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Chair

Mr. Alan Tonks

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• (0915)
[English]

The Chair (Mr. Alan Tonks (York South—Weston, Lib.)): Good morning, members of the committee. Bonjour.

Ladies and gentlemen, I wonder if we could convene now. Thank you.

At the last meeting we had a general discussion with our research staff with respect to the report. Today we are going to look at the suggestions that were made at the last meeting. Tim has taken those suggestions, for the most part, and he's going to explain how he has integrated them into the report.

I would like to remind the committee that we had indicated we are going to report to the House tomorrow. I am looking for the expeditious and deliberative considerations of the committee so that we can meet our commitment. I thank you in advance for that.

I think we'll ask research to take us through the report, in terms, I guess, of focusing on the changes that have been made from the last draft we had before us.

Is that okay? Thank you.

Tim.

Mr. Tim Williams (Committee Researcher): There were a few changes that were recommended. I didn't really hear any dissent around the table about those recommendations, so I tried to take into account almost all of them. I'll just run through quickly, and hopefully we can do this expeditiously, as the chair has said.

Paragraph 7 is in response to Mr. Mills' request that a little more emphasis be put on the fact that there is some dissent out there among the governors and the provinces and from the United States government, so this is a process that's still unfolding, and therefore this is a good time to jump in to put the committee's point of view forward. That's paragraph 7.

After that, there wasn't much—

The Chair: Excuse me, Tim, before you go any further, the members have only the second draft; they may not have the first one. Can you tell us just how you've changed that recommendation to reflect the direction?

Just before we go on, Mr. Comartin has a point.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): I'm sorry, I don't have a second draft; I just have the first.

The Chair: They should have been passed out.

The Clerk of the Committee (Mr. Eugene Morawski): Does it say “Version 3”?

The Chair: Where does it say that, Eugene?

The Clerk: It's at the top right-hand corner of page 1.

The Chair: Oh, yes, it's after the table of contents, just up in the top right-hand corner. Version 3 is the one we are going to be dealing with.

What I've asked Tim to do, as he's going through this version 3 draft, is point out what the difference is, following the intent of the questions and direction that was given at our last meeting, just to show us and illustrate what the difference is. He has tried to incorporate that.

We're on paragraph 7 on page 3. I understand that the French version may be paginated a little differently, but we're on paragraph 7.

Are we all together now? Thank you.

Mr. Comartin, do you have a point just on the process?

Mr. Joe Comartin: It's about paragraph 7. It wasn't the Governor of Michigan; it was the Attorney General of Michigan. I understand that just at the political level that reflects perhaps some difference. Although we're not quite clear whether the governor has changed her position, clearly the attorney general has expressed reserve. The governor has not, publicly.

The Chair: Thank you, Mr. Comartin.

Are there any other comments with respect to paragraph 7?

Then we'll move on.

Just as an explanation—this is not to get your attention from time to time, or because there's anything more “illuminating” about the agenda or the paragraphs—they are trying to fix the lights, because there is a problem with the dimmer. We can't get them any brighter presently than they are right now, so I think we'll try to proceed, just bearing in mind that they are working on the electric lights.

• (0920)

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Chair, can you explain the difference between versions 2 and 3?

The Chair: We're explaining the differences in those paragraphs that are affected by the recommendations that were made out of our last meeting.

Mrs. Cheryl Gallant: Okay.

The Chair: Tim is going through them, saying, in paragraph 7, this is what it said last time, this is the direction I was given, and this is the way it has been changed: how do you feel about that? That's basically how we're proceeding.

Maybe, Tim, since we've been distracted a bit, you can go over paragraph 7 changes again, and then we'll proceed further.

Mr. Tim Williams: Okay.

Paragraph 7 was basically in response to Mr. Mills' request that a bit more emphasis be placed on the fact that there is dissent among the parties to the agreements—specifically Ontario and perhaps Michigan—as well as some level of discomfort from the U.S. State Department with regard to putting in a non-derogation clause. Basically it's a new paragraph, although it's essentially copied from the first paragraph of the conclusion of version 2. The conclusion now starts with a very similar paragraph to this, just modified slightly.

The Chair: Is that okay?

Thank you.

Mr. Tim Williams: We then go to paragraph 48, “Return of Flow Requirements”. This has been modified slightly because there was a request for a new recommendation to the federal government basically to change its position with regard to the 5% return. There is now a new section, which I'll get to a little later on. If you remember, this is split into three parts: an introductory section, a section on input into the federal government's response to the governors and provincial premiers, and also some further requests to the federal government. Since this is a request for the government to change its position on the 5% return, that section has now been moved to the third part. There is now a new recommendation, and we'll get to that in a second.

In paragraph 50, there is now a mention, “The Committee heard compelling evidence”. It's the committee support for the no net loss area requirement. The Ontario government's press release also states that:

For the purposes of the Annex agreements, Ontarians, and the McGuinty government, clearly want a “no diversions” agreement, or the position of “no net loss” as proposed by the International Joint Commission.

So I have added a phrase at the end of paragraph 50 that recognizes that the Ontario government now wants a no diversions agreement or a position of no net loss.

Paragraph 53 is the beginning of the section on resource improvement and ecological integrity. There was a fair amount of discussion regarding the definitions here as to what is resource improvement and what is ecological integrity. Version 2 basically categorically rejected the concept of a resource improvement, and there was some discussion that that wasn't a very good idea, that perhaps a more nuanced version would be better. This section 4, paragraphs 53 to 58, has been changed dramatically. It's probably one of the larger changes.

For instance, under paragraph 54 we heard evidence that this resource improvement perhaps would put a price on water. There was some recommendation that perhaps the committee wasn't actually convinced that this in fact was the case. So I've added a sentence:

While the committee is not convinced this will be the case, there are other problems with the concept of “resource improvement” that suggest that it should be applied with care.

That basically leads into the definition of improvement to the waters and water-dependent natural resources of the Great Lakes Basin.

Under paragraph 55 I've put in how that was defined under the original annex, Annex 2001. There's a subparagraph to paragraph 55 that defines how improvements were defined under the annex.

Paragraph 56 just notes that in fact the implementing agreements changed that definition slightly. They add the words “environmentally sound and economically feasible water” in front of “conservation”. If we look at the subparagraph, again, it would read “resulting from associated environmentally sound and economically feasible water conservation measures”, instead of just “associated conservation measures”. I think that's a fairly important point to note, and paragraph 56 does note that.

Paragraph 57 gets a little more complicated. This section is inevitably somewhat complicated. There's a difference between the compact and the international agreement in that the international agreement contains a section of guidelines on how the standards are supposed to be applied.

• (0925)

That is not true for the compact. The compact does not have those guidelines.

Paragraph 57 notes that there is some discussion within the international agreement about what will constitute an improvement—and I've noted here that they note under hydrologic conditions, water quality, and habitat. In other words, there are improvements that could be made that might be related, but they could be completely unrelated. A withdrawal that damages habitat could be balanced off by some kind of improvement somewhere else in the basin, in water quality or hydrologic conditions, for instance.

So paragraph 58, then, has also been changed to discuss a little bit more the committee's opinion with respect to improvement of the resources versus ecological integrity.

Now, I didn't get into what ecological integrity is in a really deep sense within the text, because I thought it would be distracting. I put it in a footnote, why ecological integrity is basically pretty complex and very hard to measure. Realistically, the IJC treats ecological integrity a little bit circularly, which is easy to do with this concept. But it does definitely bring in the concept of looking at the basin as a unified whole, looking at all the aspects at once throughout the basin, not just habitat management or water quality or hydrologic conditions—looking at it as a whole.

So I've changed the last part, which has been highlighted, as follows:

It is possible that a coordinated set of “resource improvements” could lead to ecological integrity. Without specific directions stating this clearly in the Agreements, however, the Committee is very concerned that piecemeal and unrelated improvements could lead to a deterioration of the overall integrity of the Lakes.

