



House of Commons
CANADA

Standing Committee on Fisheries and Oceans

FOPO • NUMBER 042 • 2nd SESSION • 40th PARLIAMENT

EVIDENCE

Tuesday, November 3, 2009

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Chair

Mr. Rodney Weston

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• (1535)

[English]

The Chair (Mr. Rodney Weston (Saint John, CPC)): I call this meeting to order.

Mr. Wiseman, welcome this afternoon. I appreciate your taking time out of your schedule to come and appear before our committee this afternoon.

We have just a few housekeeping items before we start. We are constrained by some timeframes here. Generally, as I'm sure the clerk has probably already made you aware, we allow about 10 minutes for presentations by our guests, and then we have some pretty close timeframes for our members to ask questions and receive answers. I would ask that when you hear the beeper, you start moving toward the conclusion of your remarks.

We look forward to hearing from you, Mr. Wiseman. Thank you very much once again for appearing. The floor is now yours.

Mr. Earl Wiseman (As an Individual): Thank you very much, Mr. Chairman. Good afternoon, committee.

I worked at DFO in the international relations field for more than 23 years, 15 of which were at the senior executive level. I also spent more than three years in Brussels in the early 1990s as the Canadian fisheries counsellor to the European Union. I retired as director general of international affairs in mid-2002. I'm one of four retired DFO executives who tried to assist the government in its efforts to improve the NAFO Convention.

I've asked the clerk to circulate two documents to the committee for its consideration. One is a letter my colleagues and I sent to the Prime Minister on September 20, reinforcing Premier Williams' position in his September 11 letter to the Prime Minister raising Newfoundland and Labrador's concerns about the amendments to the NAFO Convention. Attached to our letter is a point-by-point commentary on the misleading press release issued by Minister Shea upon receipt of the Premier's letter to the Prime Minister. The second document is a copy of the text published as a letter, signed by the four of us, to the editor of the St. John's *Telegram* on October 24, 2009, responding to a second press release issued by the minister after appearance before the Standing Committee on Fisheries and Oceans.

In our letter to the Prime Minister, we explained that we had been drawn into a public debate with the government when we originally wished only to contribute privately to improving Canada's future position in conserving and ensuring sustainable use of the fisheries resources in the northwest Atlantic. We agree that the existing

NAFO Convention is out of date and should be amended to strengthen its positions, to make the organization more effective in achieving its conservation objectives, and to reflect current international law. However, we believe the current amendments fall far short in that respect, while creating substantial new problems that will in fact weaken the organization and also undermine Canada's ability to maintain sole control over fisheries management in Canada's 200-mile zone.

Our comments have been misconstrued, perhaps purposely, by the former minister and continue to be minimized by the current minister. We wish to help set the record straight by commenting on the statement issued by Minister Shea, and we have done so in the attachment to our letter to the Prime Minister and our letter to *The Telegram*. I will be pleased to respond to any questions the committee may have in regard to these points.

Our bottom line is that the amendments are fatally flawed. Further, in the long run, they will not only weaken Canada's position in NAFO but more importantly Canada's position in any future arbitration or any future reference to the Law of the Sea tribunal. They must not be ratified.

Before I conclude, I want to comment on some of the oversimplified defences that have been presented to justify ratification of these amendments. One is the sort of statement that everybody is doing it, so why shouldn't we. Witnesses before Parliament have claimed that paragraph 10 of article VI of the NAFO amendments, which provides for possible NAFO management and control inside the Canadian zone, has been adopted elsewhere. Other coastal states have accepted them, so why shouldn't we? The evidence presented further referred to two regional fisheries management organizations where this has occurred.

The new NAFO clause comes from the revised Northeast Atlantic Fisheries Convention. This agreement involves only coastal states whose fish stocks are found in the Northeast Atlantic Fisheries Convention regulatory area. There are no distant water fishing states as there are in NAFO. Some of these stocks of the northeast Atlantic—herring, mackerel, blue whiting—migrate through the waters of several coastal states and the high seas. These coastal states—all of whom, by the way, are also members of NAFO—have determined that they require greater cooperation in the management of these complex, mixed, transboundary fish stocks. The dynamics of negotiations in NEAF are accordingly very different from those in NAFO.

In the NAFO context, the straddling stocks on the nose and tail of the Grand Banks only involve one coastal state: Canada. While it's accurate to say that the U.S., France for Saint-Pierre and Miquelon, and Denmark for Greenland are also coastal states in the NAFO Convention area, Canada has straddling stocks fished in the NAFO regulatory area on the nose and tail of the Grand Banks. Canada is the coastal state of NAFO and the current convention reflects that. The amended convention weakens this position.

The second treaty that such a clause was purported to be in is in the western and central Pacific. This convention regards highly migratory species—tunas—which under UNCLOS are treated with a distinctly different management regime than that approaching straddling stocks.

• (1540)

Why are we doomed to repeat our history? Why do we have this clause, and why is it so important to the European Union? One has to understand the mindset of the European Union and its history in the NAFO regulatory area. The European Union has long believed that Canada controls NAFO. It does not like losing votes. To some extent, their concerns were valid as the NAFO Convention was drafted to make it clear that Canada was the primary coastal state. Further, Canada was a prime mover in the adoption of the 1995 United Nations Fish Agreements, UNFA, which reinforced Canadian positions and strengthened international law in regard to enforcement on the high seas.

The EU resisted several of the key clauses of UNFA that Canada had fought to adopt. In order to appease European stakeholders, the EU developed a strategy to implement UNFA in line with its original objectives. This can be clearly seen in a report submitted to the European Parliament fisheries committee on April 26, 1996. I don't think many people in DFO know anything about what happened back then. The chair of that committee, Miguel Arias, made the following comment on the effects of UNFA in NAFO:

Another ambiguity within the agreement which could affect NAFO is the one concerning the principle of biological unity which the agreement advocates as a main basis. Thus the agreement establishes the requirement for any given population to be regarded as one throughout the zone in which it is found, with no distinction made between the EEZ and adjacent waters. It also establishes the requirement to cooperate for the purposes of stock conservation. From this we may conclude that countries which fish in open waters should be involved in fisheries and conservation management not just outside the EEZs of the coastal states but also within those waters, since the cooperation requirement expressly imposed by the agreement would be meaningless if countries fishing in open waters could only participate in the allocation and distribution of TACs relating solely to open waters.

In the negotiation of the new NAFO amendments, the EU has succeeded in helping to clarify his ambiguity to Canada's detriment.

This is not what UNFA says, nor does it reflect customary international law and UNCLOS. Coastal state sovereignty provides for the state's exclusive use in management of the stocks within its 200-mile zone. Why is Canada choosing to water down this right in the NAFO amendments? By linking the language of ecosystem approach to the modified language in other amendments and this sovereignty clause, the EU can claim that by its ratification, NAFO members accept that the new convention reflects the view that distant water fishing states now have an almost shared responsibility for the management of straddling stocks. In fact, the EU would claim that Canada must now act consistently with NAFO decisions and that Canada no longer controls NAFO.

Is this not custodial management inside 200 miles? By accepting these amendments, Canada might also fetter its rights before any future international tribunal.

Why is a crucial aspect of UNFA also ignored? Virtually all the UNFA enforcement provisions are in NAFO, except for one. Canada succeeded in achieving major concessions at the conclusion of the UNFA meetings. Why is the government now watering down these successes and refusing to implement the control provisions of UNFA? If Canada was serious about updating NAFO to reflect UNFA, why is this government ignoring one of the most significant aspects of UNFA? UNFA enforcement provisions allow Canada to order to port a vessel found to have committed a serious infringement if the flag state fails to respond adequately.

The EU is likely to argue that since the NAFO amendments were agreed post-UNFA and were intended to implement that agreement, they replace the UNFA provisions pertaining to high seas seizure and detention and it would therefore not be possible to implement them in UNFA. These amendments are just giving away what was so hard won over many years.

This is also reflected in the 1996 report. It called on the European Commission to review its political action in order to secure "lasting support from other countries...and draw up...a joint strategy within NAFO". These NAFO amendments reflect that strategy.

• (1545)

Finally, one other quote from the European Parliament report may throw a little more light on the current situation. When the NAFO Convention was finalized, Spain did not join, as it "considered that the new agreement gave Canada preeminence over the other fisheries". These clauses in the NAFO Convention, which so concerned Spain, have now been watered down in the amendments. No wonder the EU is so pleased with the amendments.

If I can make just one last point, Mr. Chair, some have claimed that it would be too embarrassing or too costly for us not to ratify this agreement and to go back and reopen negotiations. I ask why it is so embarrassing. What is the purpose of a ratification process? Why does that step exist in a negotiation of an agreement? It's simply to provide the government with the opportunity to carefully weigh the pros and cons of an agreement and to decide, in the end, how it wishes to proceed.

