

# 19 Creative and constrained hybridisations in subarctic Inuit communities

## Communal fishery development in Nunatsiavut, Canada

*Paul Foley, Charles Mather, Natalya Dawe and Jamie Snook*

### 1 Introduction

#### *1.1 Access to fish resources for Indigenous groups in settler societies*

Indigenous groups in several settler societies have successfully secured access to fish resources for commercial gain (Davis & Jentoft, 2001; Durette, 2007; Capistrano & Charles, 2012; Lalancette, 2016; van der Porten *et al.*, 2016). These achievements by Indigenous groups in the United States, Canada and Australasia have not involved the transfer of sovereign fishing rights. Instead, Indigenous rights to fish have been recognised through separate licensing and quota allocation mechanisms, which remain part of existing, state-controlled, fisheries management systems (Coates, 2000; Davis & Jentoft, 2001). These state-controlled access arrangements have tended to take a particular form: they involve allocating licences and quotas to Indigenous *groups or organisations*, rather than to *individuals* in the hope that these allocations will have a strong redistributive impact within Indigenous communities. In Alaska, for example, the Community Development Quota (CDQ) system has been in place since the early 1990s and it allocates significant fish quota to poor and mostly Indigenous communities (Ginter, 1995; Carothers, 2011; Haynie, 2014). Indigenous groups that receive CDQs in Alaska do not always fish these quotas themselves, but they are allowed to trade these allocations to owners of licensed commercial vessels in return for royalties, which are in turn used to support local economic development initiatives (Mansfield, 2007). A similar licensing system was developed in Canada in the early 1990s to allocate fish resources to Indigenous groups. The Aboriginal Communal Fisheries Licence (ACFL) policy has provided a mechanism for the Canadian state to allocate communal licences to Indigenous groups for commercial fishing purposes (Harris & Millerd, 2010; Krause & Ramos, 2015). Once allocated to Indigenous organisations, qualified Indigenous fishers are “designated” or permitted to fish under the authority of communal licences for commercial purposes (Allain & Frechette, 1993; Stanbury, 2003). The Canadian system is different from the CDQ in Alaska in that communal licences are used to

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empower individual Indigenous fishers to become directly involved in the commercial fish sector. Nonetheless, both systems share a common goal of allocating licences and quotas to Indigenous groups in an effort to address social objectives of poverty alleviation, economic empowerment and general restitution for colonial legacies.

Drawing on the case of the CDQ system in Alaska, Mansfield (2007, 492) argues that communal allocations for Indigenous groups should be seen as a form of property that allows the state to “unite neoliberal and social justice approaches” to fisheries access. In other words, these communal allocations allow the state to enclose fishing rights, but for specific social purposes. There is, however, evidence, especially from New Zealand, that the redistributive role of these communal rights can dissipate over time. Fiona McCormack (2016a, p. 229) has recently written that resource allocations to Indigenous groups “can lead to new and more permanent forms of loss, as the assets and resources returned are increasingly entangled with capitalist markets”. De Alessi’s (2012, p. 408) work on New Zealand points to additional problems that go beyond the loss of resources: he argues that the transfer of fishing rights to Māori groups has “had a profound effect on Māori social relations and identity”. He goes on to suggest that these fishing rights for Indigenous groups have “led to the capitalist penetration of Māori fishing practices and social organization on a scale unheard of with community quotas in places such as Alaska” (De Alessi, 2012, p. 391). Although there is limited writing on the experience of Indigenous commercial fishers in Canada, the research that does exist also points to the erosion of social objectives in communal fishing allocations. Writing from the context of the Canadian Maritimes, where Indigenous groups have secured access to communal fishing licences, Wiber & Miley argue that “Native communities have not been able to maintain aboriginal values in the harvesting of fish, nor in the distribution of benefits. In fact, many signatory communities are experiencing sharp debt as a result of the ‘right’ to fish commercially” (Wiber & Miley 2007, p. 184).

The evidence from New Zealand and Canada suggests that the social objectives of Indigenous commercial fishing rights are being eroded as they become ‘entangled’ in capitalist markets. But this is not the only finding on how Indigenous rights for fish have played out in practice. McCormack’s (2016a) work in New Zealand also points to a more complex outcome that involves Indigenous groups struggling to maintain a balance between social objectives and economic outcomes (also see Wiber & Miley, 2007, p. 184; McCormack, 2016b). McCormack writes that Indigenous groups face the challenge of trying to balance the “oft-conflicting demands of customary obligation and market engagement” and must weigh up “the opportunities for wealth creation with customary distributional economies and kin obligation” (McCormack, 2016a, p. 192). Her argument is that the outcome of these struggles cannot be known in advance, but may result in what she calls ‘creative hybridizations’, a term that reflects this effort to balance distributional economies and market engagement. McCormack suggests that these

creative hybridisations may increasingly characterise how Indigenous rights to fish and other resources play out in practice.

