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Chair: Mr. Ken McDonald



Standing Committee on Fisheries and Oceans

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• (1100)

[*English*]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I call this meeting to order. Welcome to meeting number 74 of the House of Commons Standing Committee on Fisheries and Oceans.

This meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022.

Before we proceed, I would like to remind everyone to address all comments through the chair.

Pursuant to Standing Order 108(2) and the motion adopted on Monday, May 1, 2023, the committee is resuming its study of the allocation of resources to the Great Lakes Fisheries Commission.

I would like to welcome our witnesses.

Representing the Department of Foreign Affairs, Trade and Development, we have Mr. Niall Cronin, executive director, United States transboundary affairs, and Ms. Felicia Minotti, deputy director, United States transboundary affairs.

Thank you for taking the time to appear. You will have up to five minutes to make an opening statement before we go into questions.

When you are ready, please go ahead for five minutes or less.

Mr. Niall Cronin (Executive Director, United States Transboundary Affairs, Department of Foreign Affairs, Trade and Development): Thank you, Mr. Chair.

Good morning. My name is Niall Cronin. Since September 2022, I have been executive director of the U.S. transboundary affairs division at Global Affairs, Canada.

I am joined today by Felicia Minotti, who is deputy director in the same division.

[*Translation*]

Before continuing, I'd like to start by stating that the territory on which we are gathered is the unceded traditional territory of the Algonquin Anishinabe people.

[*English*]

The division where Felicia and I work provides a broad range of analysis and advice to Global Affairs senior officials and ministers, as well as to other federal departments on border, energy, water and environmental issues affecting Canada's bilateral relations with the United States. This includes subjects such as climate change, fossil fuels, water quality and quantity issues, fisheries, as well as

Canada's engagement with the International Joint Commission. Our division also provides advocacy support to Canada's diplomatic network in the United States on energy and environmental issues.

Part of our work includes tracking the activities of the Great Lakes Fishery Commission and any issues that might arise. We have regular contacts with the GLFC secretariat, colleagues at the Department of Fisheries and Oceans and U.S. counterparts, both directly and through Canada's mission network in the United States.

[*Translation*]

Felicia Minotti and I discussed current issues with our counterparts at the U.S. Embassy here in Ottawa and at the State Department in Washington. We have offered our management support to the Department of Fisheries and Oceans to facilitate communication with the Americans and with the Great Lakes Fishery Commission, as needed.

[*English*]

We understand that on April 25, 2023, the assistant deputy minister and chief financial officer for DFO provided the commission with updated financial information outlining Canada's contribution to GLFC activities, which is consistent with Canada's budget 2022 commitment.

From our perspective, this is very welcome news. Canada takes seriously its obligations to bilateral and multilateral organizations. In addition, we are aware that a number of stakeholders are advocating for a governance change from DFO to Global Affairs. We have assured our U.S. counterparts that regardless of the locus of governance within the Canadian government, Canada takes seriously its obligations under the 1954 Convention on Great Lakes Fisheries. Unless and until there is a decision to move responsibility for the GLC from DFO, we continue to operate under that current construct.

[*Translation*]

I'd like to point out that departments other than our own lead the government's engagement with bilateral and multilateral organizations. Whichever department is responsible, it consults with the whole of government and speaks on behalf of the Government of Canada when speaking in these forums. This coordination is particularly important when it comes to Canada's relations with the United States.

• (1105)

[English]

Canada's relationship with the United States is of primordial importance. As President Biden said in his March 2023 address to Parliament, "No two nations on Earth are bound by such close ties—friendship, family, commerce, and culture."

The President's in-person visit and the joint statement from the President and Prime Minister confirm that our two nations stand united in this moment, finding solutions side by side.

Bilateral institutions like the GLFC are valuable mechanisms that enable our two countries to find solutions on such important issues.

With that, we'd be pleased to answer your questions.

The Chair: Thank you for that. You're a little bit under time. That will bode well for the questions part.

I will now go to Mr. Arnold for six minutes or less, please.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for being here today on this important issue. I appreciate your opening comments.

I'm going to go back to what we heard last week from officials with the Department of Fisheries, who stated that the issue had been raised to the highest level of government. We can only take that as meaning to the Privy Council Office, cabinet or the PMO. According to him, it's no longer within the Department of Fisheries.

Can you tell us if you're aware of what level it's been taken to at the government level?

Mr. Niall Cronin: Mr. Chair, our understanding is that any decisions relating to machinery of government changes rest with the PMO. I think what our colleagues from the Department of Fisheries and Oceans said last week was that analysis has been undertaken across government and that the decision now rests at the centre, which we would call the Privy Council Office or the Prime Minister's Office.

Mr. Mel Arnold: Thank you, so it's at the Privy Council Office or the PMO level.

Was your department consulted before it was raised to this highest level?

Mr. Niall Cronin: Mr. Chair, as I said in my opening statement, we are in regular touch with officials at the Department of Fisheries and Oceans. Yes, we are consulted as the process around this issue winds its way through government.