In the past, states have sought to return to the table following this secondary review. On fisheries issues, for example, the EU sought changes in at least two fisheries agreements with Canada during the ratification process after its internal consultations led to a desire for changes. The U.S., on several occasions, has gone back to the negotiation table after Congress has indicated that it would not concur with the results of the proposed agreement. Parties have returned to the table and agreements have subsequently been finalized. This is not earth-shattering. There is no need for Canada to feel in any way embarrassed or constrained to not ratify this agreement.

Finally, other NAFO-contracting parties, I think, wouldn't be surprised if Canada didn't ratify and it objected on the grounds of the current language of the convention. Some even wonder why we didn't act earlier.

Thank you.

The Chair: Thank you, Mr. Wiseman.

We'll start with Mr. Byrne.

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Thank you, Mr. Chair. Thank you, Mr. Wiseman.

You've given us some interesting details to contemplate, but you did indeed proactively answer a number of questions that may have been lingering in some people's minds.

Let's just do a couple of housekeeping items for the purpose of eliminating them as issues. In addition to serving various fisheries ministers who might have been members of a Liberal government, you also, I understand, served fisheries ministers Tom Siddon, Valcourt, Crosbie, and others. Did you receive promotions in your position during that time in office? Would you be able to answer?

The bottom line is whether you had the respect and the ear of various ministers, both Conservative and Liberal, over the tenure of your career.

Mr. Earl Wiseman: I did, and in fact I worked very closely with Minister Crosbie. I recall very well Minister Crosbie's view that he was the minister for the fish. Someone had to stand up to protect and conserve the fish. I find this current agreement to be for the fishing industry so it can maximize profits early. It's not for the conservation of fish.

Hon. Gerry Byrne: Thank you.

You provided our committee with some new information and an analysis of the Northeast Atlantic Fisheries Commission. You made an important clarification, a differentiation between it and the Northwest Atlantic Fisheries Organization.

You said, and I'll paraphrase, that basically, in the northwest, in NAFO, France in respect of Saint-Pierre and Miquelon and Denmark in respect of Greenland.... Canada is a major coastal state and NAFO is made up of distant water fishing fleets. In the northeast, just about all members are coastal states. Does that imply a bit of a détente? It's a different circumstance when you're in the northeast. If you demand a measure in the northeast, you know that it's going to come back at you, because you, too, are a coastal state. Is that a fair assessment of the circumstance there?

• (1550)

Mr. Earl Wiseman: It's even more specific than that.

First of all, many of the fish stocks in the northeast Atlantic swim through the coastal state waters of more than one coastal state. They may swim through the waters of Norway, Iceland, and on the high seas, for example. So you have two coastal states involved and the high seas, while all the other parties would be fishing them. Some stocks may go through most of the members' waters. So it is a very different dynamic, a much more complex dynamic, and a bit like it is with the highly migratory species. That's why UNCLOS is different, as all of the states have to cooperate in a different way to be able to manage this.

In the case of NAFO, as I mentioned, yes, the United States, France, and Denmark are coastal states in the convention, but for the straddling stocks on the nose and tail of the Grand Banks, they are not coastal states. As a matter of fact, the U.S. and France have no straddling stocks at all. Denmark has one potential straddling stock. It's actually a stock that starts in the northeast Atlantic and goes through Norwegian waters, Icelandic waters, Greenland waters, the NAFO regulatory area, and Canada. That's the only stock where Greenland can claim any coastal state rights, but so can Iceland and Norway on the same stock. So it is a very different situation under NAFO.

Canada was recognized by all in the first NAFO Convention, when it was drafted by Canadians. With Canadians taking the pen, it was made clear that Canada was the coastal state. This new agreement has watered that down.

Hon. Gerry Byrne: Speaking of taking the pen, we've heard testimony from other witnesses about the impact of the rapporteur, the person who holds the pen. From your 23 years of experience dealing with international fisheries policy and management, do you find it strange that the European Union was actually the rapporteur, the holder of the pen, during the drafting of this particular treaty?

Canada is the depository of NAFO documents. The headquarters of NAFO is in Canada, in Dartmouth, Nova Scotia. We actually provide the lion's share of funding for NAFO. Why did the European Union end up with the pen to draft these? And what's the consequence of holding the pen?

Mr. Earl Wiseman: I don't find it surprising; that's always been the European Union's objective. What I do find surprising is why we let them.

The consequence is that the person who is the chair and has the pen produces the chairman's report—produces the report on a discussion—and they can put in, modify, or spin whatever they as chair wish to do. Then it's up to others who may not like what's in there to fight to get it out. That's what I think we had to face.

Hon. Gerry Byrne: Can we talk a little bit about the two-thirds majority, which some have described as providing greater inclusivity to the decision-making process? We've heard contrary testimony to that as well. In fact, there's been some very negative testimony that it might be okay for maintaining share structures, but there's a big question, which I think is the most important question for conservation: what happens when stocks start to decline and then eager, ambitious, and commercially driven interests start wanting either to prevent that or to insert themselves in order to maintain the existing quota structures, in other words, to maintain those shares? Can you describe the implications of that for the committee?

Mr. Earl Wiseman: I think you partially answered it. When parties don't want the stocks to go down, they're going to resist the conservation measures that would be put in place to protect those stocks. If you require more parties to vote for the conservation measures, you're going to have a greater difficulty achieving those measures.

Hon. Gerry Byrne: On the issue of dispute resolution, we've heard testimony that these mechanisms are binding. The implication has been that an objection procedure is no longer part of the NAFO process. I don't necessarily believe that to be true.

Can you describe to us the process by which countries can object now and what the consequences are? And what can contracting parties do post-ratification of this? Is there a timely way to resolve disputes within an ecological cycle—in other words, within the calendar year—within weeks of the actual NAFO decision being made to prevent over-harvesting of the stocks?

• (1555)

Mr. Earl Wiseman: It's a good point, because there are actually two sections of the NAFO amendments, sections 14 and 15. Section 14 deals with the objection procedures. It sets up a panel to review objections. Section 15 deals with dispute settlement. Section 15 reflects or basically refers what already exists under customary international law. You can send a dispute to the Law of the Sea tribunal under UNFA or the Law of the Sea.

We could do that now. We could have done it five years ago. It's there. So all of that binding aspect has always been there, and it's there whether it's in NAFO or not.

The objection procedure is not binding in any way at all. All it does is set up a panel to review. The panel reports. A two-thirds vote is required to adopt any new measure if there's a change, and if the party that originally objected doesn't like the new decision, it can object again and the whole thing starts over. In the process, you just run out the clock, and the year is quickly over before anything happens. Then parties have to decide whether they want to bring it to article 15 and actually make it a binding dispute settlement process by bringing it to an international tribunal. That takes years and costs millions of dollars.

Hon. Gerry Byrne: Let's be clear here. NAFO makes an annual decision. You're saying a resolution of an objection takes years, but months later a new decision will be rendered.

Say, for example, Iceland wants to fish more than what NAFO has allocated to them of Flemish Cap shrimp. They'd never do that, but say they wanted...they're under objection right now. But say, for example, Iceland were to object to their quota of 3M shrimp. They

file an objection in 2010. The objection procedure would roll out. The litigation procedure would probably take—if this is what you're saying—about two, three, or four years to finally work its way through the system.

But the bottom line here, Mr. Wiseman, and what I need to know, is, can they file the objection procedure again in 2011 as if the thing never happened?

Mr. Earl Wiseman: The objection procedure wouldn't last two, three, or four years. That would be a dispute settlement process, a separate one. If they objected in October or November when they have the first chance to do it, then there's a 60-day waiting period. A whole bunch of steps are built in. You could probably have a first panel review it and come back with some sort of recommendation to the Fisheries Commission maybe mid-year. There is nothing in there that says how quickly the Fisheries Commission has to deal with it. They can defer it. They can have additional meetings. By the time they come up with a decision there is a further period to object and then a further period to wait. So they can run out the clock for a year. By the end of that year, it's irrelevant whether anybody says anything because the fish would already be gone. In the next year the process just starts over. If they choose to object, the same thing could happen.

One would hope that doesn't happen, but in the past we have had situations where year after year there were objections regardless of the discussions. There was a full discussion. Everybody knew the reasons for the objections; everybody knew why. The one party that objected simply refused to change its position. And there's nothing to change anybody's position in the new agreement.

The Chair: Thank you, Mr. Wiseman.

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais (Gaspésie—Îles-de-la-Madeleine, BQ): Thank you very much, Mr. Chairman.

Welcome, Mr. Wiseman.

I would have two questions, but that obviously depends on the time at my disposal, and the clock is running.

My first question concerns the letter you co-signed on September 20, 2009, in which you mention that if we ratify the convention as negotiated, Canada's position within NAFO will be diminished or less effective. You mention something very specific and I would like to go into that in greater detail.

