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Chair

Mr. Rodney Weston

Standing Committee on Fisheries and Oceans

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•(1110)

[English]

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

I would like to thank our witnesses for appearing before us here today. Before we get into our scheduled business, I'm going to turn the floor over to Monsieur Lapointe.

[Translation]

Mr. François Lapointe (Montmagny—L'Islet—Kamouraska—Rivière-du-Loup, NDP): Thank you, Mr. Chair. I appreciate it.

I would like to draw the committee's attention to a motion I previously moved. It reads as follows:

That the Committee hold at least one meeting as soon as possible to consider the listing of Atlantic Sturgeon under the *Species At Risk Act* (St. Lawrence populations), that the Committee make recommendations regarding the possible ecological, cultural and economic impacts of listing these populations under the *Species At Risk Act*, in accordance with the Fisheries and Oceans Canada consultations ending on February 27, 2015, and that the Committee report its findings and recommendations to the House at its earliest convenience.

I will be taking a few moments to make comments.

[English]

The Chair: One moment, Monsieur Lapointe.

It has been moved by Mr. Lapointe:

That the Standing Committee on Fisheries and Oceans hold at least one meeting as soon as possible to consider the listing of Atlantic Sturgeon under the *Species At Risk Act* (St. Lawrence populations), and that the Committee make recommendations regarding the possible ecological, cultural and economic impacts of listing these populations under the *Species At Risk Act*, in accordance with the Fisheries and Oceans Canada consultations ending on February 27, 2015, and that the Committee report its findings and recommendations to the House at its earliest convenience.

On the motion, please continue, Monsieur Lapointe.

[Translation]

Mr. François Lapointe: Thank you, Mr. Chair.

The decision of Fisheries and Oceans Canada to hold consultations stems from a recommendation of the Committee on the Status of Endangered Wildlife in Canada, or COSEWIC, that dates from 2011. It was recommended that the Atlantic Sturgeon be designated a species at risk. A lot has happened since 2011. Indeed, for the past three or four years, the sturgeon stock has increased.

It is important that the committee consider the following for a few moments. All provincial scientists that monitor this species tell us that if this recommendation were to result in a designation of species

at risk, this would, in this particular case, go against the existing policies that made it possible to save the species.

We are talking about a traditional fishery that is threatened, even though it is a major contributor to tourism in Bas-Saint-Laurent and Chaudière-Appalaches. The collaborative relationship between fishers and provincial scientists makes it possible to monitor the species. If we adopt the decision recommended by COSEWIC, which seems to be what Fisheries and Oceans Canada is planning to do, scientists and fishers will no longer be able to maintain the collaboration they have enjoyed for over a decade. Moreover, this collaboration has contributed to the recovery plan for this species.

I am asking the committee whether it is possible to devote even just half of a committee meeting to this question. We would need to meet with the stakeholders who are concerned, so that we can at least forward our views to the House and help the minister realize the danger of going ahead with this decision, which is based on 2011 data and even goes against the current recovery plan for the species.

The stakeholders are not opposed to giving this species a status indicating that it is in some way threatened, but not the at-risk status, as COSEWIC recommended, for the reasons I just explained.

History is much like an onion, in that it has many layers. This would be a way for us, federal representatives, to ensure that the committee is looking into an issue that is of serious concern to provincial authorities. We must send a clear message that collaboration is an option, and that the federal authorities will not remain in their bubble and recommend things that would undermine a recovery plan that has been successful on the ground over the past five years and has led to an increase in the sturgeon stock.

In closing, there are consequences for the maintenance of the sturgeon fishery. As I said, tourism is directly affected. The volume is not very high, but the families involved in this fishery are managing a major tourist attraction along the St. Lawrence. These people are also pleading that we do not do that, because it will be bad for their business and for tourism in the region. In addition, all scientists specializing in the field are telling us that this is not the thing to do.

I hope I have managed to persuade my Conservative government colleagues to give a bit of time to the committee to ensure that the federal government will not make the wrong choice. This would be a mandate that the committee would agree to take in the short term.

Thank you, Mr. Chair.

•(1115)

[English]

The Chair: Thank you, Mr. Lapointe

Mr. Kamp.

Mr. Randy Kamp (Pitt Meadows—Maple Ridge—Mission, CPC): Mr. Chair, first of all, let me thank the member for this motion, but I think we should follow our usual practice and go in camera.

I move that we go in camera.

The Chair: It has been moved by Mr. Kamp that the committee proceed in camera.

Mr. François Lapointe: Can we have a recorded vote?

The Chair: Yes.

(Motion agreed to: yeas 5; nays 4)

The Chair: We'll suspend for a moment while we move in camera.

[Proceedings continue in camera]

•(1115)

(Pause)

•(1205)

[Public proceedings resume]

The Chair: I'll call this meeting back to order.

I'd like to take a moment to thank the officials for their patience here today.

We're here to consider Bill S-3, and we certainly look forward to hearing from officials from the Department of Fisheries and Oceans on this bill.

Mr. Rosser, I believe you're going to open up with a statement. The floor is yours, Mr. Rosser, and perhaps you want to introduce your colleagues with you as well. Please proceed whenever you are ready.

