

Executive Summary

- On May 14, 2003, Newfoundland and Labrador's House of Assembly unanimously passed a resolution seeking negotiations between the province and the Government of Canada on the establishment of a joint management regime for fisheries. To ensure that both governments enter into this new arrangement as equal partners, the resolution also seeks changes to the Terms of Union that would provide the province with shared jurisdiction over fisheries in waters adjacent to Newfoundland and Labrador. These new arrangements would be entrenched in the Constitution through an amendment to the province's Terms of Union with Canada.
- Since 1497, the fishery has been prosecuted in the waters off Newfoundland and Labrador, flourishing for most of its 500-year history. In the latter part of the twentieth century, poor scientific research, predatory national and international fisheries policies, and superior harvesting technology combined to decrease many fish stocks to critically low biomass levels. Moratoria were imposed to call a halt to fishing from stocks that once were the most bountiful food resource in the world.
- The division of responsibilities between the Government of Canada and the provinces on the governance of fisheries is complicated and often contradictory. Lack of coordination, coupled with competition of interests, is a root cause of the situation we find ourselves in today. The closure of the Gulf and Northern cod fisheries is not the first instance of the Province's disagreement with the Government of Canada on fisheries management.
- For the past twenty-four years, successive Governments of Newfoundland and Labrador have sought to enter into joint management regimes with the Government of Canada to ensure the effective and sustainable management of our fishery resources. To date, unilateral federal management has not worked in the best interest of this Province or the adjacent fish stocks.
- Joint management would seek to eliminate policy duplication and contradictions, and provide for a more balanced approach to the management of fish stocks adjacent to provinces while still maintaining national interests. Joint management is not intended to usurp federal authority or exclude the interests of other provinces.
- The proposed joint management principles and framework contained within this paper recognize the common property character of the resource and the federal responsibility to ensure that the resource is properly managed on behalf of all Canadians.

- Integration of federal and provincial fisheries responsibilities through a jointly-managed Canada/Newfoundland and Labrador Fisheries Management Board would reduce federal-provincial conflict over fisheries policy, provide a stable framework for resource management and industry investment, allow the province to incorporate consistent fisheries policy into its broader economic and social plans, and remove the potential for arbitrary or inconsistent fisheries management decisions.
- The proposed Canada/Newfoundland and Labrador Fisheries Management Board would promote long-term sustainability of adjacent fisheries, conservation of fish resources and habitat, and understanding of ocean ecosystems.
- The Board's responsibility would include but not be limited to conservation and rebuilding plans, harvesting plans, consultation and fisheries management, and fisheries science. Authorities resting with the Board would include authority to establish Total Allowable Catches (TAC), as well as issuance, renewal or cancellation of harvesting licences. Currently, the first authority rests with the federal government. In conjunction with this, the Board would assume responsibility for licensing policy from the Province.
- In general terms, the Board would be responsible for all aspects of management of adjacent fisheries, including regulatory management and development of policy regarding inspection and enforcement responsibilities of the provincial and federal governments.
- Conservation must be the cornerstone of joint management. Scientific research in support of the conservation, management and development of ocean resources is exclusively a federal responsibility. Scientific advice in the late 1980s through the early 1990s called for dramatic quota reductions for Northern cod; but the federal government enacted only fractions of the recommended reductions, ignoring its own science. Despite the evolving fisheries crisis, funding for science within the Newfoundland and Labrador region has declined over the past ten years.
- This paper also proposes the formation of the Newfoundland and Labrador Fisheries Research Council. It is proposed that the current scientific function of the Department of Fisheries and Oceans be moved to this new entity. The Council would report directly to the Canada /Newfoundland and Labrador Fisheries Management Board and would be responsible for all scientific research currently undertaken by the Department of Fisheries and Oceans in adjacent waters. Transparency and accountability would be inherent to this new relationship.

- The Government of Newfoundland and Labrador holds the strong view that recovery of resources and sustainable fisheries cannot be achieved under the existing management approach.
- Nowhere has the impact of mismanagement been greater than in Newfoundland and Labrador. These changes must occur so that better decisions can be made in the future.
- In the coming months, the contents of this paper will stand as a basis for discussion and action. The Government of Newfoundland and Labrador will undertake to engage the Government of Canada in discussions on the basis of this paper. The Province will hear the views of Newfoundlanders and Labradorians as we seek to advance this critical issue.