So it's a somewhat more nuanced version of version 2, and the committee is free to change it as much as it likes.

Moving to section 5, paragraph 6—

• (0930)

The Chair: I'm sorry.

Mr. Comartin.

Mr. Joe Comartin: I'm sorry, Mr. Chair. If we have concerns, do you want us to express them at this point or let Tim finish the whole thing?

The Chair: I thought we should get the full flavour, because some of the changes are reflected, as Tim has pointed out, later on. One example is the new recommendation.

I thought we would get all of the changes, and then we can go back to them and have a full discussion on them.

Mr. Joe Comartin: Thank you.

The Chair: If that's okay with the committee, then, I'll come back for questions.

Tim.

Mr. Tim Williams: Paragraph 60 is a new paragraph. I think it came from the Conservative Party. It basically gives a little bit more emphasis about what happens in the lack of knowledge. Basically, damage happens in the lack of knowledge, and therefore we should try to improve our knowledge.

Paragraph 61 is where there was some discussion. I did not actually use the term "precautionary principle". This has now been changed and brought in specifically. There was a request to bring in a definition. I've put in the definition from the Rio Declaration. Obviously, the committee members are free to discuss which definition they would like.

Recommendation 1—page 30 in the English version—has also been changed just to reflect the fact that we are talking about the "precautionary principle" instead of "principle of precaution", as it was in version 2.

The lead-up paragraph to recommendation 3 is paragraph 70. There was, I think, a request from two members of the committee that reference be made to the IJC's recommendation of their interim report from August 1999. Basically, they stated that before they came out with their final recommendations in the year 2000, they requested a moratorium be put on withdrawals. That is now specifically referenced after recommendation 3, paragraph 71.

Paragraph 72, then, specifically refers to the IJC's conclusions in their August 2004 report, which looked back at their recommendations and stated that:

Finally, the Commission recommends that the outcome of the Annex 2001 process should include a standard and management regime consistent with the recommendations in our 2000 report. Until this process is complete, it is not possible to say whether and to what extent Annex 2001 and measures taken under it will give effect to the recommendations in the Commission's 2000 Report.

Paragraph 73 is a new paragraph that's highlighted, that is essentially the same concept as in version 2. The last sentence leads into recommendation 3, but now is more of a stand-alone thought in that it says:

In following the precedent of the IJC's interim recommendation in 1999

—which was for a moratorium, pending their final version in 2000—

the Committee believes that until such Agreements are finalized

—"such" meaning agreements that meet the IJC's 2009 recommendations—

a moratorium should be put in place on approval of new and revised withdrawals.

Section 74 comes from a request from a member of the Bloc, Monsieur Simard, to have a new recommendation. This section leads into recommendation 4. Basically, it moves part of what was in version 2 in the "Return Flow" section and makes it a new section that leads into a recommendation:

...that the Canadian government remove its support for the 5% maximum use threshold and urge the IJC to revisit this provision of its year 2000 recommendations.

I think there was a fair amount of thought around the table that this 5% return should be really looked at as a maximum and not some kind of a standard to be met. That's where I also moved the quote from the government's response to the year 2000 report, giving its support reluctantly from the words to that recommendation of the IJC.

• (0935)

Recommendation 5 and paragraph 78 have been changed. This is a request from Mr. McGuinty to give a little bit more direction to where we want the funds to go. There was some evidence given by witnesses that suggested that federal capacity should be increased, so I've basically said, in recommendation 5, that funds be apportioned in a coordinated manner to government departments.

I know this is still fairly vague, but we really didn't hear from any witnesses about which departments of the government should be given money. There's Fisheries and Oceans Canada, the Ministry of Natural Resources, Environment Canada, all sorts of departments that are involved, and Health Canada—basically the five MNR departments. We heard no testimony, really, about which department should be getting money, so I've left that fairly general.

The last correction was clearly in response to some of the recommendations. In paragraph 87 there was some question as to the powers of the provinces versus the powers of the federal government and how that has changed over the years in terms of implementing the Boundary Waters Treaty.

I have included the citation from Mr. Pentland clarifying exactly what he meant by the provinces basically gaining more and more capacity, getting better and better at it. Finally, he says, "it may be that over the four decades or so we've gone too far", meaning that the federal government should perhaps be a bit more involved.

Those are the major changes that I've added to try to respond to the recommendations made about version 2 at the last meeting.

The Chair: Thank you very much, Tim, for capturing the spirit. That's not an easy thing to do from the fairly rapid discussion at the last meeting, and members did not have the draft before them in advance. So we appreciate the work and consideration that has gone into that.

Now what I would suggest is that we more slowly go back to some of the issues that were raised, particularly with respect to the changes that have been suggested by research. Perhaps I could do this and just guide the chair, but my suggestion would be that we go to the changes themselves and focus on them, and then deal with the report again in its general context.

The first changes—and Tim, you're going to have to keep an eye on this so that I don't miss any—were on paragraph 7. Are there any questions or issues related to paragraph 7? Okay, let's leave that.

Then Tim went on quite a bit to the sections on the return of flow requirements. That's paragraph 48.

Mr. Simard, did you have your hand up with respect to this particular one or in general?

[Translation]

Mr. Christian Simard (Beauport—Limoilou, BQ): I wanted to comment on paragraph 75 and the recommendation, but I think you want us to discuss it later. Can I make this comment now?

[English]

The Chair: My suggestion would be that we leave it until we come to that part of it. I'll flag that and we'll deal with it then. I'd just like try to keep it in the order that we have here. Okay?

On paragraph 48, then, is there any discussion or anything on that?

Then, on paragraph 50, the provision of no net loss that was raised by one of the members, is there any discussion?

We'll go on to paragraph 53 and then straight through quite an exhaustive revision up to paragraph 58. So that's paragraphs 53 to 58.

Mr. Comartin.

● (0940)

Mr. Joe Comartin: Yes. I want to echo your comments to Tim, Mr. Chair, and the work he's done on this, given the shortage of time and the amount of material he had to work with.

We've received a fairly impressive result.

Having said that, I want to oppose paragraph 54 because I do not agree with the conclusion in the final sentence, in the sense that the resource improvement test should be applied with care. At this point I don't think it should be applied at all.

I can suggest that either we change that, and I think we're going to have to change the wording from my perspective.... We may be able to deal with it in paragraph 58 as well. Perhaps we use some wording along these lines, and I can read this sentence, "While the Committee is not convinced that this will be the case...." And I think that was generally the response from the committee, that Mr. Pentland's assessment, and to some degree, if you look at what Mr. Shrybman said, it was the same thing...that it could turn into commodifying water. That was really overall what they were concerned about. I think there was a mixed reaction from the committee on it. I tend to side with them, but I don't think the committee as a whole did.

On the other hand, I don't think we're prepared at this time as a committee to say this test should be used at all, until there is further research that would justify the use of that test in the sense that it would show we would not end up with commodifying water.

The qualification that needs to go into that final sentence—and this would be my submission—is that it should not be applied at this time until there is further research that shows it does not end up in this trade-off that would compromise the ecological integrity. I'm sorry, I'm throwing a lot of words in there, but that's the concept I'm trying to get across.

At some point we may very well be able to use that. I'm open-minded enough, I think, to accept that possibility, but we're not at that stage now.

The Chair: Mr. Comartin, within the context of how paragraph 54 is written now, I understand the intent, but how are you injecting that phraseology?

Mr. Joe Comartin: In the final sentence, I would say that "it should not be applied at all at this time"—

The Chair: You used some other words, though.

Mr. Joe Comartin:—"until there is further scientific"—I don't know if "research" is the right word, or "evidence" may be a better word—"that would show that this test would not lead to the commodification of water."

The Chair: Okay. We'll let our clerks craft that a little, but I think we understand the point.

Mr. Simard.

Mr. Joe Comartin: Mr. Chair, I'm being asked a question from Mr. Wilfert. Perhaps I could respond to that.