Mr. Tom Rosser (Senior Assistant Deputy Minister, Strategic Policy, Department of Fisheries and Oceans): Thank you very much, Mr. Chair.

Good afternoon, everyone.

[Translation]

I appreciate the opportunity to talk about DFO's role in combatting illegal fishing and to answer any questions about the proposed amendments to the Coastal Fisheries Protection Act.

[English]

Before I do that, though, I'd like to introduce the colleagues here with me today. I'm very pleased to have with me here on my left, Mr. Allan MacLean, director general of conservation and protection. Allan has overall responsibility for enforcement activities at DFO. As well, on my right, I'm very pleased to be joined by Tim Angus, acting director general of external relations. He has overall responsibility for international negotiations for policies on fisheries,

oceans, and trade, as well as federal, provincial and territorial relations.

[Translation]

Illegal fishing is a global problem that requires a global solution. One solution was negotiated under the auspices of the Food and Agriculture Organization of the United Nations, in the form of a new treaty, entitled the "Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing". It is also called the "Port State Measures Agreement", for short.

The goal of this treaty is to undermine the economic incentives behind illegal fishing. The key requirement of this treaty is to prevent the trade of illegally harvested fish. This is done by taking action against foreign fishing vessels trying to land illegal catches, and by taking action against other vessels or methods of trying to import illegally harvested fish into countries.

[English]

A 2008 study commissioned by the Government of the United Kingdom estimated that global economic loss due to IUU fishing, or illegal, unreported and unregulated fishing, ranges from \$10 billion to \$23 billion U.S. per year, representing 11% to 19% of total global reported legal catch.

Illegal fishing undermines the livelihoods of legitimate fish harvesters, such as Canadian fishermen, because illegal fish harvesters can operate more cheaply and sell their products more cheaply by not following rules and regulations, such as documenting catch, respecting catch limits, applying ecosystem protection measures, and implementing labour requirements. Illegal fishing also undermines efforts to ensure fisheries are sustainably managed and that ecosystems and habitats upon which they rely are appropriately protected.

[Translation]

Canada has a well-regulated fishery, as fishing violations are kept to a minimum and policies for sustainable use are implemented. However, Canadian fish harvesters are part of the global fishing industry and Canada needs to be part of the international effort to stop illegal fishing, even when it takes place in other parts of the world.

As a responsible fishing nation, Canada is committed to implementing efforts that stem the trade of illegally harvested fish and seafood products. Our key trading partners, the United States and the European Union, as well as other responsible fishing allies, continue to work domestically to stop illegal fishing through strong actions at their borders and ports. With our allies, we need to remain vigilant in the face of illegal fishing operators who seek to profit from being out of sight on the high seas.

Bill S-3 is an Act to amend the Coastal Fisheries Protection Act. Canada already has a robust port State measures regime in relation to foreign fishing vessels. All foreign fishing vessels wishing to enter Canadian waters and ports must apply for and receive authorization from the Minister of Fisheries and Oceans pursuant to the Coastal Fisheries Protection Regulations. The minister can issue authorization only if the foreign fishing vessel is in compliance with the conservation and management measures of a regional fisheries management organization.

•(1210)

[English]

However, in order to meet the requirements of the port state measures agreement, some amendments to the Coastal Fisheries Protection Act are required. The most important amendments in this regard include: number one, expanding inspection enforcement powers beyond the fishing vessel to any place where fish might be transported or stored; number two, strengthening prohibitions on imports of fish and seafood products, including marine plants that are illegally harvested; number three, adding the authority to permit foreign fishing vessels to enter Canadian ports for enforcement purposes; number four, facilitating information sharing among federal agencies and with relevant international organizations for enforcement purposes.

If you permit me, Mr. Chair, I will just review each of them briefly, in turn.

[Translation]

First, we must expand inspection and enforcement powers.

The Port State Measures Agreement makes reference to “container vessels”, as a possible means to transport illegally harvested fish. Although this would be a rare situation at this time, the intention of the negotiators of the agreement was to anticipate and close any potential gaps for how illegally harvested fish might be brought to markets. Should stronger measures be taken against fishing vessels, the idea is to take similar measures in relation to other types of vessels that might be used to transport fish not previously landed.

Of course, we need to avoid creating a burdensome regime for shipping vessels, which is why the definition of “fishing vessels” is carefully drafted. However, it also means that protection officers—whether from DFO or the Canada Border Services Agency—need to have enforcement powers that are not just limited to fishing vessels, but also apply to “any place” where illegally harvested fish may reasonably be kept.

[English]

Number two is strengthening prohibitions on imports. The broad scope of the port state measures agreement also means that we need to consider our regime in relation to the import of fish and seafood products. The key tools for determining whether a product should be considered illegal or not are whether the vessel is on the IUU fishing vessel list of a regional fisheries management organization and whether the fish import requires any documentation. It is a growing trend for fisheries management organizations to implement documentation requirements to prevent illegally caught fish from entering international markets. This documentation follows the fish when it is sold and when it is imported or re-exported.

