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Standing Committee on Fisheries and Oceans

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• (1535)

[English]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): I call this meeting to order.

Welcome to meeting number 95 of the House of Commons Standing Committee on Fisheries and Oceans.

This meeting is taking place in a hybrid format, pursuant to the Standing Orders. Before we proceed, I would like to make a few comments for the benefit of witnesses and members.

Please wait until I recognize you by name before speaking. For those participating by video conference, click on the microphone icon to activate your mic and please mute yourself when you're not speaking. For interpretation for those on Zoom, you have the choice at the bottom of your screen of floor, English or French. For those in the room, you can use the earpiece and select the desired channel. Please address all comments through the chair.

Before we proceed, I simply want to remind members to be very careful when handling the earpieces, especially when your microphone or your neighbour's microphone is turned on. Earpieces placed too close to a microphone are one of the most common causes of sound feedback, which is extremely harmful to the interpreters and causes serious injuries.

Pursuant to Standing Order 108(2) and the motion adopted on January 18, 2022, the committee is resuming its study of illegal, unreported and unregulated fishing.

I would like to welcome our witnesses. On Zoom, we have Mark Young, executive director, International Monitoring, Control and Surveillance Network, as well as Naomi Metallic, associate professor and chancellor's chair in aboriginal law and policy. In person, we have Andrew Roman, retired lawyer, and Julian Hawkins, chief executive officer, Vericatch.

Thank you all for taking the time to appear today. You will each have up to five minutes or less for an opening statement.

I invite Mark Young to begin, please.

Mr. Mark Young (Executive Director, International Monitoring, Control and Surveillance (IMCS) Network): Thank you, Chair, for the opportunity to speak with you today.

My name is Mark Young, executive director of the IMCS Network. I've spent my entire career working in fisheries compliance and enforcement, including more than 20 years in the U.S. Coast

Guard and more recently supporting the IMCS Network, of which Canada is a founding member.

I understand that you have heard previously from a wide range of experts on this topic already, especially on the impact of IUU fishing associated with your domestic fisheries. I recognize the expertise of your Canadian fisheries officers in responding to your domestic fisheries compliance challenges, so I will intentionally focus my remarks on the broader regional and international considerations of IUU fishing as fish and fishers move between different jurisdictional areas.

Worldwide, IUU fishing accounts for around 20% of global catch, and in certain countries it's even closer to 50%. This affects Canada as well. A recent study found that over 20% of seafood imported into Canada is at risk of being sourced by IUU fishing. Some studies even indicate that IUU fishing worldwide accounts for up to \$23.5 billion U.S. every year.

Because more than three billion people around the world depend upon fish for food and nutrition, IUU fishing practices threaten food security and sustainability and undermine efforts to reduce global hunger and malnutrition, especially in developing countries. In addition, as the modern fishery sector becomes more globalized, industrialized and integrated into the worldwide financial market, it is also becoming more exposed to organized crime, where there is a growing convergence between IUU fishing with other serious crimes like forced labour and arms and drugs trafficking.

Canadians are also directly affected. One way to think about this is in terms of fish species important to Canada, such as salmon or tuna, found along both your Pacific and Atlantic coasts. These fisheries have very strong economic, social and cultural significance to Canadians. However, these valuable fish stocks also share ecosystems or migrate into areas beyond Canada's own domestic waters, where increased threats of IUU fishing exist.

As a global problem, global solutions to IUU fishing are needed and must be supported through a combination of national, regional and international actions. We find that the activities and types of non-compliance that constitute IUU fishing are continually evolving. The global community must constantly strive to meet this challenge by being innovative, adaptable and, most importantly, working collaboratively together with one another.

Unfortunately, there is no single solution to the problem. It is a complex and evolving issue that requires comprehensive and adaptable responses. Strong policies and legislation are not the only things needed. It is critical to also have access to data, information and technology to allow fisheries officers to identify and respond to IUU fishing supported by these robust legal frameworks. Technology can help shed light on vessel activities and make vessel tracking more effective. However, without the ability to integrate these technologies with other fisheries information and to have outputs effectively analyzed by capably trained and knowledgeable fisheries officers, you will find that technology alone is little more than a passive tool.