Worse still, you say: “[...] will not only weaken Canada's position in NAFO but more importantly Canada's position in any future arbitration or in any future reference to the Law of the Sea Tribunal”. I would invite you to be as precise as possible in giving me examples of what might occur.

•(1600)

[English]

Mr. Earl Wiseman: This can get a little technical. I'll try not to get too technical.

We have been asking for three years for the government to do a thorough clause-by-clause analysis of the NAFO Convention, the new amendment, to see where the subtle little changes have come in. There are a lot of subtle word changes in there. There are changes where, for example, there were obligations on the members of NAFO in making allocations and decisions to give a priority to Canada. Now the obligation is on the Fisheries Commission, but there's no legal obligation on any of the members to do anything. In the past convention and existing conventions there were obligations on each individual contracting party. By putting the obligation on the commission, if any party doesn't support the Canadian allocation position, they're not acting contrary to the convention. This time they would be acting contrary to the convention. That's one that significantly diminishes the convention.

Making us vulnerable in arbitration.... I mentioned one in our presentation. If we chose to use our UNFA rights to seize and detain a vessel fishing on the high seas that has committed a serious infringement in NAFO without the flag states approval, because we deem the flag state has not acted appropriately in responding to that serious infringement, under UNFA we could do that. Now with the new convention, the EU is likely to argue, no, you signed this convention after UNFA. The purpose of the convention was to implement UNFA, and because this clause wasn't in it we obviously agreed this clause no longer applies. So you can't use that clause any more.

[Translation]

Mr. Raynald Blais: You therefore are of the opinion that even with the present treaty, the status quo is less dangerous, in the medium or long term, than what we presently have before us. This is why you are telling us to be very careful before accepting the negotiated treaty, or the agreement or amendment as presented.

At the same time, you are telling us that the status quo is not very good. However, you prefer to live with the status quo for a few more years, even if it is perfectible—it is to be improved upon—than to have the new convention.

[English]

Mr. Earl Wiseman: The status quo isn't perfect.

As we said in our letter to the Prime Minister, we think the agreement should be renegotiated. We think it needs significant amendments. It's long been identified that the major problems were the objection procedure, and there was a need for a binding dispute settlement and a need for real enforcement out there where we could take action on the high seas when appropriate. We failed to meet any of those. Those were, I would say, Canada's primary objectives. When my colleagues and I got involved in this we had hoped to work with the government to try to help them achieve those. The door was slammed in our faces. Nobody wanted to talk to us. We were denied meetings. We went another route going public with our concerns.

The NAFO Convention can still be amended. It can still be strengthened. But the current amendments don't really offer much. The aspects that are touted and the improvements to precautionary approach and ecosystems approach, NAFO has been applying for 10 years. It didn't require a convention change, and the convention doesn't make any obligations to use it anyway. It's just there. The dispute settlement process is the UNFA process, which has always been there.

[Translation]

Mr. Raynald Blais: The clock is running, and I would not like to be interrupted.

Another question has come to my mind. The only premier you have met with is Premier Williams, and you have heard feedback from this meeting.

Have you attempted to meet with the other provincial premiers? If so, what feedback have you received with regard to the possibility of such meetings or discussions?

•(1605)

[English]

Mr. Earl Wiseman: Our meeting with Premier Williams was at his request. We have not sought meetings with any other premiers or any other government.

[Translation]

Mr. Raynald Blais: You therefore have made no attempt to meet with the premiers of other provinces?

[English]

Mr. Earl Wiseman: The letter we sent to the Prime Minister was copied to all of the provincial premiers in Atlantic Canada.

[Translation]

Mr. Raynald Blais: You are recognizing that it is complete silence everywhere else? What do you think of this silence? Is it indifference or something else?

[English]

Mr. Earl Wiseman: When you talk about silence, I haven't heard anything. But what they've said to Premier Williams, what they've said to the federal government, I don't know. Their interests obviously are different. When we talk about Canada being the coastal state of the fish stocks on the nose and tail of the Grand Banks, it's of primary interest to Newfoundland and of secondary interest to Nova Scotia.

It's the opportunity for NAFO to eventually manage inside 200 miles and control within 200 miles—where they're up to the Gulf of St. Lawrence—that I think becomes a concern for other provinces.

The Chair: Thank you, Mr. Wiseman.

Mr. Stoffer.

Mr. Peter Stoffer (Sackville—Eastern Shore, NDP): Thank you, Mr. Chairman and Mr. Wiseman. Thank you, everyone, for coming today.

I find it quite revealing that a person of your experience and a person of the other.... Well, I guess we'll call them the 4WM—it sounds like a fishing zone—the four wise men. With almost 100 years of experience between you, when the government is negotiating something as complicated as these fishing agreements, they could at least buy you a cup of coffee and say, “Look, what do you think we might be able to do?” You could offer your advice, give it for free, and you walk away. You said on the record that the door was shut. I find that most amazing.

Secondly, I've been speaking to some fishermen in Newfoundland and Labrador who asked why Canada would do this. There has to be a bigger picture item out there. Are we giving up something on purpose for something else, i.e. an economic trade-off with another deal, the Canada-EU trade-off? This is what they're telling me. I don't have any basis of fact for this, but it's what I'm hearing.

What I'd like you to do, sir, if it's at all possible.... It's the voting aspect of it. I understand that two-thirds represents a difference of one, maybe two, votes, from 50% plus one.

I was wondering if you could explain why in your brochure you said that Minister Shea restated her primary goal to be conservation, but this is weakened in the proposed amendment. I'm just wondering, sir, if you could take just a little bit of time—take the rest of my time if you wish—to explain what you actually mean by that two-thirds, by the weakening conservation measures, and by Canada not being able to get previous shares of allocation of stock.

Thank you for coming.

Mr. Earl Wiseman: Thank you.

One of your questions is why is Canada doing this, and what is Canada getting out of this. I don't know. I can say, though, that I do know that there is a view now that standing up for Canada's rights, being forceful, has been perceived as not being effective. The way to be effective now is to put down the sword, put down the shield, and work things out with the European Union, which is being regarded as a partner we can trust and we can work with.

There may be some truth to that, but on the other hand, history has demonstrated that this hasn't always been fact. The EU, back in 1996, as this report pointed out, made it very clear that they have a strategy to implement UNFA in a way that reflects their views. I don't see a real change in the EU strategy at all. I just think that being trustworthy.... You know, it's trust but verify. I think we have to put in protections in the agreement to make sure that we're not giving away what is going to hurt us in the future.

•(1610)

Mr. Peter Stoffer: Is it fair to say we were snookered?

Mr. Earl Wiseman: I don't want to say that because there may have been people who made a decision that we don't want to have fights any more; we want to have peace. We want to move together positively, and if we show trust, we expect them to show trust. Whether that's delivered on the other side or not, I don't know, but history hasn't shown that.

The EU represents 27 countries, many different interests, and they will do what they need to do. They have done it in the past, and they will continue to do that. That's my experience with them.

You asked about the voting, too, and the two-thirds and how it's maybe only one or two votes right now. Yes, today that's true, but remember what happened to the Soviet Union. It used to have one seat at the NAFO table, and then it became six seats, because it became Russia, the three Baltic states, Bulgaria, and Romania. So suddenly there was a political change. We had six members to deal with in NAFO. Now a number of those have joined the European Union. Who knows what's going to happen in the future? The European Union has never been satisfied that it has one vote. Who knows what will happen in the future? Who knows whether there will be other countries that may choose to want to join NAFO?

We have 12 members now. There's no guarantee it will be 12 members in 30 years.

Mr. Peter Stoffer: You indicated, though, in your documentation to us—

The Chair: Mr. Stoffer, your time has expired.

Mr. Peter Stoffer: I'm done?

The Chair: Yes, you're all done.

Mr. Peter Stoffer: So much fun. I'll get back to you, sir.

I didn't hear a bell.

The Chair: Thank you, Mr. Stoffer.

Mr. Weston.

Mr. John Weston (West Vancouver—Sunshine Coast—Sea to Sky Country, CPC): Thank you. We know that Mr. Stoffer is only just warming up.

Thank you, Mr. Wiseman, for coming before us. You have declared yourself passionately on this issue, and you and your colleagues have been vocal in your array of criticisms that you have raised on the treaty. In fact, you've raised so many criticisms that it's almost difficult to follow them. I'm going to focus on the one that I think is the primary one, but before I leave the point about the numerous ones you've raised, it makes me curious that you could find fault with so many different things that have been so stoutly defended, not only by DFO but also by experts.

Let me focus on the question of sovereignty. We had before us just last week Phillip Saunders, who's the dean of Dalhousie Law School, and Ted McDorman, a professor of law at the University of Victoria, and we spent some time on sovereignty. I've just been given a definition of sovereignty from a dictionary: “supreme and independent power or authority in government as possessed or claimed by a state or community”.