Number three is directing foreign fishing vessels to port for enforcement purposes. The purpose of the port state measures agreement is to make it difficult and expensive for illegal operators to bring their fish to market. Hence, the agreement focuses on denying port entry and port services to vessels that engage in or support illegal fishing.

As mentioned, Canada already has these powers in its legislation. However, we need to be mindful that not all jurisdictions have such

strong provisions and that Canada can help others in enforcing international and domestic laws. Thus, the agreement envisions a situation in which a flag state might order one of its vessels to a nearby port for the purposes of inspection and enforcement. Under our current legal regime, authorization to enter any port can be granted only if a vessel requests it. There is currently no mechanism to allow a vessel into our ports at the request of a flag state. If the vessel has violated a rule, then it may well not be inclined to seek entry to port on its own. A new provision needs to be included to allow the minister to authorize entry when the request comes from a flag state rather than the vessel, and in relation to enforcement purposes.

[Translation]

Finally, the amendments provide clear authorities for sharing information among the various federal departments and agencies. This would promote more efficient and better use of resources for enforcement purposes.

In summary, the amendments proposed in Bill S-3 will strengthen and clarify Canada's domestic regime to enable ratification of the Port State Measures Agreement and ensure that Canada maintains its place among countries that are leading the fight against illegal fishing.

•(1215)

[English]

Thank you again, Mr. Chair, for the opportunity to highlight the proposed amendments.

My colleagues and I would be pleased to answer any questions you or the committee members may have regarding this proposal.

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

We'll start off with a 10-minute round, and we'll go to Mr. Cleary first.

Mr. Ryan Cleary (St. John's South—Mount Pearl, NDP): Thank you, witnesses, for appearing before our committee.

Newfoundland and Labrador knows all about overfishing, in particular foreign overfishing. The question I'm going to ask you has to do with foreign overfishing, not inside Canadian waters but outside Canadian waters. Inside Canadian waters, I don't see that as a problem. We have the enforcement mechanism in place that makes sure that if there is overfishing, the offenders are brought to court and there are penalties in place.

Since 1992, since the northern cod moratorium has been in place, there have been a lot of frustrated people back home in Newfoundland and Labrador, because while there's been a moratorium on a lot of commercial fisheries inside the Canadian 200-mile limit, there hasn't been a lot of enforcement outside of it.

The foreign vessel most recently cited for illegal fishing on the Grand Banks, I think it was in the Flemish Cap, was the Portuguese vessel *Santa Isabel*, which was cited on February 9 for exceeding its bycatch of American plaice. The vessel is a repeat offender.

One of the biggest problems we have with the Northwest Atlantic Fisheries Organization, NAFO, which regulates fishing outside the 200-mile limit, is that it's up to the home country of a vessel that's been cited to follow through on penalties or court action. Unfortunately, from what I can find out, in a lot of cases not a lot of penalties or court action is taken against a foreign vessel that's cited for illegal fishing outside the 200-mile limit.

I have a very succinct question. How will these regulations strengthen the weakness that we have right now when it comes to foreign overfishing, namely, that it's up to the home country of the vessel in question, the vessel cited, to follow through on penalties with court action? How will this change that?

Also, how often does a flag state order its vessel to a Canadian port? I believe the answer is never, but please feel free to correct me.

Mr. Tom Rosser: Thank you very much for the questions. I will offer my thoughts and then perhaps turn to colleagues to supplement.

At a global level, this bill is intended to strengthen the global regime to combat IUU fisheries. With respect to the NAFO region, the intent is to respect the regional fisheries management organization, RFMO, as it currently operates, so the amendments in this bill do not propose to change that in any way.

My colleague Mr. MacLean can likely elaborate, but I would say that in general we have a robust partnership under NAFO, and we have seen the number of citations issued decline over time. We have seen recovery in some fish stocks in the area governed by the RFMO, and we believe that this RFMO is working well.

In terms of foreign states directing their vessels into a Canadian port, I am aware of one specific example of that happening. Bear in mind that the principal purpose of this bill is to bring Canada into compliance with an international treaty; so it is true that some of the amendments proposed envisage situations that are rare in Canadian waters, but that one is not without precedent. Although, as I mentioned previously, we do believe that the amendments are intended to bring Canada into compliance with an international treaty, we believe as well that some of these amendments will, in very practical and concrete and common-sense terms, give our fisheries officers and other law enforcement officials better authority, more clear authorities, to collaborate and to do their jobs more effectively.

Allan or Tim, do you have anything to add?

• (1220)

Mr. Allan MacLean (Director General, Conservation and Protection, Ecosystems and Fisheries Management - Operations, Department of Fisheries and Oceans): As my colleague said, this does not change anything in relation to the NAFO measures. I would say that we, in the last number of years, have seen increased cooperation with other contracting parties, in particular the EU, as a result of which we have seen joint inspections and import inspections by EU officials and Canadian officials. We have also developed a joint inspection scheme under which we carry other

contracting party officials to conduct joint inspections of vessels. So we have seen significant reductions in the number of vessels that are fishing in the NAFO regulatory area. We're seeing a reduction in the citations being issued.