Mr. Mel Arnold: You've been regularly consulted. Have you been made aware of any issues with changing the machinery of government? Are there any problems that have been pointed out with that?

Mr. Niall Cronin: Mr. Chair, I wouldn't say there are problems. I think it's more a question of how these decisions are taken and informed. Like our colleagues at the Department of Fisheries and Oceans, we've certainly said that we take a very practical approach to the governance of the GLFC. Until and unless there's a decision to change, we're operating under the current construct.

We found that there are a number of models for how Canada manages its relationships with bilateral and multilateral organizations. We do the best with the model that we have.

Thanks.

Mr. Mel Arnold: Thank you.

I'm going to be turning the rest of my time over to Mr. Epp.

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): Thank you.

The commission contends that the DFO is in a structural conflict of interest position by appointing their commissioners and then being a contracted party of the commission.

Have you seen the Fasken legal opinion that the commission procured and made all of the parties aware of? Can you comment? Do you disagree with the legal opinion expressed?

Mr. Niall Cronin: Mr. Chair, we do not agree with the legal opinion that there is a conflict of interest.

I think, as our colleagues from the Department of Fisheries and Oceans stated last week—and I think what we find very encouraging on this file—is that everyone's working in the same direction. Everyone recognizes the importance of the commission. Everyone values the work that they do. Everyone's working to make sure that the work can continue and get back on track.

Mr. Dave Epp: Thank you.

As I asked the commission, can you table a legal opinion with the committee for our report that disputes the Fasken commission?

Mr. Niall Cronin: With respect, I will have to take that back and check to see what can be shared.

• (1110)

Mr. Dave Epp: Thanks.

Are bureaucrats ever correct in superseding provisions of a treaty in international agreements?

Mr. Niall Cronin: No, I think what bureaucrats are charged with doing is finding effective ways to implement the various provisions in a treaty.

Mr. Dave Epp: Outside of our Canada-U.S. relationship—and you rightfully pointed out how close that is and how many other kinds of treaties we have—what would be the reaction you would expect from foreign governments if the representatives at the tables were basically cut out by bureaucrats? What would the reaction from other nations be?

Mr. Niall Cronin: Mr. Chair, it's difficult for me to answer a hypothetical.

I think what I can say is that Canada certainly takes its treaty obligations seriously. As bureaucrats, we're charged with advising the government and ensuring that the obligations Canada has undertaken are indeed met.

Mr. Dave Epp: If that's the case, then why, in your opinion, are the Americans not at the table of the Great Lakes Fishery Commission?

Mr. Niall Cronin: Mr. Chair, it's difficult for me to speak on behalf of the American commissioners.

I think the message we've passed to our counterparts here at the U.S. embassy and at the Department of State is, again, that Global Affairs is quite pleased that the funding issues have been sorted. We think we heard that from the chief financial officer last week. I think the message we're sending is that we encourage people to get at the table—

Mr. Dave Epp: Thank you. I'm sorry to cut you off.

I have one more question. Does the GLFC have the authority under the treaty to contract with another party, other than the DFO, for sea lamprey control?

Mr. Niall Cronin: I believe it does. Yes, Mr. Chair.

Mr. Dave Epp: Thank you, Mr. Chair.

The Chair: Thank you, Mr. Epp.

We'll now go to Mr. Morrissey for six minutes or less, please.

Mr. Robert Morrissey (Egmont, Lib.): Thank you, Mr. Chair.

Through you, I have a question for Mr. Cronin. Could you expand a bit more to the committee on why you stated that you agreed there is not a conflict of interest with DFO administering the current funding agreement with the Great Lakes Commission?

Mr. Niall Cronin: Mr. Chair, I would echo some of the comments from my colleagues last week that the interests of the Great Lakes Fishery Commission and the Government of Canada are very much aligned. Both recognize the importance of the commission's work.

There was a decision in the late 1970s that the Department of Fisheries and Oceans would be responsible for the commission, so funding has—

Mr. Robert Morrissey: Has there ever been a challenge to the agreement between DFO and the Great Lakes Commission since 1970?

Mr. Niall Cronin: Mr. Chair, I think the reason we're here today is that there have been continuing discussions around the benefits—

Mr. Robert Morrissey: The challenge....

Mr. Niall Cronin: —and the pros and cons of that decision.

Mr. Robert Morrissey: Maybe, Ms. Minotti.... You're nodding.

Ms. Felicia Minotti (Deputy Director, United States Transboundary Affairs, Department of Foreign Affairs, Trade and Development): I'm sorry?

Mr. Robert Morrissey: My question was whether there has ever been an exterior challenge—exterior from government or within government—to the agreement between DFO...as you articulate it, between 1970 when it began and today.

Mr. Niall Cronin: Other than the discussions that have taken place over the last few years, I'm not aware of a particular challenge.

Mr. Robert Morrissey: Could you check and confirm with the committee if there was?