The Chair: Sorry, I didn't—

Hon. Bryon Wilfert (Richmond Hill, Lib.): I have a point of clarification on whether he's talking about the sale. Or is it a broader term?

Mr. Joe Comartin: It would be a broader term, Mr. Chair. It's not just the issue of saying to the southwest, "Okay, we're going to sell you water at so much a litre or a gallon"; it's this economic trade-off that can occur, and that's part of the commodification of water. We would say that we're going to move this amount of water out here if you do this over here. Perhaps we're going to give Milwaukee so many millions of gallons a day in exchange for them building a sewage treatment plant or a water treatment plant.

The difficulty with this in that circumstance is it may not do anything for the ecological integrity of the water in the basin, so you're in effect saying that those millions of gallons are worth this treatment plant. So it is a broader concept than just saying we're going to sell water for so much a litre.

● (0945)

The Chair: And of course that's picked up in paragraph 58.

Hon. Bryon Wilfert: So the movement of water in one area could be bartered, in a sense, for improvements in another.

Mr. Joe Comartin: Exactly.

Hon. Bryon Wilfert: I would agree with that.

The Chair: Mr. Simard.

[*Translation*]

Mr. Christian Simard: As it is presently drafted, paragraph 54 is contradictory. It says: “The Committee, however, heard very articulate and forceful evidence...”. This seems to indicate that the committee agrees on the evidence, but later, it is said that the committee is not convinced. This is somewhat contradictory. I agree with Mr. Comartin that the notion of care is important in this paragraph. We know that interpretations regarding what will become or not a commercial item are sometimes based on work such as that of a parliamentary committee.

Consequently, this report must be drafted very carefully. To begin with, however, I do not believe that the fact of saying we will make some improvements will automatically make it commercial.

All environmental impact studies are carried out with what is called mitigation measures. These are compensation measures. When Hydro-Québec builds a dam and says that, to compensate, it will develop thousands of hectares of wetland, this does not put a price on the wetland. We must be careful, or course, but mitigation or compensation measures are not automatically equivalent to commercial value: a number of gallons divided by the cost of development equals a number of dollars per litre or gallon. It's not automatic.

What is more of a concern is that up to 5% will be withdrawn, and in exchange, minor improvements will be made here and there, but they will never compensate for a 5% diversion or excessive pumping.

It's like buying peace by giving little things to little groups. We did that a lot here and it worked, but we must be careful in drafting.

[*English*]

The Chair: Thank you, Mr. Simard.

Tim has just indicated that he would like to reflect on the points raised.

Mr. Tim Williams: Basically, I missed “articulate and forceful”.

To match the final statement, which I wanted to make reflect a bit more where the committee was going, perhaps “heard very articulate and forceful evidence” should be taken out and replaced by “heard evidence”.

The Chair: That suggestion is also pursuant to what Mr. Simard indicated in terms of the continuity here.

I guess what we'll do is take all the suggestions and then put them in the form of amendments. In order to remain focused, I think we should do these one at a time and maybe do them as we're having a full and wholesome discussion of each one.

So there's the suggestion, “heard evidence”. Articulate, it may have been, but whatever, I'm just going to put some brackets around those for now.

I'm going to go to Mr. Watson and then to Mr. McGuinty.

Mr. Jeff Watson (Essex, CPC): Thank you, Mr. Chair.

I'm not sure I'd disagree with the evidence being articulate and forceful; it's the conclusion I seem to disagree with—whether or not

the committee is not convinced that this will be the case. I'm more open to the fact that it just might be the case.

So it's the conclusion I disagree with, not the type of evidence. The evidence was persuasive, in my opinion. I'm not sure how we arrived at the statement that there's consensus on the conclusion of that statement. I'm registering the fact that I disagree with it. That's more the problem I have with it.

Thank you, Mr. Chair.

• (0950)

The Chair: Just as a clarification, with respect to differing points of view, there isn't anything in here that suggests we have a consensus yet. This is what we're endeavouring to find out. We'll only know that at such point as we put a vote.

Mr. McGuinty.

[*Translation*]

Mr. David McGuinty (Ottawa South, Lib.): Thank you, Mr. Chairman.

I totally agree with what Mr. Simard said a few minutes ago. It is very difficult to demonstrate clearly that there is a causal link between these two things.

[*English*]

In other words, to pick up where Mr. Comartin left off, we did hear very articulate and forceful evidence that there was such a cause and effect and I'm always leery of such assertions because asserting such a thing doesn't make it so.

I think what Mr. Comartin is saying is that there might be a need here to be careful by applying a precautionary principle. That's really what we're saying here, that there is no clear cause and effect, that by applying the resource improvement standard it will lead to the commodification of water. I don't know how we could state that as a committee, given what we've heard, but we should proceed with caution in the absence of fullness of knowledge and scientific data. But I am worried if we say clearly to our minister or to Parliament, all parliamentarians, to the Department of the Environment, that there is a clear cause and effect between applying a resource improvement standard with the commodification of water. That is not so. Nothing I heard led me to come to that conclusion, and I think we should simply redraft the paragraph to say that we recommend proceeding with caution.

The Chair: Okay.

Are there any other comments?

Mr. Comartin and Mr. Richardson.

Mr. Joe Comartin: Again, to have some direction, I don't think proceeding with caution is really where the committee is at. I don't think the committee, at this time, would want it applied because we do have reservations.

I take Mr. McGuinty's points. As I said earlier, I think there is some division here as to what the consequences would be. But the way it's worded now, and I think even the wording he is suggesting, to proceed with caution, at least to me suggests we would apply this principle. I don't think the committee, at this point, is of a mind to apply the principle. We want to be more comfortable that in fact it won't lead to the commodification of water in any form.

I think that's the subtle difference we need to be able to communicate.

The Chair: Mr. Richardson.

Mr. Lee Richardson (Calgary Centre, CPC): My sense of it would be that perhaps the changing of one word might accommodate what I felt was the consensus, if there was any in the committee in this regard, and that would simply be to change the third last word in the paragraph to "approached" as opposed to "applied". So it would read "...there are other problems with the concept of "resource improvement" that suggest it should be approached with care". It gives a slight nuance to the change.

The Chair: Are there any comments with respect to the suggestion Mr. Richardson is putting on the table?

I take it, though, Mr. Comartin, that yours was quite an exhaustive addition on the end of it. Do I take it that the points made by Mr. McGuinty and yourself would be accommodated by what Mr. Richardson has suggested?

Mr. Joe Comartin: Please give me a moment, Mr. Chair.

I think it would be because I just don't want it applied. I think "approached" would leave open the possibility of the research that needs to be done to reassure us.

The Chair: Mr. McGuinty, I think that's a step in the right direction.

Thank you for that suggestion, Mr. Richardson.

What about the other section, "very articulate and forceful"? Some of us may take different inferences with respect to the presentations. I think Tim's suggestion, taking out "and forceful" actually and keeping "very articulate evidence" is, I think, non-judgmental in terms of content. It's more a reflection that people articulated to an extent their particular point of view.

Is there any opposition to leaving "heard very articulate evidence" that applied and then taking Mr. Richardson's suggestion to take "applied" out and amending it to read "approached"?

Mr. Wilfert.

• (0955)

Hon. Bryon Wilfert: Well, that's wordsmithing it. Why don't we just say we heard evidence? Does that mean there's other evidence that isn't as articulate and forceful, Mr. Chair?

The Chair: All right. I never was much at semantics. I'm taking it that the committee is in agreement.

Okay, just taking that out, so paragraph 54 would be amended by deleting "applied" and putting in the word "approached".

May I put a vote on that? Do I have a consensus that there's agreement on that as amended?

Some hon. members: Agreed.

The Chair: Okay.

Mr. Comartin, does that now satisfy your concerns vis-à-vis paragraph 58?

Mr. Joe Comartin: Yes, it does.

The Chair: Is there anybody else? Okay, we can leave that then.