Now, on the first of several points, Mr. Wiseman, there's no doubt that there's a requirement for Canada's consent for any foreign power to enter our waters under the amendments. Isn't that correct?

Mr. Earl Wiseman: Correct.

Mr. John Weston: Trying to imagine a scenario where something bad could occur because of article VI, paragraph 10, which deals with possible entry into our waters upon Canada's consent, Dean Saunders told the committee that the Canadian government holds complete control, and that's, of course, what we've heard from the minister and from DFO officials.

So let me move to the second point. You used a great line borrowed from a former minister, Minister Crosbie: stand up for the fish. Isn't it true that countries are not silos in this worldwide battle to preserve our fisheries, that only if countries cooperate can we as a human species expect to preserve fish species for future generations? To quote Dean Saunders, he said there would be benefits to the provision that you question, as it could allow Canada to work with NAFO to develop marine-protected areas in areas of straddling jurisdiction.

So isn't it almost a truism that we as nations must work with other nations? We can't afford to act as a silo. You're shaking your head, so I assume that we agree on that, right?

Mr. Earl Wiseman: Cooperation, absolutely.

Mr. John Weston: This is my third point, then. Wouldn't you agree that there's no such thing as a perfect treaty, that ultimately any treaty is an accumulation of several agreements?

I'd like to read to you an excerpt from Tom Hedderson, who is Minister of Fisheries and Aquaculture for Newfoundland. He appeared before us as well. This was his statement back in July:

The fact that Canada would have to support a NAFO measure and then request its application in the [EEZ] seems to provide the necessary safeguard against an unintended consequence of the amended convention. This along with securing the Canadian shares of NAFO-managed stocks makes an acceptable package.

He wasn't saying that the treaty is perfect from Canada's perspective, nor is the minister saying that it's got everything Canada unilaterally would have in a treaty. But in a world where we're working together with other bodies, we ultimately came to what is considered an acceptable package, at least as Minister Hedderson deemed the package at that time.

There were obviously some mutual negotiations going on.

So far, so good. You're agreeing with that?

•(1615)

Mr. Earl Wiseman: I'm not agreeing totally with your conclusions. I'm agreeing with the process that you've described.

Mr. John Weston: All right.

Ultimately a sovereign power such as Canada—I'm going back to our definition, "a supreme independent power or authority in government is possessed or claimed by a state or community"... That's Canada. We can even at this time, with or without NAFO, with or without the amendment, invite a foreign power into our waters to observe compliance with some standard of conservation. We can do that now. Isn't that right?

Mr. Earl Wiseman: Correct.

Mr. John Weston: Again, I don't understand why your group sees this as a nefarious Trojan horse designed by the Europeans to weaken Canadian sovereignty. We have sovereignty. It requires our

invitation to bring another country in. We need cooperation with these countries.

Mr. Wiseman, I think you said in your earlier statements that NAFO isn't perfect, but we don't want to scrap it, and we need something to keep this alive and on foot. Help me out here. I'm striving to understand your point of view. I'm not getting it. I guess Dean Saunders didn't get it. Professor McDorman didn't get it. Certainly the Minister of Fisheries and Oceans has heard and doesn't accept it either.

Mr. Earl Wiseman: I'll try to deal with your concern.

I think if both Dean Saunders and Mr. McDorman—Mr. Saunders never having really been involved in the negotiations—had their druthers, they wouldn't have this sovereignty clause in there. But it's there. They seem to feel it's something they'd rather not have, but it's there, and that was the outcome of the negotiation.

The key concern we have is that NAFO currently applies exclusively to the NAFO regulatory area outside 200 miles. It prohibits, de facto, any NAFO involvement within 200 miles. If Canada asked NAFO to do something within 200 miles, it couldn't do it because the NAFO Convention wouldn't allow it. The new amended NAFO Convention would now allow it. It gives a new right to NAFO that does not now exist.

The reality is—

Mr. John Weston: Can I stop you? That isn't my understanding. As a sovereign country, we operate in a domain where we could invite a country in to do our bidding. I can come up with a hypothetical. We lack some technology that some European country has and we ask them in to help us make an assessment of a diminished fish stock. That seems completely consistent with our sovereignty, and we don't need NAFO or an amendment to NAFO to do that.

Mr. Earl Wiseman: Thank you. That's exactly my point. We've been doing that for years. We can do it—

•(1620)

Mr. John Weston: So there isn't a big change.

Mr. Earl Wiseman: We have the full sovereignty to do it. What changes is that NAFO now has a lever. NAFO now has the thin edge of the wedge. The European Union knows this. They will use it.

I ask you to recall what I said about what Chairman Arias Cañete said. They believe that for a straddling stock the distant water high seas state should have an equal right in the management of the totality of that stock, inside and out. That is their belief. That is their objective. They want to have a say in what we do inside our 200-mile zone.

Now, they didn't get the clause exactly as they liked it, because we were able to put in all of these request clauses to it, but it's still there. How can they get it? It's very easy within a NAFO context.

Many of these experts who've talked to you may not have been within a NAFO negotiating room, but when you have the heads of delegations sitting around in a room trying to come up with a consensus package.... Just look at the last meeting in Bergen. Just imagine it. The Scientific Council said the Greenland halibut quota should be lower and the 3M cod quota should be lower.

The Canadian industry wants the quota on Greenland halibut higher because they're making a lot of money off it, so to heck with conservation, and Canada will go along with a higher quota. The EU in this case says no to that and says we should take the scientific advice and have a lower quota, but the EU wants a higher quota on 3M cod.

What does Canada do? The outcome of the meeting is that there's a higher quota on 3M cod, which is what the EU wanted, and there's a rollover of the Greenland halibut quota, which is what Canada wanted. That's a trade-off, because that's the way things are done.

One day it may come down to them simply saying this. If Canada wants a lower quota on a straddling stock and the European Union can't accept a lower quota on the stock because the catch rates are so poor outside 200 miles, they'll say that if Canada lets them fish their quota inside 200 miles, then maybe they'll accept a lower quota. So for conservation reasons, Canada, wanting a lower quota, will say, "Okay, you can now come in and fish within our waters." I mean, that's the way this can happen.

Mr. John Weston: Let me repeat back to you what I think I'm hearing. Each MP in this room is committed to at least one thing, and that is to ensure, to the best of our ability, that our fish stocks survive for future generations. I would guess that not one of us is too happy about having to work with MPs or leaders of other countries where we may have to give up something Canadian.

But at some point, if our priority is to preserve fish stocks for Canadians, for our race, then we may have to do that. And all we've done is restate the pre-existing obvious, which is that, if necessary, if we have to bring someone else in to work with us because we're going to work with them for that overarching goal of preserving our fish stocks, that's something we could have done anyway. We restate it in this treaty. I think ultimately that's where we are and that's why the provision is in there.

Thanks, Mr. Chair.

The Chair: Thank you very much.

Mr. Wiseman, thank you very much for taking the time out of your—

Hon. Gerry Byrne: Mr. Chairman, would Mr. Wiseman like to respond?

The Chair: Sure. I'm sorry.

Did you want to respond to that, Mr. Wiseman? I thought it was more a statement than a question.

Mr. Earl Wiseman: We share your view. We want to stand up for conservation and long-term sustainability. We believe it is possible

that one can achieve that kind of agreement in NAFO with other contracting parties.

We think this particular clause is a clause that has provided the thin edge of the wedge and that in 30 years' time—who knows?—it may be used in a way that is totally beyond what we can now anticipate. There is simply no reason for it. Because we are sovereign now, because NAFO has no rights inside, we can, as a sovereign state, make whatever decisions we want. If we want to invite a nation into our waters to do science, share technology, fish, or anything, we can do it.

There's no need for that clause in NAFO. That just simply provides a right and provides a basis in future arbitrations, perhaps, or in dispute settlements, for a party to say, "Well, it's in there that there are possibilities, so clearly Canada believes that we have a role in doing something within their 200-mile zone."

The Chair: Thank you very much, Mr. Wiseman.

Mr. Wiseman, on behalf of the committee, I'd like to thank you for taking the time to appear before our committee today. We really do appreciate your input.

We'll take a short break while we allow our next guests to set up.

Thank you.

- _____ (Pause) _____
-
- (1630)

The Chair: I call the meeting back to order.

Thank you very much, gentlemen, for agreeing to appear before our committee this afternoon.

There are certain time constraints that we ask our guests to adhere to. Our members have limited time for questions and answers. We generally allow about 10 minutes for opening comments. I generally don't cut our guests off, but at a certain point, when I indicate, I would ask that you bring your comments to a conclusion.

Mr. Etchegary, I believe you're going to make some opening comments. Proceed whenever you're ready.