You referenced a number of models that GAC administers. What's different about those versus the Great Lakes Commission?

Could you briefly comment?

Mr. Niall Cronin: Certainly. I can speak to three that our division tracks closely. These are the International Joint Commission, the Roosevelt Campobello International Park and the International Boundary Commission.

Mr. Chair—

Mr. Robert Morrissey: None of those would overlap or even in any way deal with fishery items, would they?

Mr. Niall Cronin: No. The International Joint Commission deals with water levels and water quality.

Mr. Robert Morrissey: Okay. Those three are working well.

Could you give an opinion to the committee on what's not working with the current Great Lakes Commission and DFO?

We heard a lot of hostility, I shall say, expressed by the Great Lakes Commission and the way it is being, some would say, "micromanaged" by DFO.

In your opinion, having the responsibility of dealing with a number of others, what is occurring in that relationship and with that agreement that is not happening in others, and maybe leading to that significant difference of opinion?

• (1115)

Mr. Niall Cronin: If I could, Mr. Chair, I would reflect on last week's appearance by representatives of both the Department of Fisheries and Oceans and the Great Lakes Fishery Commission. I think what we heard was certainly a good-faith effort on both parties' behalf to get things back on track. We heard a recognition that there have been challenges in the relationship, but that there is a real willingness and a commitment from the Department of Fisheries and Oceans to make sure that those relationships are repaired, that standard operating procedures are put in place and that it's clear to all sides what the roles and responsibilities of the other are.

Mr. Robert Morrissey: Thank you, Mr. Chair.

In the time I have left, Mr. Cronin, you referenced that Global Affairs is pleased that funding issues have been resolved. I take it, then, that you are aware that a lot of the issues that were raised by the commission before this committee are no longer so, and that everything has been resolved.

Is that what you're testifying to this committee?

Mr. Niall Cronin: Mr. Chair, I think there is a difference of opinion or there are different views on the machinery of government for the GLFC.

As officials, our role is to certainly work with the construct as it's set. We watch very closely from Global Affairs Canada the views of our American colleagues on the commission. Certainly, up until budget 2022, the funding had been raised on a fairly regular basis.

The clarifications that have taken place subsequent to the funding announcement have certainly helped in our conversations with our U.S. colleagues.

The Chair: Thank you, Mr. Morrissey.

We'll now go to Madam Desbiens for six minutes or less, please.

[*Translation*]

Mrs. Caroline Desbiens (Beauport—Côte-de-Beaupré—Île d'Orléans—Charlevoix, BQ): Thank you, Mr. Chair.

Thank you, witnesses, for joining us this morning.

I would like to understand the exact link between the commission and the Department of Foreign Affairs, Trade and Development; what is the basic link?

[*English*]

Mr. Niall Cronin: Thank you, Mr. Chair.

I think our relationship is one where we recognize the importance of the commission. We certainly recognize the role that it plays in supporting the Great Lakes fishery. That is why we're in touch with officials at the secretariat, either informally or at events where we'll speak. We'll also have regular calls and check-ins to make sure that the commission is healthy, functioning and really supporting that strong Canada-U.S. relationship that we have.

[*Translation*]

Mrs. Caroline Desbiens: All right.

Last week, your colleagues asserted that there was no discrimination related to nationality when it came to negotiating the sale of a fishing business. Is your department taking action to encourage the retention of businesses by Canadian and Quebec companies? Do you have any influence on business retention?

[*English*]

Mr. Niall Cronin: With respect, that would be outside the responsibilities of the division where I sit at Global Affairs. Our role is much more to monitor the state of the relationship with the U.S. on various transboundary issues, including water issues.

When it comes to private sector and the role of companies, I would have to take that back and see which departments or parts of our own department might be better placed to answer.

● (1120)

[*Translation*]

Mrs. Caroline Desbiens: When you say you monitor relations with the United States, what do you do if you see a problem?

[*English*]

Mr. Niall Cronin: The first thing to do is to assess the reasons for the problem. We do that through talking to as many people as possible. We then see if there's a way that we can resolve it through discussion at our level.

If that isn't successful, then we'll see what tools Global Affairs can bring to the table to help resolve the issue.

[*Translation*]

Mrs. Caroline Desbiens: On this question of surveillance and vigilance, I'd like to come back to the fact that witnesses wanted to testify anonymously, which really shook me. I'm digressing a little from the subject of the Great Lakes Fishery Commission, but this study is important for all the fishers of the St. Lawrence and the Gulf of St. Lawrence, directly linked to the Great Lakes. It all flows together, to make a pun.

Owners told the committee that they had been victims of a lack of vigilance on the part of Fisheries and Oceans Canada, the government and Global Affairs Canada. We're not sure from whom exactly, but we're trying to get to the bottom of it. They also told us that they had been deprived of their licences, their quotas, their fishing potential and the pecuniary interest that fishing could bring them. It's disturbing.