The chair would like to proceed to 60:

The Committee is very concerned to learn that in the absence of such knowledge to back up decision making, serious damage has occurred, for instance, to groundwater resources in the United States.

Tim raised the point about the lack of knowledge, I guess, with respect to that. Are there any problems with 60?

Then once again we have "the Precautionary Principle be that of the Rio Declaration", and then Tim took us through 61, with the precautionary principle being entrenched in recommendation number 1. Any discussion on that? Okay.

Then I think we will go along to number 70, leading into recommendation number 3. This was with respect to the 1999 report of the IJC, and Tim has tried to capture the issue raised with respect to a moratorium and has crafted recommendation 3.

Then we go on to 72 and 73. Number 73 is the key paragraph, a new paragraph reflecting the IJC's recommendation to actually have elements of their position included.

Mr. Comartin.

Mr. Joe Comartin: I have two points.

I would actually like 73 to be turned into a recommendation. I don't think it's beyond the scope of what we heard to press the governments on both sides of the border to continue what in effect has been a moratorium.

Again, tying into that, if we're going to make a recommendation, we'd have to change the wording to add to it, until there is clear scientific evidence that would allow that to occur without ecological damage.

But I would like to turn that into a recommendation. If necessary, I'll move a motion to that effect, Mr. Chair.

The Chair: Is there any discussion with respect to...?

Mr. Richardson.

Mr. Lee Richardson: I will second that motion.

The Chair: It looks like we have a consensus.

Tim, do you have any response or discussion?

Mr. Tim Williams: I would just like some clarity as to whom to recommend that? To recommend to the government in their letter?

Mr. Joe Comartin: Yes.

The Chair: Then how would that—

Mr. Joe Comartin: We're looking for Foreign Affairs to take that position in response to the charter. We'd be recommending to them that they do that.

•(1000)

The Chair: To be clear, how would we word that, Tim, in terms of giving the direction?

Mr. Tim Williams: The clerk might....

The Chair: I just want to get that clear so we know what that would be if we had a motion.

The Clerk: Maybe we could draft something by the end of the meeting.

The Chair: Let's just hold off on that and we'll come back to it. We're going to have our clerk and the researcher draft something.

Mr. Comartin.

Mr. Joe Comartin: I'm looking perhaps for some direction from you or Tim. I would like to see an addition to either recommendation 2 or 3—I think it could go into either one of them—or an additional recommendation, that the International Joint Commission continue to be the final decision-making body, as far as any diversion is concerned. It would be an extension really of what.... I think it's what the State Department's position is in the U.S., when they say they want the Boundary Waters Treaty to be the controlling document here. I don't think this is subtle, but I think it's really important that we also acknowledge that it's the IJC that ultimately should make the decision as to diversion.

The Chair: Okay.

Mr. Joe Comartin: I would move it, if necessary, either as a change to recommendation 2 or recommendation 3. Depending on what Tim's response is, if it should be a separate recommendation, I would move it that way.

The Chair: Okay. Before we ask Tim, is there a request for clarification? I saw some hands.

Was this the same point, Mr. Paradis?

[*Translation*]

Hon. Denis Paradis (Brome—Missisquoi, Lib.): It's about paragraph 70.

[*English*]

The Chair: It's different.

Mr. Bigras.

[*Translation*]

Mr. Bernard Bigras (Rosemont—La Petite-Patrie, BQ): It's also about paragraph 70 and recommendation 3. I remember mentioning that I wanted our report to include Mr. Gray's presentation, which referred to the International Joint Commission's August 2004 report. It was said that, in the current state of the process, it could not be concluded that the draft agreement did not support the application of the International Joint Commission's recommendations.

Since we are examining these aspects, I must say that I do not see in the report what Mr. Gray had highlighted. I may be wrong. Mr. Herb Gray, Chairman of the Canadian section of the International Joint Commission, appeared before the committee. He indicated quite clearly that the International Joint Commission could not conclude that this draft agreement violated or was not consistent with

the International Joint Commission's recommendations. I wanted this to be in the report. I don't see it right now.

[*English*]

The Chair: Tim.

Mr. Tim Williams: That point was taken into account. It's not actually in the recommendation itself, but I could incorporate it. It would perhaps make it a little too long. The specific citation from the year 2004 review of the year 2000 recommendations is in paragraph 72. Subparagraph 72 now states exactly what the commission has said with respect to the Annex 2001 process.

Would you like me to read it?

[*Translation*]

Mr. Bernard Bigras: I can say it. Maybe I'm not expressing myself correctly, but I believe I did hear Herb Gray say that. I even asked him the question. I could find it in the minutes, which are not very far.

Herb Gray clearly said, with reference to the August 2004 report, that the International Joint Commission could not conclude that this draft agreement between the governors and the two provinces violated or was not consistent with the recommendations made by his organization. So I feel that, since it is the purpose of our study, it's important to say it. That's all I'm saying.

•(1005)

[*English*]

The Chair: Okay. Tim's point is that he thinks it is captured in paragraph 72.

Tim, although it would make recommendation 3 longer, could you firm that up in recommendation 3? Would it be possible? I know it would make it longer, but would it be possible to reword it or add to it?

Mr. Tim Williams: Yes, as I understand it, basically, the IJC is waiting for the final annex implementing agreements to come to any conclusion, but they have recommended in no uncertain terms that the agreements meet their year 2000 recommendations. They haven't determined yet, either way, whether or not that's true and that is reflected within paragraph 72.

Certainly, within recommendation 3, to a certain extent, we are supporting their point of view that the annex implementing agreements should meet their year 2000 recommendations. I can put in "as the IJC has also recommended", or I can move the whole section, paragraphs 71 to 73, in front of the recommendation and then add some more words within that recommendation.

The Chair: If I may, I think that seems to me to be more in keeping with the flow, that it would be a foreword to the recommendation. So where we have come from, we would take the explanation in recommendation 1 and move it in front of recommendation 3. Then there would be a few words at the end, as the IJC has indicated in the foreword to this recommendation—something like that.

We'll come back to this. The chair will not put a vote on this until we've had a crafting of both Mr. Comartin's suggestion on paragraph 73 and the suggestion with respect to the wording for recommendation 3 and the movement of that clause. This is just a reordering, if you will.

So, we'll come back to that.

On this, Mr. Paradis.

[Translation]

Hon. Denis Paradis: In recommendation 2, there are terms that look like the terms of recommendations 1 and 3.

[English]

It says "...the Canadian government urge the Governors and the Premiers to include...."

[Translation]

This phrase is used throughout the recommendations.

By and large, the witnesses told us that, when there is an agreement between eight governors and two provinces, we are mathematically inferior to the eight governors because there are only two provinces. As we heard a few times, I would rather see a federalism with more participation and cooperation than a federalism with levels. Currently, there is an agreement between eight governors and two premiers. When we look at that, we have to wonder where we were when all this was negotiated.

I believe that the environment is an area in which all levels of government should be involved. This cooperation should exist during the discussions. Otherwise, some will come back and say they don't like the agreement that was concluded, that it should give more consideration to this and that. I agree with the overall recommendations here, but I would like it to be added that greater participation is expected on the part of both the American federal government and governors and the Canadian government and provinces. We seem to be absent from these negotiations and talks. So, we could say that there should somehow be more dialogue and cooperation between the provinces and the Canadian government.

It's even more important on our side, because if there were water diversions, Canada is not the one who will claim the water coming out of the basin; it will be the United States. On our side, the integration or co-participation of everyone is even more important than on the American side.

• (1010)

[English]

The Chair: Thank you, Mr. Paradis.

Mr. Simard.

[Translation]

Mr. Christian Simard: We asked Mr. Gray himself a question on that very subject. He very clearly said that the Boundary Waters Treaty, a treaty concluded by both federal governments, could exist, but that in fact, over the years, it had been difficult to prevent actual diversions because the existing regulations were those of the states and provinces. We are examining a moral recommendation for the overall issue, but if we are to confuse jurisdictions or talk of

cooperation between government levels, we will not clarify the situation.

