheries Guardianship Program in Indigenous sovereignty, the Government of Canada fully support the Guardianship Program in achieving its full capacity.**

## Enforcement

### Enforcement Activities

Doug Wentzell, Regional Director General of the Maritimes Region at DFO, explained to the Committee that unauthorized fishing activity in Canada is subject to enforcement, and that DFO works with the Canadian Coast Guard, the RCMP and other agencies to address unauthorized fishing activities.<sup>123</sup> Fishery officers rely on a range of tools in the context of unauthorized fishing, with education lying at one end of spectrum and seizure, arrest and the laying of charges at the other.<sup>124</sup>

Regarding the enforcement of lobster fishery regulations, Doug Wentzell told the Committee that in Lobster Fishing Area 34, 1,200 traps and 3 vessels were seized in the summer of 2023. There were 15 arrests and six active investigations. Regarding the elver fishery, he said that over 100 arrests were made in 2023.<sup>125</sup>

Committee members asked a number of questions relating to training for Conservation and Protection officers. Adam Burns explained that time is spent “reviewing the policies and procedures and ensuring that the direction [Conservation and Protection officers are] receiving from their chain of command is being provided to them in an appropriate way.”<sup>126</sup> He also stated that DFO is “ensuring that the rules and the lay of land are clear to them and that they’re adequately resourced with the appropriate tools, as well as the appropriate ongoing training.”<sup>127</sup>

Committee members also asked whether there had been any direction to Conservation and Protection officers not to intervene in certain circumstances. Adam Burns told the Committee that “no direction was given to the conservation and protection

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123 Doug Wentzell, Regional Director General, Maritimes Region, DFO, [Evidence](#), 21 November 2023.

124 Ibid.

125 Ibid.

126 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 1 February 2024.

127 Ibid.



organization. Their responsibility is to enforce the *Fisheries Act*,<sup>128</sup> and, in instances where unauthorized fishing is occurring, they take the appropriate action.”<sup>129</sup> With respect to laying charges against individuals, he explained that that determination is made by the Public Prosecution Service (PPS) but that Conservation and Protection works with PPS “through a regional charge review committee that reviews the case report [...] to try to meet its information needs so that they can properly and adequately assess public interest and the likelihood of a successful outcome.”<sup>130</sup>

Adam Burns also explained that DFO was working with provincial counterparts to address the issue of unreported cash sales, primarily in the lobster industry, “to ensure that all lobster catches are being reported to the department and that the provinces are then able to track the onward movement of that product in the supply chain.”<sup>131</sup> As Annette Gibbons explained in the context of the elver fishery,

[c]urrently, DFO only has the right to regulate what happens on the rivers, that is to say the fishery itself. However, we don’t have the authority to intervene in the subsequent trade of these catches. So, if we see something, but we can’t determine where it came from, it’s difficult to intervene.<sup>132</sup>

## Need for Improved Enforcement

In contrast to information provided by DFO officials that Conservation and Protection officers were well-equipped and adequately resourced to enforce the *Fisheries Act*, a number of witnesses described events that demonstrated that enforcement at times was lacking. While IUU fishing of lobsters and Pacific salmon were discussed, much of the testimony relating to enforcement of the *Fisheries Act* related to elvers and the frustrations of witnesses that emphasized a lack of enforcement in relation to alleged illegal activity. Jamie Fox acknowledged that stakeholders have alleged over the last two to three years that IUU fishing has been taking place in the St. Marys Bay lobster fishery and in the elver fishery in the Maritimes.<sup>133</sup>

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128 [Fisheries Act](#), R.S.C., 1985, c. F-14.

129 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

130 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 1 February 2024.

131 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

132 Annette Gibbons, Deputy Minister, DFO, [Evidence](#), 13 February 2024.

133 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

Witnesses shared examples of potentially black-market Pacific salmon being dumped due to spoilage,<sup>134</sup> sockeye salmon being sold from pickup trucks and advertised on Facebook prior to the commercial fishery being opened,<sup>135</sup> the seizure of 8,000 illegally caught lobster in St. Marys Bay,<sup>136</sup> and numerous incidents involving elvers.<sup>137</sup>

With respect to enforcement, Jesse Zeman spoke about a shift in Conservation and Protection at DFO:

The agency seems to be rapidly moving from on-the-ground people who are passionate about fish and resource conservation to an agency that is being filled with managers from other ministries and other agencies, most notably Canada Border Services Agency. As it relates to culture, this has not gone over well. Combined with poor wages and a shifting culture, you will likely find a number of officers on leave, high turnover and, most importantly, reduced performance as it relates to conserving and protecting our fish resources. Former officers with decades of experience report that morale within the agency is the worst it's ever been.

This year I'm aware that nighttime patrols and boat and helicopter patrols were significantly reduced on the lower and mid-Fraser. The outcome of this lack of a presence on the river will be increased illegal activity. Typically, in past years officers would remove or seize 300 to 400 nets. This year, given the lack of presence on the river, I would expect the number of nets seized and removed to be way down.<sup>138</sup>

Jesse Zeman also pointed out that “[i]f we’re not resourcing these things, or if we’re cutting back on them, we’re not going to catch people engaging in illegal activity,”<sup>139</sup> and that enforcement relating to IUU fishing “needs to be focused on the ground. Admin time and spending time in an office does not help to get a presence out on the river or out on the ocean.”<sup>140</sup>

The Committee also heard that enforcing fisheries, particularly lucrative fisheries, can place enforcement officers at risk of violence. For example, Morley Knight told the

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134 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

135 Jim Mclsaac, Coordinator, BC Commercial Fishing Caucus, [Evidence](#), 5 December 2023.

136 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

137 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023; Stanley King, Spokesperson, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024; and Genna Carey, President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 19 March 2024.

138 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

139 Ibid.

140 Ibid.



Committee that the volatility of a situation can mean that officers are directed to observe and report, rather than enforce.<sup>141</sup>

In the Pacific salmon context, Jim McIsaac pointed to the division of powers between levels of government as another challenge to enforcement:

We have this split jurisdiction between managing fisheries and managing processing and the markets. That creates a complicated kind of milieu in which to deal with some of the issues.

In the case of salmon, if DFO is managing the fishery and the fish are all over the market, what is the province supposed to do? Is it supposed to go out there and stop the sale of that fish, when it's not the one that is regulating the actual fishery? It's a really mixed bag here.<sup>142</sup>

He also shared an example of poor decision-making in the context of enforcement which was described in a media article on “illegal” tuna fishing, in which \$130,000 worth of tuna were confiscated:

Some very important facts were left out of that media article. The fisherman had legally fished tuna for over a decade, had purchased a \$1,500 tuna logbook just before going out and hailed out to DFO prior to leaving for tuna fishing. He had been fishing for almost a month and was heading in to deliver when DFO approached the vessel. In the rush to go fishing, the fisherman forgot to buy a \$32 annual tuna licence tab.<sup>143</sup>

Also on the West Coast, Greg Witzky explained that in the context of IUU fishing, First Nations in British Columbia were concerned about enforcement and the recreational fishery:

DFO enforcement monitoring of the rec fishery does not effectively cover the vast open waters where over 300,000 of these rec fishers are free to roam as they see fit. There are many anecdotal reports of sport fishers never even seeing a single fisheries officer or a dockside observer during the entire season, which can be open for 12 months in many cases and in many areas.

[...]