Mr. Ryan Cleary: Thank you, sir. I'm familiar with that. I have only so much time, and I'd like to get on with my next question.

You did mention increased cooperation. One of the problems we have with foreign vessels that are sighted outside the 200-mile limit is that it's up to the home country of the vessel in question to follow through on penalties or court action. The problem is that when we go to those home countries to find out what penalties or court action was imposed, we can't get that information. It's not released by this government, the Government of Canada, because they say it's not in the best interest of international relations. I always make the point that it would be in the best interest of Newfoundland and Labrador relations, but nobody listens to me.

Mr. Rosser, can you, on behalf of the government, release the court actions or the penalties that have been imposed on foreign vessels for illegal fishing outside the 200-mile limit over the past, say, 10 years? Can you release that information to this committee, sir?

Mr. Tom Rosser: I'll simply say that the bill we were invited to speak on today doesn't affect our relations with NAFO in any way. It wasn't an issue that we came prepared to address. Certainly if it's an area of interest to the committee, I'm sure the relevant officials would be pleased to discuss the issue.

Allan or Tim, do you have anything to add?

Mr. Tim Angus (Acting Director General of External Relations, Strategic Policy, Department of Fisheries and Oceans): I would just build on the theme that Allan was talking about, information sharing and cooperation.

It is envisaged that once the bill is passed, we'll have the capacity to share information on contraventions, including the refusal to authorize a foreign fishing vessel to enter Canadian waters, and the suspension, amendment, or cancellation of an authorization granted a fishing vessel. We'll have enhanced ability to share information both between federal agencies and with international partners on some of these matters.

Mr. Ryan Cleary: I have one last question before I throw it over to my colleague for a quick question.

From what I understand, this UN agreement can only come into force after it's been ratified by 25 nations. How many nations have ratified it?

Mr. Tom Rosser: If memory serves, 11 have ratified. We clearly haven't reached that threshold.

I have two points to make on that. One, it's our view that Canada is a global leader in combatting IUU fishery and that it would therefore be appropriate that we be at the forefront in moving forward with this. As I mentioned in my remarks as well, two of our principal trading partners certainly when it comes to fisheries and fish products, the United States and the European Union, have very much played a leadership role in bringing this treaty into being and its negotiation. The European Union has ratified it. The U.S. administration has signed it, and there are bills before both houses of Congress, as I understand it, whose intent is to bring them into compliance with it as well.

Mr. Ryan Cleary: Thank you, sir, but I would disagree: Canada is not a global leader in protecting its own fisheries. The Grand Banks of Newfoundland are a prime example of that.

Mr. Lapointe, sir.

[Translation]

Mr. François Lapointe: Thank you very much, Ryan.

There is a particular problem in my riding, and it has to do with the eel. This fish just keeps decreasing despite a host of accommodations made by eel fishers for 10 years. Apparently, one of the main problems is the harvesting of elvers, that is, the baby eels in the Atlantic. More than half of this fishery is apparently illegal, and this goes on because elvers are worth a fortune in the Asian markets.

Does the department have any data on the illegal harvesting of elvers and, if so, could you send us that information?

Also, if there is indeed a problem with the illegal harvesting of baby eels, is there a plan to stop it? This may be very difficult, since a small quantity of elvers is worth a fortune on the Asian markets.

Do you have any such plan?

•(1225)

Mr. Tom Rosser: Thank you.

In general, when it comes to illegal fishing, it is obviously not easy to obtain accurate data on the situation. Certain analyses enable us to estimate the impact on the markets. We are trying to better focus our efforts to reduce illegal fishing, but this is not an easy issue.

With regard to the illegal harvesting of elvers, I am unfortunately not aware of the efforts we are making to counter it. I will defer to my colleague Mr. MacLean, who may be able to give us more details on this issue.

[English]

Mr. Allan MacLean: Thank you very much.

This fishery is a highly regulated fishery, has a limited number of licences, and it is considered a high-risk fishery. We looked at and assessed this fishery as having a high-risk potential for illegal

fishing, and we have numerous plans in place to attempt to deal with this.

The Chair: Thank you very much.

Mr. Kamp.

Mr. Randy Kamp: Thank you, gentlemen, for being here, and thank you, Mr. Rosser, for your presentation.

To follow up with a comment or two and a question from Mr. Cleary's question at the end, are you optimistic that the treaty will actually come into force at the end of the day?

Related to that, we're going through the process, as we speak, of being able to ratify this on Canada's behalf. What's the relationship of this treaty to our key partners, the EU and the U.S., for example? Have they already ratified? Are they using the powers and all of that?

Mr. Tom Rosser: Thank you very much for the question, Mr. Kamp. I have a couple of thoughts.

Certainly there is broad international consensus around the treaty. It takes time, as is often the case with these things, for countries to take a treaty and make the necessary legislative amendments in their domestic processes. A number of countries have done that in the case of this treaty. We believe that a solid global consensus exists on this, and that in time more and more signatories will ratify the treaty and it will ultimately enter into force.

Two of our key partners, the U.S. and the European Union, have been very much at the forefront in negotiating this treaty. In the case of the European Union, they have ratified it and put it into force. In the United States, the administration has signed it and there are bills making their way through the legislative process to bring it into force in terms of their domestic legislation.