There are eight states, which can have a compact, and two provinces, there is a reading of the overall issue, and there are the comments of the Committee on Environment. The government also made recommendations. The Canadian government has jurisdiction on the Boundary Waters Treaty, but not on state regulations. It cannot replace state or provincial regulations. If you really want to create confusion... In writing this, we will clarify nothing.

I asked not only Mr. Gray, but also a few experts if we should get involved in these agreements. Everybody said no. They said the agreements were necessary, because the Boundary Waters Treaty and the IJC, with its arbitration powers, have reached their limits. Beyond broad principles, they said, don't touch the Great Lakes. In fact, we did touch them. We touched them, because the federal governments of the United States and Canada don't regulate water pumping. This is the responsibility of municipal, provincial or state governments. Everyone to his trade and all will go well.

[English]

The Chair: Thank you.

Mr. Bigras.

[Translation]

Mr. Bernard Bigras: The question was asked to witnesses, and some of them felt that it could be preferable that interprovincial agreements be concluded on these issues.

I'm not sure that adding a new player is the right thing to do. Some even said, regarding the federal guarantees, that regardless of the agreements signed by the provinces and American states, there would always be this double safety net.

I think this should be taken into consideration. Let's not forget that the provinces and states have a right of veto under the agreement. Consequently, I think we have a sure protection, and the addition of a third player now is not necessary.

[English]

The Chair: Thank you, Mr. Bigras.

Mr. Scarpaleggia.

[Translation]

Mr. Francis Scarpaleggia (Lac-Saint-Louis, Lib.): Mr. Chairman, I believe my colleague meant to say that there should be more collaboration and consultation between levels of government so that the federal government will not have to use its right of veto and make statements against the provinces.

[English]

The Chair: Okay.

Mr. Wilfert, and then I'll come back to you, Mr. Paradis.

Hon. Bryon Wilfert: Mr. Chairman, I think Mr. Paradis has an excellent point, because if the federal government in fact has no role to play, I'm not sure why we spent all this time on this. One would presume we are here to.... And the Ontario government indicated they would be consulting with the federal government as the negotiations resume in January. It's not to replace anybody; it is to provide whatever assistance would be useful in this situation.

On the one hand, we're asking for the Government of Canada to play a more...and I kept asking that question: what role specifically do you think the Government of Canada can play?

I don't think we can have it both ways. Either we are going to say that Ottawa in fact can be involved in providing whatever assistance the provinces may be looking for.... But I think the fact that on the one hand, the federal government...complaints that we haven't articulated a clear enough position, for some. But on the other hand, I don't think saying the federal government might have a role to play would not be viewed as a good idea holds—no pun intended—any water.

I think either we are saying we are going to play a role.... How that role is defined, obviously, is working with our provincial partners.

• (1015)

The Chair: Okay.

Mr. Paradis, then Mr. Watson.

[Translation]

Hon. Denis Paradis: Mr. Chairman, I would like to emphasize that encroachment into jurisdictions is out of the question: we are talking of cooperation here.

We are examining agreements concluded between governors, provinces and so on, and here we get a communiqué in which the government of Ontario says, among other things, that they are not satisfied with the agreements.

Will Canada ever reach an agreement without Ontario, Quebec and Ottawa being divided and going it on their own? Can we imagine, to improve the situation, that Canada can present a united front, so to speak, and adopt a global vision?

I propose that, in a federal context, we work together rather than contemplate dropping the agreements. I in no way wish to encroach into jurisdictions; I only want the Canadian government to be present and cooperate with the provinces. In environmental matters, nothing is clean-cut. It's practically impossible to tell where certain things start or finish.

A little earlier, our friends opposite said that it was better to have the federal safety net. I'm not looking for a safety net; I want everybody to participate. We practically all have the same objective, i.e. to stop draining the lakes and pouring toxic products into them. Can the various levels of governments collaborate more to achieve this?

I absolutely do not want to substitute for a municipality for pumping or for a province for other things. All I want is for the levels of government to work together. I would like to see mentioned, somewhere in this document, that it is desirable that

much more work be accomplished jointly by the various levels of government.

[English]

The Chair: Just before we go any further, the chair has made a bit of an error here, in terms of precedents that I've tried to follow in the past. When members have a suggestion that they'd like to put as an amendment, or whatever they're speaking to, could we just have the wording changes?

Mr. Paradis, I understand the spirit you're articulating. You want it more collaborative and cooperative. Is there something in the recommendations that we're discussing? We're on recommendation 3, paragraph 70. Was there some wording in paragraph 73 that you had in mind, just so we know what we're talking to?

Then I'll come to you, Mr. Watson.

[Translation]

Hon. Denis Paradis: What I'm saying is that recommendation 3 is worded the same way as recommendation 2 and others:

[English]

...“the Canadian government urge the Governors and the Premiers” to revise that, to do something.

[Translation]

I suggest, Mr. Chairman, that before each of these recommendations, including the third one, the following words be added: “Whereas it would be desirable that our governments, in the future, work more together .”

[English]

I suggest “whereas it would be advisable that our governments

[Translation]

cooperate more . »

[English]

The Chair: That's helpful.

I'm going to ask Tim to work on that for a moment, just so we know what we're talking to, that's all. So it would be an introduction that would use words to the extent that in order to achieve the recommendations' results, something would occur.

I'm going to go to Mr. Watson and then I'll come to Mr. Bigras.

Mr. Jeff Watson: All right. Perhaps we can crystallize this in a very succinct way. Here on the committee I sense we're all cooperating and collaborating toward a productive end, a good report, and yet within that we're all urging our positions. I don't think the two are mutually exclusive in any sense. I think the government has a forceful position in this discussion, and I think to urge that position within the context of cooperation...the two are not mutually exclusive, in my opinion.

I see no problem with continuing to say we have a forceful interest in this, and the government should urge this. It does nothing to damage the spirit of cooperation. At the end of the day, this will be settled in a cooperative manner, but we all have forceful positions to take, and I think there's nothing wrong with that language.

The Chair: Mr. Bigras, and then Mr. Comartin.

• (1020)

[*Translation*]

Mr. Bernard Bigras: While Tim is wording the recommendation, I would like one point to be clarified: there is the agreement and there is the International Joint Commission. I would not want to see a third player included in the agreement, in this case the federal government. That's not what we are recommending. We are already asking that the agreement respect the recommendations of the International Joint Commission, where the Canadian government already has a great deal of power, with the American federal government.

We ask the governors that the reference be the International Joint Commission report. The Canadian government already agrees with the American government on this commission. I believe it is possible for the provinces and American states to conclude agreements. In my opinion, we are already defining a limit by asking that the reference be the International Joint Commission report.

I don't know what Mr. Paradis has a problem with. Inevitably, the standards applied will be those of the International Joint Commission. However, the Canadian government is very well represented there. I am convinced they agree with me on this point.

[*English*]

The Chair: Tim is just pointing out to me that after paragraph 6 there is a paragraph 86 on better coordination with provinces. That's paragraph 86 after paragraph 6. It's on page 39 of the English. I'm not sure what page it is on in the French, but it's paragraph 86.

Mr. Comartin, and Mr. McGuinty.

Mr. Joe Comartin: I originally had my hand up for two purposes: one, to ask what you've just recommended, which is to get some specific wording.

[*Translation*]

For the moment, I have a problem: I don't know exactly what wording Mr. Paradis wants. I would like to see the text before making a decision.

[*English*]

On the second point, I don't know if we've gone off track, but I do want to get my recommendation in about the IJC having the final decision-making power, and I don't know if that's been lost in this.

Tim's nodding his head, so I'm fine.

Thank you.

The Chair: No, it hasn't been lost.

We're definitely coming back to that, and I am also going to try to have some wording with respect to this, Tim. Perhaps you could just work on that for a moment.

Mr. McGuinty.

Mr. David McGuinty: Thank you, Mr. Chairman.