### ***1.2 Creative and constrained hybridisations***

This chapter aims to contribute to these debates on Indigenous claims to fish and other resources that become entangled in capitalist markets. These debates are pressing and urgent because they occur in a context where Indigenous coastal communities are struggling to overcome the disastrous legacy of colonial and post-colonial policies. We do so through an analysis of the implementation of Government of Canada communal licences by the Labrador Inuit Association (LIA) and, since 2005, the Nunatsiavut Government within Nunatsiavut. Nunatsiavut is the self-governing territory of the Inuit established in 2005 through the Labrador Inuit Land Claim Agreement covering the northern coastal region of Labrador (Figure 19.1). Since the early 2000s, the LIA/Nunatsiavut Government has designated some Inuit fish harvesters to fish under its communal licences for northern shrimp, snow crab and turbot. Our analysis is not primarily about the erosion of social objectives in these allocations, an issue that has been a central theme in the literature on Indigenous fishing rights in a number of different contexts. Instead, we reveal a more complex process of change that provides new ways of thinking with the concept of ‘creative and constrained hybridisations’, which modifies McCormack’s concept by incorporating a notion of constraints that can capture state and capitalist barriers. In this way our work contributes to ongoing debates on resource allocations to Indigenous coastal groups that become entangled in capitalist markets (c.f. Egan & Place, 2013) by recognising both agency (creativity) and structure (constraints).

Our research on recent claims by Indigenous groups in Nunatsiavut for fish resources in a remote Canadian coastal zone represents an important contribution to recent efforts to rethink and reframe the concept of sustainability transitions (Lawhon & Murphy 2012; Truffer *et al.*, 2015; Morrissey & Heidkamp, this volume). A key concern in this work has been to stress the importance of the impact of geography on sustainability transitions, specifically through the idea of socio-spatial embedding (Murphy, 2015). Socio-spatial embedding, as Truffer *et al.* (2015) argue, demands an explicit focus on the “cultures, institutions, political systems and networks of capital stocks” have been used to support sustainability transitions in specific sites. It also requires that we pay close attention to the “coalitions of actors use to advance socioeconomic, political, and environmental agendas” (Murphy 2015, p. 88). Our work on the ‘creative and constrained’ efforts to establish independent inshore harvesters in Nunatsiavut confirms the significance of place: we reveal the crucial role of situated historical and contemporary political and social dynamics that are central to understanding the efforts of government and other groups in working towards a sustainability transition in this remote coastal zone.