There are currently no regulations in place that limit the amount of chinook that the rec fishers are allowed to catch and release. In recent years, that amount has significantly increased, yet DFO insists upon giving increased access to rec fishers

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141 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

142 Jim McIsaac, Coordinator, BC Commercial Fishing Caucus, [Evidence](#), 5 December 2023.

143 Ibid.

without having the appropriate technical data and monitoring activities needed to support those openings.<sup>144</sup>

He recommended that recreational fisheries “be reduced and allowed only in certain coastal areas where the local wild stocks are strong or there are some small hatcheries that can support it.”<sup>145</sup> Murray Ned-Kwilosintun echoed concerns about the impact of recreational fishing, noting that “[r]ecreational catch and release fisheries resulted in significant chinook and coho mortality, the very same fish we’re trying to conserve for the Fraser River.”<sup>146</sup>

A lack of coordination and information sharing between federal departments and agencies in relation to IUU fishing further complicates the issue. Jesse Zeman told the Committee that based on information from DFO, it works together with CBSA, but he did not know whether the RCMP was aware of illegally harvested fish.<sup>147</sup> The CBSA officials who appeared before Committee on 28 November 2023 were not aware that the elver fishery had been closed, although Daniel Anson stated that CBSA regional resources may have been aware of the closure.<sup>148</sup> Stanley King added, “I don’t blame the CBSA officials so much, because they should be informed by DFO [Conservation and Protection] on what to look for and at what time of year; they should sort of be tipped off so they can do their job more effectively.”<sup>149</sup>

During the Committee’s study, “Plans to prevent violence during the 2024 elver fishing season,” Dominic Mallette, Regional Director General, Atlantic Region, Canada Border Services Agency, told the Committee that “[t]he CBSA is actively working to prevent the export of illegally caught elvers. There are currently no licences, permits or certificates prescribed in any OGD [other government department] legislation that must be presented or verified at the border in order to export fish, including elvers, from Canada.”<sup>150</sup> Brent Napier, Acting Director General of Conservation and Protection at DFO, told the Committee that there are elvers that are legitimately transported through

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144 Greg Witzky, Executive Director, Fraser Salmon Management Council, [Evidence](#), 30 January 2024.

145 Ibid.

146 Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024.

147 Jesse Zeman, Executive Director, B.C. Wildlife Federation, [Evidence](#), 28 November 2023.

148 Cathy Toxopeus, Director General, Commercial Programs, CBSA, [Evidence](#), 28 November 2023;  
Daniel Anson, Director General, Intelligence and Investigations, CBSA, [Evidence](#), 28 November 2023.

149 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#),  
7 December 2023.

150 Dominic Mallette, Regional Director General, Atlantic Region, CBSA, [Evidence](#), 19 March 2024.



Canada from, for example, the Caribbean.<sup>151</sup> Dominic Mallette explained that regulations currently being developed by DFO “would specifically address the co-mingling of legally fished elvers in Canada and those that are imported. It would ensure they remain separate. It would provide [CBSA] with a great deal of clarity about which one is which and how [CBSA] can enforce accordingly.”<sup>152</sup> Dominic Mallette also told the Committee that CBSA is a member of an interdepartmental fish and seafood traceability task force, which is led by DFO. IUU fishing will be addressed as part of that task force.<sup>153</sup>

Jamie Fox also highlighted the importance of improving coordination and collaboration between departments when he described an incident relating to a protest at the Souris wharf:

How did we deal with that, as it came towards us? It puts a lone officer in a situation that’s not very comfortable. I think that when departments and agencies work together on intelligence-gathering, and when incidents happen, they can come together as a unified body. That helps. However, conservation officers need to know the circumstances around them and be educated about what is actually happening on the ground.<sup>154</sup>

He also emphasized that improving collaboration between departments includes intelligence gathering and sharing, pointing to “a disconnect between the regional office of DFO and the headquarters bunch on what’s happening on the ground area and what’s needed on the ground area or in the fishery itself.”<sup>155</sup> He stressed that Prince Edward Island used to have a strong intelligence-gathering mechanism, including DFO Conservation and Protection, RCMP and municipal police departments, and that “information was immediately passed on.”<sup>156</sup>

With respect to a decreased Conservation and Protection presence on the water, Jamie Fox said that in the past, “[t]he DFO officers were on the wharves a lot more. [...] We did a lot more checks and department checks in different points of Prince Edward Island to find out where fish and different species of animals were going,”<sup>157</sup> and that “there

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151 Brent Napier, Acting Director General, Conservation and Protection, DFO, [Evidence](#), 1 February 2024.

152 Dominic Mallette, Regional Director General, Atlantic Region, CBSA, [Evidence](#), 19 March 2024.

153 Ibid.

154 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

155 Ibid.

156 Ibid.

157 Ibid.

appear to be fewer conservation officers actually on the road doing enforcement or checks than there were in the past.”<sup>158</sup>

With respect to enforcement in the lobster fishery, Colin Sproul told the Committee that:

On July 11, the director of conservation and protection for the maritime region told CBC News that “[Conservation and protection] is very well equipped to enforce the lobster fishery upcoming,” in reference to the FSC fishery. He went on, “In terms of our capability to adequately monitor compliance of [FSC licences] this summer, I can assure you that [C and P] does have resources to do that effectively in areas such as St. Marys Bay.”

Yet, despite all of these assurances, on August 30, at the Nova Scotia-New Brunswick border, authorities seized more than 8,000 lobsters from St. Marys Bay. Revealingly, this was not due to investigative efforts by DFO, but because the truck carrying the lobsters broke down at the provincial border scale and suspicious officials there reported it. Also, this fall, the [Unified Fisheries Conservation Alliance] conducted overflights of Saulnierville harbour. On October 5, we observed approximately 25,000 pounds of lobster crated for sale and floating in the harbour and, on October 13, another 12,000 pounds.<sup>159</sup>

Colin Sproul also shared the impact that the perceived lack of enforcement has had on attitudes towards Conservation and Protection officers as revealed by a Nanos poll, explaining that “67% of harvesters in the Maritimes said that they view current DFO management as a threat to the future of their fisheries.”<sup>160</sup> He told the Committee that this had led to “a lack of respect on the water for frontline DFO C and P staff, which is not their fault, and it makes their jobs really difficult.”<sup>161</sup>

With respect to elvers, Doug Wentzell acknowledged some of the enforcement challenges: “This elver fishery, while it is along the rivers, presents a number of unique challenges given how lucrative it is and how the elvers are shipped out of the country.”<sup>162</sup> Elver licence holders went into significant detail about events surrounding the tumultuous elver fishery. Stanley King told the Committee the lack of enforcement encourages poachers:

In 2023, DFO estimates that 45% of the overall quota was stolen by unlicensed harvesters, yet enforcement efforts to curb this poaching were noticeably absent.

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158 Ibid.

159 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 5 December 2023.

160 Ibid.

161 Ibid.

162 Doug Wentzell, Regional Director General, Maritimes Region, DFO, *Evidence*, 21 November 2023.



Among these poachers are bad actors, backed by organized crime. Our normally peaceful industry has recently seen kidnapping, robbery, assault, gun violence and an overall disruption to the peace.

[...]

Licence-holders have made countless reports of poaching and provided DFO with vehicle descriptions, licence plate numbers, the names of reported buyers, the addresses of reported holding facilities, and even flight details for upcoming export shipments of black-market fish. DFO enforcement took no action on these tips.<sup>163</sup>

He painted a bleak picture of the operation of the elver fishery:

[China has] partnered with organized crime and criminals. They will show up with bags of cash for black-market transactions, and they have basically undermined our fishery and our local economy. They're stealing tax dollars. They're stealing jobs. Our fisheries are getting shut down. The criminal element has basically threatened and intimidated a lot of the legal fishers to quit.

[...]

One fisher for us, who has been fishing for 15 years, has two small children under five. She makes her yearly salary in this industry, and has for 15 years, but she will not return to work this year, because she said it's too dangerous and she has to keep her kids in mind.

We have this transnational organization. It's global crime, and nobody will pay attention to it. We call the RCMP; we give tips and we call DFO's C and P—the enforcement wing of DFO—and nobody will do anything.<sup>164</sup>

Stanley King also told the Committee that:

- conservation and Protection officers were not checking licences or identification;
- for six rivers that the Canadian Committee for a Sustainable Eel Fishery Inc. monitors, there was no enforcement either prior to the opening of the fishery in 2023 or while it was open; and

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163 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., *Evidence*, 7 December 2023.