Importantly, Canada has demonstrated that the use of technology is a priority in your own efforts to address IUU fishing in terms of both its availability and use. A great example of this is Canada's dark vessel detection program, which makes satellite remote-sensing data available to support a growing number of developing countries with their own efforts to address IUU fishing.

What else can Canada do? As a global leader in the fight against IUU fishing, you are uniquely positioned to continue this leadership. While you have a rightful priority to continue to focus your efforts on your own domestic fisheries, it is important to remember that these resources are also impacted by fishing activities that occur outside of these waters. It takes significant regional and international action to identify, examine and respond to these broader IUU risks. Effective participation, co-operation and collaboration in regional and international fisheries frameworks are key.

This is seen through your management and enforcement efforts of shared fisheries resources in the Gulf of Maine, the support of Operation North Pacific Guard, and Canada's first-ever fisheries patrol and high seas boardings and inspections conducted under the framework of the Western and Central Pacific Fisheries Commission. Notably, you have also been proactive in recognizing the importance of establishing public-private relationships to fight IUU fishing. One recent example is your support and engagement with the joint analytical cell to help achieve goals outlined in your Indo-Pacific strategy.

We should never forget that our MCS officers represent our most important resource. Those who work at the forefront of the IUU battle must be fully supported, empowered, informed, effectively trained and adequately resourced by our national and regional leaders.

In closing, no country is immune to IUU fishing and no country should operate in this complicated environment in isolation. Canada should continue to demonstrate leadership in the fight against IUU fishing by working collaboratively with a full range of like-minded and trusted partners to strengthen global fisheries compliance and enforcement efforts.

Thank you. I am happy to answer any questions.

• (1540)

The Chair: We'll move on now to Naiomi Metallic for five minutes or less, please.

Professor Naiomi Metallic (Associate Professor and Chancellor's Chair of Aboriginal Law and Policy, As an Individual): I

am from the Listuguj Mi'gmaq first nation. I am a lawyer and law professor, and I thank you for the invitation.

In reviewing the testimony before the committee, I am concerned that some of the discussion has been one-sided, and often equates indigenous fishing with illegal, unreported and unregulated fishing. This entirely overlooks that we are talking about constitutionally protected rights that require respect and implementation by governments, especially so given Canada's passing of the act on the UN Declaration on the Rights of Indigenous Peoples.

I also wonder how this committee's work squares with other studies of Parliament, most notably the Senate report from 2022 on advancing the full implementation of Mi'kmaq, Wolastoqiyik and Peskotomuhkati rights-based fisheries, entitled "Peace on the Water".

My submissions are intended to clarify the law regarding Canada's obligation regarding aboriginal and treaty fishing rights.

The term "regulate" gets used a lot and, yes, the Supreme Court of Canada, in both Marshall I and II, stated that Canada has the right to regulate treaty rights. However, "regulate" does not mean Canada may legislate and limit the rights in whatever way it sees fit—far from it. Canada has a duty to accommodate aboriginal and treaty rights to fish, give priority to these rights, respect communities' roles in the management of their fisheries, consult on impacts to these rights and, finally, address barriers to the exercise of those rights. Catch limits, seasons and gear restrictions can all potentially unreasonably limit these constitutionally protected rights.

Here are some broad brush strokes on this.

Section 35 of the Constitution Act, 1982, changed the rules of the game. In *R v. Sparrow*, the Supreme Court found a right to fish for food, social and ceremonial purposes. There are local decisions upholding this for nations in the region. Marshall found a treaty right for Mi'kmaq and Wolastoqiyik to fish for a moderate livelihood based on the 1760 and 1761 treaties.