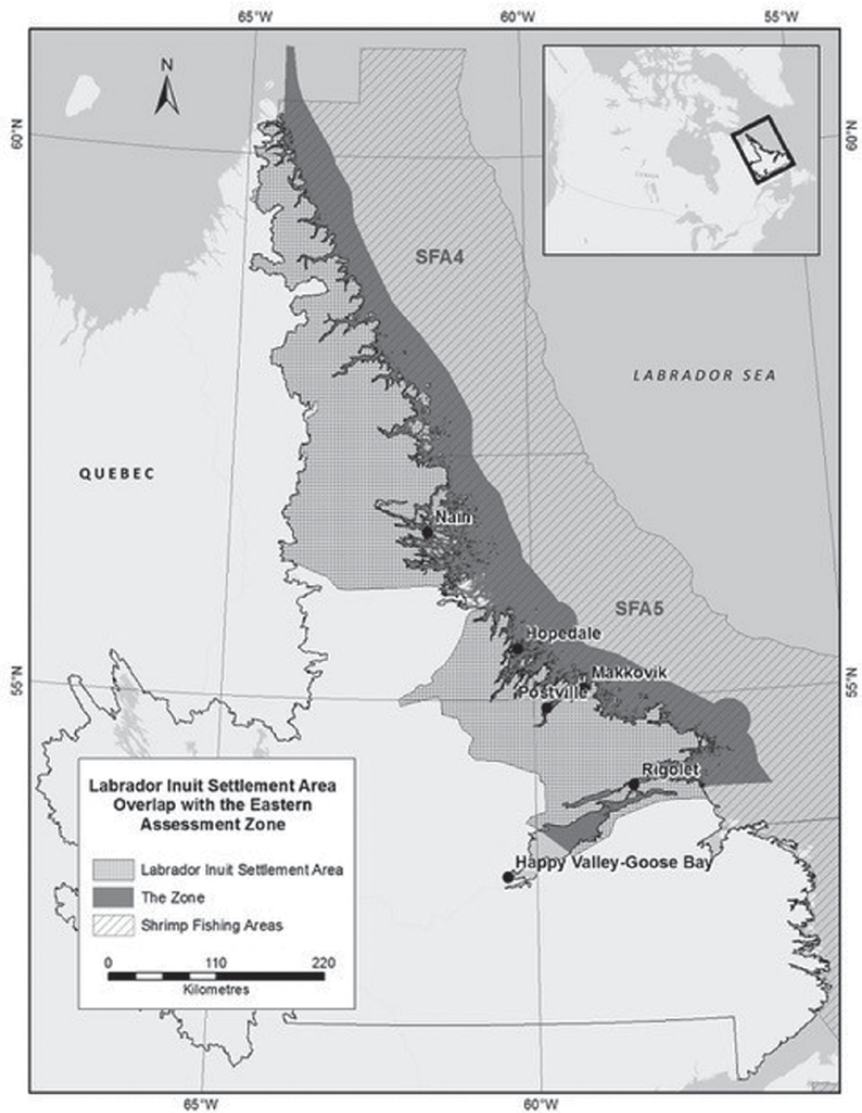


Figure 19.1 Nunatsiavut and key coastal settlements

Source: Bryn Wood, GIS Analyst, Torngat Wildlife Plants and Fisheries Secretariat

This chapter is part of a long-term project on the resource politics of the northern shrimp sector in Atlantic Canada (Foley *et al.*, 2015; Foley & Mather, 2016; Foley *et al.*, 2017). Our research for this chapter draws on two years of work in the specific context of Nunatsiavut, where we have established

research collaborations with local government and non-governmental organisations involved in fishery development in this region of Canada's north (Foley *et al.*, 2017). We draw on secondary sources and key informant interviews with public and private organisations such as the Torngat Fish Producers Co-operative Society Ltd., the Nunatsiavut Government, the Torngat Joint Fisheries Board and the Torngat Wildlife, Plants and Fisheries Secretariat (Snook *et al.*, 2018), as well as with Inuit commercial harvesters. These interviews with key informants, representatives of public organisations and Inuit commercial harvesters were conducted between 2015 and 2017 in St John's, Happy Valley Goose Bay and Makkovik, Labrador. We also draw on material collected at two fisheries workshops in northern Labrador hosted by the Torngat Joint Fisheries Board in 2015 and 2016.<sup>1</sup>

The remainder of this chapter is structured into three sections. In the first section we provide background to the northern shrimp fishery and the allocations that groups in Nunatsiavut secured from the Canadian state. We describe state policies that led to the allocation of fish resources to Indigenous groups in this region, but we also emphasise the active role of historically marginalised Inuit peoples of Labrador in securing and managing these important resources for coastal communities in Nunatsiavut. In the next section, we outline how these resources were creatively used to support Nunatsiavut's inshore fishery, including more recent efforts to establish independent fish harvesters through a federal communal licence system. In the final section we explore the growth of this inshore fish sector and the constraints and tensions that are emerging as these harvesters attempt to create livelihoods opportunities with relatively small amounts of quota, and become more entangled in capitalist markets. We conclude by exploring the concept of 'creative and constrained hybridisations' and its utility in capturing the dynamics that emerge from resource allocations to Indigenous groups.

## **2 Northern shrimp: enclosure and resource allocations to Nunatsiavut groups**

Atlantic Canada's northern shrimp sector, which emerged in the wake of Canada's decision to declare a 200-mile Exclusive Economic Zone (EEZ), has been crucial to Indigenous fishery development in Nunatsiavut. The declaration of Canada's EEZ in 1977 effectively enclosed northern shrimp stocks for Canadian fishing interests and excluded northern European offshore boats, which had previously fished northern shrimp in what were now Canadian waters (Foley *et al.*, 2015). Canada's Department of Fisheries and Oceans (DFO) issued 11 offshore shrimp licences in 1978 and another licence in 1979, for a combined total quota of 8,100 tonnes. The initial allocation of offshore licences was strongly influenced by a progressive Minister of Fisheries, Romeo LeBlanc, who was committed to ensuring that coastal communities benefited significantly from the fish resources within Canada's newly established 200-mile EEZ (Foley & Mather, 2016). To this end, LeBlanc allocated offshore

licences for northern shrimp across Atlantic Canada to fishing co-operatives, Indigenous groups, as well as several companies with access to factory freezer trawlers and with processing facilities in coastal communities. Significantly, allocations to Indigenous groups in Canada pre-date by many years subsequent efforts to transfer fishing rights through programmes like the Aboriginal Fisheries Strategy.