164 Ibid.



- trucks of individuals suspected to be engaging in illegal activity could have been seized.<sup>165</sup>

Solutions proposed to address enforcement gaps included focusing on the market for illegal products<sup>166</sup> and increasing Conservation and Protection resources in areas seen to have high levels of IUU fishing.<sup>167</sup> Melanie Sonnenberg emphasized the need for more Conservation and Protection resources, telling the Committee that “DFO does not have the capacity to fully enforce the current suite of regulations,” and that “[w]ithout them being well resourced, we’re never going to get to the root of the problem. Having good presence on the water, sound and reliable vessels on the water... All of that is super important in dealing with IUU.”<sup>168</sup> Jamie Fox highlighted DFO funding, explaining that DFO “must be adequately funded and staffed so that this important enforcement work can be carried out.”<sup>169</sup> Stanley King agreed that enforcement was key but wondered if it was “easier said than done.”<sup>170</sup>

Finally, Morley Knight told the Committee that “education and stewardship are key elements of the Conservation and Protection program,” and that the program “needs to collaborate closely with harvesters on what the priorities are and on how to gain compliance in their area.”<sup>171</sup>

In addition to improving enforcement, the Committee heard that increasing penalties would be a considerable deterrent. For example, Jamie Fox told the Committee that:

Fines for infractions must be increased to levels that truly deter individuals or companies from continuing illegal practices. Currently, some fines and penalties are considered to be a cost of doing business. Financial penalties and reduced fishing or

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165 Ibid.

166 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

167 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023; Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

168 Melanie Sonnenberg, President, Canadian Independent Fish Harvester’s Federation, [Evidence](#), 12 December 2023.

169 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

170 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023.

171 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.



buying days could be ways to send a strong message to offenders that those types of activities will not be tolerated.<sup>172</sup>

Ian MacPherson echoed the sentiment that low fines are seen as the cost of doing business, which is why their organization has “advocate[d] for higher fines, stiffer fines, suspensions and whatever it takes to send a strong message.”<sup>173</sup> Stanley King made the following observation about a \$500 fine for poaching elvers: “You have to consider that they can go out and make \$10,000, \$15,000, \$20,000 in a single night—sometimes more. Who wouldn’t pay \$500 gladly if they were caught and convicted? We need real penalties.”<sup>174</sup>

Ian MacPherson proposed that fines could be increased as a proportion of a vessel’s revenue, and that “there should be more stringent consequences for repeat offenders. This should include a decrease in fishing days in the current or future seasons. Available hardware such as on-board cameras could assist in stopping repeat offenders.”<sup>175</sup> Melanie Sonnenberg also pointed to loss of fishing days as a strong deterrent.<sup>176</sup>

Acknowledging that this would be an area of provincial jurisdiction, both Jamie Fox and Ian MacPherson supported increasing fines for plants or buyers involved in illegal products.<sup>177</sup> Another solution proposed by Ian MacPherson that falls within provincial jurisdiction would be provincial alignment of fines for illegal activities.<sup>178</sup> He explained that “a fine in Prince Edward Island might be \$1,000 for an infraction, and it might be \$200 in Nova Scotia. We share lots of waters, so that could encourage activity in a different area.”<sup>179</sup>

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172 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

173 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

174 Stanley King, Acting President, Canadian Committee for a Sustainable Eel Fishery Inc., [Evidence](#), 7 December 2023.

175 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

176 Melanie Sonnenberg, President, Canadian Independent Fish Harvester’s Federation, [Evidence](#), 12 December 2023.

177 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023; Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

178 Ian MacPherson, Executive Director, Prince Edward Island Fishermen’s Association, [Evidence](#), 30 November 2023.

179 Ibid.

Jamie Fox proposed that fines be used to support conservation.<sup>180</sup> Finally, Melanie Sonnenberg emphasized the importance of consulting harvester organizations as deterrents are developed.<sup>181</sup>

For the reasons described above, this Committee recommends:

**Recommendation 19**

**That Fisheries and Oceans Canada take action to increase the enforcement of the *Fisheries Act* to ensure the illegal poaching of species such as bluefin tuna, lobster, elvers, salmon, and etc., is effectively deterred protecting those aquatic populations and the people who legally harvest them.**

**Recommendation 20**

**That the Government of Canada collaborate with provinces on establishing more effective deterrents to illegal, unreported and unregulated fishing by increasing the certainty of apprehension through better enforcement and supporting provincial efforts to aggressively pursue charges, timely prosecution of accused fishers and sanctions upon convictions that reflect the severity of the fishing offence and related actions that harm the public's sense of security and confidence in the rule of law.**

**Recommendation 21**

**That given the tight-knit nature of small community societies where IUU fishing is a concern, Fisheries and Oceans Canada consider bringing in enforcement personnel from other communities who will not be subjected to ongoing intimidation as a result of pursuing their duties.**

**Recommendation 22**

**That Fisheries and Oceans Canada, through regulations, establish that fines for IUU fishing be invested in restoration and conservation of fish stocks that would contribute to the sustainability of fisheries and the communities that rely on sustainable fisheries.**

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180 Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island, As an individual, [Evidence](#), 30 November 2023.

181 Melanie Sonnenberg, President, Canadian Independent Fish Harvester's Federation, [Evidence](#), 12 December 2023.



### Recommendation 23

**That the Government of Canada, in collaboration with stakeholders, develop and implement a program to provide financial support to fishers that are affected by fisheries closures or reductions to the total allowable catch.**

### Recommendation 24

**That boat-to-plate traceability mechanisms be implemented to certify legally harvested seafood, with charges, prosecutions and penalties established for those found guilty of transporting or processing illegally harvested seafood.**

## IMPLEMENTING FIRST NATIONS' ABORIGINAL AND TREATY RIGHTS

A number of witnesses emphasized that uncertainty and a lack of clarity relating to certain Aboriginal and treaty rights<sup>182</sup> contributes to tension in fishing communities.

With respect to Aboriginal and treaty rights in the context of the Committee's study, law professor Naiomi Metallic from the Listuguj Mi'gmaq First Nation urged caution, and pointed out shortcomings in Canada's implementation of Aboriginal and treaty rights:

I am concerned that some of the discussion has been one-sided, and often equates [I]ndigenous fishing with illegal, unreported and unregulated fishing. This entirely overlooks that we are talking about constitutionally protected rights that require respect and implementation by governments, especially so given Canada's passing of the act on the UN Declaration on the Rights of Indigenous Peoples.<sup>183</sup>

Trevor Russ agreed that portraying Indigenous fishing as IUU fishing was highly problematic, stating that "there appears to be a basic misunderstanding of the economic and other rights of [F]irst [N]ations and how those rights relate or contribute to illegal, unreported and unregulated fishing in Canada,"<sup>184</sup> and that "it is in the best interest of reconciliation for the federal government and stakeholders to avoid inaccurate and

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182 Aboriginal rights flow from the practices, traditions and customs of Aboriginal societies that existed prior to European contact, whereas treaty rights are specific and may be exercised only by the Indigenous groups that are signatories to treaties. See sections 35(1) and 35(3) of the [Constitution Act, 1982](#).

183 Naiomi Metallic, Associate Professor and Chancellor's Chair of Aboriginal Law and Policy, As an individual, [Evidence](#), 1 February 2024.

184 Trevor Russ, Director, Policy and Programs, Coastal First Nations - Great Bear Initiative, [Evidence](#), 30 January 2024.

sensationalist accusations involving [F]irst [N]ations in illegal, unreported and unregulated fishing in Canada.”<sup>185</sup>

Some witnesses expressed the opinion that the right to fish for food, social and ceremonial purposes, which is an Aboriginal right protected under section 35 of the *Constitution Act, 1982*, was being misused in some circumstances.<sup>186</sup> In addition, witnesses disagreed about the scope and implementation of the right to fish for a moderate livelihood, a treaty right which was confirmed by the Supreme Court of Canada in the *Marshall* decisions.<sup>187</sup> In 2021, this Committee studied the issue of the implementation of the right to fish for a moderate livelihood, the resulting report *Implementation of Mi'kmaq Treaty Fishing Rights to Support a Moderate Livelihood*<sup>188</sup> was tabled in the House of Commons in May 2021. There were two dissenting opinions attached to that report, which demonstrates the complexity of this issue.