Any infringement of aboriginal or treaty rights has to meet a two-step justification test—in other words, a test for what constitutes a reasonable regulation of the rights. Step one requires showing a valid objective, including conservation and management of natural resources, but the government can't just assert this. It must lead actual evidence to support reliance on the objective. In the commercial context, objectives can also include addressing economic and regional fairness within an industry, as well as a historical reliance and participation of non-indigenous groups in an industry. Even if you meet this, there is a step two.

This requires governments to follow a process that ensures its treatment of aboriginal rights is in line with the honour of the Crown and the government's fiduciary relationship with indigenous peoples. With food, social and ceremonial rights, this means governments must give rights priority after any conservation concerns are addressed.

In the commercial context, the court said that priority doesn't have to be exclusive, but it's still meaningful. The court suggested this priority could be shown by according the indigenous group a share in the industry that is reflective of both the group's proportional representation and the significance of the resource to the group. Consultation over all of this is always a requirement.

Marshall I also said that, if the treaty right is impacted by a statutory licensing regime, that regime should be amended to recognize and accommodate indigenous rights. The court has further said that a special program or law accommodating indigenous fishing rights is consistent with the charter and does not amount to reverse discrimination. Finally, the court has recognized that aboriginal and treaty rights belong to the community, so their exercise is to be governed by the community.

Canada has not lived up to these obligations. What came after Marshall was only access to the commercial fishery. First nations were told that this was not an implementation of their rights and that treaty implementation would occur at negotiation tables, but negotiations dragged on and on, often with federal negotiators saying they didn't have a mandate to talk about the issue.

There hasn't been any amendment to the Fisheries Act or regulations to accommodate the moderate livelihood rights, and current access to the commercial fishery isn't sufficient and doesn't live up to the constitutional obligation to respect treaty rights. There are also challenges with the food, social and ceremonial licensing system under the aboriginal communal licensing regulations.

Understandably frustrated in recent years, some Mi'kmaq and Wolastoqiyik have resolved to go out and exercise their rights on the water. Many have been charged. In Nova Scotia, there are about 55 ongoing prosecutions under the Fisheries Act. Perhaps not all asserted exercises are constitutionally protected, but many would be.

- (1545)

My point is that this is less of an enforcement or illegal fisheries problem than the failure of Canada to respect and accommodate aboriginal and treaty rights. Resolution requires meaningful consultation with indigenous groups, negotiations, taking the indigenous role in management of their fisheries seriously and the legislative accommodation of these rights.

I'll end by pointing out that indigenous peoples' own laws provide for limits on the exercise of harvesting rights, and first nation communities and leadership could be playing an important role in management and enforcement along the lines of the kind of collaboration that Mr. Young was speaking about. Unfortunately, they're being left out of this.

Thank you.

The Chair: Thank you.

We'll move on now to Mr. Roman for five minutes or less, please.

Mr. Andrew Roman (Retired Lawyer, As an Individual):
Thank you for inviting me.

I'm going to explain the problems with implementing the two Marshall decisions as I see them. Before I do that, I want to compliment DFO and the minister for carrying out the recommendation of the Supreme Court of Canada to use negotiation rather than litigation to resolve issues with first nations. These negotiations will succeed, provided that the major stakeholders accept the outcome.

I want to talk a little bit about what the Marshall cases decided because, as I have said in the past, they've often been misunderstood. Most of that is in my written text.

I think that your committee has got it wrong, and I refer to your report number four. I can discuss that later, if there's time, but I think that these two Marshall decisions are better forgotten, because I think that they do more harm to first nations than they help.

Here is why I think you should not try to implement the Marshall decisions. It is the serious discrimination limit that they put on there, the discriminatory limit to a "moderate livelihood" for indigenous fishers. That treats indigenous fishers as second class. No one else is constitutionally limited to a moderate livelihood. Why should we be implementing treaty rights that treat first nations unfairly?

If I were a member of the Mi'kmaq first nation, I would be quite upset that the government is trying to implement that and to call it reconciliation. Parliament doesn't need to implement any treaty so as to do better for first nations than the British did in 1760. Just amend the currently applicable laws as necessary and forget about the Marshall cases. You can do a lot better without them.