Earlier, you used the English word “machinery” to refer to the government apparatus. I like that word. To me, a machine is a lot of little wires with things that touch from time to time and short-circuit, and that's about it.

How can you protect owner-fishers who had quotas acquired modestly from family to family and, often, from generation to generation, and who, because of a series of steps, suddenly find themselves deprived of their quotas and licences and are no longer even able to support their boats? How can we preserve the fishing potential of Quebec and Canada? Are you in a position to intervene in this matter?

[*English*]

Mr. Niall Cronin: I think what I would say, absolutely, is that the Department of Global Affairs has a role in defending Canadian interests and explaining them to our American colleagues. I think that, if there were specific details, I could certainly take that back and look at what instruments and tools we have at our disposal and, certainly, consult with colleagues at the Department of Fisheries and Oceans to find a way forward.

[*Translation*]

Mrs. Caroline Desbiens: These people have obviously come forward to Fisheries and Oceans Canada, and a number of approaches have been unsuccessful. When Global Affairs Canada intervenes, it means that it's a bit of a sentinel between the outside and inside of the fishing exercise. Would you like to have more powers to intervene? Would you like to have more powers?

[*English*]

Mr. Niall Cronin: I think that's something I would have to take back, because it is outside the scope of our division.

[*Translation*]

Mrs. Caroline Desbiens: Can you do so in writing, after consulting your colleagues?

[English]

Mr. Niall Cronin: I think what would be helpful, Mr. Chair, is to clarify the question, and then I can certainly respond to that in writing.

The Chair: Thank you, Madame Desbiens.

We'll now go to Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Mr. Chair.

Thank you to our witnesses here today.

My first question, through you, Chair, is for Mr. Cronin. I wanted to dig a little bit further into the questions around conflict of interest. I'm wondering if you have any written documentation specific to your opinion that there is no conflict of interest.

Mr. Niall Cronin: As I mentioned before, Mr. Chair, I can take that question back and see what written documentation can be provided to the committee.

• (1125)

Ms. Lisa Marie Barron: Have you, Mr. Cronin, seen the legal opinion that was provided to the Great Lakes Fishery Commission on June 24, 2022?

Mr. Niall Cronin: Yes, I believe I have a copy.

Ms. Lisa Marie Barron: Thank you.

Further to your comment that you don't agree that there is a conflict of interest, have you seen the specific information in this legal opinion? It states:

...there exists a basic conflict because DFO is a contracted service provider to the Commission. Second, because the Commission's budget ultimately comes out of DFO's...budget, the funding of Commission operations and programs...conflicts with the funding of other DFO operations and programs.

Based on this clear legal opinion that there is a conflict of interest, what is the basis of your statement that there is not a conflict of interest?

Mr. Niall Cronin: I think, Mr. Chair, I would go back to the comments provided by our colleagues at Fisheries and Oceans to the committee last week that, because our interests are aligned in delivery of the fishery commission's mandate, there is no conflict.

I do understand that there are differences of opinion. The opinion provided by our lawyers is different, and that's why I committed to going back to the department to see what could be shared in writing with this committee.

Ms. Lisa Marie Barron: Thank you.

Through the chairman, Mr. Cronin, to clarify this, then you are in disagreement with the legal opinion provided to us in testimony by the Great Lakes Fishery Commission.

Mr. Niall Cronin: That's correct, Mr. Chair.

Ms. Lisa Marie Barron: Okay, thank you.

My next question is about your comments, Mr. Cronin, on how funding issues have been sorted. Mr. Baker was here at a previous meeting, and the following are just a little glimmer of some of the information he spoke to. He clearly articulated in his opening statement that in November 2022, "not only had Parliament's 2022

funding not been provided, but the full Canadian appropriation for 2023 was not available either, some eight months following Parliament's commitment to fully fund the commission. Worse, DFO then communicated its intent to withhold from Parliament's allocation". It goes on from there.

Would you say, Mr. Cronin, through the chair, that this would be an example of the funding being sorted?

Mr. Niall Cronin: Thank you, Mr. Chair.

No. I would go back to my opening statement and the reference to the letter from the chief financial officer at the Department of Fisheries and Oceans, which was sent in April. I think it went some way to resolving the issue of funding and making it clear that funds would be transferred and that there's a stable path forward for the future based on budget 2022 commitments.

Ms. Lisa Marie Barron: Thank you.

Through you as well, Mr. Chair, Mr. Cronin, can you clarify what you meant when you said, "do the best with the model that we have." What does that look like, doing "the best with the model that we have"? What do you see as the challenges with the model that's currently in place?

Mr. Niall Cronin: I think, Mr. Chair, I would go back to the point that machinery of government decisions are made outside any one department. In the decision, the current construct is that the Department of Fisheries and Oceans is responsible for the GLFC, and so Global Affairs is working with that model.

What that means is that we're in communications with Department of Fisheries and Oceans officials as well as with the Great Lakes—

Ms. Lisa Marie Barron: Thank you, Mr. Cronin. I'm sorry to cut you off. I appreciate it. I just want to get to the crux of my question.