This section of the report first sets out a brief summary of the Aboriginal and treaty rights that have been raised during this study. Next, it describes how these rights are being implemented from both a First Nations perspective and from the perspective of harvester organizations and individuals who expressed concerns. Finally, it emphasizes the need for improved communication, education, and collaboration, including recommendations to promote reconciliation efforts.

## Aboriginal and Treaty Rights in Fisheries

Both Naiomi Metallic and Adam Burns provided overviews of the jurisprudence relating to Aboriginal and treaty rights in the context of fishing. Naiomi Metallic explained that the Supreme Court of Canada decision in *R. v. Sparrow* recognized an Aboriginal right to fish for food, social and ceremonial purposes.<sup>189</sup> With respect to *Sparrow*, Adam Burns told the Committee the decision

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185 Ibid.

186 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023; Melanie Sonnenberg, President, Canadian Independent Fish Harvester’s Federation, [Evidence](#), 12 December 2023; Carl Allen, Vice-President, New Brunswick, Maritime Fishermen’s Union, [Evidence](#), 12 December 2023.

187 *R. v. Marshall*, [1999] 3 SCR 456; *R. v. Marshall*, [1999] 3 SCR 533.

188 FOPO, [Report 2 - Implementation of the Mi'kmaq and Maliseet Treaty Right to Fish in Pursuit of a Moderate Livelihood](#), May 2021.

189 Naiomi Metallic, Associate Professor and Chancellor’s Chair of Aboriginal Law and Policy, As an individual, [Evidence](#), 1 February 2024.



is about the local needs of the community, and essentially their food needs as well as social and ceremonial needs. We seek to work with nations to understand what those food needs and social and ceremonial needs are, and to provide that and to give food, social and ceremonial access a priority that is higher than commercial or recreational fishing—really only second to core conservation objectives.<sup>190</sup>

In *Marshall*, the Supreme Court of Canada found a treaty right for Mi'kmaq and Wolastoqiyik to fish for a moderate livelihood. This right is based on the 1760 and 1761 treaties.<sup>191</sup> In the context of *Marshall*, Adam Burns explained that the federal government “work[s] with each of those nations to understand how they want to pursue that right. [...] we approach that right on a nation-to-nation basis and work with each nation directly in order to understand their vision for how that right should be pursued.”<sup>192</sup> Brent Napier acknowledged some of the challenges with implementing that right:

In looking at the various court cases, it's not as clear based on the rules that we have in place. Trying to merge the commercial with the rights-based fishery creates confusion. Therefore, it's challenging for us to pursue. What we need to do is establish the clear guidelines for those moderate livelihood fisheries.<sup>193</sup>

With respect to infringing either Aboriginal or treaty rights, Naiomi Metallic explained that the infringement

has to meet a two-step justification test—in other words, a test for what constitutes a reasonable regulation of the rights. Step one requires showing a valid objective, including conservation and management of natural resources, but the government can't just assert this. It must lead actual evidence to support reliance on the objective. In the commercial context, objectives can also include addressing economic and regional fairness within an industry, as well as a historical reliance and participation of non-[I]ndigenous groups in an industry. Even if you meet this, there is a step two.

This requires governments to follow a process that ensures its treatment of [A]boriginal rights is in line with the honour of the Crown and the government's fiduciary relationship with [I]ndigenous peoples. With food, social and ceremonial rights, this means governments must give rights priority after any conservation concerns are addressed.<sup>194</sup>

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190 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 1 February 2024.

191 Naiomi Metallic, Associate Professor and Chancellor's Chair of Aboriginal Law and Policy, As an individual, [Evidence](#), 1 February 2024.

192 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 1 February 2024.

193 Brent Napier, Acting Director General, Conservation and Protection, DFO, [Evidence](#), 1 February 2024.

194 Ibid.

Some First Nations have entered into Rights Reconciliation Agreements (RRA) relating to the right to fish for a moderate livelihood. In response to a question about reporting under RRAs, Adam Burns told the Committee that:

The recording and monitoring of removals varies from fishery to fishery [...] there absolutely is variability within the reporting requirements in both commercial and rights-based fishing activities. The department works on a fishery-by-fishery basis to ensure an appropriate level of monitoring to inform the variety of activities we're responsible for in fisheries management, in scientific activities and otherwise, including working with implicated harvesters in a particular fishery to meet their international market access requirements as well.<sup>195</sup>

In relation to reporting and food, social and ceremonial fisheries, while Adam Burns explained that “we know through observation that [food, social and ceremonial] catch rates are very low relative to the overall removals in the fishery,”<sup>196</sup> he acknowledged that he could not state with certainty that food, social and ceremonial reporting was 100%.<sup>197</sup>

With respect to illegal activity, Trevor Russ told the Committee:

[F]irst [N]ations have shown time and time again that it is not the exercise of our inherent and [A]boriginal rights that is illegal. It is Canada's efforts to deny and suppress them. The notion that any fishery we undertake pursuant to and in accordance with our laws, legal systems and systems of governance is illegal and unregulated, whether authorized under the laws of Canada or not, is demonstrably false.<sup>198</sup>

Greg Witzky shared that some interior First Nations communities might fish when there are no openings at all because they need to feed their families.<sup>199</sup>

Naiomi Metallic pointed to the failure to amend the *Fisheries Act* or its regulations to accommodate the moderate livelihood rights, inadequate access to the commercial fishery and challenges with the food, social and ceremonial licensing system:

Understandably frustrated in recent years, some Mi'kmaq and Wolastoqiyik have resolved to go out and exercise their rights on the water. Many have been charged. In

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195 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

196 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 1 February 2024.

197 Ibid.

198 Trevor Russ, Director, Policy and Programs, Coastal First Nations - Great Bear Initiative, [Evidence](#), 30 January 2024.

199 Greg Witzky, Executive Director, Fraser Salmon Management Council, [Evidence](#), 30 January 2024.



Nova Scotia, there are about 55 ongoing prosecutions under the *Fisheries Act*. Perhaps not all asserted exercises are constitutionally protected, but many would be.

My point is that this is less of an enforcement or illegal fisheries problem than the failure of Canada to respect and accommodate [A]boriginal and treaty rights. Resolution requires meaningful consultation with [I]ndigenous groups, negotiations, taking the [I]ndigenous role in management of their fisheries seriously and the legislative accommodation of these rights.<sup>200</sup>

Adam Burns told the Committee that when enforcement takes place “in the context of a rights-based or a fishing activity that is being undertaken on the basis of rights, it’s important for the government to understand the nature of those rights and the asserted rights in that context.”<sup>201</sup> Neil Davis believed that enforcement officers understood fishing rights, pointing to training programs. He acknowledged that “it is also a topic that is evolving.”<sup>202</sup>

Murray Ned-Kwilosintun disagreed that DFO’s enforcement understands First Nation rights, noting, “[t]hat will take some time in terms of educating and bringing enough awareness. ... We’d love to provide them with that opportunity.”<sup>203</sup> Looking at the implementation of Indigenous rights from a non-Indigenous perspective, Ian MacPherson also suggested that there was a lack of clarity relating to Indigenous rights in the context of enforcement.<sup>204</sup>

Colin Sproul and Carl Allen discussed IUU fishing in the context of Indigenous fishers. Colin Sproul expressed the opinion that there was “a massive illegal fishery taking place in the coastal bays of the Maritimes under the guise of a lawful food, social, and ceremonial fishery, particularly in St. Marys Bay.” He told the Committee that fishers were “outraged at the perceived complicity of DFO and saddened beyond measure for the destruction of a resource that has sustained all of our families for generations.” While there have been some charges for out-of-season fishing, Colin Sproul told the Committee that few of the charges have been moved forward by the Public Prosecution

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200 Naiomi Metallic, Associate Professor and Chancellor’s Chair of Aboriginal Law and Policy, As an individual, [Evidence](#), 1 February 2024.