I think the import of what my colleague was trying to say a moment ago was this. As rightly stated, Tim, in paragraph 86, "...the *BWT* is an 'empire treaty', and as such the federal government has the authority to implement it." I think my colleague was trying to indicate that not only does the federal government have the authority to implement it, but the federal authority also has the responsibility to implement it. I think what he was trying to indicate was that the committee here would send a clear message to the Government of Canada that it ought to be paying closer attention to what's going on.

I think that's what he's trying to indicate here. I don't think we're trying to step on jurisdictions.

The fact that we are a party and a signatory to the treaty that creates the International Joint Commission is one thing. It's handled over there; it's taken care of over there at the International Joint Commission. Well, clearly what we're trying to say here is that perhaps it's not. I think my colleague was indicating—and I would support this, and I hope other committee members would support this—that a clear message be sent that we ought to be paying closer attention, that this be on the radar screen of the Government of Canada in a more fulsome way.

The Chair: Thank you.

Mr. Simard.

[*Translation*]

Mr. Christian Simard: I don't think it's necessary. It is sometimes preferable not to add anything. It's not necessary to write it, because it could mean this: do we want to sign? Does the Canadian government want to sign the agreement?

Evidence of what I'm saying is that there are currently discussions, and the IJC is carefully considering the issue. We have seen that they are examining how these recommendations can be reflected in the agreement. The Canadian government has a great deal of influence on the IJC. In fact, the recommendations do not only encourage or invite the others. One of the fundamental recommendations is aimed at the Canadian government, who accepted that the amount of water diverted could be up to 5%. I think this is the most important issue to address for the agreement to be signed.

Since a recommendation is aimed at the Canadian government, it is definitely involved.

• (1025)

[*English*]

The Chair: Thank you, Mr. Simard.

Mr. McGuinty.

Mr. David McGuinty: Just in response, if it is so self-evident that the Government of Canada has a role to play and is engaged in this process, why has it gotten to this point?

I think the point is that it's not self-evident. The point is that the Government of Canada should be more fulsomely engaged, and I think we should send a message as a committee. I think it's great leverage and it's important for the committee to say, "Get engaged".

The Chair: Thank you.

Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chairman, we are at this point because the provinces and states have the right to sign agreements. Quebec and Ontario have the right to sign agreements with American neighbouring states, and this is why we are discussing it. If this right did not exist, we wouldn't be talking about it, but the provinces have that right. We therefore state that the provinces and states can indeed sign agreements. It's been done in other areas.

The federal government also has a predominant role to play, and this is referenced by mentioning the treaty and the IJC. Let's recognize, nevertheless, that the provinces and states have the right to agree and play a role. This seems fundamental to me. There can be these safeguards the government wants, and I can very well understand, but let's allow the provinces to agree with the states on certain issues if they wish to do so.

Hon. Denis Paradis: Mr. Chairman, the research officer did well to draw our attention on paragraph 86 and the following. I apologize for starting this debate a little early, as we have not yet reached this paragraph. However, I must say that paragraph 90 answers more or less the questions I raised. This paragraph indicates that the committee feels that the federal government should have been kept informed of the details, that it should have played a more active role in developing these agreements, etc. I believe that paragraph 90 truly answers the questions I raised, and I would like it to be more prominent in this report. That would solve the problem.

[English]

The Chair: Great minds think alike. I'm not sure this is a good example of it, Mr. Paradis, but we were just discussing it.

For the committee's consideration, why don't we leave this, since the spirit of what Mr. Paradis has talked about is captured—at least there is an attempt to capture—in paragraph 90?

Could we look at paragraph 90? The suggestion is that paragraph 90 be made into a recommendation. I'm suggesting we look at that as a possible way to deal with this. Again, in discussing it with Tim, he's saying that an attempt has been made in paragraph 90 to capture the concerns that have been raised. Is there any way that gives us some sort of an outlet here?

Mr. Bigras.

[Translation]

Mr. Bernard Bigras: Mr. Chairman, if paragraph 90 becomes in fact a recommendation, I will have to sign a dissenting report. I say it right now, because the provinces and states have the right to carry on negotiations. Consequently, if it becomes a full recommendation, I tell you right now that I will sign a dissenting report.

[English]

The Chair: We were just trying to reach some sort of an accommodation, but your comment is fair.

Mr. McGuinty.

Mr. David McGuinty: Mr. Chairman, I share Mr. Bigras' concern about the rights of the provinces to enter into agreements. We are

here because two provinces are attempting to contract out of the authority of the federal government. This is why we're here discussing this issue, because two provinces are acting in contravention of an international treaty, which is why we keep referring back to the reports of the International Joint Commission and heralding their recommendations. I don't see anything in strengthening the notion that the Government of Canada ought to be paying closer attention to this issue that would in any way undermine the right of the Province of Ontario or British Columbia, or, for that matter, the Province of Prince Edward Island, to enter into agreements of such kinds. This is what I'm having difficulty with.

My understanding is that we are here to deal precisely with a situation where two provinces have entered into an agreement or a potential agreement with eight states that happens to contract out of an existing international treaty. The last time I looked, the Government of Canada signs international treaties.

• (1030)

The Chair: Okay.

Mr. Bigras, and then I would like to try to bring this to some conclusion.

Mr. Bigras or other members always have the right to a dissenting report. But at some point, we have to get to a vote so that we can allow members to do whatever they feel is appropriate.

Mr. Bigras.

[Translation]

Mr. Bernard Bigras: From the start, we have had representatives, if I'm not mistaken, from the Department of Foreign Affairs. According to the information I have, there are discussions between officials from Ottawa, Quebec and Ontario regarding the current negotiations. There is an exchange of information.

Consequently, I could question the truthfulness of the sentence indicating the committee feels that the federal government should at least have been informed of the negotiation details. I'm not doing it, but it should not be a recommendation, because we had representatives from the Department of Foreign Affairs. I would like the Parliamentary Secretary, who is present, to clarify. Could he tell us whether there currently are discussions with the provinces regarding the negotiations on this agreement project? Are there discussions between officials from Quebec, Ottawa and Ontario? He must be informed.

[English]

The Chair: Mr. Wilfert, and then Mr. Comartin.

Hon. Bryon Wilfert: Mr. Chairman, we never had representatives from the provinces here, which I thought was a weakness. I would point out to you that in that paragraph 90 we're talking about an "advisory role". It's surely an advisory role, and I don't know who would have a problem with the word "advisory". We are consulting with the provinces, so to make the obvious statement that we are consulting and providing advice.... You may provide me with advice and I may accept it or reject it. We are providing advice to the Government of Quebec and the Government of Ontario, whether they accept it or not.

All this paragraph is saying is the obvious. I would suggest as a recommendation, on the one hand, that we want the government to become more visible and more active. Maybe Mr. Bigras has a problem with the word “active”, but I don't know. The word “advisory” is what we're doing; we are advising.

So there shouldn't be a difficulty with that.

The Chair: Mr. Comartin.

Mr. Joe Comartin: I must admit, I'm tending to side with Mr. Bigras on this one.

Through you, Mr. Chair, to Mr. McGuinty, I think he's being a bit harsh on the provinces. I think what happened here, and I'm speaking more from the Ontario viewpoint because I'm not entirely sure of what happened from the province of Quebec's viewpoint, my perception is, from meeting with some of the officials from the Province of Ontario, that they ended up here rather than intending to end up here. If you go back into the middle 1980s when this process started, the intent was to clean up the Great Lakes, a straight remedial type of approach. Conservation was also a significant principle that somehow got sidetracked in the negotiations, I think under some significant pressure from the U.S. states. That would be the best assessment I could give you of the negotiation.

I don't think either of the provinces, Ontario or Quebec, intended at the beginning to end up where they did. I think they ended up where they did because of pressure from the U.S. states and the demand and pressure they have to try to divert water. When you go back and look at the initial process, the initial process was about remedial work, cleaning up the Great Lakes, getting the toxins out, doing preventative work. That's what the discussion was about through the late 1980s and early 1990s—the late 1980s anyway. So I think he's being a bit harsh on it.