I understand that the decision-making capacity is not yours to make. However, you do have experience within. Could you please speak to the challenges that you see within the existing systems?

Mr. Niall Cronin: I think what I would say, Mr. Chair, to that question is that there are a number of different models. Not all of the relationships with international organizations or bilateral institutions are managed by Global Affairs. What we've seen in some of the regional fishery organizations and some of the bilateral fishery commissions we have with the United States is that those relationships are managed quite successfully by the Department of Fisheries and Oceans.

Really, I think what would be of value is that the committee's findings will help us understand more, what's at the heart of this issue.

Ms. Lisa Marie Barron: Thank you, Mr. Cronin.

When Mr. Baker was here—I believe it was Mr. Baker—he said there was discussion about the commission's portfolio management duties being moved from DFO to Global Affairs, and that it should "mirror the successful and proven U.S. structure" currently in place. What are your thoughts on that?

• (1130)

Mr. Niall Cronin: Mr. Chair, as I understand it, in the United States the Department of State is responsible for the U.S. relationship with the Great Lakes Fishery Commission. I don't have a comment on the U.S. system; it is very much their business to decide how things are run.

I would note, in the same way, that not all international organizations or bilateral institutions are managed by Global Affairs in Canada, and not all of them are managed by the Department of State. For example, in Canada, Global Affairs is responsible for the relationship with the Roosevelt Campobello park, but my understanding is that on the United States' side, the responsibility for that relationship is managed by the Department of the Interior and the National Park Service.

Really, there are a number of different models. There are a number of different ways to manage a successful relationship with a bilateral institution.

The Chair: Thank you, Ms. Barron.

We'll now go to Mr. Small for five minutes or less, please.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for coming out today. I'm looking forward to working with you folks in Global Affairs in the next few years as we break down some trade barriers for our pinniped products. I'm expecting great support from your department.

My question is for Ms. Minotti, since we haven't heard from you today, and I'm sure you have some valuable input.

In April 2021, a letter was signed by 18 MPs and sent to the Minister of Foreign Affairs, requesting a change in Canadian leadership from DFO to GAC. In May of that year various stakeholders made the exact same request.

What discussions took place between DFO and GAC as a result of those requests for a change in leadership?

Ms. Felicia Minotti: Thank you.

That was in April and May 2021. I'm just recalling the dates. To be honest, it was some time ago.

Mr. Chair, normally our approach would be to look at the letter, talk about the content of the letter and respond to the letter, if it just came to our minister, or.... Sometimes letters have been received by both ministers, but quite often we would just discuss the content of the letter and the request or comments being made in the letter to our ministers.

Thank you.

Mr. Clifford Small: Thank you.

The DFO claimed that the motion, M-91, that was made before the last Parliament in June 2021 is a more complex matter than it likely appears on the surface.

What could be so complicated about shifting fiduciary arrangements? What's so complicated about shifting that from the DFO to Global Affairs?

Mr. Niall Cronin: Mr. Chair, I think if that was the Department of Fisheries and Oceans' response, they are probably best to explain the rationale behind it.

What I can say is just to repeat my earlier comments, which echo the comments by Mr. O'Dea before this committee last week. As officials, we are very pragmatic and practical as to where the machinery of government lies on this issue. It's just that the decision is not with any of our departments to take.

Mr. Clifford Small: Thank you.

Global Affairs administers funds for various initiatives, like Campobello, the IJC and the International Boundaries Commission.

Does GAC ever arbitrarily withhold funds from these initiatives?

Mr. Niall Cronin: Mr. Chair, I could clarify.

The funds for the International Joint Commission and the Roosevelt Campobello International Park are appropriated to Global Affairs Canada and then transferred to the various bodies. We do not hold back monies. Funds for the International Boundary Commission were appropriated to Natural Resources Canada. Natural Resources Canada managed the Treasury Board submission process to secure funds.

• (1135)

Mr. Clifford Small: Thank you.

Again, Mr. Cronin, on the same topic, does Global Affairs Canada ever act as the banker, as the provider of services or, for example, as a subcontractor?

Mr. Niall Cronin: Mr. Chair, that's a difficult question for me to answer, given the size and scope of the department.

Certainly in the case of the Great Lakes Fishery Commission, I can say that DFO speaks for Canada to the commission. The Canadian commissioners are part of the commission and speak, as the commission, back to Canada. The DFO, in its efforts to manage the relationship with the commission, is certainly in touch with Global Affairs Canada—the discussions that Felicia and I mentioned earlier—to make sure that this relationship gets back on track.

What we were certainly encouraged by was the appearance last week and the good faith efforts that are being undertaken by all to make sure that relationship gets back on track.

The Chair: Thank you, Mr. Small.

We'll now go to Mr. Hardie for five minutes or less, please.

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair.

Initially, it looked like there was a confusion at the DFO.