201 Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

202 Neil Davis, Regional Director, Fisheries Management Branch, Pacific Region, DFO, [Evidence](#), 21 November 2023.

203 Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024.

204 Ian MacPherson, Board Member, Canadian Independent Fish Harvester’s Federation, [Evidence](#), 12 December 2023.



Service, which has “left harvesters understandably suspicious that the justice process in fisheries is suffering from political interference.”<sup>205</sup>

Colin Sproul emphasized the importance of DFO leadership in relation to food, social and ceremonial fisheries, conflict and controversy:

There needs to be clear communication to the fishing communities of Atlantic Canada about what [food, social and ceremonial] rights constitute and what they don’t constitute. That needs to come from the very top. It’s a responsibility of the government and the minister. In the absence of that, our communities are left in this vacuum where people are exploring what they can and can’t do and figuring it out on their own. That’s what, certainly, has led to the conflict. That’s priority one.<sup>206</sup>

Carl Allen was concerned that insufficient monitoring of food, social and ceremonial fisheries could encourage non-Indigenous individuals to take advantage of the perceived lack of monitoring: “They’ll throw traps out there with no tags on them, because they know that C and P may not enforce. It’s just a slippery slope.”<sup>207</sup>

With respect to the right to fish for a moderate livelihood, Colin Sproul expressed that “there is not enough clarity under the law. I think it was clear, after the second *Marshall* decision, that the court was sending that back to the government and to the House in that it required further negotiation.”<sup>208</sup> He continued,

I think there has been a lot of good effort since that time, by a whole bunch of successive governments, to negotiate with the nations to move forward, but there needs to be good faith between the government and [F]irst [N]ations leadership that access supplied to [F]irst [N]ations will allow people to fish, or else the solution will never become apparent.<sup>209</sup>

Carl Allen agreed about the lack of clarity in the context of fishing for a moderate livelihood: “[W]hat are those? We don’t even know what a moderate livelihood is, let alone what that fishery may consist of.”<sup>210</sup> With respect to the *Marshall* decisions, Andrew Roman, Retired Lawyer, appearing as an individual, told the Committee, “I think

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205 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

206 Ibid.

207 Carl Allen, Vice-President, New Brunswick, Maritime Fishermen’s Union, [Evidence](#), 12 December 2023.

208 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

209 Ibid.

210 Carl Allen, Vice-President, New Brunswick, Maritime Fishermen’s Union, [Evidence](#), 12 December 2023.



the way that this has affected the industry is that some fishers believe that it gave treaty rights to catch anything anywhere, and others believe that it was very narrow.”<sup>211</sup>

Morley Knight highlighted the impact this lack of clarity is having:

These situations are very frustrating—for the conservation officers who are caught in the middle, for licensed harvesters and for the [I]ndigenous people who feel harassed by both enforcement staff and the commercial harvesters. The frustrations can be mitigated by clearly communicating the rules, having an orderly and regulated fishery, and then providing an adequate monitoring and compliance presence to effectively implement the rules.<sup>212</sup>

Clarity with respect to Aboriginal and treaty rights in the context of fishing is needed. Based on the testimony, the Committee recommends:

#### **Recommendation 25**

**That Fisheries and Oceans Canada recognize that true reconciliation with First Nations in its role as a regulator involves working alongside First Nations to implement their inherent and treaty rights.**

#### **Recommendation 26**

**Where fisheries management decisions may have implications for the inherent or treaty rights of First Nations, including the rights to fish and harvest for Food, Social, or Ceremonial (FSC) reasons or for a moderate livelihood, that Fisheries and Oceans Canada use reasonable efforts to ensure First Nations impacted by such decisions are included in the decision-making processes; and**

**that because First Nations are distinct from other stakeholder groups in that they possess unique constitutionally protected rights which the Government of Canada has a responsibility to uphold, Fisheries and Oceans Canada engage with Nations as partners rather than stakeholders in consultation and high-level decision-making processes.**

#### **Recommendation 27**

**That all Fisheries and Oceans Canada personnel who act as liaisons, communicators, or negotiators with First Nations, and specifically DFO Conservation and Protection Officers, be provided with up-to-date information and increased training and education**

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211 Andrew Roman, Retired Lawyer, As an individual, [Evidence](#), 1 February 2024.

212 Morley Knight, Fisheries Management Consultant, As an individual, [Evidence](#), 12 December 2023.

**opportunities regarding Indigenous inherent and treaty fishing rights, and the obligations to uphold such rights to ensure those fishing legally are free to do so.**

**Recommendation 28**

**That Fisheries and Oceans Canada strengthen data collection related to Food, Social and Ceremonial (FSC) fisheries as to get an improved idea of how much is being harvested which can help contribute to conservation and enforcement efforts.**

**Recommendation 29**

**That Fisheries and Oceans Canada provide clear definitions and clarifications so that court decisions on Indigenous fishing rights are interpreted appropriately.**

**Recommendation 30**

**That the allotment for Food, Social and Ceremonial (FSC) fishing be determined in a collaborative manner, taking into account the comments and views of Indigenous peoples, in order to prevent inequality between peoples and promote mutual understanding and goodwill between Indigenous and non-Indigenous fishers.**

## **Relationship-building**

Indigenous and non-Indigenous witnesses alike underscored the need to work together. As Colin Sproul told the Committee, “I think it’s really sad that there’s been a fracture of the two communities. It’s incumbent on the government to bring us back together in the spirit of conservation and reconciliation.”<sup>213</sup> As part of relationship-building, Naiomi Metallic emphasized that recognizing the unique role of First Nations in fisheries dialogue was critical:

I think that by working together and collaborating, a lot more could be done, but currently we’re not seeing that. We’re not seen as having a say or a role in the management of these resources as it relates to our fisheries rights. We are being treated simply as another stakeholder, which I think is not working and hasn’t worked for the last 20 years.<sup>214</sup>

Murray Ned-Kwilosintun shared a possible path forward:

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213 Colin Sproul, President, Unified Fisheries Conservation Alliance, *Evidence*, 5 December 2023.

214 Naiomi Metallic, Associate Professor and Chancellor’s Chair of Aboriginal Law and Policy, As an individual, *Evidence*, 1 February 2024.



If I could share a model that is in my mind from the lower Fraser [F]irst [N]ations, it would be government-to-government-to-government relations, but with the provision that there's still opportunity for stakeholders to be at that table as advisers and have a technical table with western science and [I]ndigenous knowledge.<sup>215</sup>

He also told the Committee that “stakeholders and [F]irst [N]ations are always going to be competing unless we can get into the same room.”<sup>216</sup> From a stakeholder perspective, Colin Sproul shared that “if we could understand what the nature of rights implementation would be so that we could relay that to our members, the integration would happen much more smoothly.”<sup>217</sup> He continued,

it's incumbent on the minister and on the government to create a place to bring [F]irst [N]ations harvesters and non-Indigenous harvesters back to the table again. Surely the responsibility falls to the government to find a way forward for all of us. We're eager to sit down at the table with our [F]irst [N]ations partners. Ultimately, a lobster doesn't care who catches it. We all intend to share the ocean together profitably into the future. We really hope that the minister of the day can find a way to bring us back to the table together, because having everything happen in silos of secrecy has not been at all conducive to improving the situation.

Naiomi Metallic explained that education relating to rights was a key part of reconciliation:

I think that education is a really important piece of this, as well as understanding the protection of constitutionally protected rights. They're not a bogeyman. They're not a bad thing. They are part of who we are as Canadians. We have francophones on the panel whom we protect through minority language rights in New Brunswick and other minority language rights in other parts of the country.

[...]