Here is my recommendation for the regulation of illegal fishing. DFO has already started doing the necessary thing, which is to negotiate and, ideally, to sign an agreement or to amend applicable laws or both, but let's not pretend that this is just implementing an archaic treaty right that is discriminatory or that it is just pursuing reconciliation. I would say just regulate the catch, permit it to anyone or everyone consistent with fair opportunities for all and species conservation. Then you can focus on, as one of the previous speakers said, enforcement, about which this committee has already heard much criticism. There's no benefit in offering to implement treaty rights without adequate policing of illegal fishing.

In conclusion, the pre- and the post-Marshall disputes have been going on for years now with tensions simmering between fishers of different groups, but it should all become needless tension. Everyone needs a clear understanding of what the rules are today, but that's not the job of the Supreme Court of Canada or of a 246-year-old treaty with Britain. The government has to decide what it considers to be fair for everyone and to have Parliament enact a comprehensive new law that amends the current legislation to deliver that.

I'm hoping that all of the MPs on your committee will be able to put aside partisan differences and work to the benefit of everyone in the fishing industry. Failing that, you will be creating and prolonging more tension and more harm than you will be resolving. That isn't fair to either the first nations you're supposed to be reconciling with or to the non-first nations fishers who complain of being left out of the current negotiations around reconciliation. In conclusion, then, the two Marshall cases are really a barrier to progress, and it's time to get past them.

Thank you. I await your questions.

● (1550)

The Chair: Thank you for that.

We will now go to Mr. Hawkins for five minutes or less.

Mr. Julian Hawkins (Chief Executive Officer, Vericatch): Thank you very much. I appreciate the opportunity to speak.

Let me, first of all, start off by saying that Vericatch, which is the company I represent, is involved in fishing data. I can't think of a better way of helping tackle IUU than getting actual data as to what's going on. That has to be the core of everything.

Vericatch is a Canadian fishing technology company based in Vancouver, Halifax and St. John's. The company was founded in 2005 by technologists and fishermen. We have a team of in-house developers who develop our products. We have been supporting Canadian harvesters, as well as the DFO, with digital catch-reporting products for more than a decade, and we understand the responsibilities incumbent in that.

Digital catch reporting through electronic logbooks helps fisheries in quite a few different ways. Obviously, it can reduce the time, the cost and the effort of reliably gathering information as to what is going on. It can empower harvesters and the DFO with real-time information so that they can make good and timely decisions based on actual data. It can help reduce negative impacts—in the fishing business, there can be many—and it can offer proof of origin with regard to the supply chain, which, again, helps tackle IUU.

Vericatch is the leading provider of products that meet the Canadian national e-log standard. Our products have been approved by the DFO for the majority of fisheries here in Canada, and we are adding fisheries with every release of the product. These products are based on a voluntary basis at the moment, and they have been used to submit data to the DFO.

Our e-log products are based on a tried-and-tested platform designed and developed here in Canada. They're multilanguage and are designed to work online and off-line from a smart phone, tablet or computer.

As was previously raised at meeting 93, there were some questions relating to the security of fishing data, and I want to briefly speak to them.

To be clear, data from Canadian customers is securely stored here on servers in Canada. We are a technology company. That's what we do, and that's what we know. We follow strong security protocols and approaches to protect our systems and the user data. Our privacy policy is compliant with Canadian federal and provincial laws, and additionally with standards such as the GDPR in Europe.

To get a little bit more specific, there are just two cases where we would disclose user information. One is if we have to disclose it as part of providing our product and services to the user. For example, if somebody is submitting data into our platform that needs to be submitted on their behalf to DFO, then we will disclose that information to DFO. That's part of offering the product. The only other case is if we're legally required to do so by a court. That's it.