I would say as well that in both the European Union and the United States, we're seeing an increased focus on curtailment of IUU fishing. In the case of the European Union, they've put in place a catch certification regime. President Obama established a task force last year that reported in late 2014 on a series of measures to, among other things, curtail the import of IUU-produced fisheries into the U. S. I take that as signs indicative that our key partners are giving increased focus to the problem of IUU fisheries. I think one of the ways that Canada can demonstrate that we're a partner in those efforts is to amend our own legislation to bring this treaty into force.

•(1230)

Mr. Randy Kamp: Let me interrupt there and ask another question before I get a little more specific.

You'd probably agree, I think, that our Coastal Fisheries Protection Act is already fairly robust in terms of its ability to protect Canadian fishing interests. If we hadn't been involved in this process in signing the port state measures agreement, would these be the kind of amendments that we would still be interested in making to the act?

Mr. Tom Rosser: I will turn shortly to my colleague Mr. MacLean to offer his perspective.

You're quite right that we're doing this to bring ourselves into compliance with a global treaty, to make ourselves part of a global solution to a global problem. It is also true that by global standards Canada is not a major contributor to IUU fisheries; we do have a robust domestic regime in place and we're a relatively small contributor to a serious global problem. As such, some of the measures included in the global treaty and reflected in the amendments in this bill envisage situations that are rare, if not unheard of, in a Canadian context.

That said—and I'll turn to Allan for his thoughts on this shortly—in some fairly sensible, practical, commonsensical ways, I think the bill does enable our conservation and protection officers at DFO, the Canada Border Services Agency, and other law enforcement agencies to carry out their mandates more effectively, to collaborate among themselves effectively, and where appropriate, to work and exchange information on violations more efficiently and effectively with the relevant foreign agencies.

Mr. Allan MacLean: Thank you, Tom.

I would say that from a compliance perspective, these measures will enhance the ability of compliance officers to do their job on a day-to-day basis. The whole part about communication and collaboration and exchange of information is an important element of this document that will enhance their ability to work with their partner agencies.

Over the years we have found that there are some gaps, small gaps, in the Coastal Fisheries Protection Act, and we feel that these amendments will certainly help us on a day-to-day basis.

Mr. Ryan Cleary: My specific question is this. Do the amendments to the act do something as simple as say that in order to import something into Canada, you need documentation? If it doesn't do that, could it? Basically, would it give the power to the government to require that, but then in regulation be more specific about what that documentation would look like?

Mr. Tom Rosser: I think that's a fair characterization of what this bill proposes to do. It is enabling legislation. The bill is sufficient to bring Canada...well, it isn't on its own sufficient to bring Canada into compliance with the treaty. It will require further regulatory amendments if and when the bill is adopted by Parliament and receives royal assent.

Yes, in certain cases, as I understand it, specifically in cases where regional fish management organizations, or RFMOs, like NAFO, to which Canada is a party, if they adopt catch certification standards that require certain documentation to accompany fish from that region when it is imported into Canada, the legislation would allow us to bring into place regulations that would allow conservation and protection officers and CBSA officers to ensure that the appropriate documentation followed those imports.

Mr. Randy Kamp: If we're not a party to a particular fish management organization, would these amendments to the act give us the power to require that documentation, or would we need to amend Bill S-3 in order to make that happen?

• (1235)

Mr. Tom Rosser: I will turn to my colleagues to offer their perspectives, but my understanding is that the bill as drafted would

only allow us to require that documentation in the case of RFMOs to which Canada is party.

Tim or Allan, is that...?

Mr. Tim Angus: Yes, or if it's specified in regulation thereafter.

Mr. Randy Kamp: It would require some amendment to give that power. Am I right?

Mr. Tim Angus: Yes. Well, part of the problem is that if there's not a pre-established trade tracking system by RFMOs, and it's not specified in regulation, then a broader authority would be required, yes.

Mr. Randy Kamp: Along that line, have you identified any other areas where this committee could consider an amendment to Bill S-3? I know it came out of the Senate unamended, but are there any areas that you could bring to our attention?

Mr. Tom Rosser: Again, I'll turn to my colleagues. Perhaps Allan is the one best placed to speak to this.

In contemplating the regulations that might be proposed should this bill receive royal assent, one of the amendments that's proposed here increases the capacity of law enforcement officials to seize fish that are believed to have been produced from an IUU fishery. There may be some scope to better align the forfeiture powers under the bill, as I understand it.

Is that a fair assessment?

Mr. Allan MacLean: That is a fair assessment.

Mr. Randy Kamp: Thanks very much.

The Chair: Mr. MacAulay.

Hon. Lawrence MacAulay (Cardigan, Lib.): I want to welcome our witnesses. The port state measures agreement is certainly important.

I'd just like to know if you have a figure on how much illegal fishing costs this country. What countries pose the biggest problem in the illegal fishery? Can you provide some information on what countries are providing the flags for these ships, and where are the boats from?

Mr. Tom Rosser: Mr. Chair, I'd like to thank the member for an excellent question.