Opportunities to have discourse and discussion and to build bridges are important. There have been some good examples in the Maritimes. In the area of Bear River First Nation, they had a really great project with local fishermen in Digby back in the early 2000s. They were able to make some good connections. This work can be done, but I think there's a huge education piece.<sup>218</sup>

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215 Murray Ned-Kwilosintun, Executive Director, Lower Fraser Fisheries Alliance, [Evidence](#), 30 January 2024.

216 Ibid.

217 Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

218 Naiomi Metallic, Associate Professor and Chancellor's Chair of Aboriginal Law and Policy, As an individual, [Evidence](#), 1 February 2024.

The Committee recognizes that addressing these issues in a meaningful way requires trust, communication, and the willingness to prioritize collaboration. To move this forward, the Committee recommends:

### **Recommendation 31**

**That, in order to reduce the likelihood of conflict and division, the Government of Canada undertake region-specific public outreach and education campaigns as necessary to:**

- **promote public understanding of First Nations inherent and treaty fishing rights;**
- **reduce misinformation; and**
- **promote the shared goals and values of responsibility and accountability in ensuring the sustainability of fisheries.**

### **Recommendation 32**

**That Fisheries and Oceans Canada publicly release all agreements made with First Nations regarding the management of fisheries and the access to fisheries.**

## **CONCLUSION**

During its study, the Committee identified gaps that need to be addressed by DFO in order for DFO to have a fully informed response to IUU fishing. For example, more needs to be done to determine how much IUU fishing is taking place, intelligence-gathering and sharing needs to be improved, and enforcement actions in relation to IUU fishing need to be strengthened, including in relation to the role of organized crime. The Committee has made a number of recommendations to address these issues. The Committee also emphasizes the importance of federal and provincial cooperation and coordination to address IUU fishing, particularly in the context of traceability.

Witnesses spoke passionately about the negative affect that IUU fishing is having on their ability to support their families, on conservation and the environment, and on the relationships between Indigenous and non-Indigenous communities. The frustrations that were expressed over a lack of enforcement resonated with the Committee. The Committee also notes, as it has done before, that policy and legislative gaps relating to implementing Aboriginal and treaty rights to fish contribute to tension and uncertainty in some communities. Many of the issues that were raised are longstanding. The



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Committee urges all relevant federal departments to work together expeditiously to support the harvesters and communities that play such an important role in feeding Canadians and who contribute to the Canadian economy.

## APPENDIX A: LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<b>Department of Fisheries and Oceans</b> Adam Burns, Assistant Deputy Minister, Programs Sector  Neil Davis, Regional Director, Fisheries Management Branch, Pacific Region  Marc Mes, Director General, Fleet and Maritime Services, Canadian Coast Guard  Yves Richard, Director, Conservation and Protection, Quebec Region  Lloyd Slaney, Acting Director General, Conservation and Protection  Doug Wentzell, Regional Director General, Maritimes Region	2023/11/21	88
<b>B.C. Wildlife Federation</b> Jesse Zeman, Executive Director	2023/11/28	89
<b>Canada Border Services Agency</b> Daniel Anson, Director General, Intelligence and Investigations  Cathy Toxopeus, Director General, Commercial Programs	2023/11/28	89
<b>As an individual</b> Hon. Jamie Fox, Former Minister of Fisheries and Communities of the Government of Prince Edward Island	2023/11/30	90
<b>Prince Edward Island Fishermen's Association</b> Ian MacPherson, Executive Director	2023/11/30	90
<b>BC Commercial Fishing Caucus</b> Jim Mclsaac, Coordinator	2023/12/05	91

<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>Unified Fisheries Conservation Alliance</b> Colin Sproul, President	2023/12/05	91
<b>Canadian Committee for a Sustainable Eel Fishery Inc.</b> Stanley King, Acting President	2023/12/07	92
<b>MDA Space</b> Minda Suchan, Vice President, Geointelligence Division Leslie Swartman, Senior Director, Government and Public Affairs	2023/12/07	92
<b>Regroupement des pêcheurs pélagiques professionnels du sud de la Gaspésie</b> Ghislain Collin, President	2023/12/07	92
<b>As an individual</b> Morley Knight, Fisheries Management Consultant	2023/12/12	93
<b>Canadian Independent Fish Harvesters Federation</b> Ian MacPherson, Board Member Melanie Sonnenberg, President	2023/12/12	93
<b>Maritime Fishermen's Union</b> Carl Allen, Vice-President, New Brunswick	2023/12/12	93
<b>Oceana Canada</b> Kimberly Elmslie, Campaign Director	2023/12/12	93
<b>The Outlaw Ocean Project</b> Ian Urbina, Director	2023/12/12	93
<b>Coastal First Nations - Great Bear Initiative</b> Trevor Russ, Director, Policy and Programs	2024/01/30	94
<b>Fraser Salmon Management Council</b> Greg Witzky, Executive Director	2024/01/30	94
<b>Lower Fraser Fisheries Alliance</b> Murray Ned-Kwilosintun, Executive Director	2024/01/30	94



<b>Organizations and Individuals</b>	<b>Date</b>	<b>Meeting</b>
<b>As an individual</b> Naiomi Metallic, Associate Professor and Chancellor's Chair of Aboriginal Law and Policy Andrew Roman, Retired Lawyer	2024/02/01	95
<b>Canadian Coast Guard</b> Marc Mes, Director General, Fleet and Maritime Services	2024/02/01	95
<b>Department of Fisheries and Oceans</b> Adam Burns, Assistant Deputy Minister, Programs Sector Brent Napier, Acting Director General, Conservation and Protection	2024/02/01	95
<b>International Monitoring, Control, and Surveillance (IMCS) Network</b> Mark Young, Executive Director	2024/02/01	95
<b>Vericatch</b> Julian Hawkins, Chief Executive Officer	2024/02/01	95



## **APPENDIX B: LIST OF BRIEFS**

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The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

**Clarke, Alan Joseph**

**Global Fishing Watch**

**International Monitoring, Control, and Surveillance (IMCS) Network**

**Regroupement des pêcheurs pélagiques professionnels du sud de la Gaspésie**

**Roman, Andrew**



# MINUTES OF PROCEEDINGS

A copy of the relevant *Minutes of Proceedings* (Meetings Nos. 88 to 95, 102, 109, 110, and 113 to 115) is tabled.

Respectfully submitted,

Ken McDonald  
Chair



## Shared Public Fisheries Resources Entrusted to the Government and Minister

Canada's fisheries are shared public resources belonging to the citizens of Canada and the Government of Canada is responsible for conserving, managing, and regulating fisheries through federal laws and regulations flowing from statutes such as the *Fisheries Act*.

Section 91 of the *Constitutional Act, 1867*<sup>1</sup> assigns the Parliament of Canada exclusive legislative authority in all matters pertaining to fisheries. In 1976, the Supreme Court of Canada (SCC) reaffirmed in its *Interprovincial Co-Operatives Ltd. v. The Queen* decision that the federal fisheries power "is concerned with the protection and preservation of fisheries as a public resource."<sup>2</sup>

In 2002, objectives of Parliament's authority over fisheries were further affirmed and defined in the SCC's decision in the *Ward v. Canada* case that stated "federal power over fisheries is not confined to conserving fish stocks, but extends to the management of the fisheries as a public resource. This resource has many aspects, one of which is to yield economic benefits to its participants and more generally to all Canadians."<sup>3</sup>

Fisheries resources in Canadian waters belong to Canadians who depend on the Government of Canada's Minister of Fisheries and Oceans (the Minister) to exercise constitutional and Parliamentary authority in leading the Department of Fisheries and Oceans (DFO) in the effective management, regulation, and conservation of fisheries to ensure fisheries are sustained to yield economic benefits to harvesters, and more generally to all Canadians, in perpetuity.