We are looking forward to helping modernize the Canadian fishing industry and also to helping harvesters and DFO get the benefits in performance and reliability into Canadian fisheries. As many other industries have seen, there are huge benefits if timely and accurate data are available, and we strongly believe that the e-logs introduction in Canada will help the Canadian fishing industry.

Again, coming back to IUU, I will say that good data is everything. If you don't have good data, you're shooting from the hip, and you're never going to really get there. Getting the good data in from the fisherman actually doing the work is the best way to tackle IUU.

Thank you again for the chance to speak.

● (1555)

The Chair: Thank you for that.

We'll get in now, very quickly, to our rounds of questioning.

We'll go to Mr. Perkins first for six minutes or less, please.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): Thank you, Mr. Chair. It's been a while since I've gone first in committee, so it's quite a privilege.

Thank you, witnesses.

I understand some of the issues and comments made by some of the witnesses today. Obviously, we don't control what the witnesses say in this study on IUU, and people have taken focuses in various directions.

I know, Mr. Roman, you've appeared before the committee before, back in I think the 2020 lobster dispute. I think you said something then about some of the challenges in the way governments of all sorts have managed the fishery and the moderate livelihood issue, which, if I heard correctly, Professor Metallic.... They are similar in that what we have are a series of Supreme Court decisions and a series of policy decisions over 20-plus years from governments, but a lot of those policy decisions aren't based on law in the sense that, as Professor Metallic said, they're not reflected in any of the actual changes to the statute or the regulations.

I wonder, Mr. Roman and Professor Metallic—perhaps Mr. Roman first—if you could comment on that issue and why that's such a gap and a problem.

Professor Metallic, have there ever been any discussions about actually finding a way to put that into your legislation in all of the work you've done with DFO?

Mr. Roman, go ahead first.

Mr. Andrew Roman: Your report four said that it's "beyond the scope of the Committee to define what would constitute a moderate livelihood." My comment to that would be that no one can do that and you shouldn't even try. It's a bad idea. Let it go. There's a lot of that sort of thing, where you're inviting or asking the Government of Canada in your report number four to work out what that is, to help define it and so on, but it's a discriminatory requirement and it shouldn't be there.

The reason the Supreme Court of Canada put that in was because of a very particular issue arising from the way Mr. Marshall was prosecuted. It's more detail than I can go into now—I can write to you about it later—but I think the point is that the two Marshall cases were peculiar because the Crown was beating up on Mr. Marshall for a very tiny amount of fish and the court wanted to see him acquitted—

Mr. Rick Perkins: I don't need a recitation of the case because we have very limited time. I only have six minutes, and we're halfway through.

Professor Metallic, I wonder if you have a few comments.

Prof. Naomi Metallic: To my knowledge, there's been very little effort—if it's ever been contemplated—to make changes to the Fisheries Act or the regulations in order to accommodate the treaty right, although that was specifically mentioned by Justice Binnie in Marshall I. Most of the conversation has been at negotiation tables and, as I say, there have been delays and they haven't amounted to very much.

I've written an article about legislative reconciliation and how I think it's actually important for governments to embrace their role through looking at legislative tools.

I'll leave it there.

• (1600)

Mr. Rick Perkins: Thank you very much.

Mr. Hawkins, I want to understand a little more about Vericatch. Is Vericatch on a contract with DFO, and does it receive money

from the government to provide these services to a fishery? How does it work?

Mr. Julian Hawkins: No, it varies a little bit by fishery, but if I speak about the national e-log standard, for example, that is a standard that has been published by DFO, so companies can choose to provide a product that meets that standard. The people who pay for it, which is typical in fisheries, are the fishermen. They're the people who have to pay for it, so that's the way it's arranged.

Mr. Rick Perkins: Okay. Do you report all that electronic catch data back, or do the fishermen report directly to DFO?

Mr. Julian Hawkins: In our product, the fishermen log it in our product on a smart phone or something. Then when the fishermen hit submit, it is then submitted to DFO.

Mr. Rick Perkins: Have you found adaptation problems? I ask because a lot of the fishermen I know in my part of the world of South Shore, Nova Scotia, don't even know how to use a computer at all.