I'm not sure how quantitative an answer I can provide him, but as I think I mentioned in my remarks, there is evidence to suggest that IUU fishing is a significant global problem and illegally harvested fish do account for a significant proportion of the global fish supply.

The most direct way that it would impact the Canadian fisheries sector is by virtue of the fact that, by and large, we are suppliers to global markets. Something like 85% of the fish products produced in Canada are ultimately exported and consumed.

We're supplying product to global markets. The prices we receive for those products are determined in a global marketplace. When you have 15% to 20% of the global supply coming from IUU fisheries, first of all, that's increasing the supply of fish in that marketplace and therefore depressing the price, and second, because those products are being produced illegally, not respecting labour, environmental, and other standards, they are almost certainly being produced more cheaply than it's possible for a legal producer to do. Therefore, the most immediate impact of IUU fisheries on Canadian fishers and the Canadian fish and seafood product sector would be, in my view, through that effect of depressing global prices.

As I mentioned in response to another question, when it comes to precise data on this, almost by definition when you're talking about an illegal activity, it's hard to be precise in terms of data. There may well be.... I'll perhaps turn to my colleague Mr. Angus on this. I think we have a good idea of what regions in the world the IUU fishery is more problematic in. We know that it is more problematic in some regions, perhaps, than others. I'm not aware of specific data sources. We know it's more problematic for some species than others, but almost by definition it's a subject that doesn't lend itself to precise analysis or data. I—

Hon. Lawrence MacAulay: Excuse me, but when you're responding, I'd point out that the northern waters are opening up. Is there a bigger concern or is there less concern? What is being done to make sure there's protection in that area of our country in fisheries? This is going to be a very important area in the fishery.

• (1240)

Mr. Tom Rosser: Again, Mr. Chair, I'd like to thank the member for an excellent question, and again I may turn to my colleague for his insights.

It is true that at an international level there is concern about fishing in the Arctic, in the high Arctic, and about whether we have an adequate regulatory regime to prevent that, at least until such time as scientific data can inform what would be a sustainable level of fishing. There are informal discussions taking place about it with the Arctic coastal states and other interested parties, recognizing that it's a problem that doesn't yet exist, at least in the high Arctic. There aren't ships fishing there. There aren't ships trying to access it.

Recognizing that it could be a problem in the future, there are ongoing discussions among interested countries about what might be an appropriate response to that.

I'll turn to my colleague.

Mr. Tim Angus: Mr. Chair, I want to go back to the question of specific countries or areas. This is an issue particularly off the west coast of Africa and in Asia. I think there is an established link between IUU fishing and indentured servitude, or even slavery, so it's certainly something that we would like to address. Those tend to be the regions where this issue is problematic.

As Tom mentioned, there is concern about fishing in the central Arctic Ocean, and there is a separate process for that, which is ongoing.

Hon. Lawrence MacAulay: Are many of these vessels that enter Canadian ports illegal? Are they involved in illegal fisheries? Where would you normally have to deal with them?

Mr. Tom Rosser: That's probably a question that Allan could offer perspectives on. In terms of the number of foreign-flagged vessels that enter Canadian ports, I think it varies from year to year. They aren't huge in number. I think they typically number in the dozens. I'm not sure that they've ever numbered over 40 or 50, so we're not talking about an enormous number of vessels, although Allan may be able to answer more precisely.

Mr. Allan MacLean: On average, 45 to 55 foreign vessels a year enter Canadian ports. Of those, they're licensed vessels. It would be a rarity to have what we would consider an IUU vessel enter a Canadian port, but we want to ensure we have the proper tools in place to deal with that.

For the most part, IUU vessels look for weaknesses in regulatory frameworks. They utilize those weaknesses in regulatory frameworks to figure out where they're going to go next and how they're going to get product into the marketplace.

Hon. Lawrence MacAulay: Mr. Rosser, you spoke about the rules for fishing vessels entering our ports. What about other foreign pleasure vessels or whatever? They can certainly bring in a lot of things we don't want in this country. What is the difference between regulations for a pleasure boat or a yacht, let's say, coming in from some other country that could deal with invasive species? What are the differences between the regulations in place for these vessels coming in and those in place for fishing vessels entering our ports?

Mr. Tom Rosser: The amendments proposed in this bill broaden enforcement capabilities to cover not just fishing vessels but also other vessels that may be trans-shipping unlanded fish products. They broaden the definition of where those enforcement powers exist to include all ports of entry into Canada. I think when the international accord was negotiated, the scenario they had in mind was illegally caught harvest being moved from a fishing vessel to some other vessel on the high seas, and you wouldn't want that to circumvent—

Hon. Lawrence MacAulay: It's just pleasure vessels coming in with some.

Mr. Tom Rosser: It seems improbable that a pleasure craft would serve as the entry into Canada for illegal—

Hon. Lawrence MacAulay: —container vessels.

• (1245)

Mr. Tom Rosser: —container vessels. The kinds of situations in which harvest is transferred from a fishing vessel to some other vessel would fall within the scope of the act if the amendments in this bill were adopted. That is the intent.