While a progressive minister was an important factor in enabling Nunatsiavut access to shrimp, the allocation of significant northern shrimp resources to Nunatsiavut interests in the form of licences and special allocations must also be understood in the context of Inuit political mobilisation since the early 1970s in response to colonial and post-colonial resource extraction practices. Indeed, the period leading up to the allocation of northern shrimp resources to Nunatsiavut groups was characterised by vigorous political mobilisation by Inuit, which would eventually lead to a successful land claim and the establishment of the self-governing territory of Nunatsiavut. The Labrador Inuit Association (LIA) played a key role in mobilising Indigenous cultural, social and economic interests in the region, including claims for northern shrimp. It was also responsible for setting up the Labrador Resources Advisory Council (LRAC) in 1976 to promote Labrador interests with regard to oil, gas and other resources including fish.

When the announcement was made that a licence would be granted to fishing interests in Nunatsiavut, the LRAC demanded that the resource be used in a way that benefited local residents and the northern Labrador fishery. As they argued, the allocation of northern shrimp resources, should not “repeat the familiar and very bitterly-resented pattern which already governs the exploitation of every other resource in Labrador. Whether it is fish, iron ore, pulpwood or hydro power, wealth flows out of Labrador in a form which ensures that the main benefits will be felt somewhere else” (LRAC, 1978, p. 1). The top priority, they pointed out, should be “to rebuild the Labrador inshore fishery, not to help already prosperous firms and thriving communities fatten themselves on our future” (LRAC, 1978, p. 1). In other words, the use of the northern shrimp licence should break with past patterns of resource exploitation that brought few benefits to Inuit communities in Nunatsiavut. The LRAC articulated additional demands associated with the northern shrimp licence including the training of Inuit fishermen as crewmen on offshore boats into senior positions, processing of shrimp onshore as a way of generating processing jobs for Inuit coastal communities, and the use of resources from the shrimp licence to bolster the inshore fleet and the processing plants that they served.

Northern Labrador/Nunatsiavut interests benefited significantly from these early northern shrimp allocations.<sup>2</sup> The Torngat Fish Producers Co-operative Society Ltd. (hereafter Torngat Co-operative), established in 1980, was the first organisation in Nunatsiavut to hold an offshore shrimp licence. The LRAC’s demands for how the benefits of northern shrimp should be used applied to the licence allocated to the Torngat Co-operative, but also to the

ones allocated to companies that fished for northern shrimp in waters adjacent to Nunatsiavut. The Torngat Co-operative is not formally recognised as an Indigenous organisation, and it has never been linked administratively to the Labrador Inuit Association or the Nunatsiavut Government. Nonetheless, its membership is mainly Inuit with a small number of First Nation Innu people and some settlers living in small and isolated towns on Nunatsiavut's coastline (Figure 19.1).

A second offshore licence was granted to Pikalujak Fisheries of Labrador in 1987, which was a joint venture between the Labrador Inuit Association (LIA), the organisation that represented Inuit interests up until the establishment of the Nunatsiavut government, and a southern fishing company. The LIA was established in 1973 with a mandate to strengthen Inuit culture and to motivate for a formal land claim on the basis of Indigenous rights (Brantenberg & Brantenberg, 1984). The organisation played a key role in the negotiations that led to a successful land claim for the Inuit of northern Labrador in 2005, which established the self-governing territory of Nunatsiavut.

From the mid-1990s, stock assessments showed that the northern shrimp resource was growing very rapidly. In response, Canada's Department of Fisheries and Oceans not only increased quotas for existing offshore licence holders but also began granting permits/licences to inshore harvesters in NL and 'special allocations' to community-based organisations and Indigenous groups across Atlantic Canada. Nunatsiavut interests were again beneficiaries through the LIA which received special allocations of northern shrimp in 1997 and again in 2003. The LIA also benefited from additional northern shrimp quotas through its membership of the Northern Coalition, which supports the interests of northern and Indigenous northern shrimp licence and special allocation holders in Canada. In late 1990s, the Northern Coalition secured a very large increase in northern shrimp quotas, which is shared equally between the six members of the organisation, including the Torngat Co-operative and the LIA. In spite of these significant gains in access to northern shrimp, the Nunatsiavut Government has frequently pointed out that these gains do not match the commitment made in the Labrador Inuit Land Claims Agreement signed in 2005, an agreement that carries constitutional authority (TJFB, 2016). Nonetheless, the ability of Nunatsiavut interests to secure access to northern shrimp through offshore licences and special allocations illustrates early dimensions of the "creative hybridizations" emerging as Indigenous groups interact with state-owned resources.

### **3 Using allocations for inshore development: from royalty charters to communal licences**

A key focus of our ongoing research on northern shrimp in Canada has been on how offshore licences and special allocations of northern shrimp to co-operatives, social enterprises and Indigenous groups tended to be exchanged for royalty payments that have benefited remote coastal communities, inshore

fish harvesters and processing workers (Foley & Mather, 2016; Foley *et al.*, 2015, 2017). Our research in Nunatsiavut has focused on the activities of the Torngat Co-operative and the LIA/Nunatsiavut Government, and this research has revealed a complex and dynamic history of not only the creative use of royalties for the local fishing sector but also the creative integration of allocations under state-sanctioned communal licences.