Were they running a federal program with the sea lamprey initiative or were they acting as a contractor to the Great Lakes Fishery Commission? What's your understanding?

Mr. Niall Cronin: My understanding is that the Department of Fisheries and Oceans speaks for Canada when engaging with the commission. The DFO also has the responsibility for delivering the sea lamprey control program, which is a key component of the commission's work.

We also heard that the commission has a very important role in research as well. That is something that we certainly support in Global Affairs Canada. We recognize the value of that role.

Mr. Ken Hardie: I'll have to intercept you there because I need some clarity here.

It seems that there's no clarity yet on whether or not they're a contractor, or, in fact, they're running a government program. Processing the funding through the DFO's budget does put them in a bit of a tight spot, because they somehow have to be accountable for that.

Does this money have to go through the DFO, or can it be channelled in another way so that the total sum intended for the fisheries commission gets to it, which then will allocate the amounts necessary to do the sea lamprey program?

Mr. Niall Cronin: My understanding, Mr. Chair, is that the funding in budget 2022 was allocated through the Treasury Board submission process to the Department of Fisheries and Oceans for five years and ongoing. Under the convention, the commission is to develop its budget, which includes activities for sea lamprey control, and then submit that budget to the contracting parties, Canada and the United States, for approval.

What we've seen from Global Affairs in our experience with other bilateral institutions is that there are a number of discussions that take place throughout that process so that it's very, very clear what the budget requests will be looking for and that the governments will be in a position to approve that request.

Mr. Ken Hardie: That didn't really answer the question, I'm sorry, sir. It's still a mystery here.

Talk about fencing. We understand that the funding for the fisheries commission will be fenced in terms of protecting it from any future austerity programs, or whatever. Is that the mechanism for ensuring that the appropriate amount gets to the commission?

Mr. Niall Cronin: Certainly, and my understanding from last week's appearance by Department of Fisheries and Oceans officials is that discussions continue with the Great Lakes Fishery Commission's secretariat and that work is continuing on a memorandum of agreement that would lay out the process for how the funding will flow.

• (1140)

Mr. Ken Hardie: Thank you for that.

With respect to the conflict of interest allegation here, would it be better if the DFO acted as a nominating body for that seat on the fisheries commission? In other words, there isn't a DFO person sitting on the commission, but they nominate the person to go there.

Would that make any difference at all in the issue surrounding conflict of interest?

Mr. Niall Cronin: Mr. Chair, again it's difficult for me to speculate. I think what has been helpful with other commissions where government officials have had a seat on the commission or the institution is that it's been very clear that they're there in the interest of the commission and that it's their role, and it's explained to them. However, when they're interacting with governments, it really depends on the context of the conversation.

Mr. Ken Hardie: It would then appear that there is a conflict of interest, because if there's somebody from the DFO sitting on the commission's board, their first responsibility is to the Government of Canada, not to the commission. That would be expected of them.

Finally—

The Chair: Thank you, Mr. Hardie. There are only about four seconds left, so it's hard to get a question out, let alone an answer.

We'll now go to Madame Desbiens for two and a half minutes or less, please.

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair.

Besides the mandates we've talked about, does Global Affairs Canada entrust the Great Lakes Fishery Commission with any other mandates? In addition to its relationship with the commission, does the department have any other fisheries mandates? I'm trying to be clear.

[*English*]

Mr. Niall Cronin: Mr. Chair, the question was clear. I'm thinking through, given the number of different divisions at Global Affairs, our role on fisheries issues. I could certainly take that back and confer with colleagues on the trade side of the department, who I believe have a role.

I'm trying to think from our team if we have other interactions with bilateral organizations focused on fisheries. It's not done regularly, but we certainly monitor this, again, because of our interest in the general health of the relationship between Canada and the United States, so should issues related to fisheries arise, we would certainly be aware of those and consult with relevant departments to come to a response on behalf of Canada.

[*Translation*]

Mrs. Caroline Desbiens: If the United States put pressure on Canadian fisheries over the right whale, for example, would you have any power to intervene, any influence?

[*English*]

Mr. Niall Cronin: In that particular case, I would see a role for Global Affairs.

We have played a role through our diplomatic network in the United States, including the embassy and our consuls general, to make clear to our American counterparts Canada's position on an issue and the reasons behind our position, to help explain to the Americans why we're proceeding in such a course of action.

The Chair: Thank you, Madame Desbiens. You have two seconds, but we'll call that up now.

We'll go to Ms. Barron for two and a half minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

Through you, Mr. Chair, to Mr. Cronin, I'm trying to understand this.

I know you have reiterated today that you can't speculate on things that are not currently in place. However, there's clearly been a push to move the governance structure from that of working through DFO to Global Affairs. Can you clarify if there has been any discussion about what that might look like, about the effectiveness of Global Affairs taking this on and any thoughts or challenges on what that might look like?

Mr. Niall Cronin: I understand there was some analysis done in 2021 on the implications of a move.