On January 18, 2022, Conservative Member of Parliament (MP) Bob Zimmer introduced a motion for the Standing Committee on Fisheries and Oceans (FOPO) to study the "scope and effects of illegal, unreported and unregulated fishing (IUU) on Canada's fisheries resources and the degradation of those resources caused by illegal, unreported and unregulated fishing."<sup>4</sup> Conservatives supported this motion as they supported a similar motion for study from the Honourable Ed Fast in the previous 43<sup>rd</sup> Parliament.<sup>5</sup>

We wanted FOPO to study IUU because we recognized that illegal, unreported and unregulated fishing was being allowed to persist in Canadian waters despite efforts of authorized harvesters, Conservative MPs, and citizens-at-large to draw the Minister's attention to IUU fishing so that the Minister and DFO could confront IUU fishing for the benefit of conservation, but such responses were inadequate.

## Disproportionate Overseas Focus and Protection

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<sup>1</sup> [Constitutional Act, 1867](#)

<sup>2</sup> [Interprovincial Co-Operatives Ltd. v. The Queen, \[1976\] 1 S.C.R. 477](#)

<sup>3</sup> [Ward v. Canada \(Attorney General\), 2002](#)

<sup>4</sup> [FOPO 44<sup>th</sup> Parliament, Minutes of Proceedings, Meeting 2, January 18, 2022.](#)

<sup>5</sup> [FOPO 43<sup>rd</sup> Parliament, Minutes of Proceedings, Meeting 2, February 25, 2020.](#)

Federal government resources and political will for fighting IUU have increasingly been focused outside, rather than inside, Canada's jurisdiction. Despite signing international agreements and other multilateral instruments pledging to protect biodiversity and fight IUU in the world's oceans, successive Ministers have failed to lead the DFO in confronting, let alone eliminating, well documented and obvious IUU fishing in Canadian waters.

In 2016, Minister Tootoo signed such an agreement with the European Union<sup>6</sup> while the 2018 Charlevoix G7 Summit hosted by Government of Canada produced a blueprint<sup>7</sup> that expanded Canada's commitments to fighting IUU in far-off waters while failing to expand any commitment to counter IUU here at home in our own waters.

The most senior DFO official who appeared for FOPO's study of IUU cited the definition of IUU used by the Food and Agriculture Organization of the United Nations (FAO) that defines IUU as being "conducted by national or foreign vessels in waters under the jurisdiction of a State, without the permission of that State, or in contravention of its laws and regulations" and is "in violation of national laws or international obligations, including those undertaken by cooperating States to a relevant regional fisheries management organization."<sup>8</sup>

Although this FAO definition of IUU cited by the DFO official applies to illegal, unreported and unregulated harvests in Canadian waters, the same official told the committee that the DFO uses "the term to describe violations of international obligations on the high seas and foreign vessel incursions into the 200-mile exclusive economic zones." So, the Government of Canada chooses to operate the DFO with a partial application of the very definition of IUU that supposedly forms the basis for their approach to illegal, unreported and unregulated fishing. This was further reflected in testimony of other witnesses that reflected the government's focus and commitments to fighting IUU overseas, and not in Canadian waters.

Witness testimony also illuminated the government's prioritized allocations of funding and resources for fighting IUU overseas while Canadian fisheries are damaged by IUU fishing. A senior DFO official described how the government committed \$84 million over five years through its Indo-Pacific Strategy (IPS) to establish the Shared Ocean Fund and the Joint Analytical Cell described as "a group of non-governmental organizations that will work together to deliver high-quality fisheries intelligence, data analysis and capacity support alongside authorities in developing countries."<sup>9</sup>

A senior DFO official also testified that "Canada has implemented its dark vessel detection [DVD] platform and state-of-the-art satellite surveillance system to support vulnerable developing states in the detection and tracking of potential IUU fishing vessels. The DVD platform is currently helping protect the Galápagos Islands in partnership with Ecuador, and is deployed to support 15 Pacific island states."

The absence of any mention in this testimony of the DVD platform being deployed to fight IUU in Canadian waters motivated Conservatives to ask Dr. Minda Suchan, Vice President of the

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<sup>6</sup> DFO news release "[Canada and the European Union Work Together to Fight Illegal, Unreported and Unregulated Fishing](#)," 28 April 2016.

<sup>7</sup> Global Affairs Canada, "[Charlevoix blueprint for healthy oceans, seas and resilient coastal communities](#)," 9 June 2018.

<sup>8</sup> Food and Agriculture Organization of the United Nations, "[What is IUU fishing?](#)"

<sup>9</sup> Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.



Geointelligence Division of MDA, a principal contractor for the DVD platform, whether MDA's dark vessel detection technology used in the DVD platform overseas is used to counter IUU domestically.

MP Small asked Dr. Suchan whether MDA's services were being used by DFO to counter illegal harvest in the Atlantic elver fishery, out of season lobster fishing in Nova Scotia and suspicious salmon fishing in BC's Fraser River, and Sucha responded that she was not sure and would double-check<sup>10</sup>, but the Committee was not provided a written response on this specific question.

MP Perkins asked Dr. Sucha whether MDA provides DFO with photographic evidence or other evidence of such areas as St. Marys Bay and southwestern and southern Nova Scotia, where lobster fishing has occurred out of season.

In a written response to Perkins' question provided by Leslie Swartman of MDA, the committee was informed that MDA had "not been tasked to monitor lobster fishing areas within Atlantic Canada at this time. MDA is under contract to the DFO for use of the Dark Vessel Detection (DVD) capability and we are responsive to DFO for all satellite tasking requests. We are able to provide information on maritime areas both domestically within Canada's Economic Exclusion Zone (EEZ) and internationally. We are certainly open to the possibility of monitoring these types of areas in the future, and open to providing a quick assessment as to the value that radar satellite imagery could provide in these regions."<sup>11</sup>

MDA can provide the DFO intelligence and data for fighting IUU in Canada's fisheries, but the government has elected to contract these services with a focus on overseas activities while many harvests occurring without the DFO's authorization and outside of the DFO's seasons persist in Canadian waters with sparse political will or resources to confront them. Considering the duties and responsibilities that the Constitution, the *Fisheries Act* and other statutes assign to the government and Minister to conserve, manage, and regulate Canada's fisheries, it is concerning that the government continues to allocate significant resources to fight IUU overseas while IUU fishing persists in Canadian waters.

### **Persisting Gaps in Capability and Enforcement**

While the government continues to commit funding for fisheries enforcement and conservation in far-off waters, the Canadian Coast Guard's (CCG) Director General of Fleet and Maritime Services testified how the CCG has reduced the number of patrols by CCG ships in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area in Atlantic Canada over the last two years.<sup>12</sup> Figures from the CCG provided in writing to the committee showing NAFO patrol day figures spanning 2015 to 2024 showed the coast guard performing an average 36.6 patrol days in 2015-2016 compared to a year-to-date average of 14.4 patrol days per month in 2023-2024.<sup>13</sup> This reduction of enforcement patrols, the Director General stated, was the result of coast guard vessels having to be refurbished for vessel life extension while new vessels are awaited.<sup>14</sup>

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<sup>10</sup> Minda Suchan, Vice President, Geointelligence Division, MDA, [Evidence](#), 7 December 2023.

<sup>11</sup> Leslie Swartman, Sr. Director, Government and Public Affairs, MDA, [Written Response](#) to Questions Posed on December 19, 2023.

<sup>12</sup> Marc Mes, Director General, Fleet and Maritime Services, Canadian Coast Guard, [Evidence](#), 1 February 2024.

<sup>13</sup> DFO, [Written Responses](#) to Questions posed on November 21, 2023.

<sup>14</sup> Marc Mes, Director General, Fleet and Maritime Services, Canadian Coast Guard, [Evidence](#), 1 February 2024.

This concerning testimony from the CCG follows the alarming 2023 report of the Commissioner of the Environment and Sustainable Development that examined DFO's monitoring of commercial marine fisheries and concluded the department fails to collect adequate catch data.<sup>15</sup> DFO's failure to collect this data directly undermines the government's ability to determine legality of harvests, verify reported catches, and properly manage and conserve fisheries.