Hon. Lawrence MacAulay: The bill provides for a warrant issued by a judge for a peace officer to enter a dwelling place without consent. This is an entry warrant, not seizure. Is that right? Can you explain this a bit more? There are concerns, because in places around the country a justice of the peace is not qualified as a provincial court judge, but the judge would be the one to issue the seizure warrant. Am I correct? I'd like you to explain that.

Mr. Tom Rosser: I'll certainly try. Again, my colleague Allan MacLean may be better placed to offer details. The way the Department of Justice officials have explained it to us is that the language in the amendment is fairly standard legal language in terms of how one goes about obtaining a warrant. That process, that aspect of the administration of justice, is the jurisdiction of provinces. In terms of how it works, it will vary somewhat across provinces. As I understand it, the amendments proposed here, as other federal legislation referencing a warrant process, which we have used, contain fairly standard legal language.

Allan, do you have anything to add?

Mr. Allan MacLean: That's correct. It's standard legal language.

Hon. Lawrence MacAulay: Thank you.

The Canadian Maritime Law Association takes issue with allowing the minister and not a court or a judge to determine the amount and form of security to be given for the release of seized vessels or goods. How would you address that issue?

Mr. Tom Rosser: I will again turn to my colleagues, but the high-level answer as I understand it is that we have an obligation under the international law of the sea to provide a mechanism for the prompt release of foreign-flagged crew and ships that have been seized. There is a bonding process that allows that to happen, which typically involves a negotiation between the department and the vessel owner. What's proposed in the amendments is intended to conform with our obligations under the international law of the sea. That's my understanding.

Tim, perhaps....

Mr. Tim Angus: That's correct, Tom. That's in compliance with our obligations internationally.

Hon. Lawrence MacAulay: Thank you very much.

The Chair: Thank you, Mr. MacAulay. You have reached the end of your time.

Ms. Davidson.

Mrs. Patricia Davidson (Sarnia—Lambton, CPC): Thanks, gentlemen, for being with us today.

I just want to go back to the port state measures agreement. I think you indicated that it needed 25 countries to ratify it and that so far 11 have ratified it. I'm just wondering what further steps, if any, Canada has to take beyond the amendments through Bill S-3 in order to be able to ratify it. That's my first question.

Second, in Bill S-3 there's a new prohibition against importing illegally acquired fish or marine plants. That's in clause 4. We added new section 5.6 to that act. Is this prohibition required to implement the port state measures agreement? Also, could you talk a bit about the current extent of the problem of illegally acquired fish and marine plants being imported into Canada?

Third, do any of the amendments in Bill S-3 address the problems of shark finning?

Mr. Tom Rosser: Thank you for the questions. I'll try to answer them in order.

In terms of bringing Canada into compliance with the treaty and Canada's contribution to entering into force of the global treaty, beyond passage of this bill in order to bring ourselves into conformity with the requirements of the international agreement, there will be subsequent regulations that will be required. We have already begun to contemplate that process should this bill receive royal assent. Legislatively, this bill is sufficient to bring Canada into compliance with the port state measures agreement.

We are part of a global community of countries engaged in fishing. We like to think of ourselves as playing a leadership role in advancing sustainability standards in that regard. Certainly, in our discussions with international partners, when we're in dialogue with those that have not yet ratified the treaty, we will encourage them to move forward. We are often asked by our partners where we are in advancing efforts to ratify the treaty. We encourage others to do likewise and try to play an international leadership role in that regard.

In terms of fish and marine plants and the definitional amendments proposed in the bill, my understanding is that—and again, I'll turn to colleagues to validate this—the international agreement contains a very broad definition of marine life and that the definitional amendments proposed here are intended to reflect that in our domestic legislation.

The bill will, for the first time, give Canadian law enforcement officials the ability to scrutinize, and where appropriate, ensure the legality of fish imported into Canada. That's one of the consequences of the amendments proposed here.

I'm just trying to make sense of my notes on your final question.

● (1250)

Mrs. Patricia Davidson: It was about shark finning.

Mr. Tom Rosser: In some respects, depending on developments in regional fish management organizations to which we are party, this bill could conceivably make a helpful contribution to bringing some scrutiny to the import of shark fins, but it won't do so in the near term, the reason being that if regional fish management organizations to which we are currently party chose to develop a catch certification system for shark fins or for any other fish, or marine products for that matter, this bill would enable us to adopt regulations that would mean that the certification regime would have to be respected for products being imported into Canada.

Only in that circumstance, which hasn't happened in any of the RFMOs to which we are party, this bill might be helpful. But no, the bill isn't designed, in and of itself, as drafted to provide systematic scrutiny to the import of shark fins into Canada.

Canada has had for a long time, 20 years or thereabouts, a robust domestic regime to ensure that shark finning does not take place in Canadian waters. But the bill wouldn't address the issue of bringing systematic scrutiny to the import of shark fins into Canada.

Mr. Tim Angus: I would just build on Mr. Rosser's point by adding that the import prohibition is critical as well to address the issue of containers, which is currently not dealt with in the existing Coastal Fisheries Protection Act.