The Torngat Co-operative was established in 1980 and was the first offshore licence holder in Nunatsiavut. The Torngat Co-operative has always used its royalty payments to support inshore fishery development. In the first decade after it was awarded its offshore licence, the Torngat Co-operative embarked on an ambitious effort to reinvigorate inshore harvesting and processing. It used royalty earnings to upgrade fish-handling units that supported Inuit small-scale cod and salmon harvesters, it arranged new training opportunities for processing workers at fish plants in Makkovik and Nain, and it provided equipment and supplies to fish harvesters along the coast. Through its royalty agreements it also provided new and very lucrative employment opportunities for its members on offshore factory freezer trawlers. Employment provided cash income, and allowed members of the Torngat Co-operative to access unemployment insurance during the winter season when fishing inshore was not possible. Allocations of northern shrimp to the LIA and the Nunatsiavut Government were used in similar ways to support inshore fishery development, but these resources were also used to support other non-fishery economic development projects that created new opportunities for Inuit in Nunatsiavut.

Up until the early 2000s, northern shrimp allocations to groups in Nunatsiavut were used mainly to generate royalties to support onshore fish-processing facilities and employment opportunities. This changed in the early 2000s when Nunatsiavut fishery interests began to explore the idea of integrating their special allocations under communal licences, which would allow it to expand inshore fishing capacity for northern shrimp, crab and turbot and in turn enhance employment opportunities in onshore processing facilities.

The communal licence mechanism had been in place in Canada since the early 1990s. In the late 1980s and early 1990s, Indigenous groups on the west and east coasts of the country succeeded in winning several landmark court cases where they claimed the historical right to fish resources. Canada's Department of Fisheries and Oceans responded to these court cases in 1992 by launching the Aboriginal Fisheries Strategy (AFS), which aimed to provide Indigenous groups with greater access to fish resources for both food and ceremonial purposes as well as for commercial purposes. A special licensing system, called the Aboriginal Communal Fishing Licence Regulation (ACFLR), was introduced under the broad umbrella of the AFS to provide communal licences to Indigenous groups, who then 'designated' individual Indigenous harvesters (known in Nunatsiavut as 'designates') to fish under the authority of the licence.

The first communal licences in Nunatsiavut were for crab, but communal licences were soon also established for northern shrimp (caught inshore and



processed onshore) and turbot, which allowed designates to fish commercially for more than one species. These communal licences were administered by the LIA and, after 2005, by the Nunatsiavut Group of Companies, which designated individuals with experience in the commercial fishing sector across the coastal communities Nunatsiavut (Figure 19.1). Nunatsiavut designates who did not own their own inshore vessels leased vessels from boat-owners in southern Labrador and Newfoundland. The leasing agreements typically involved the southern boat-owner paying the Inuit designate a very small portion of the value of the catch, typically in the range of 15%.

The communal licensing programme was a significant new development for Nunatsiavut. Rather than simply trading quotas for royalties, the Nunatsiavut Government began supporting independent Inuit fishers to become independent commercial inshore harvesters for northern shrimp, crab and turbot. The communal licence designate programme by the Nunatsiavut Government was designed to complement ongoing Torngat Co-operative initiatives, including building inshore harvesting and processing capacity and opportunities. Despite the promise of this new arrangement, research participants suggested to us that it “languished” for a decade or more. A significant proportion of the quotas under the communal licence system were not used in the early years of the programme and had to be re-allocated in the same season to other commercial interests in return for royalties. More recently, however, for reasons that we discuss below, the Nunatsiavut Government’s designate programme has overcome some of the constraints of participation and attracted growing attention amongst Inuit harvesters in Nunatsiavut. We now turn to examine the recent growth in the communal licence and designate programme and the dynamics that are shaping its ongoing development.

#### **4 Constraints of communal licences**

In the previous section we noted that the effort to establish independent inshore harvesters in Nunatsiavut appeared to languish until the mid-2010s. Since then, changes in the northern shrimp resource and allocation policy shifts have created more favourable conditions for the programme.

Northern shrimp stocks began to decline from the late 2000s, for reasons that are indeterminate, but are likely related to a complex interplay between fishing pressure and climate change factors. The changing biomass of northern shrimp had two important effects that relate to the Nunatsiavut Government’s communal licence and designate programme. First, it has led to dramatic cuts in northern shrimp allocations along the northeast coast of Newfoundland as the shrimp biomass weakened in those areas. Inshore and offshore allocations adjacent to Newfoundland and southern Labrador have been slashed from the highs of the late 2010s. At the same time, because northern shrimp stocks are stronger in more northerly zones, northern and Indigenous allocation holders, including those in Nunatsiavut, were not as negatively affected. More

recently Nunatsiavut interests have gained additional, albeit modest, quotas of northern shrimp.