Mr. Gus Etchegary (Representative, Community Fisheries Alliance, As an Individual): Thank you very much for the opportunity to discuss this matter that is of enormous importance to Canadians on the east coast of Canada—the NAFO amendments. I'd also like to touch on the subject of the management of the fisheries generally on the continental shelf, where fish migrate and know no boundaries.

I came into this industry in 1947. I worked with a very large company that employed about 6,000 people. It had plants in Quebec and Nova Scotia, but most of them by far were in Newfoundland. I served as a commissioner with the Canadian delegation for eight or nine years in the seventies. I retired from the job and then was asked to come back in the transition year from ICNAF to NAFO in 1978.

Today I am representing the Fisheries Community Alliance of Newfoundland and Labrador. It's a volunteer group that includes former federal and provincial bureaucrats, concerned fisheries scientists, former processors, fishermen, and some members of the public. I can assure you that all of those volunteers in our organization are experienced in various matters related to fisheries. I can assure you even more that they are not just armchair critics, as described by some of the witnesses before the Senate and House committees recently.

I came into the industry in 1947 during the transition from the salt fish industry to the frozen fish industry. It created an enormous number of opportunities for different seafood products from a variety of species. It generated thousands of jobs from the Gaspé coast, through the Maritimes, to Newfoundland and Labrador.

The groundfishery, around which the whole NAFO thing has developed, was abundant, with many diversified species. One stock off the coast of Newfoundland and Labrador in 1962 contained 3.5 million tonnes of cod. Many other species were available at the time for processing and marketing and were very abundant. The industry progressed and remained viable for almost 35 years, until it began to decline in 1970-71—not in 1992 or 1987.

Two major events occurred around 1949-50. Newfoundland and Labrador joined Confederation, and as a result Canada was elevated from fourteenth place to sixth place in the world as a fish-exporting nation. The second event that took place was the arrival of an armada of factory-freezer vessels from Europe, beginning in 1950.

By 1960 there were 1,200 of them, with 65,000 crew members and factory hands fishing the continental shelf from Labrador to southern Nova Scotia. They continued to fish over all those years—right up until today, in lesser numbers—in an unrestricted and uncontrolled fashion. The fleets diminished in size as they overfished, and eventually their huge effort overwhelmed the resource entirely. From the best information available to scientists, the amount of cod has gone from 3.5 million tonnes, as I mentioned, to 135,000 tonnes today.

• (1635)

ICNAF was formed in 1949, and it was replaced by NAFO in 1978, when Canada extended jurisdiction to 200 miles. That was a grave error on the part of the federal government. They were warned repeatedly leading up to that event. In a half-hearted effort, they tried to protect the fishery. They didn't. As a matter of fact, they opened it up to even further abuse.

NAFO replaced ICNAF with the extension of jurisdiction. That organization—that useless, toothless organization—is in the process of delivering the final death blow to what's left of the fishery in the northwest Atlantic. If anyone tells you anything different, they're out to lunch.

In the meantime, as somebody mentioned, it's mostly affected Newfoundland and Labrador as a province. That's true. Nova Scotia in the earlier days had a very large groundfishery, but they didn't in latter years.

The impact of what has happened to us in the last 35 or 40 years has resulted in the loss of 15% of the population of Newfoundland and Labrador. That's the equivalent of 80,000 people who have left the province of Newfoundland and Labrador who were involved in fisheries, from the coastal communities and so on. With them went 30,000 jobs, all—*all*—a direct result of foreign overfishing and, on the other hand, mismanagement of the resource by DFO.

It is our considered conclusion that for some time Canada has not had the dedication and commitment it once had—when, for example, it assumed responsibility for the conservation and the sustainability of the common property resource that Newfoundland delivered to Ottawa. Today Canada, through DFO, has lost its way. It has lost its way in fisheries management and control.

Foreign fishing nations such as the EU, Russia, and Scandinavia are well aware of that fact. These NAFO nations have been taking advantage of the growing lack of interest by the federal Government of Canada and are aggressively moving through NAFO—unfortunately, with the support of certain Canadian interests—to gain more control of overlapping stocks and eventually stocks inside 200 miles.

These are groups, by the way, who have little or no concern for conservation of the resource, nor the pressing need for rebuilding the resource that has employed many thousands of Canadians for all those years.

It is unbelievable to me that we would see the day when the Government of Canada would permit itself to be aligned with other members of NAFO in agreeing to amendments in the convention that would open the door to an uncontrolled foreign involvement in fisheries management inside 200 miles—even more, to allow NAFO to bypass Canada and accede to a request from the WWF to put an off limits sign to other trawlers on the ocean floor of our continental shelf, to which Canada has sole jurisdiction.

Where were our negotiating bureaucrats? Where were they to allow this embarrassing situation to occur? And more, what impact will this have on the sovereignty of this nation?

The truth is that our representatives in NAFO have been out-negotiated. They have been outmanoeuvred. This has been the case for far too long.

By the way, I might say to you that this objection procedure, which is by far the worst part of this whole NAFO arrangement up to this point in time, is something we could have rid ourselves of in 1978. At the time, I and two or three others were pressing hard: when the foreign nations were pressed outside 200 miles, they were practically on their knees looking for small quotas here and there to compensate them for the losses they would sustain.

•(1640)

It was then we had the opportunity to take advantage of that. We had the leverage. We had it right in front of us. We begged the government of this country, we begged the representatives at DFO who were at the negotiating table, to take advantage of it and they didn't.

In those amendments there isn't a single reference to conservation. Here we are with a moratorium—1992—that after 18 years shows little hope for the future and no evidence whatsoever of worthwhile recovery. Yes, you'll hear of a spot here and there. But I can assure you that if a commercial fishery's effort was applied to some of these areas that are just recovering.... By the way, the cod on Flemish Cap is a classic example. It's unbelievable.

The Bergen meeting is also a classic example of what we're about to get into unless we stop at this point and not ratify the agreement, object seriously, and bring it to a halt. In Bergen, our Canadian delegation went as far as to undermine our own NAFO scientists. They joined hands with NAFO countries and took the Science Council's assessment of the stocks, which involved cod and turbot on Flemish Cap, as well as the bycatch levels inside, and threw it all out the window. Not only did our Canadian negotiators throw out our Canadian scientists' contribution to the NAFO council, they went along and established quotas that were way above what these people had recommended.

If Canada is not prepared to undertake what is needed to rebuild the fishery—and I might tell you right here that it will never be done under NAFO or while NAFO is holding its present position. If Canada is not prepared to clean house and put in place those people who will put this country on a road to recovery as far as its fishery resources are concerned, if Canada is not prepared to do it for the people who have been displaced and who have lost their jobs, then for God's sake, recognize the fact that a properly managed, sustainable resource provides one of the largest food supplies in the world. In this world today, where poverty is rampant and hundreds of millions of people are hungry, this country, one of the leading countries in the civilized world, should at least recognize whether or not they're prepared to restore and rebuild the fishery for its own people.

There are a few other things I'd like to say, Mr. Chairman, obviously. There's one area that I'd like to cover very much and that is with regard to fishery science and why it's so important to this whole thing, including in reference to this NAFO thing.

But in any event, thank you very much.

•(1645)

The Chair: Thank you very much, Mr. Etchegary.

I'm sure there will be an opportunity through the questioning for you to touch on some of those other points as well.

Mr. Byrne, you and Mr. MacAulay are going to share your time? I'm not sure who is going to go first.

Hon. Gerry Byrne: That would be correct, but....

The Chair: Oh, sorry, Mr. Winter. I apologize. We're anxious to get to the questions, I guess.

Mr. Winter, you had some opening comments as well.

Mr. Jim Winter (Representative, Community Fisheries Alliance, As an Individual): Yes. Thank you very much for the invitation, ladies and gentlemen, mesdames et messieurs.

I'm very pleased to be able to address you on this issue because the NAFO amendments before the House are a very serious issue, not just for Newfoundland and Labrador but for all Atlantic Canada and eastern Quebec.

Just for context, I'm an ex-host of the CBC radio program called *Fisheries Broadcast*.

[*Translation*]

And I did the same thing for several years with the French network of the CBC, although with a Newfoundland accent. It was therefore in French, with a bit of a twist...

[*English*]

I worked for DFO both in Newfoundland and in Ottawa, and I've also worked in the private sector of the fisheries. All together, this goes back to the 1970s.

Canadian fishing grounds extend from the Arctic in the north to the Grand Banks, Hamilton Bank, and the Flemish Cap in the east to Georges Bank in the south. It is my opinion, and that of my colleagues in the Fisheries Community Alliance and others who have extensive knowledge of and experience with the past activities and long-term goals of NAFO, that these amendments spell the end of Canadian sovereignty in these waters and that they are a guarantee that Canada will never see a regrowth of the fish stocks that are at the core of both the economic well-being and the culture of Atlantic Canada and eastern Quebec.