Mr. Rosser covered the waterfront, but I would just add the point about the importance of the import prohibition, which is created by this legislation.

Mrs. Patricia Davidson: Following along on that, the bill does amend the definition of fishing vessel. Why is it being amended and how will that definition change from what it is today?

It also amends the definition of fish, so why is the new definition important and how is that consistent with the Fisheries Act?

Mr. Tom Rosser: Again, in both cases the intent of the definitional changes is to bring Canada into conformity with the international agreement in question.

The agreement has a fairly broad definition of fish and marine life, so we've tried to capture that in the amendments that are included in this bill. Likewise, the negotiators of the treaty were trying to ensure that there weren't loopholes, if you will, whereby somebody might be able to circumvent the provisions by having illegally caught fish arrive in a port in a vessel that didn't meet a definition of fishing vessel.

That's my understanding of the motivation behind the definitional changes there. They are broadened to include other kinds of vessels, and also to ensure that in any port of entry where illegally caught fish may be entering, the relevant authorities have the powers necessary to address the situation. As I understand it, the current legislation applies to fishing vessels and wharves, so that in situations where illegal, or suspected to be illegal, product is found in some other place such as a warehouse or what have you, enforcement officials have the necessary authorities to take the appropriate actions.

That's my understanding. Again, I will turn to Allan.

•(1255)

Mr. Allan MacLean: Yes—

Mrs. Patricia Davidson: Just further along those lines, all the way through this today we've been talking about collaboration and sharing of information, and you've alluded to the importance of that and how this is going to improve things.

How will Canadian authorities collaborate to enforce these new rules? You have different agencies and departments, so how is that going to happen?

Mr. Tom Rosser: Again, Allan may be best placed to answer this question, but my understanding is that... I mean, clearly they do collaborate. Conservation and protection officers and Canada Border Services Agency officers work collaboratively as it is when foreign-flagged vessels enter Canadian ports. As Allan mentioned earlier, we do work collaboratively with law enforcement agencies abroad.

What this bill will do is to provide clear authorities for collaboration and information sharing between domestic law enforcement agencies, conservation and protection, CBSA, and potentially the RCMP, as well as between Canadian agencies and their relevant counterparts abroad.

It isn't a question of there being no collaboration now, but there will be clear legal authority to allow for certain types of collaboration that we believe will enable our law enforcement authorities to more effectively and efficiently do their jobs.

Mr. Allan MacLean: Individual departments and agencies have their own rules around what they can share. They collect information for certain purposes, and they only collect and share that information for those purposes. This will give clarity to exactly what Fisheries and Oceans and Canadian Border Services Agency, as an example, can share. It will certainly increase the collaboration and the ability to look at departmental databases to see what product is moving where and when so that we can take more effective and efficient action.

Mrs. Patricia Davidson: Thank you.

The Chair: Thank you very much, Ms. Davidson.

I want to take a moment to thank the officials for appearing today and for providing us with some insight into Bill S-3.

Mr. Cleary.

Mr. Ryan Cleary: Mr. Chair, can I ask whether the witnesses can come back, considering that we had an hour of a committee meeting that was eaten into by other business?

The Chair: Let me finish here.

Mr. Ryan Cleary: My apologies.

The Chair: That's all right.

I was going to say that if you have any amendments to Bill S-3 for this committee to consider, please submit them to the clerk before our next meeting so they can be considered on Thursday.

Also, as we approach any amendments that might come forward, I was going to ask if you want to have the witnesses back so they can provide some counsel to this committee before we proceed into clause-by-clause study.

On Thursday my intention is to return to Bill S-3, and I would like to have any proposed amendments come to the clerk before Thursday so we can consider them. We will hopefully have the witnesses return again on Thursday.

Mr. MacAulay, do you have something that you want to add?

Hon. Lawrence MacAulay: Am I to understand that our informed witnesses will be back on Thursday so we can continue our questioning?

The Chair: Obviously, it depends on their availability, but I'm hoping to have them here.

Hon. Lawrence MacAulay: We would hope so, because they're very informed, and we need it.

The Chair: Thank you, Mr. MacAulay.

Mr. Kamp, go ahead.

Mr. Randy Kamp: Just for clarification, am I right in thinking that if there are any proposed amendments, they would need to go to the clerk today so that we would have 48 hours to look at them before Thursday?

The Chair: That's a good point. If you have any amendments, please get them to the clerk today. Sorry, I said before Thursday, but yes, there's the 48-hour notice that is due before amendments can be considered, so if you have any amendments, please submit them to our clerk today, who will circulate them to all members after he receives them.

Mr. MacAulay.

Hon. Lawrence MacAulay: Mr. Chair, am I to understand that the witnesses will bring in the amendments they feel are appropriate next Thursday when they come?

The Chair: No. Amendments are to come from members.

• (1300)

Hon. Lawrence MacAulay: Oh, they're not coming....

The Chair: No, no, if you have any amendments as a member of Parliament you submit them to the committee.

Hon. Lawrence MacAulay: Mr. Chair, I'm trying to become more informed on the bill.

The Chair: I understand. We'll get you there.

Anyhow, there being no further business, this committee stands adjourned.

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