

## COMMENTARY — REFLECTIONS ON THE TWENTY-FIFTH ANNIVERSARY OF THE MARSHALL DECISIONS<sup>1</sup>

**John G. Paul**

Good afternoon, and thank you for giving me some time to talk about what are my experiences since the beginning of the *Marshall* Decisions in 1999 and the many experiences working with communities, chiefs, and commercial fisheries' directors, and various communities across Atlantic Canada.

At the beginning it was very, very disorganized. Many of the communities that were doing fishing did it at a pretty good scale, but as the *Marshall* decision began to roll out and different communities ended up signing different deals, communities were provided significant access, vessels, and licences sometimes of differing quality and value of licences based on government decisions to acquire specific licences.

Many of the licenses purchased or vessels were overpriced, and people were paid what the market value was seen at the time, and it was a strictly internal process at Department of Fisheries and Oceans Canada to acquire access and licences and vessels which were subsequently transferred to communities.

That process seemed to work in many cases but some communities got bad mixes of licences and poor vessels that were on their last legs per se. It was not what it should be with specific vessels and to meet the requirements of the location they were fishing. Nor did it help the ability of the community to build its capacity and its expertise in fleet management training and overall management of the commercial fisheries in the community and as well as working with people outside.

At the beginning, the key focus of communities was on training safety and building stable expertise and management in the community to organize the commercial fishery and ensure all crews on all vessels were trained properly and had practical experience to actually fish and harvest the different species that communities harvested. Everything took time in terms of building that expertise and trying to develop a community training plan and a business plan for the enterprise. It was just trying to take care of a few vessels at the beginning but then more and more vessels and more and more people that entered the fishery.

The growth of the fishery is clearly demonstrated in the numbers of people that have been involved from the beginning of the *Marshall* decision in 1999 and before, where communities basically had a few licences for people in the community for fishing. At that time, it was usually a limited crew with limited people who had been provided access from DFO. This was done through the allocation transfer program for which communities received lobster licences followed by licences for snow crab then other licences that were made available over time through an allocation transfer.

The *Marshall* decisions changed that because it expanded it to packages and funding and necessary training for people across the board on all vessels in all communities. One of the foundational aspects of what was going on was to build safe and successful fishery operation in in all communities,

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<sup>1</sup> This is an edited transcript of John G. Paul's comments to the participants at the *Rough Waters: The Legacy of the Marshall Decisions Workshop* held at Mount Allison University on April 14 and 15, 2023. It brought together the contributors to this special issue to critically discuss their ideas. Mr. Paul was unable to attend due to another commitment but forwarded participants a video message which led discussions after lunch on the first day of the workshop. The editors thank Mr. Paul for his contribution to making the workshop a success.

with properly trained managers to make sure vessels were properly maintained. Captains and crews faithfully took care of the gear and the equipment and the vessels themselves and really made it a viable enterprise each and every year.

The growth of the number of people involved in the fishery has grown exponentially from a few hundred maybe, a hundred at the beginning or less across all the communities to over 1,700 people involved in fisheries actually fishing. As of 2021, there were 1,080 fishers with over 610 people in management. Of the Indigenous fishers, 7 per cent were women of over a thousand people and, in management, approximately 47 per cent of the managers in our communities were women. They took on various roles and over time communities focused on a strategic plan and a business plan for their licences. They updated their training plans yearly to ensure certification was conducted regularly and safety was a fundamental cornerstone in every community.

Our organization in collaboration implemented a group called the business development team which supported communities in all aspects of their fishery and on a confidential community by community basis. It provided advice to the chief and council or the fisheries managers and staff to build a long-term strategic plan for growth, training, and dealing with the yearly business risk related in operating a viable fishery in the community.

These managers across communities should be given the credit and admiration as well as the captains and fishers of the communities for their dedication, skill, and ability for contributing to the enormous growth in jobs, revenues, and employment in our communities. The revenues from the fishery have been used to invest in other business activities including marine servicing, aquaculture, retail sales, restaurants, and a whole range of activities that allowed communities to expand beyond fisheries to move further up the fisheries supply chain in terms of processing the product and then sending it to market. This included transportation of the product as well as processing capacities across the region in various processing plants primarily in New Brunswick.

In particular to plants in New Brunswick as well as other operations in collaboration with plant owners in other areas of Atlantic Canada, namely Margery, Louisdale, they have worked on a relationship with local plant processors to harvest and sell their product on a regular basis. All these activities and revenues have grown significantly from \$3 million just before the *Marshall* decisions or near 2000 to over \$1.7 billion in 2019. This number has continued to grow in the communities as the value of the fishery has grown and the market has driven prices upward and provided more value for the product provided whether it was ground fish, snow crab, shrimp or other species that the communities provided.

These additional revenues that were provided to communities or generated in communities allowed them to provide equity toward other investments. This was the case whether they were other community-owned enterprises or other activities that communities needed equity to invest in businesses. The number of businesses that were created with fishery originated capital is substantial. It has proliferated very significant growth in communities of enterprises' business operations as well as just other operations and businesses that communities have.

This culminated a year or two ago with members from a number of communities purchasing 50 per cent ownership of Clearwater Fine Foods with another partner. This has allowed a further expansion of the fishery or food supply chain which will allow for continued growth of employment, investment, and continued growth of access to equity to invest in other ventures and other business opportunities in

many of our communities. This could be local gas bars, bingos, or a Tim Hortons franchise, for example. The communities use that pool of equity to invest in ventures in the community that have direct spin-offs of revenue, employment and equity in terms of building a long-term economic strategy for the community.

This generates, wealth, optimism, opportunity, and a vibrant future for those communities which are able to build on their expertise, make strategic choices, and build on a very successful workforce to sustain its activity and growth in the fishery. It also allows for further investments and diversification of fishery activities in every community.

I wish you all best at the Workshop, and I'm hoping that you did learn something from my small insights to what has occurred over the many years since the *Marshall* decisions. With that, thanks, and goodbye.

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