Mr. Julian Hawkins: Yes, we have to be practical.

We've been working with harvesters, like I said, for more than 10 years on this. A lot of training goes on. We try to make it as straightforward and as clear as possible, but it can be done. People get used to it.

Mr. Rick Perkins: Thank you.

Mr. Young, IUU fishing worldwide is obviously a huge issue, but even within our waters, we seem to have challenges. My understanding, from some information we've gathered, is that DFO alone saw its patrols decline in the last year in our waters on the east coast by 30%.

What happens when those who choose to do IUU fishing, particularly in the offshore as opposed to the inshore—and they are offshore, 80 miles out—know we're not patrolling like we used to?

Mr. Mark Young: Thank you for the question.

Certainly, the opportunity is there to operate in a more non-compliant manner, but I think the way to address non-compliance is not strictly just with at-sea patrols and trying to ensure adequate levels or optimal levels of compliance with at-sea patrols and boardings and inspections only. It's about dockside inspections—port inspections—like the electronic reporting. The ability for the reporting to be provided electronically without the ability for data manipulation reduces opportunities for non-compliance.

Taking advantage of greater opportunities, such as those provided when you look at the port state measures agreement, or PSMA, and looking at efforts to address inspections portside—because all fishing vessels have to come to port at one time or another—provide for effective means to be able to ensure compliance of fishers at sea. Coupled with such mechanisms as the use of technologies such as electronic reporting or electronic monitoring, that provides more near real-time data.

The Chair: Thank you, Mr. Young.

Thank you, Mr. Perkins.

We'll now go to Mr. Cormier for six minutes or less.

[Translation]

Mr. Serge Cormier (Acadie—Bathurst, Lib.): Thank you, Mr. Chair.

[English]

Thanks to all of the witnesses for being with us this afternoon.

I'll start with Mr. Young. I looked at the document you provided us. I saw that you invited a Mr. Mike Kelloway to speak to your group. If you want to have better people talking next time, we can certainly help you on that front.

Kidding aside, you said 20% of seafood imported to Canada was fished in Canada. Is that right?

Mr. Mark Young: The study indicated that about 20% of the imports were at risk of being taken via IUU fishing.

Mr. Serge Cormier: Perfect.

Just to make sure, your organization uses technology to monitor those boats. Is that what I read in the document?

Mr. Mark Young: Our organization does not do that. We help support the fisheries officers of our members to more effectively use technology to do that.

• (1605)

Mr. Serge Cormier: Perfect.

In terms of helping fisheries officers, can you give us—just for the people watching at home, maybe—a simple example of what your group is doing? I think it's important for people to understand what you're doing.

Mr. Mark Young: The IMCS Network operates under the principles of facilitating greater co-operation, coordination and communication between the national fisheries administrations of the different countries around the globe.

Our focus is on the people—the fisheries officers at the forefront of conducting enforcement—to ensure that they have the right tools to be able to do their jobs effectively. We're providing opportunities for capacity building and providing them with the knowledge and expertise to use technology or use different tools and methods to be able to detect and uncover potential illegal activity.

We try to provide that support primarily to our developing country members in all regions around the globe, but also to many countries in Africa and the Indo-Pacific region.

Mr. Serge Cormier: That's great. It's very interesting.

If I asked you whether you thought IUU fishing was well managed in Canada, how would you respond to that?

Mr. Mark Young: I think that I am probably not the right person to ask specifically about Canada's domestic non-compliance issues. There are probably other witnesses who would be better able to do that.

I would be more involved on the level of international or regional potential activities that would affect Canada or that Canada would be involved in.

Mr. Serge Cormier: Okay. Thanks.

I'll go to Mr. Hawkins now, because we're kind of in the same sector.

You were talking about logbooks, Mr. Hawkins, having more data or accurate data. Are you talking about the same logbook that some of the fishermen are using now, which your people are working with them on? Is it the same thing?

