

Nfld. cod

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catching capacity. Freezer trawlers are larger and can remain on the fishing grounds for longer periods of time, he said. Consequently, the mainland companies will be in a better position to demand greater offshore allocations in the future, a move which could hurt the existing inshore fishery of the northeast coast and Labrador.

Federal fisheries officials have already pointed out that the existing inshore and wetfish trawler fleets are capable of harvesting the entire 300,000-metric-ton allocation projected for 1985, let alone the 180,000-metric-ton allocation for 1979.

At a meeting last September in Corner Brook to discuss the northern cod stocks, the Fisheries Council of Canada and the Nova Scotia Packers Association, both of which are heavily influenced by Nickerson, argued that freezer and factory-freezer trawlers were an important part of Canada's future in northern cod.

The Newfoundland Fishermen, Food and Allied Workers Union, which represents more than 15,000 fishermen and plant workers in the province, advocated increased inshore allocations with the surplus going to wetfish trawlers. This, the union said, is in keeping with the social and economic situation in the province.

Behind the confrontation over freezer trawlers lies the recent depletion of the fish stocks in traditional areas, the Scotian Shelf and the Grand Banks. Government has for the

Pulpwood

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subject to price-fixing marketing controls, such as milk or eggs, because in such cases the buyers can readily pass on any increase in price in their sales to Canadian consumers. Pulp and paper are sold on the international market at prices which Nova Scotia companies cannot dictate. This price increase of pulpwood cannot be just passed on directly to the consumer.

The buyers therefore urge strongly that the Pulpwood Board have no price-fixing powers and that it merely act like the Labour Relations Board by forcing and supervising bargaining and by providing conciliation and pressure to settle disputes. They suggest that if agreement cannot be brought about between producers and buyers in this way, the parties should be permitted to strike.

The producers strongly reject these arguments. They claim that the strike remedy would not be a remedy at all, that the buying companies could easily freeze out and defeat any strike by merely getting their pulpwood only from their own forest limits (ie. Crown Land).

The Liberal government decided to follow industry's advice.

Despite this setback—woodlot owners saw the government as changing the rules in the middle of the game because of pressure from industry—the NSWOA proceeded to apply to the new board to become the bargaining agent for small producers. The Forest Products Association also put in an application. Long-time director of NSFWA, Donald Eldridge (who is now department of lands and forests deputy minister) said the application was

A Nova Scotian view

While the Nova Scotian government and various other parties are trying to make the Newfoundland action out to be another form of extremist provincialism and a crisis of the Canadian constitution, Maritime fishermen say they see the issue quite differently.

Atlantic Issues spoke with Kevin Squires of the Maritime Fishermen's Union (MFU) who said that "As far as we see it, Peckford is acting to protect the inshore fishermen in Newfoundland—and we have no argument with that. It's only Nickerson's who can lose. This doesn't hurt the Nova Scotian fishermen."

The Maritime Fishermen's Union is a four-year-old union representing approximately 2,000 inshore fishermen in the Maritime provinces.

MFU representative Squires said that the MFU had never taken a position on "provincializing fish stocks" and thought that this would be a difficult issue for them to tackle since they are a Maritime union fighting for the common interests of the inshore fishermen throughout the region.

But, he said, the MFU believes that local fishermen should always have the first access to the fish stocks.

Squires noted that for Nickerson's to catch the Northern cod stock they insisted that they had to build and license freezer-trawlers and the MFU recognized that this was going to mean fishing the cod stock dry—just as nearly happened a few years ago with the foreign fleets.

In this instance, he said, "The inshore fishermen of Newfoundland and the Maritimes have a common concern and a common enemy—and that's Nickerson's."

past few years used the northern cod stocks, located off the northeast coast of Newfoundland and the coast of Labrador, as a cushion against these depleted areas.

To encourage foreign fleets to cooperate in rebuilding the Grand Banks stocks, Canada has granted allocations of northern cod to these fleets, this year totalling 25,000 metric tons. To ease pressure on traditional areas fished by Canadian trawlers, the government offered allocations again in the northern waters. Also, it gave incentives to the companies and guaranteed incomes to the trawlermen who fished in the north.