The Minister's sudden cancellation in March of the 2024 commercial elver fishery in Atlantic Canada was the direct result of her failures, and those of her predecessors, to establish adequate enforcement by DFO's Conservation and Enforcement (C&P) branch and coordinate enforcement of other agencies and departments to ensure a safe and legal elver fishery for the benefit of harvesters licensed by the DFO and the communities they support.

The Minister's cancellation of the 2024 elver season sets a dangerous precedent of the government responsible for protecting fisheries acquiescing to poachers and criminal organizations that the government has tacitly allowed to proliferate and exert greater control than the government over the resource.

IUU fishing in Canada leads to unreported removals of fish that create a blind spot weakening the department's calculations for managing fisheries. Conservative MP Mel Arnold asked a senior DFO official whether DFO factors an estimate of how much is removed from a fishery resource by IUU and how those calculations are made specific to fish stocks, especially Pacific coast salmon stocks, and how those calculations go into calculating legal allowable harvests. The written response provided to the Committee by the department did not confirm that removals of fish resulting from IUU fishing are factored by the DFO's fisheries management processes.<sup>16</sup>

The committee heard extensive testimony describing "a massive illegal fishery taking place in the coastal bays of the Maritimes" that is a "full-scale commercial fishery on one of the most important lobster spawning grounds in the world"<sup>17</sup> that persists outside of DFO-regulated seasons. DFO's lobster season dates are informed by science and are meant to ensure that reproductive cycles of lobster stocks are allowed to occur, unimpeded by harvest activities.

Conservatives denounce the Liberal government's dereliction of responsibilities in the Atlantic lobster and all fisheries where illegal, unreported and unregulated fishing repeatedly occurs on a large scale. The Liberal government's tacit complicity in these assaults on the shared resources of Canada's fisheries are a disservice to all Canadians, especially those who depend on fisheries to exercise their rights, achieve food security, and make a living.

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<sup>15</sup> Commissioner of the Environment and Sustainable Development, "[Monitoring Marine Fisheries Catch](#)," 7 November 2023.

<sup>16</sup> DFO, [Written Responses](#) to Questions Posed on November 21, 2023.

<sup>17</sup> Colin Sproul, President, Unified Fisheries Conservation Alliance, [Evidence](#), 5 December 2023.

## Supply Chains and Trade of IUU-Caught Fish and Seafood

In addition to damaging fisheries and biodiversity, destabilizing livelihoods of those who depend on fisheries, and confounding fisheries management of governments, the Committee also heard testimony describing how IUU also fuels global illicit trade of fish and seafood that involves supply chains in which serious human rights concerns and “sea slavery” exist.<sup>18</sup>

Despite issuing a promise in 2019 to establish a “boat-to-plate” traceability program for fish and seafood,<sup>19</sup> the governing Liberal government has failed to establish such a system of traceability to ensure that fish and seafood in Canada is harvested, processed, and imported legally in supply chains free of human rights abuses and slavery.

Such a system of traceability was studied by FOPO and our report tabled in June 2022 provided the government with multiple recommendations of finally establishing traceability, but the government has failed to move their own promise and FOPO recommendations to fruition. The government could have established traceability in Canada by acting on our Committee’s recommendations and learning from the models and experiences used by Canada’s partners.

Five years after fish and seafood traceability was promised, Canadians still do not have confidence that fish and seafood in our stores is legally and ethically harvested, processed and imported- free of supply chains anchored to IUU fishing.

## Ambiguity of Fishery Authorizations

Conservatives are concerned that the ambiguity of who is governing and regulating fisheries resources and apparent absence of coordination undermine the DFO’s core objective of conservation. This vulnerability must not be ignored because failures to protect, manage, and regulate shared resources of Canadian fisheries jeopardizes Indigenous rights, culture, food security, and livelihoods of Canadians.

In the case of the Atlantic elver fishery, it is abundantly clear that federal government departments and agencies are failing to cooperate, communicate, and take responsibility for their mandated functions and the resulting silos that they work in impede the effective enforcement of laws and regulations necessary to effectively manage, regulate and conserve fisheries to ensure they are sustained to yield economic benefits to harvesters, and more generally to all Canadians, in perpetuity

When asked whether rights and reconciliation agreements signed by the federal government require all harvest and fish management regulated by an Indigenous authority be recorded and reported to DFO, a DFO Assistant Deputy Minister stated that such reporting of catch data is not uniformly required in such agreements.<sup>20</sup> The same official described the role that harvest data plays in informing other DFO activities, including science, and this raises serious concerns of how the Minister and department are able to manage fisheries where there is little or no harvest data.

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<sup>18</sup> Ian Urbina, Director, The Outlaw Ocean Project, [Evidence](#), 12 December 2023.

<sup>19</sup> Liberal Party of Canada, [Choose Forward: Building a Stronger Canada](#), p. 53, 2019.

<sup>20</sup> Adam Burns, Assistant Deputy Minister, Programs Sector, DFO, [Evidence](#), 21 November 2023.

The resulting absence of clarity of who is governing and regulating fisheries and granting authorizations to harvesters has created tensions that are unnecessary. The government has put the DFO's C&P officials in the very difficult position of having to explain inconsistent enforcement of the *Fisheries Act* and regulations such as season dates to all harvesters. This has directly undermined conservation of fisheries and damaged reconciliation that all sides are trying to support.

Indigenous and non-Indigenous witnesses provided testimony touching on the intersection of Indigenous rights related to fisheries and the government's responsibility to conserve, manage, and regulate fishery resources. Conservatives are encouraged that all witnesses who discussed Indigenous reconciliation not only supported reconciliation, but also wanted to play a role in progressing reconciliation and Indigenous participation in fisheries.

## **Conclusion**

Management of Canada's fisheries is ultimately the responsibility of the Government of Canada and the Minister of Fisheries, but successive Ministers have failed to provide the political will and resources needed to fully address IUU fishing in Canadian fisheries through adequate monitoring and enforcement. Stock management requires effective fisheries monitoring of all harvest and bycatch (waste) which can support the DFO's estimations of what is removed from fisheries illegally which in turn can enable enforcement and prosecution of offences.

DFO's monitoring and enforcement capacities are limited by capability gaps while the government has increased commitments to fighting IUU overseas. Conservatives are not opposed to Canada contributing to the global fight against IUU but do believe that we must ensure that the fight against IUU starts in our own waters.

As the values of species have increased and illegal harvests have proliferated in some fisheries, penalties for fisheries offences have not kept pace raising questions of whether penalties set years ago possess the deterrence required today.

## **Recommendations**

### **Recommendation 1**

That Fisheries and Oceans Canada take action to improve the enforcement of the Fisheries Act; ensuring the illegal poaching of species such as bluefin tuna, lobster, elvers, salmon, etc., is effectively deterred which can help protect aquatic ecosystems and the people who legally harvest them.

### **Recommendation 2**

That Fisheries and Oceans Canada work with Indigenous and non-Indigenous harvester and fisheries management organizations to optimize DFO's collection of fish harvest data for all species in order to reduce the unknowns of unreported harvest and increase accuracy of DFO's calculation of harvests and allocations.

### **Recommendation 3**

That Fisheries and Oceans Canada increase their dockside monitoring and enforcement efforts to more effectively combat illegal, unreported, and unregulated fishing and have an increased understanding of how much of each species is being caught.

### **Recommendation 4**

That the DFO assess its systems used for monitoring fisheries harvests with the purpose of defining how the systems need to change and be resourced to effectively monitor all harvest, including bycatch.

### **Recommendation 5**

That the DFO assess and implement changes to its monitoring systems to better detect and measure illegal harvests so that such data can inform and improve fisheries management decisions.

### **Recommendation 6**

That the Government of Canada work with the DFO to assess and where necessary increase penalties for fisheries offences to ensure penalties are significant enough to be adequate deterrence.