Mr. Julian Hawkins: It could be. The answer is that, currently, there's a little bit of a patchwork. Some people are using paper logbooks. Some people are using e-logs. Some of those e-logs are compliant with the national standard. However, as the national standard would imply, DFO is trying to move everybody towards a common standard, because that's going to reduce cost and so forth.

Today, it's a patchwork.

Mr. Serge Cormier: Do you think that this data that you got is accurate?

Mr. Julian Hawkins: That's always a great question. Obviously, somebody is submitting that information to DFO. If it's not accurate, they should expect somebody to be potentially knocking on their door. The answer is that, if you're bringing in data, even if it is not 100% accurate and can't be proven to be 100% accurate, which at times is the case, at least you're bringing in data, and you can you start to look at trends on that.

Again, self-reporting isn't terrific, but where you have dockside monitoring and at-sea observer programs, it becomes more accurate or at least correlated. The accuracy, I think, is improving.

Mr. Serge Cormier: Okay. Thank you.

Ms. Metallic, thanks for being with us. I think you're only two hours away from where I am right now in Caraquet.

Sometimes it's very difficult to ask questions when it comes to first nations in the fishery sector, as you know. There was a lot that happened in my region, especially in the year 2000.

When it comes to food, social and ceremonial fishery and when it comes to giving more access to first nations regarding Marshall or whatever, the government tried their best, and there is certainly room for improvement there. I have a perfect example in my area of a fish plant owned by two first nations now.

That being said, I just want to ask you this. When you say negotiation nation to nation, don't you think it would be better to all sit around the table—first nations, government and commercial fishers—and see what will be beneficial to all those groups, and by coming together make this reconciliation piece a lot better than what people think it is right now?

I'm not sure if you understand what I mean. Don't you think we should all sit around the table and try to figure out what the best way to do this is?

• (1610)

The Chair: Give a very short answer, please.

Prof. Naomi Metallic: It's perhaps both. I think that there are examples of systemic racism against fishers. There needs to be reconciliation. That needs to happen and be worked on. There also needs to be work between the first nations and the government to recognize the role that the communities can play in the fisheries. I think both have to happen. It's not an either-or. You can't just say to treat indigenous peoples like all the other stakeholders.

Mr. Serge Cormier: Okay. Thank you.

The Chair: Thank you, Mr. Cormier.

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

[*Translation*]

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

I thank the witnesses for joining us. This discussion has been very informative.

I'm going to pick up on what my colleague Mr. Cormier was saying earlier. As we can all see, there are laws and the Marshall decisions. Some say that these decisions do not work; others say that they should be changed. Personally, I am a strong enough supporter of the consensus to establish some trust between the government, first nations and non-indigenous fishers.

In your opinion, Mr. Roman, what would be the starting point so that a kind of consensus emerges and everyone ends up trusting each other as we move forward?

It is often said that a climate of trust encourages the interlocutor not to break trust. Confidence that is established in the context of a consensus, where everyone stands together and understands one another, generally limits obfuscation, wrongdoing or the tendency to engage in illegal fishing, for example.

If you agree with what I'm saying, obviously, could you tell me what the first steps would be, in your opinion?

[*English*]

Mr. Andrew Roman: I see a problem, short term, where if there are discussions being had—as there should be—with indigenous people alone and others are left out, then if you have a committee of everyone coming together at some point, those who were left out of the first discussions are going to be suspicious about whether there isn't a hidden agenda for the second discussions. I think that is what has to be dispelled in the course of the second discussions. Otherwise, the whole thing falls apart.

[*Translation*]

Mrs. Caroline Desbiens: That's very interesting.

I would now like to hear Ms. Metallic's comments on this.

[*English*]

Prof. Naomi Metallic: I think that education is a really important piece of this, as well as understanding the protection of constitutionally protected rights. They're not a bogeyman. They're not a bad thing. They are part of who we are as Canadians. We have francophones on the panel whom we protect through minority language

rights in New Brunswick and other minority language rights in other parts of the country.