Our objections to these amendments are based on decades of experience in dealing with NAFO as senior governmental management bureaucrats in federal and provincial fisheries, as NAFO commissioners, and as people in the industry. They are not based on a vested interest or on academic and/or theoretical knowledge of NAFO, but on the painful experiences of 40-plus years of dealing directly with NAFO, of seeing NAFO ignoring scientific advice, of seeing member states overfishing both legally and illegally, of seeing NAFO operating in a manner that is completely contrary to the best interests of Canada and Canadian citizens.

Our objections are not based upon political considerations, as has been alleged. At various times all the parties sitting in the House of Commons have addressed the issue of Canadian fisheries management over these waters, either through custodial management or extended jurisdiction. We are simply non-aligned citizens participating through this committee in the parliamentary process. I accept that the intention of these amendments was to achieve custodial management or something similar. Sadly, these amendments represent a step away from that goal, not towards it.

I will not detail my objections to you, as you've heard from others far more qualified and far more experienced than I am. They have outlined the details of the very many failings of these amendments in terms of Canada's fisheries objectives and Canada's sovereignty in the waters off Canada's coastline. Undoubtedly you will hear from others with the same opinion and the same background.

We all know that one is not always successful in achieving one's goals in international negotiations of this nature. When sober second thought indicates that the outcome is negative, it is not an admission of failure to reject the outcome. It is an acknowledgement that for the greater good of Canadian citizens and the Canadian nation, this particular effort should be rejected. There is no shame in pausing to analyze what was achieved and in accepting that the goal was not realized. It is a sign of maturity, a sign of the best of the parliamentary traditions of Canada at work.

Parliament should unanimously say no and officially notify NAFO of the decision. Say no, and inform NAFO that radical reforms are necessary to protect Canadian fishery objectives and Canadian sovereignty; say no, and inform NAFO that without negotiations based upon the concept of custodial management or extended jurisdiction, Canada will have to seriously address the future viability of an organization that has, since its inception, failed to protect Canada's rights as a coastal state under the Law of the Sea convention.

European factory freezer trawlers raping the Canadian fishing banks in the 1960s and 1970s were the cause of the collapse of the Canadian fishery. In the almost 20 years since the moratorium on Canadian fishers, we have seen no change in the attitude of the Europeans towards fisheries conservation and little respect for Canadian jurisdiction. What we have seen is a continued European practice of both legal and illegal overfishing that has seriously impeded regrowth in Canadian fish stocks, a practice that uses the rules of NAFO to make a mockery of Canadian sovereignty.

• (1650)

We have all seen the economic devastation and social disruption caused by the fishing activities of the Europeans since the 1950s to the present day. We have seen coastal villages throughout Atlantic Canada and eastern Quebec depopulated. We have seen families forced to split up in order to survive, with fathers or mothers in the oil camps of Alberta, the mining towns of Ontario, or the forests of British Columbia, while the children are at home with the other parent or grandparents.

Over half a century of ICNAF and NAFO have demonstrated clearly that the goals of NAFO are to solve European fishing problems on the backs of Canadian citizens. Enough is enough.

We Canadians, through our elected representatives in the House of Parliament, must reject these amendments, and we must reject them emphatically, strongly, and without reservation. The Canadian Parliament must send a serious, focused, clear message to NAFO by unanimously rejecting these amendments, a message that neither NAFO nor the EU can interpret as party politics, a message of unanimity from the House of Commons that is above party politics, a message that is consistent with the objectives of all the parties in the House, as stated at various times over the years.

I state my objection to these amendments based upon years of exposure to and experience with the actions of the mandarins in Brussels and their political masters in Strasbourg. This has left me with a total distrust of their goals in the northwest Atlantic, goals that are completely detrimental to the regrowth of the Canadian fishery and continued Canadian sovereignty.

If we are going to control these waters, if we are going to have an Atlantic-wide fishery—and that is not just Newfoundland, that is New Brunswick, that is Nova Scotia, that is eastern Quebec—if the villages and towns on that coast are to survive, we do not need the kinds of amendments that are going to open the doors for NAFO to come in...it's not inviting in an individual country to help out with a matter of science. NAFO is an organization. When you put rules in place in an organization, you are creating a Trojan horse, to use the expression somebody else used earlier.

I state my objections to these NAFO amendments not only as a Newfoundlander, as a Labradorian, but also as a Canadian citizen who has true confidence in the ability of the Canadian parliamentary tradition to make decisions based on the best interests of Canadian citizens and the rights of Canada as a nation, and not simply in the political interests of one party or another, nor, it goes without saying, in the interests of foreign governments or agencies.

I ask you, in the interest of all Canadian citizens, because the future viability of the fishery of Atlantic Canada and eastern Quebec impacts directly upon the economies of all the other provinces, to ask your fellow parliamentarians and your party leaders to bring to the House of Commons a unanimous rejection of these amendments and go forward as a united Parliament towards the goal of custodial management or extended jurisdiction, concepts that all of the parties, at various times, have expressed a desire to achieve. All parties in the House have expressed this desire. All parties have indicated that NAFO has been in the past, and continues to be, a disaster for Canada, which is why these amendments are before us in the first place.

• (1655)

But sadly, they didn't achieve the goal they set out to achieve. They are counterproductive. Now is the time to abandon them and to abandon party politics. Now is the time to speak as a united House, because the Europeans understand nothing other than strength of response.

Should these amendments pass, you can be certain that a future generation will ask, on whose watch did this happen? There will be accountability for the demise of Canadian sovereignty over the waters on the continental shelf of the east coast of Canada, for the collapse of the villages and towns of Atlantic Canada and eastern Quebec, and for the consequences to families whose lives have for centuries contributed to the economic and cultural well-being of Canada.

Everyone in the fishery understands that this objective will not be easily achieved, nor will it be achieved overnight, but in the interests of our children and grandchildren, it must be achieved.

Thank you.

The Chair: Thank you very much, Mr. Winter.

Mr. MacAulay, I believe you're going to lead off.

Hon. Lawrence MacAulay (Cardigan, Lib.): Thank you very much.

I want to welcome both witnesses here. It's a pleasure to hear somebody who knows the industry from being there and understanding and seeing what happened over the years.

Mr. Etchegary, you mentioned that you'd like to speak more on the science issue. I'd like to give you time for that. You or Mr. Winter might, if you have a moment, indicate what you think will happen if this should pass within our 200-mile zone.

Mr. Gus Etchegary: With respect to the science—and I think this is very important—the fact of the matter is, at the present time, Canadian science is at its lowest level in my history. I've been around here for 60 years, believe it or not, and I have not seen Canadian science at such a low level as it is today in terms of available ship time for research, in terms of the number of scientists dwindling week by week, and in terms of the availability of ships.

Last month, a vessel left to go on a very important research trip. Halfway out it broke down and had to be towed back to St. John's. It resumed four or five days later and the same thing was repeated. During that period of time, the coast guard charged the White Hills science budget.

• (1700)

Hon. Gerry Byrne: For the towing.

Mr. Gus Etchegary: Yes.

The thing about it is this. You have these top-notch, professional, dedicated people. I can assure you that Canadian scientists, the ones I've known for all these years, are dedicated people, dedicated to their jobs. Their contributions to advanced fisheries management are as important as the heart is to the human body.

I'm going to tell you, their experience three weeks ago in Bergen was enough to turn somebody upside down, when you get a bunch of scientists who work as hard as these people do, with very limited facilities and infrastructure and all the rest that goes with it, hardly enough technical people to count the otoliths, and this is a fact, and these people come up and make that contribution to the NAFO Scientific Council and it goes to Bergen, and then a hired hand, a hired lobbyist—I almost hate to say it—is allowed to come in and present to the NAFO body a report from an independent consultant, miles away from Canada even, presents this to the NAFO group in Bergen, and as a direct result of that, they throw out the recommendation of the Scientific Council and put in place a quota for cod on the Flemish Cap that I can guarantee will be used just as the turbot quota is used outside 200 miles, to allow foreign vessels out of Vigo, Aveiro, and other European places to come across the ocean, fish for a day on the Flemish Cap and then proceed to the Grand Banks. When the Canadian boarding parties go on board, they will find that it's all lumped together and no one can distinguish what was caught on the Flemish Cap and what was caught on the Grand Banks.

This is common practice, ladies and gentlemen. I'm telling you. That's why this kind of incursion by NAFO....

And look, the remote possibility that they could ever get back into our zone again, as they did in the past, has to go. You have to reject this. You have to get rid of it, because if not, you're going to see the end of the fishery on the east coast of Canada.

Hon. Gerry Byrne: Thank you, Gus, and thank you, Jim, for appearing before us.

One of the reasons you were asked to be here is to provide some testimony and reply to some of your colleagues.

You represent the fishing industry. Gus, I think you'd call yourself, in fairness, one of the big fish killers of your day. You were very successful at harvesting.