Peckford and Martin fear that these pressures by offshore fleets may eventually disrupt the recovering inshore fishery of the northeast and Labrador coasts. Those areas saw the near destruction of the inshore fishery some five years ago due to intensive offshore fishing by foreign fleets. Fishermen in those areas had landed between 110,000 and 175,000 metric tons average during the years 1959-67, but offshore fishing, which reached a peak in 1968 of almost 700,000 metric tons, depleted the stocks to the extent that the inshore catch dropped to 52,000 metric tons by 1972. The depletion also affected the offshore vessels,



made to protect the association's members who didn't want to be represented by NSWOA. The decision to apply for bargaining rights had been made, in fact, not by NSFWA's membership as a whole but by the board of directors, three of whom represented multi-nationals (Norman Eddy from Eddy Group Limited; Leif Holt from Bowaters Mersey and Robert Murray from Scott Maritimes).

After public hearings in the summer of 1973, the Pulpwood Marketing Board decided to certify the NSWOA as official bargaining agent for small producers. That decision was immediately challenged in court by NSFI. The lower court upheld the Pulpwood Marketing Board's decision to certify the woodlot owners; but the Supreme Court overturned it. It said that the application was too broad, and suggested that future applications for legal bargaining status should be confined to the supply area of each pulp mill.

NSFI had always contended that it was willing to bargain prices with its suppliers, but Chief Justice MacKeigan of the Appeal Division of the Supreme Court of N.S., in his decision aptly described the realities of pulpwood marketing in Nova Scotia:

"Each mill is in a near monopolistic position as a buyer from the small sellers. Each is what the economists term a monopsony in its region and can come close to being able to dictate the prices at which it will buy from the sellers. The farmers feel helpless against this power. Hence, during the last eight or nine years, the woodlot owners, through their main association and at eighteen counties sub-associations, have, as shown in the briefs before the board, tried to organize and to press for marketing controls which they hoped would protect them from the mills. In this effort they have been strenuously opposed by the mills, who fought any restraints on their powers, and by sawmill operators and other members of the Forest Products Association."

The NSWOA then set up its NSFI Suppliers Division, and following the Supreme Court recommendation, began organizing the 1,300 woodlot owners in the province's seven eastern counties who had supplied wood to Nova Scotia Forest Industries over a three-year period. The association wanted the company's list of suppliers, NSFI didn't want them to have it, and the Pulpwood Marketing Board found itself back in court again

which were able to catch only 392,000 metric tons that year

Nickerson has been expanding in the two areas of contention, the north-east coast and Labrador. A relative newcomer to Newfoundland, it now owns or operates plants in Lewisporte, Triton, La Scie, William's Harbour and Black Tickle, all in these areas, as well as several other facilities elsewhere in the province.

Given the company's affinity to freezer and factory-freezer trawlers and the recent approval by the federal government for their use in areas traditionally fished by wetfish trawlers, the fears regarding their motives may be justified.

To prevent the possible shift in emphasis from inshore to offshore fishing, the provincial government has advocated guidelines to licensing of freezer trawlers. Martin has recommended that:

- all vessels over 65 feet in length should be registered with a copy of the registration available for public inspection in the province;
- no new licences for vessels over 65 feet should be issued without the insertion of a public notice in local newspapers, stating the species to be fished, details of the vessels, her home port and port of discharge;
- if there are substantial objections from other inshore fishermen and/or trawler operators, then a public hearing should be held to hear such objections.

These steps, said Martin, will ensure local interests are protected.

when it offered to provide it. NSFI lost that round, and the Woodlot Owners Association once again signed up enough members to apply for certification.

Last summer, just as in 1974, Nova Scotia Forest Industries argued that the bargaining unit suggested was "inappropriate." In 1974, it was too narrow because of a delegate voting system which would mean not every woodlot owner voted on the proposed contract. In 1979, NSFI president John Dickey argued that it was too broad, because of a clause in the organization's by-laws which could extend membership to other unspecified groups. Despite the company's objections, the Pulpwood Marketing Board certified the NSWOA last fall, and negotiations are now under way.

The struggle of woodlot owners in Nova Scotia to win the right to bargain pulpwood prices has been long and frustrating. Prices for pulpwood have continually lagged behind prices in New Brunswick and Quebec, where marketing boards are in existence, and the NSWOA has spent the past five years in and out of court battles.

Such pressure on government has obviously had "unfortunate implications" for small pulpwood producers, least of which is the Pulpwood Marketing Act itself. The act is, by all accounts, a poorly drafted piece of legislation to start with. Wording is unclear, definitions are fuzzy, and most importantly, there is nothing in it to force companies to negotiate. Lands and forests minister George Henley has offered to amend the legislation if negotiations don't work out this time. Whether or not that will be necessary remains to be seen, as negotiations begin for the first time between Nova Scotia woodlot owners and NSFI.