The decline in northern shrimp stocks has had a second important impact on the industry, with implications for the Nunatsiavut Government's communal licence and designate programme. The decline in northern shrimp stocks has led to higher prices for this shellfish species which is exported to international markets in Europe and the United States. Canada is by far the largest global supplier of wild-caught cold-water shrimp and decreases in supply have pushed prices to record levels.

For existing and potential new designates in northern Labrador, these shifts in biomass that have led to slightly larger quotas, in a context of overall resource decline, combined with much higher prices, have made the communal licence system a much more attractive proposition. Communal licence designates can now gain access to relatively larger quotas, and the prices they receive through leasehold agreements are now higher. From a financial perspective, accessing quotas linked to communal licences through the designate programme has become a more lucrative proposition. At the same time, lower quotas for southern inshore harvesters means that there is excess capacity to fish for northern shrimp, which has encouraged boat-owners from southern Labrador and Newfoundland to enter into leasehold agreements with Nunatsiavut designates. One designate told us, for example, that they are now contacted directly by inshore shrimp boat-owners from Newfoundland with attractive offers that significantly exceed the standard 15% of the value of the catch.

In this context, it is not surprising that the number of applications for designate licences from Nunatsiavut residents has increased rapidly. In 2015–16, for example, the Nunatsiavut Government designated up to 14 beneficiaries who operate between seven and nine vessels and who were required to hire a minimum of one additional crew, resulting in as many as 32 people employed annually (Foley *et al.*, 2017). Indeed, the number of applications for communal licences regularly exceeded the existing quotas in recent years, which has required the Nunatsiavut Government to establish a new framework for allocating communal licences. These developments within the communal licensing programme have also generated new tensions and contradictions for the Nunatsiavut Government, as some Inuit have been excluded from the designated programme while others participating in the programme are pressing for multi-year licences as a vehicle to accumulate capital.

For Inuit designates in Nunatsiavut, a multi-year designate system holds the obvious attraction of having some certainty with regard to future fishing seasons. There is, however, a far more important consideration at play that relates to the role that fishing licences play in Canada's broader commercial fishery sector. Under Canada's Fisheries Act, individual fishing licences allocated outside the Aboriginal Fisheries Strategy policy are allocated to individuals or enterprises and these are considered to be 'privileges' that are granted on an annual basis. The Department of Fisheries and Oceans has stressed that

licences should not be considered a form of property. Yet in practice, fishing licences in Canada are traded for very large sums of money. Indeed, the value of a licence usually far exceeds the value of the boat that is used to fish the quota (Allen, 2018). Harvesters also use fishing licences as collateral to secure loans from financial institutions. These loans have become very important for harvesters wanting to purchase vessels or upgrade existing fishing boats or otherwise invest in their fishing enterprises. In strict legal terms, fishing licences in Canada are not property, but in practice they are traded for large sums and used as collateral to secure loans from financial institutions.

Individual designates fishing under the authority of communal licences do not have the same financial privileges, however. While individual fishing licences in Canada can be used as collateral to secure loans from banks and other financial institutions, communal licences cannot be used in the same way. This is because licences allocated under the ACFLR are allocated to Indigenous groups rather than to individuals. Communal licences cannot be traded between groups or between harvesters, and because they are allocated on an annual basis, they are not considered to be a legitimate form of collateral by financial institutions. Nunatsiavut designates who fish commercially under communal licences are, therefore, unable to use their access to quotas to secure loans to purchase or upgrade vessels, as is the case for settler harvesters in other parts of Canada.

These constraints of communal licences or, rather, the relationship between communal licences and capitalist institutions, was a key theme at both the 2015 and 2016 fisheries workshops in Nunatsiavut (Whalen *et al.*, 2015).<sup>3</sup> Inuit harvesters voiced their concern that the terms of the licence did not allow them to purchase boats and become truly independent enterprise owners. One harvester compared his situation to “Canadian citizens” who were able to take their fishing licences to the bank and use them as collateral to secure loans. This communal licence holder went so far as to suggest that he “just wanted to be like a normal Canadian citizen, to operate in the fishery like other Canadians”. Another harvester challenged the policy of communal licences arguing that these were “our licences, they should have been given to us, not to the Nunatsiavut government”. In other words, the constraints faced by individual designates facilitated their perception that their designate quotas should not have been allocated under communal licences, but rather should have been allocated to individual Inuit harvesters who could then use them to secure loans to buy a boat. Another designate claimed that her progress as a fish harvester was being compromised through the communal licence system:

I am being held back right now. Even funding and grant agencies won't look at me. The banks won't look at me. Investors are having trouble investing money in me. Why? Because you don't even own a quota. You don't know whether you are going to have that licence next year.