We heard testimony from representatives of the current Canadian offshore industry who really said they support this. They support these revised amendments, and they seemed to do so on the basis that it was about preservation of Canadian shares, Canadian quota. I know from my own chats, and from hearing you lecture in other forums, that you talk not only about Canadian shares but also about conservation. The two-thirds voting structure was applauded by some because it afforded increased Canadian protection of share structure.

Could you inform the committee of your own impressions, as one of the big fish killers of your day, of what it does to conservation, or potentially to conservation?

Mr. Gus Etchegary: Well, of course, I have had this thrown at me over the years, about being a big fish killer. But I can assure you that when you are Canadian, landing in a Canadian port, you're subject to the presence of anywhere from three to four federal fisheries officers on the deck as you arrive. And the fishing skipper and his crew are subjected to a hell of a grilling if there's anything.... If they go down, for example, with a measuring device for three meshes and they find an infraction, you'll pay for it. Someone will pay for it.

• (1705)

Hon. Gerry Byrne: Let me just clarify my question. What I note is that in addition to your always having a firm respect for the Canadian industry, Canadian shares, you have also fought for conservation. You were an ICNAF commissioner. You were a NAFO commissioner. You were one of the brighter spots in that you actually said that if we don't act on this, we're going to be in trouble. The Canadian industry today came before this committee and said, listen, the main issue for us is just being able to kill that fish and to maintain Canadian shares. They really didn't come here speaking very much about what happens when we need to act for conservation in NAFO, when we actually need to reduce NAFO quotas.

The two-thirds majority appears that it may present a problem in that regard. Gus, is it easier to actually act on conservation with a simple majority, or is it easier to act on conservation with the two-thirds majority required before NAFO can make a decision? Between Gus and Jim, maybe you might be able to jump in there.

Mr. Jim Winter: The answer is that preserving a share of quotas through the two-thirds mechanism is a marvellous concept if you're in a fish company. My answer, from a conservation perspective, is that 70% of zero is zero. I would suggest that if the industry is genuinely interested in protecting its shares and in having conservation as a goal, there's nothing wrong with saying that a two-thirds majority on issues of share allocation would be good. But we should have 50% on everything else. Otherwise, you will have nothing. You will never achieve lowering of quotas with a two-thirds majority required. If the industry is interested in that share protection aspect, why not simply have the two-thirds for the quotas and 50% for everything else?

Gus.

Mr. Gus Etchegary: You know, the people from our industry, from the Canadian industry, who are supporting that two-thirds, these people are very short-sighted. There's absolutely no question about it. It's a short-sighted policy, and they have demonstrated it in the last two or three weeks. And hey've been demonstrating it, some of them, for some considerable time.

Hon. Gerry Byrne: We don't have much time left, but Gus, you remember that the European Union was actually a fairly friendly participant in NAFO in the late 1970s and early 1980s. But it turned sour pretty fast in the mid-1980s. When Spain and Portugal acceded into the European Union, suddenly that spirit of cooperation and friendliness sort of disappeared. Spain and Portugal, when they acceded to the EU, were to be given fish rights in the EU. The EU blocked them; they gave them a ten-year block from fishing in European waters. Where did the Portuguese and the Spanish go from 1985 to 1995 when they were blocked from fishing in Europe?

Mr. Gus Etchegary: I can tell you that they did quite a job on the Grand Banks during that time. Between 1978 and 1986, for example, they had a total quota of 163,000 tonnes over that period of time. Their actual catch was 1,350,000 tonnes. The Spanish and Portuguese, of course, have really and truly been our biggest problem in the fisheries. There's been no doubt about that.

You have to understand that if you're an owner in Vigo and you have a \$20 million to \$25 million factory freezer vessel these days, and that vessel sets out...

By the way, I have to tell you that we have been seeking to confirm this information for the last three to four years through freedom of information and have been repeatedly rebuffed. The last correspondence we've had told us that if they divulged this information to us on the overfishing, and on the infractions and citations, and so on, that have been applied to the Spanish and Portuguese fleets, they would be damaging international relations between the countries.

But the fact of the matter is that when that vessel leaves Vigo to come to the Grand Banks, there are three objectives. One is that as the owner has this expensive \$20 million to \$25 million ship, the cost of it has to be amortized. There are 60 to 65 crew members onboard. The vessel has to make a profit. There is nothing that is going to stand in the way of these fishermen and that skipper.

And by the way, there's daily contact—even more, as a matter of fact—between owners and skippers to continue to do exactly what they've been doing for years.

I can assure you, ladies and gentlemen, that these two nations in particular, and others as well—the Russians are famous for it as well—have overfished with impunity. That's a fact of life. We have established contacts within the DFO system, on the scientific level, on the boarding level, and on the surveillance level, and I can tell you right here and now that the information we're passing on to you is absolutely the case.

• (1710)

The Chair: Mr. Etchegary, I hate to have to cut you off, but we are up against some pretty tight time constraints here.

Mr. Jim Winter: If I might just give one quick answer to Gerry, for two seconds...

The Chair: Two seconds only.

Mr. Jim Winter: Gerry, the answer is they will continue to do what they've been doing historically, to export their problems onto the backs of Canadian citizens, pure and simple.

The Chair: Thank you very much, Mr. Winter.

Monsieur Blais.

[*Translation*]

Mr. Raynald Blais: Thank you very much, Mr. Chairman.

Welcome, gentlemen.

I would like to begin by thanking you for your wonderful frankness and, at the same time, for your committed statements, which seem to come from this commitment over the years.

I will be directing my questions more to Mr. Jim Winter, for several reasons. We had the opportunity to meet concerning the seal hunt file.

I fully understand your commitment on this matter. We have already had the opportunity to talk a little bit about it. I however wish to understand better. How is it that you are so passionate, so interested in the NAFO file?

Unfortunately, in the Maritimes, outside of statements made by you, by Danny Williams, by the Minister of Fisheries and Oceans, by Mr. Applebaum and others, there is no such passion. This passion cannot be found elsewhere, in Nova Scotia, in New Brunswick or even in Quebec.

I would like to have a better understanding. How is it that you are so interested in this matter and that you defend with such vigour the fact that what has been negotiated to date must absolutely not be ratified?

Mr. Jim Winter: It is because I am a fellow who grew up in a village where I saw my friends' survival depend on the lifestyle that existed there and that was dependent on the fishery. When I was young, we joined Canada. That is when all sorts of new possibilities and new opportunities were presented to us. These were possibilities linked to education, to going to work on the mainland rather than on the island.

However, our culture and our villages remain deeply nestled in our hearts, even though many of us got an education and left these villages. That is the very *raison d'être* of Newfoundland. That has always been, and will also continue to be. We are not alone. The same thing goes for the North Shore, from the Maggies to Blanc-Sablon, to the coast of New Brunswick and of Nova Scotia.

It is difficult for us to understand these Canadians from elsewhere. When we talk to these Canadians who have never seen villages, we realize that they understand absolutely nothing about fishing. They do not understand when we talk to them about the work involved in the cod fishery, and when we tell them that in the shrimp fishery there is no work, just money. They ask themselves questions and say that there is money to be made in both fisheries. Yes, but there is work in one area. We are able to remain in our villages thanks to this work.

That is why I am so passionate. That is why I reject what is contained in these amendments that are presently before Parliament and that are somewhat opening the door to foreigners. My experience tells me that if you give the Europeans an inch, they will take a mile. That is why I hold these opinions, sir.

• (1715)

Mr. Raynald Blais: In passing, I would like to make a small comment: I have the impression that if you were in Quebec, you would quite easily be a sovereignist.

Voices: Ah, ah, ah!

Mr. Raynald Blais: We would have one more member.

Mr. Etchegary.

[*English*]

Mr. Gus Etchegary: I'd like to be specific. You asked why there is not passion or strong feelings in some other provinces. As I said in the beginning, the centrepiece of all this is the groundfisheries. If you looked at the Nova Scotian records of export value before and after the collapse of the fisheries on the Grand Banks, for example, or the groundfisheries, you would see very little difference, largely because it's a different fishery. The concentration of fisheries in Nova Scotia, for example, is in the very valuable crustaceans, shell fisheries, and that's quite different. In our case, we have lost, as I said earlier, 80,000 people; 15% of our people have gone as a result of this collapse, so that brings a lot of passion.

The other thing is this. While you don't have the passion, let's say, out of New Brunswick or P.E.I., and I don't know about the Gaspé now, but at one time when we were there it was very strong, the fact is that the.... It's a matter of the loss of this huge fishery and the displacement of all those people, but more than all of that, there's a 19-year moratorium. Just remember. I ask you just to understand the importance of that. It's been 19 years and nothing has happened, and it's largely because there is no plan, there has never been a plan, in Ottawa to rebuild the fisheries. I can assure you our group and others have spent time, I can't tell you how much, trying to persuade the Government of Canada to rededicate itself and recommit itself to rebuilding the resource. Instead, what do we find? I can tell you that 19 years ago, when the moratorium was declared, custodial management was very important to us. About that time, Canada assumed or was given jurisdiction over the continental shelf, the

sedentary species. There were arguments at the time about whether or not the flounder was a bottom species that could be included with the clams and the other shellfish.