As I said earlier, there are pros and cons. As officials, we work with the structures that are in place. I think there is a good-faith effort under way by officials from DFO and at the Great Lakes Fishery Commission to put the relationship back on track and to codify some of the roles and responsibilities. That's what we're encouraged by at Global Affairs.

• (1145)

Ms. Lisa Marie Barron: Thank you.

To clarify, through the chair, have you participated in any concrete discussions on what this transition might look like if it were to happen?

Mr. Niall Cronin: I have not, Mr. Chair.

Ms. Lisa Marie Barron: To clarify this further, Mr. Cronin, are you aware of any other parties having these discussions?

Mr. Niall Cronin: Yes. Thank you for the question, Mr. Chair.

Absolutely, the discussions continue across departments. Again, as colleagues from the Department of Fishers and Oceans said at their last appearance, those decisions rest outside of an individual department. That's why it's difficult for me to comment on the nature of them or who's involved and things like that.

Ms. Lisa Marie Barron: I have a final question I'd like to ask Mr. Cronin, through the chair.

You had started listing off various models that you've seen used. What would you recommend as a model in these circumstances?

Mr. Niall Cronin: I appreciate the question, Mr. Chair, but it's really not for me to make recommendations to the committee.

The Chair: Thank you, Ms. Barron.

We will now go to Mr. Epp for five minutes or less, please.

Mr. Dave Epp: Mr. Perkins will start.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): I'll just start, and then I'll pass it to Mr. Epp.

The Chair: Okay, I thought you wanted me to erase your name from the sheet.

Mr. Rick Perkins: I know how much you would enjoy it.

The Chair: You're up. Your five minutes are ticking.

Mr. Rick Perkins: I'll hand it over to Mr. Epp. I just have one question, and we don't often get a Global Affairs official before this committee.

Recently Global Affairs and DFO shut down Bait Masters' use of seal products as alternative lobster bait, while the U.S. is culling 9,000 sea lions in the Columbia River.

I just want to know why we would cave so quickly when the U.S. is actually more aggressive in dealing with their issues around seals and pinnipeds than we are.

Mr. Niall Cronin: I appreciate the question, Mr. Chair.

I will have to take that back, as it is a subject that the division doesn't deal with. I think what is always helpful when it comes to dealing with our American counterparts is being very clear with them about the reasons we are taking the decisions that we are, and the benefits of that decision, not just on the Canadian side but also on the American side. That helps us make the case.

Mr. Rick Perkins: I appreciate that.

If they could provide that in writing, it would be great.

Mr. Dave Epp: Thank you.

You stated that you engaged with Privy Council or PMO in 2021 on this whole issue.

Were representatives physically in attendance at those meetings, and what form of a submission was that? Was that in the form of an analysis or a national proposal for the transition of the machinery of government?

Mr. Niall Cronin: Mr. Chair, I could correct what I said earlier.

We had engaged in some internal conversations and analysis within Global Affairs on what a change could look like. The present state of conversation is now at the centre.

Mr. Dave Epp: My understanding is that it's been at the centre for nine months or so. Would that be accurate?

Mr. Niall Cronin: I would have to check our records; I'm honestly not sure.

Mr. Dave Epp: If you could supply that to the committee, it would be appreciated.

No one around this table is questioning DFO's delivery of the sea lamprey program. In fact, I've heard only positive things. However, there are two separate issues here before us on governance side.

You mentioned earlier that you were encouraged by the fact that the funding issues were sorted out for two years, yet the 2022 budget was explicit on its being five years. Why do you think there's a discrepancy? Why is the DFO not committing to five years of the transparent transference of the intended budget funds?

Mr. Niall Cronin: My understanding, Mr. Chair, is that those discussions are ongoing between DFO and the commission. There's certainly a clear commitment from DFO as well as from the commission to make sure that things get back on track, that things are clear and that we have the assured funding. We can assure our American friends that Canada continues to live up to its commitments under the 1954 convention.

• (1150)

Mr. Dave Epp: Thank you. That's exactly where I wanted to go next.

There are discussions around a memorandum of understanding on how we should operate.

Global Affairs manages the Campobello Park with the IJC. Do you need a memorandum in that relationship?

Mr. Niall Cronin: We do not have a memorandum of agreement between GAC and those organizations. I do understand that other departments have those with the IJC. I believe Environment and Climate Change Canada has an MOU with the IJC. I think what we do have with those organizations is an understanding of the process based on the conventions that govern these organizations.

I think what I certainly heard from colleagues at DFO is, yes, there are some issues that need to be addressed. No one's disputing that, but there are efforts under way to address those. It sounds like a memorandum of agreement is one way to get there.

Mr. Dave Epp: I understand, if you have other relationships, other than the machinery of government transferring funds from the treasury to the operations of a binational or multinational commission for anything, that you might need a memorandum of understanding or a contract. It's a contractual relationship to deliver sea lamprey control, science or other things.