(Interviews)

## 5 Creative and constrained hybridisations

At first glance, the Nunatsiavut Government's communal licence experience appears to mirror the findings from research that has examined state allocations of fish resources to Indigenous groups in settler societies. As we noted in our introduction, a key finding of the research in countries like New Zealand and other parts of Canada is that the social objectives of these allocations tend to erode as licence holders become more entangled in capitalist markets. With the recent growth of the Nunatsiavut communal licence system, the initial evidence we have presented appears to suggest that a similar process is under way. For some Nunatsiavut fish harvesters, the communal licence system represents an obstacle to their individual commercial aspirations, which they articulate through an identity politics that appears to question Indigenous belonging and attachment. Yet a more careful analysis of this dynamic period of change points to a more complex process of transformation that can usefully understood through the idea of 'creative and constrained hybridisations'.

Creative hybridisations take a number of forms. For example, while a number of fish harvesters in Nunatsiavut expressed frustration with the communal licence system, and called for changes that will allow them to become owners of boats and formal fishing enterprises, other designates appear to be more risk-averse and are uninterested in the financial risks and uncertainties in borrowing large sums of money from a bank to buy a boat or a fishing enterprise. Another example is the ongoing experimentation of the Nunatsiavut Government to creatively overcome constraints, such as the initiative to explore whether the communal licence designate system could be extended beyond a single year to allow designates to secure loans to purchase a vessel.

The Nunatsiavut Government is exploring a range of different options, with associated financial risks, including the current model that involves entering into lease agreements with boat owners in southern Labrador and Newfoundland (Whynot, 2016). The diversity of options reflects the fact that some communal licence holders are satisfied with the existing system that allows them to earn some income without significant risk, and which also allows them time to pursue traditional activities. As one Nunatsiavut Government official explained:

There is definitely some interest from our designates to be vessel owners themselves. But a lot of our designates like the fact that they walk onto a vessel and five or six weeks later they are done for the year and they can then pursue their traditional activities like hunting and going to the cabin. That is very appealing to them,

(Interviews)

He also pointed out that contracts from southern boat-owners are far more generous, which has reduced the incentive to buy a boat as a way of earning a higher income:

There is a lot of competition and boat owners in the south are offering higher shares because they don't have resource to fish like they used to have. A common sharing arrangement even three or four years ago you were lucky if you got in excess of 15 percent, and now designates from what we are hearing are getting up to 40 percent. The designate share has gone up. And so if you are getting a lot of money from a lease, what's the incentive to get a boat?

(Interviews)

Commercial fishing for significant financial reward, for some designates, does not require boat-ownership, and can, significantly, be achieved without compromising meaningful traditional activities on the land. Thus, creative but constrained hybridisations are not only reflected in the communal licence designate system and its relationship to the Canadian state but also in the diversity of relationships and initiatives among Inuit designates. There is a second complexity in the debates and discussions on how communal licences might be used by some designates to secure loans, buy boats and build commercial fishing enterprises. The Nunatsiavut Government is actively exploring ways that these communal licences might be used as collateral with financial institutions. One option involves allocating quotas to individual designates for several years at a time, a move that may convince financial institutions to use these as collateral against a loan. Yet there are those within the Nunatsiavut Government who are concerned that this multi-year allocation system will compromise the original objectives of these communal licences:

We have more of a social conscience than a business conscience. If we are looking at a multi-year designation system and we are going through a process where a designate becomes a vessel owner, my feeling is that the decision-making process would be more business minded than social minded.

(Interviews)

In other words, a multi-year designate programme might constrain the ability of the Nunatsiavut Government to use communal licences for social and redistributive purposes. As he noted below, communal licences are not owned by individual designates, and they should be used for the benefit of designates and the beneficiaries of Nunatsiavut's hard-fought Land Claim agreement.

The assets that the designates fish under, don't belong to them. We as the government own the quotas... We provide maximum benefits to our designates, to our beneficiaries.