I'm becoming somewhat frustrated by this discussion, so if we could move on, Mr. Chair, once we see the wording we may have to take a vote on it.

• (1035)

The Chair: I think Mr. Richardson got us out of one. Let's see if he's up to the challenge on this.

Mr. Richardson.

Mr. Lee Richardson: I think perhaps the author has already gotten us out of this. I have some sympathy for what Mr. Bigras is saying here, but to agree with Mr. Comartin, I think the draft, perhaps in paragraphs 86, 87, and the preceding paragraphs to 90, really has captured what we heard as a committee. Yes, it is a sensitive issue and one that I think was handled rather well by witnesses. We've heard both sides of the story.

But before we press too much further on this, I refer Mr. Bigras back to paragraphs 86 and 87. I think they did capture the nuance of it. We understand there is jurisdictional concern here, and perhaps the federal government dropped the ball along the way. But I think we have pretty much thrashed this out. I think everybody understands where we all stand now. My own conviction is that it's captured well enough in it to proceed as it is, but if a vote is required after we see a new draft, I'm prepared to go along with that too.

The Chair: Okay. We were talking about paragraph 90. Tim, at least in a step toward trying to find an accommodation, did you have any suggestion in terms of the position of paragraph 90? Then, Mr. Simard, I'll go to you to respond to that.

Mr. Tim Williams: I have two suggestions. One is a comment more than a suggestion. In version 3, unfortunately all of the sections that were highlighted have gone. Paragraph 90 in version 2 was highlighted and it remains highlighted. The other option is that if the idea is to move the concepts in paragraph 90 into a slightly more evident place within the report, as opposed to at the end...paragraphs 40 and 41 describe the government's response to Annex 2001. Back in early 2002, I think it was, they made their response. Perhaps paragraph 90 could be moved to between paragraph 40 and paragraph 41. It gives it a more prominent place under the Government of Canada's response...or a version of paragraph 90. We could repeat it for extra emphasis.

[Translation]

Hon. Denis Paradis: Mr. Chairman, I think we could agree and, as suggested by the Parliamentary Secretary, highlight paragraph 90. This could meet our requirements. I'm told it was the case in the second version.

Mr. Bernard Bigras: What do you mean by “highlight”? Do you want to have it in boldface? I don't see why this one should be in boldface rather than any other.

Hon. Denis Paradis: That's the way it was in the second version, I'm told.

[English]

The Chair: Tim is going to show you how that would work, Mr. Bigras and Mr. Simard.

Members of the committee, as I understand it, the suggestion would be to take paragraph 90 and work it into the context of paragraphs 40 and 41 and still highlight it in the later part of the report.

Mr. Simard.

[Translation]

Mr. Christian Simard: This form raises a problem, according to me. In French, the text is not highlighted. I think everything is important in a report. I do not understand why certain paragraphs should be highlighted and others not. We can move paragraphs, but highlighting them is not relevant. You know, it's like a letter in which three quarters of the text is in boldface. We can't tell what is important because everything is important.

I think this is a tempest in a teacup. It's as if Mr. Paradis did not have... We were not at paragraph 90. We discussed it too early, and it's precisely paragraph 90 that he is concerned about. We don't know who to hold responsible; we're still negotiating. Right now, we are talking of a draft, and we included in this draft that the Boundary Waters Treaty and the International Joint commission should be respected. Consequently, nobody violated the powers of the federal government. It's not you who said this, it's Mr. McGuinty. He said earlier that we were at this point because we ignored it. It's indicated in paragraph 90. Moving it, highlighting it in boldface, or making it into a recommendation, all this is no use, according to me. It's fine the way it is, and we have been discussing for nothing for half an hour.

•(1040)

[English]

The Chair: The best I can come to in an attempt at finding some sort of consensus with all of the views that have been put forward is that in spite of the arguments that have been placed, we're dealing with paragraph 90 because it offers some escape valve with respect to the issue of the collaboration and so on.

It was in the body of the draft, so we're not talking about a new recommendation. It was in the body of the first draft, and in fact it has been consistent.

My suggestion would be that we take the concerns raised on highlighting and leave it as is in the report, but that we direct—I think Tim understands the spirit—Tim to attempt to take paragraph 90 and at least weave or craft it into the section dealing with the Government of Canada's response to the Council of Great Lakes Governors. With Tim's record of capturing the spirit, I think he'll be successful in finding a resolution from all of our perspectives.

The motion I would have is that it be referred to research, that paragraph 90 be included in the section entitled "Responding to the Council of Great Lakes Governors", and to redraft that to reflect the spirit of paragraph 90.

That would be my suggestion. Do I have consensus on that particular direction?

Some hon. members: Agreed.

The Chair: Okay. Thank you very much. I think we're going to be okay on that.

We still have to come back to Mr. Comartin, and then Mr. Bigras' suggestions with respect to paragraph 73. Are we ready to do that?

Mr. McGuinty.

Mr. David McGuinty: Mr. Chairman, are we leaving the "Better Coordination with Provinces" paragraphs right now, paragraphs 86 through 90?

The Chair: Yes, we are, and I'm now trying to finish 73, dealing with the issue of a moratorium, and so forth.

Mr. Comartin indicated he wanted something at the end of the paragraph.

Mr. Joe Comartin: I wanted it to be a full recommendation.

The Chair: He wants a new recommendation with respect to 73. Do we have a wording for that yet? We've been distracted a little bit, but I'd like to try to clear this up.

If you have a suggestion like that, you don't need to tell me; you can just tell the committee.

The Clerk: The members of the committee can give the chair authority to draft these new amendments. We'll send them to the members, and if they're happy with them you can give the chair authority to print the report.

The Chair: Do I have concurrence on that? Would that help things out?

The Clerk: It gives the chair the authority, after the members have agreed to the amendments, to table the report.

The Chair: I would come back to the members who raised it, in this case Mr. Comartin and Mr. Bigras. That would help very much. I think you can appreciate that we're starting to get down to crafting, as opposed to substance here, if I may say.

•(1045)

The Clerk: I'll put an appropriate motion in the minutes saying that the committee agreed to let the chair make certain revisions for approval by the members.

The Chair: Do I have consensus on that?

Some hon. members: Agreed.

Mr. Joe Comartin: If we're going to move on to another point, I have one other that I want to raise.

The Chair: That will take us, if I'm correct, to paragraph 92... back to 75, Mr. Simard? Okay, we'll go back to 75.

Mr. Simard.

[Translation]

Mr. Christian Simard: I agree with that. I want to make sure the recommendation does not contain any misinterpretations. It reads as follows: The Committee therefore recommends that the Canadian government remove its support for the 5% maximum use threshold...

I would add here: "which it considers too high"

...and urge the IJC to revisit this provision of its year 2000 recommendations.

Otherwise, it could be interpreted as meaning the maximum could be more than 5%. Of course, if we read the previous paragraph, it's clear that we don't want to go over this threshold, but the recommendations are often read individually.

[English]

The Chair: Could you just write that down, Mr. Simard? Then we'll try to incorporate it.

[Translation]

Mr. Christian Simard: Yes, immediately after the words "5% maximum use threshold."

[English]

The Chair: I can just move on and come back to that.

Mr. Comartin.

Mr. Joe Comartin: I have a point about recommendation 5.

The Chair: We haven't got there yet, but we're going there.

Mr. Joe Comartin: As usual, I'm way ahead.

I would just indicate that I do support the point Mr. Simard had. I didn't catch that, and I think it's very valid.

The Chair: Okay, if Mr. Simard can provide that, we can go on with recommendation 5 that deals with the appropriation issues raised by Mr. McGuinty.

Mr. Comartin.