The argument is specifically around the machinery-of-government function. I know of no other situation where the authority rests with a certain department and an MOA is needed to codify the relationship. I've seen the main estimates of the IJC. They're very transparent. There's one line where the funds are transferred. Why that is not the case for the DFO is what I think I and we all fail to understand.

Mr. Niall Cronin: Mr. Chair, we were very encouraged to hear from the CFO the other week that efforts are under way to make sure that there could be a reporting in the public accounts. Global Affairs would very much support that. It's helpful in our conversations with our American colleagues to demonstrate that Canada's meeting its obligations under the 1954 convention.

The Chair: Thank you, Mr. Epp.

We'll now go to Mr. Hanley for five minutes or less, please.

Mr. Brendan Hanley (Yukon, Lib.): Thank you both for appearing today.

I just want to point out that the guiding principles of the GLFC are consensus, accountability, information sharing and ecosystem-based management. Global Affairs Canada says, "We define, shape and advance Canada's interests and values in a complex global environment."

Mr. Cronin, you mentioned in response to another question the importance of defending Canada's interests. That's at the heart of Global Affairs.

You've referred a few times to ongoing conversations with DFO. I'd like to get a better understanding of the formal relationship that you have with DFO. I wonder if you could tell the committee and explain GAC's current role specifically with respect to GLFC, and also the role it plays in the success of Canada's fisheries in general.

Mr. Niall Cronin: Mr. Chair, I appreciate the question.

Again, I'm able to speak to the role of the transboundary affairs division and our relationship with DFO and the Great Lakes Fishery Commission. On the broader role of Global Affairs with respect to defending and promoting Canada's fishing industry, I really would refer to colleagues, probably on the trade side of the department.

When it comes to our relationship with the Department of Fisheries and Oceans, as my colleague Felicia Minotti mentioned, when there are representations that come in related to the Great Lakes Fishery Commission, there is certainly a discussion among officials in my division and the officials within DFO responsible for the commission. There are regular check-ins for us to be updated on the progress of conversations. We also circle back with the Great Lakes Fishery Commission secretariat to see how things are going. We check in with our colleagues at the U.S. embassy and State Department, and our message really is that the Canada-U.S. relationship is strong. The GLFC is a valuable contributor to making sure that relationship stays strong, and we're very much encouraging the commissioners to get back at the table to meet.

I think there's an opportunity. There are two new commissioners who have been appointed on the U.S. side. There's really an opportunity now to get all the commissioners around the table rowing in the same direction—

• (1155)

Mr. Brendan Hanley: Thank you.

I'll just move on to another question, because I think again in your testimony today you talked about successful, bilateral transboundary agreements. Could you maybe just elaborate on that? Maybe give me an example of what you see as successful agreements.

Mr. Niall Cronin: Certainly. I think there are a number of them. I think it speaks to the strength of the Canada-U.S. relationship and the foresight of Canadian decision-makers back in the day to codify some of those relationships.

Certainly we'll take the Boundary Waters Treaty of 1909 as an example. That created the International Joint Commission to help Canada and the U.S. manage issues related to water quantity and water quality. Certainly that treaty and the commission have served Canadian interests very well by creating a space for Canada and the U.S. to have very frank conversations around water issues. I would point to that.

I think there are a number of organizations or bilateral institutions managed by colleagues at the Department of Fisheries and Oceans related to fisheries management and protection. Those have also served Canada very well.

Mr. Brendan Hanley: I'm going to jump in. I have a minute left. I'm going to let Mr. Hardie finish his question from the previous round.

Thanks.

Mr. Ken Hardie: Thank you very much, Mr. Hanley.

Is money the only issue here? Are there other issues that the fisheries commission is struggling with in its relationship with the DFO, or with Canada?

Mr. Niall Cronin: Mr. Chair, that's probably a question better answered by either the officials from DFO or the Great Lakes Fishery Commission. What I could—

Mr. Ken Hardie: Okay, that's good enough. I want to sneak one more in here.

Are there other bilateral commissions or agencies that are also in stress, having difficulties getting Canada and the U.S. rowing in the same direction?

Mr. Niall Cronin: Of the examples I have provided before, related to the International Joint Commission, Roosevelt Campobello

park, or the International Boundary Commission, we don't have the same questions around governance.

If I can be frank, we have had questions from the International Joint Commission on both the Canadian side and the American side about when we should be leveraging the commission, or not. Those are active questions. Those can be frank and difficult discussions with our American counterparts. I certainly don't want to paint a picture that everything is rosy, but certainly if you look at the strength of the Canada-U.S. relationship at this moment in time, you see it is very strong.

The Chair: Thank you, Mr. Hardie.

That concludes our hour of testimony and questions for this particular session.

I want to say thank you to Mr. Cronin and Ms. Minotti for being here today, for answering questions and providing us with their knowledge on this particular topic.

We'll suspend now to go in camera to do some committee business for the next hour.

[Proceedings continue in camera]

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