(Interviews)

The final complex hybridity we consider has to do with how these developments in the communal licence system intersect with identity politics. We noted

earlier that during the discussions around the communal licence system, several designates contrasted the constraints they face within the communal licence system to the situation of ‘Canadian citizens’ who are able use their individual licences to secure loans to buy or upgrade fishing vessels. One interpretation of this statement would be that the communal licence system is causing this Indigenous fisher to distance himself from Indigenous identity in favour of a Canadian one that will allow them to achieve their economic aspirations, which is consistent with De Alessi’s (2012) argument that Māori identity and social formations have been transformed and weakened through commercial allocations of fish resources. In the case of Nunatsiavut, while the communal licence system may be interacting with identity politics, it is premature to see it as causing a clear *erosion* of Inuit identity. Indeed, one economically ambitious communal licence holder suggests that economic success, Inuit identity and the self-governing territory of Nunatsiavut are not mutually exclusive:

I want to have the Nunatsiavut flag flying. I want a white boat with the Labrador colours on it – the white, blue and green. I want us to be proud. That when we pull into Charlottetown (southern Labrador shrimp plant) people see that’s a Nunatsiavut boat with a Nunatsiavut quota being caught by a beneficiary landing their own stuff. That’s something for us to be proud of – not only me, but Nunatsiavut. Otherwise the Nova Scotians and the Newfoundlanders are going to continue to catch our quota and the money is going to leave as well.

(Interviews)

In this designate’s view, Indigenous identity and individual economic success are compatible, and provide a way of challenging long-standing issues associated with fish resource politics in this region of northern Canada. It is too simple to suggest that the tension that has emerged with the communal licence system is reducible to tensions between Indigenous identity and economic aspirations.

## **6 Conclusion: towards an understanding of ‘creative and constrained hybridisations’**

This chapter provides empirical and theoretical insight into specific processes of socio-spatial embedding (Foley *et al.*, 2015) that have been identified as significant aspects in sustainability transitions (Truffer *et al.*, 2015). To theorise coalitions of actors seeking to advance new socio-economic, political and environmental agendas that can be understood as supporting sustainability transitions (Murphy, 2015, p. 88), we have used the concept of creative and constrained hybridisations to examine a settler state’s allocation of fish resource rights to Indigenous groups for commercial purposes. Our case is the self-governing territory of Nunatsiavut where communal licences and

designate programme have been used to support a small but vibrant group of inshore harvesters. We have explored tensions within the communal licence system as some designates have begun to press for changes that will allow them to accumulate individual access rights as a less constrained path to commercial success. Our argument is that these developments do not represent a clear case of the erosion of Indigenous identity and the social objectives that are associated with communal fishing rights. Instead, we have pointed to both the creativity and constraints in complex and fluid processes of social and environmental change. While some communal licence designates have experienced the communal licence programme as a constraint, others experience it as a less risky opportunity for maintaining diverse livelihoods that involve both seasonal commercial fishing and traditional, offseason livelihood and culturally significant pursuits. The Nunatsiavut Government, moreover, is also unwilling to give up formal resource rights to individual harvesters as they continue to see communal licences as integral to its responsibility for supporting collective social development. Finally, we argue that Indigenous identity intersects with individual commercial aspirations in complex and interesting ways.

How does the Nunatsiavut case help us extend the idea of creative hybridisations or, as we push the concept further, creative and constrained hybridisations? The concept of creative hybridisations is helpful in that it points to more complex outcomes associated with resource use by Indigenous groups for commercial gain. While the existing literature tends to focus on the erosion of Indigenous identities and the loss of social objectives, the idea of creative hybridisations provides a way of revealing unexpected outcomes associated with Indigenous resource economies. These unpredictable outcomes cannot be determined in advance and are likely to vary from site to site. However, we acknowledge the contributions that highlight the structural influence of capitalist markets and processes. In this way, we believe that creative and constrained hybridisations provides a concept recognising both agency and structure in understanding and explaining how Indigenous groups use resources for commercial gain within settler-colonial and capitalist contexts. In providing a counter to the literature that tends to see only negative outcomes from Indigenous resource use for commercial gain, we are not arguing that creative and constrained hybridisations result in a 'balance' of social objectives, Indigenous identities and market engagement. On the contrary, our case suggests that these different contradictory priorities will shift and change over time in particular social contexts as Indigenous groups continue to gain access to resources.

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## Notes

- 1 We received ethical clearance for this research from Grenfell Campus Research Ethics Board at Memorial University as well as research clearance from the Nunatsiavut Government's research office.
- 2 For consistency and clarity, from this point on we use the term Nunatsiavut to refer to developments in the northern shrimp sector in what was northern Labrador before 2005 and what since then is the self-governing territory of Nunatsiavut.
- 3 These annual fisheries workshops involve participation from key stakeholders associated with the Nunatsiavut fishery including Inuit harvesters, fish processors (i.e., the Torngat Co-operative), the Nunatsiavut Government, Canada's Department of Fisheries and Oceans, the Newfoundland and Labrador Department of Fisheries and Aquaculture, and the Torngat Secretariat. The Torngat Secretariat was established in 2005 following the Labrador Inuit Land Claims Agreement. It is directly related to fisheries through the role it plays as the implementation agent of the Torngat Joint Fisheries Board, which advises the Nunatsiavut Government on fisheries issues.

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