Nineteen years is a big disconnect. Yet there is the potential on the fishing grounds of the Grand Banks and the Scotian Shelf and the Gulf of St. Lawrence and other places, in Labrador. Unless there is a major plan to rebuild, increasing efforts will be made in isolated areas, which will take away from the opportunity of rebuilding.

• (1720)

The Chair: Mr. Etchegary, I hate to have to cut you off again. We are approaching time limits here and bells will be starting soon.

Mr. Stoffer.

Mr. Peter Stoffer: Very quickly, sir, and then I'll pass my time to Mr. Harris from Newfoundland and Labrador.

Jim, you talked about this earlier—and thank you both, by the way, for coming today. Mr. Weston was talking about this when he was speaking to Mr. Wiseman previously. We're not talking about inviting another country to come into our waters; we're talking about inviting a foreign management authority, which is NAFO, to take over management governance within our waters, which would create a legal obligation for Canada to follow foreign rules inside the 200-mile limit. Am I correct?

Mr. Jim Winter: That is exactly correct, and there's a huge distinction between the two.

Mr. Peter Stoffer: Thank you, sir.

Jack.

Mr. Jack Harris (St. John's East, NDP): Thank you, Peter, and my thanks to you both for coming today.

I want to commend you both for your sustained advocacy. I would call it an extremely knowledgeable advocacy and well-placed passion. I know Mr. Blais has acknowledged that, but I guess it helped him understand.

From the time I was a boy, in the fifties, foreign overfishing was a threat to our fisheries. When there was a three-mile territorial limit, the ships were inside the three miles. When it moved to 12 miles, the foreign ships were inside the 12 miles. And when it moved to 200 miles, the ships moved inside the 200-mile limit, with impunity. So it is a matter of survival for the people of Newfoundland and Labrador. Despite the 20-year moratorium, people still see it as part of our obligation to help rebuild this fishery.

Mr. Etchegary, I recall the two of us being witnesses before the fisheries committee in St. John's at the Delta Hotel some years ago, when the issue was custodial management. You and I and many others gave evidence. The result of that committee's study was a unanimous report calling on the Government of Canada to pursue custodial management. Mr. Loyola Hearn was the member for St. John's West at the time and he later became fisheries minister. We all had some hope and expectation that the new government would seek to deliver on its promise of custodial management.

I'd like your reaction to the suggestion, which appears to have been adopted by the government, that these new amendments achieve custodial management. Have you heard that used, and what is your reaction?

Mr. Jim Winter: It's been used, and it is, in a word of more than one syllable, poppycock.

Mr. Gus Etchegary: Before the previous fisheries minister was elected, he was briefed many times. As a matter of fact, the man who later became minister came to our association 10 or 15 times and was given full information on our definition of custodial management, going back to 1992. He was positively committed to the concept of custodial management that we had defined. Then he was elected. But I'm positive that this was put forward as a concept for improved management of the Canadian groundfishery.

The first attempt to put that forward was made at the NAFO meeting in Spain. There was objection to it, which we expected. You don't expect those countries to accept it offhand. It's a process that's going to take time, like the evolution of marine law. What happened was that having recorded commitments, both the Prime Minister and the future fisheries minister committed to extending jurisdiction and to custodial management. They found themselves in a position where NAFO was becoming very aggressive, taking aggressive actions through the new NAFO Convention.

The result was that, some way or another, they had to find a way to come up with what could be described as custodial management. One of the commissioners who was at the meeting in Spain two weeks ago said that the former fisheries minister had clouded the issue and misled the public by suggesting that there was custodial management.

•(1725)

The Chair: Thank you, Mr. Etchegary.

Mr. Gus Etchegary: The present minister, of course, has said the same thing. Again, I mean it has been—

The Chair: Thank you, Mr. Etchegary. We have to move on.

Mr. Kamp, you have the floor.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Thank you, Mr. Chair, and thank you, gentlemen, for coming.

Mr. Etchegary, we did have a chance to meet in Newfoundland a few years ago. I imagine that was more memorable for me than for you. So we have met.

I think I understand your position on these amendments to the NAFO Convention. I'm not going to talk too much about that. I think I understand your position, but we don't agree on everything you say.

Let me start with a quote from our fisheries minister in 1978. It sounds like you're making the case that all of our troubles are due to foreign overfishing. I certainly acknowledge that they're a big part of the problem, don't get me wrong on that, but in 1978 one of our most respected fisheries ministers, Romeo LeBlanc, when he was addressing the Fisheries Council of Canada, said this, quite eloquently, I think:

The present groundfish fleet of larger vessels has the capacity to take half again its present catch and provide better incomes—if we increase the fish...and catch rates. If we do it the other way around—increase the fleet first—we are like a man

with an exhausted woodlot, who instead of planting more trees...spends all his money on more chain saws.

He went on to say, speaking to the fisheries industry in Newfoundland at the time:

I would like to see you join me in resisting suggestions that fleets should be vastly expanded, that plants be vastly enlarged—in other words, to resist the temptation of exaggerated expectations. I see no faster road to disaster than forgetting the very simple lesson that biology cannot keep up with the technology—that the wealth of the oceans cannot yet match the greed of man.

Those were pretty poignant statements, I think. Isn't there some truth to the fact that in fact the industry of the day ignored the plea of the fisheries minister and did expand their fleets? Instead of rationalizing, they expanded their capacity.

At the time that you were involved, Mr. Etchegary, in FPI, I would imagine your company expanded at the same rate that others did at that time, and that we have some involvement as Canadians in the collapse of the cod fishery as well. Could we have just your comments on that, please?

Mr. Gus Etchegary: When the extension of jurisdiction took place in 1978 and the foreign fishers were moved out, the Canadian fleet represented about one-twentieth of the size of the fleet that was moved out from the northern cod, for example. At that time, with the heavy investment across the board by many people in eastern Canada, it was certainly our hope that there was going to be an increase in the resource as a result of the extension of jurisdiction.

We did not want to fish the northern cod after the foreigners were moved outside, for the simple reason that we were looking down the road and at the investments that had been made. We could not maintain viability with the catch rates as they were, so we were looking for an increase. But the same minister whom you are mentioning, Mr. Kamp, provided a subsidy of \$23,800 for the Canadian fleet that existed to go to the northern cod and fish it. I can assure you that I and two others who were heavily involved in the fishery went and sat with him for four hours to try to dissuade him from offering this \$23,800 subsidy for a trawler from Nova Scotia to go to Hamilton Inlet banks.

That was the beginning. The foreigners had done an enormous job on it already, but this effort certainly did not help; I agree with you on that one. But I can assure you that this is how it came about.

Let me read for you, Mr. Kamp, since you brought this up, from the policy for Canada's commercial fisheries, from 1976. We're talking about the same minister. Here is the piece of work. I have it in a yellowed copy because I've had it for 20 years. I'll read it for you:

The strategies adopted [for fisheries policies] reflect a fundamental redirection in the government's policy for fishery management and development. Although commercial fishing has long been a highly regulated activity in Canada, the object of regulation has, with rare exception, been protection of the renewable resource. In other words, fishing has been regulated in the interest of the fish. In the future it is to be regulated in the interest of the people who depend on the [fishery].

That, sir, was a turning point, I can assure you, in the policy of the federal government. How it came about, why it came about, I'll never know. But I can assure you that from that date, you can measure the change that took place in fisheries management by the Canadian government.

• (1730)

Mr. Randy Kamp: Your Fisheries Community Alliance website says that your goal is this:

To rebuild fish stocks Canada must leave NAFO, extend jurisdiction to the slopes of the Continental Shelf and implement science based rebuilding programs for the benefit of future legitimate participants.

I'm wondering where you get your legal background to say how that would work. We've had experts on international law before us

tell us that this kind of approach is not possible under current international law and is not going to work. I'm curious how you can think that is the solution.

Mr. Gus Etchegary: I can only tell you that the commitment by the Government of Canada was made by the minister of fisheries for Canada in October of 1971, by a gentleman named Mr. Jack Davis. I have a copy, incidentally, of his telex with me if you'd like to see it, in which he made a commitment that the Government of Canada would extend jurisdiction to the slopes of the continental shelf. Obviously they reneged, and the same.... Well, I won't go any farther.

• (1735)

The Chair: Thank you very much Mr. Etchegary, Mr. Winter. I really appreciate you taking the time today to come and appear before our committee. We apologize. The bells are ringing for an impending vote.

Thank you very much once again.

The meeting is adjourned.

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