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FISHERIES AND OCEANS CANADA**

**Fact sheet: The 1999 Supreme Court of Canada *Marshall* Decision**

**The *Marshall* Decision**

The Supreme Court of Canada's September 17, 1999 decision in the *Donald Marshall* case affirmed a treaty right to hunt, fish and gather in pursuit of a 'moderate livelihood', arising out of the Peace and Friendship Treaties of 1760 and 1761. The Decision affected 34 Mi'kmaq and Maliseet First Nations in New Brunswick, Prince Edward Island, Nova Scotia, and the Gaspé region of Quebec.

***Marshall* Response Initiative**

Since the landmark 1999 decision, Fisheries and Oceans Canada (DFO) has launched several programs in response, beginning with the *Marshall Response Initiative*, which provided these First Nation communities with licenses, vessels and gear in order to increase and diversify their participation in the commercial fisheries and contribute to the pursuit of a moderate livelihood for First Nations members. Through Fisheries and Oceans Canada's *Marshall* Response Initiative, and an investment of \$354 million between 2000 and 2007, commercial fishing licenses, fishing vessels, gear, and training were provided to 32 First Nations through negotiated agreements. The *Marshall* Initiative ended on March 31, 2007.

**Atlantic Integrated Commercial Fisheries Initiative**

Following the conclusion of the *Marshall* Response Initiative, DFO launched the Atlantic Integrated Commercial Fisheries Initiative in 2007, which provides funding and support to *Marshall* communities to build the capacity of their communal commercial fishing enterprises and to strengthen community economic self-sufficiency. Through the Atlantic Integrated Commercial Fisheries Initiative, DFO works with program participants to increase commercial fisheries access, provide business management capacity building support, and access training resources required to build self-sustaining Indigenous-owned communal commercial fishing enterprises that meet long-term objectives, including horizontal expansion, the development of additional fisheries-related business opportunities, and increased community employment.

## Quick facts:

- In 1999, the value of Mi'kmaq and Maliseet First Nations communal commercial landings in the Maritimes and Gaspé region was estimated at \$3 million. Between 2007 and 2015, the value of these same communal commercial landings went from \$66 million to \$145 million, an increase of 120 per cent. Through their diversified fisheries-related business opportunities, Mi'kmaq and Maliseet First Nations communal commercial fishing enterprises collectively generate over \$25 million annually in indirect fisheries revenues.
- Employment in the sector has grown in conjunction with revenues: Mi'kmaq and Maliseet First Nations communal commercial fishing enterprises currently employ 1,669 people, of which 1,310 are fish harvesters and 358 are land-based employees.
- Each Mi'kmaq and Maliseet First Nation Commercial Fishing Enterprise has developed and maintains a training plan and to date, 7,731 days of fisheries training have been delivered to 3,475 participants.
- Approximately 10 per cent of Mi'kmaq and Maliseet First Nation fish harvesters and up to 50 per cent of the management positions within their fishing enterprises are held by women. Women make up as much as 33 per cent of the workforce in fisheries-related operations.

## Rights Reconciliation Agreements

In 2017, Fisheries and Oceans Canada began to negotiate time-limited Rights Reconciliation Agreements on fisheries with Mi'kmaq and Maliseet First Nations in Nova Scotia, Prince Edward Island, New Brunswick and the Gaspé region of Quebec as well as with the Peskotomuhkati Nation at Skutik.

In 2019, Fisheries and Oceans Canada signed two Rights Reconciliation Agreements on fisheries:

- August 15, 2019 – [Elsipogtog and Esgenoôpetitj First Nations](#) (two Mi'kmaq communities in New Brunswick)
- August 30, 2019 – [Maliseet of Viger First Nation](#) (Quebec)

Fisheries and Oceans Canada is collaborating with these First Nations on the development of fisheries management approaches and tools to support fisheries access and management objectives.