Mr. Joe Comartin: Our researcher has pointed out accurately that we didn't get any evidence that would justify us suggesting some direction as to where additional research should be done and by whom. My own experience tells me it really is Environment that we should be looking at. I don't know if there's any way the committee would feel comfortable making that kind of recommendation.

If you look at the departments, it would potentially be Fisheries and Oceans, Natural Resources, and Agriculture, but the most logical one would be Environment. I'm not going to press this issue unless the committee is comfortable with it, but I certainly prefer that we make a specific reference to Environment and perhaps say they would be the lead department on research.

The Chair: Mr. McGuinty, this was your point. Would you like to elaborate on it?

Mr. David McGuinty: Thank you, Mr. Chairman.

I would like to build on what Mr. Comartin put forward. I guess the logical home would be Environment Canada. But to several witnesses who said there isn't enough money, there isn't enough research going on, there have been serious cuts, our water capacity has been eroded inside the Department of the Environment, the question I put in response to that is, well, do we know what the left hand and the right hand are actually doing?

I would put to the committee that one of the things we might want to consider in this recommendation is to call upon the Government of Canada to launch an interdepartmental examination of what capacity we have in water at AgCan, at NRCan, at DFO, at Environment Canada, and to take stock of what our capacity is now, and then of course to act on how much of that capacity we have or don't have. Is Environment Canada the logical place for it to be a part? I don't know ultimately, because I'm not sure where the greatest weakness is. I know we're having great difficulty on our oceans management strategy, given our weaker capacity at DFO on the science front.

So I would say perhaps we ought to consider, Mr. Chairman, calling upon the Government of Canada to pursue an interdepartmental examination of our capacity when it comes to water at large, and then to perhaps even report back to this committee, if that can be asked for.

• (1050)

The Chair: Okay.

Mr. Simard.

[Translation]

Mr. Christian Simard: I totally agree with Mr. McGuinty. This wording suggests that it's not just a vain wish. It goes and it will

never come back. The Commissioner of the Environment and Sustainable Development, Ms. Johanne Gélinas, always says that we should try to strengthen the recommendations. I agree, and she may even be asked to come back to the committee, i.e. to provide her with information on this situation.

By now, we have seen the whole problem. We don't even know what the 5% figure really is. We don't know and we pump water without knowing anything about the consequences. It's dramatic. Lack of knowledge is central to the problem. Is the Canadian government able to deal with this lack of knowledge? Right now, the answer is no.

The Canadian government and the departments involved are asked to report to the committee within one year regarding the status of the research in the Great Lakes and the resources they will devote to it. I believe this would be a strong move. This is nothing. I totally agree with Mr. McGuinty.

[English]

The Chair: All right. Thank you very much, Mr. Simard.

I take it, then, that there is a consensus of integrating into paragraph 5, since it already has been pointed out by Mr. McGuinty that it was vague to begin with—and I think Tim had indicated that. We agree to firm it up by a mechanism with respect to an interjurisdictional committee that would look at existing resources with respect to water quality, and to report back to this committee with respect to what those resources are and how they should be allocated in order to meet the objectives of the report. That's the essence of it, and I'll get some wording to that effect.

Mr. McGuinty, and then Mr. Comartin.

Mr. David McGuinty: I think you might have misspoken slightly, Mr. Chair, in speaking about “interjurisdictional” as opposed to “interdepartmental”. However, I would assume that most Canadians would expect us, in today's climate, to seek to cooperate on an interjurisdictional basis as well. I'm sure the capacity of the Quebec government and the capacity of the Ontario government is quite pronounced in this area. It would be something else to find out what the provinces are actually doing and what their capacity is.

Increasingly with the devolution of responsibilities to cities, we know that even cities are playing a more active role in water management and water quality issues. So I think it behooves us not to rule out the possibility of interjurisdictional cooperation, because it is a question of scarcity of resources and science and so on, and it would be interesting to see if we could start cooperating more fully.

The Chair: Thank you, Mr. McGuinty.

Tim has some wording on this. He's been working feverishly with his red pen, which is not a partisan comment by any stretch.

Mr. Tim Williams: I have plenty of blue and orange pens.

The Chair: Would you give us what you have so far, Tim? Then we can bring it back to the committee.

Mr. Tim Williams: Yes. There are two points actually. With respect to the recommendation, basically I have added an additional sentence at the beginning that says something to the effect of:

The Committee recommends that the government pursue an interdepartmental analysis of its scientific capacity, and after it has done so, report back to the Committee. Further to this, the Committee recommends that after its analysis the government apportion in a coordinated manner significantly increased resources to freshwater research.

The Chair: We didn't mention anything about the point of the environment committee having greater involvement, or how that would be resolved. I think that's the interdepartmental issue as to how that happens.

Do you have any suggestions on that, Mr. Wilfert?

Hon. Bryon Wilfert: Not only scientific, but also policy...in terms of what policies are in fact being pursued within an interdepartmental approach.

The Chair: Right.

Listen, I think the intent is obvious, and I think we all agree with the intent of knowing, first of all, exactly how much is being spent. Then there's the aspect of whether it should be through specific ministries.

But if all of this is going to come back, I don't think we have to be as accurate with respect to saying how that's going to happen. We'll get a report back. I think it's the mechanism that's important. If we just let Tim work on that wording, I can bring that back to you and see if you're satisfied with that. But it's not a substantive difference in terms of the intent of the report.

Mr. Comartin.

• (1055)

Mr. Joe Comartin: I'm okay with what was put there.

The Chair: All right. We'll work on that wording.

What does that leave us now? I think that's about it.

Mr. Comartin, and then I'm open to whomever.

Mr. Joe Comartin: I just have a small point but a factual one.

Tim, in paragraph 9 you've used the figure of 40 million people, but the Munk Centre report has it at 45 million. I can't remember how I checked this, but I believe 45 million is the correct figure. Given that's a substantial difference... I don't know if there's somebody who can double-check it, but I think 45 million is the right figure.

The Chair: We're agreeable to having that edited. We'll take your word for that one, Mr. Comartin. We'll take the Munk Centre's word for it, too.

Any other comments?

Then the report will be amended, pursuant to the authority you've given the chair to work out the wording within the intent and spirit put on the table, and it will be reported back.

Mr. Comartin and Mr. Bigras—and we're going to come to Mr. Bigras' motion.

Mr. Joe Comartin: Just in terms of time—I guess I'm asking Tim more than anybody—and in getting the changes made and circulating them, are we still going to be able to get this to the House by next week?

Mr. Tim Williams: We'll be okay.

The Chair: There's a consensus among the two advisers that we can do that, as these are not major changes.

Mr. Bigras, your motion.

[*Translation*]

Mr. Bernard Bigras: Mr. Chairman, I am happy to table and present the motion. The clerk sent an invitation to the Minister of Finance. In the past, the minister always refused the invitations to participate in the committee's work. The report of the Commissioner of the Environment and Sustainable Development of Canada should not be omitted. The Department of Finance is the only one who refused to respond to the requests of the Commissioner of the Environment and Sustainable Development of Canada. If we decide to adopt a motion requesting the Minister of Finance to appear before the committee before it adjourns, I think this would give more weight to the invitations we already made.

[*English*]

The Chair: Any other speakers?

Mr. Comartin.

Mr. Joe Comartin: I understand that Kyoto generally is coming before the industry committee starting next week. I don't know if the Minister of Finance is one of the people who's going to be requested to be there. I point this out really as a factual thing; I'm in support that he come before this committee, as is Mr. Cullen.

We may want to double-check that.

The Chair: The clerk has indicated to me that it is true... He's going to find out.

But in the meantime, we still have Mr. Bigras' motion.

Mr. Wilfert.

Hon. Bryon Wilfert: Just so I'm clear on this, we're extending an invitation to the Minister of Finance to appear before the committee, obviously subject to whatever his... But we are inviting him.

The Chair: Exactly.

(Motion agreed to)

The Chair: Thank you very much.

Thank you, members of the committee, for your attention.

The committee is adjourned.

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