I sometimes say that there can be, perhaps, some seeing of parallels so that people can understand what we're talking about: our constitutionally protected rights and understanding how those work.

As I was trying to respond to Mr. Cormier, I worry sometimes that if we try to bring it all together and say to treat the indigenous folks as just another stakeholder, then we're not getting at those constitutional rights. Because of the systemic exclusion of indigenous folks, you're not starting at the same level or starting on the same playing field.

As I said in my remarks, there are special obligations that the Government of Canada and provincial governments have to indigenous peoples that need to be followed and worked through. You can't just ignore Supreme Court of Canada decisions.

However, I think there is a big education piece. Opportunities to have discourse and discussion and to build bridges are important. There have been some good examples in the Maritimes. In the area of Bear River First Nation, they had a really great project with local fishermen in Digby back in the early 2000s. They were able to make some good connections. This work can be done, but I think there's a huge education piece.

Thank you.

[*Translation*]

Mrs. Caroline Desbiens: That's very interesting.

My next question is for Mr. Roman and is a little more technical in nature.

You raised a form of obsolescence in the existing legislation on indigenous rights. What do you think this means for the fisheries sector in concrete terms?

• (1615)

[*English*]

Mr. Andrew Roman: I think the misapprehension in the Marshall case is that it created treaty rights to catch almost any species of fish. In the written document I've submitted in the brief, I say that the case actually decided only about eels. It decided what was necessary to decide the case of Mr. Marshall. He was fishing for eels. That's what they said they decided. They made that very clear in Marshall II.

I think the way that this has affected the industry is that some fishers believe that it gave treaty rights to catch anything anywhere, and others believe that it was very narrow. That's why we're looking at the future through the rear-view mirror. That's why I think we should stop doing that, forget about the Marshall cases and start looking at what we want to do with the Fisheries Act.

The Chair: Thank you, Madame Desbiens.

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

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

Thank you to the witnesses who are here.

I have questions for Ms. Metallic.

My first question builds off the questions that my colleague Caroline Desbiens was asking just now. We heard from a witness talking about the Marshall decision as being limited to eels and about some of the potential confusion around that, which we were hearing from the previous witness. I'm wondering if you have any reflections or additional thoughts on that.

Prof. Naomi Metallic: I do. In fact, I litigated a case on this a couple of years ago and spent the better part of a morning taking the trial judge through both Marshall I and II, stopping at every point where the court said that it is a treaty right to fish and hunt for a moderate livelihood.

In Marshall II it's actually really helpful if you read it all the way through. There is a reference to species specificity, but it is in relation to the justification of the right. The process that I had explained earlier—the process of justification—may change depending on whether you're talking about lobster or eel or shrimp or what have you, but the main Marshall I decision itself is about a right to fish for a moderate livelihood, as well as to hunt.

There is a 2005 Marshall case where the court said that it doesn't include the right to harvest logs, for example, so it's very clear, when you look at all three, that species specificity is in relation to justification and not to the right itself.

However, there is huge miscommunication and misunderstanding around that too, and I think that is part of my recommendation for why there needs to be greater education around what the decision means, what it says and what it means for governments to respect and honour treaty rights, as well as respect by citizens more generally.

Ms. Lisa Marie Barron: Thank you.

Are you seeing that happening? Do you see opportunities for increased education happening in the community around what those decisions mean and what the treaty rights are?

Prof. Naomi Metallic: I teach at a law school, so I do in my classroom and with my students. More broadly I think there is greater education. Of course, what happened on the water in 2020, I think, has led to more discourse.

In Halifax I have certainly seen different members of the public have questions and want to learn more. It's just a better understanding of the issue.

These are complicated issues, but I do think there is an appetite. I think, especially after seeing some of the stuff that happened in 2020, it's just what's going on. Also, people are hearing about the fact that there are 50 ongoing prosecutions currently happening in Nova Scotia and that these matters are not resolved. They're being treated simply as enforcement issues when they could be treated more as matters for discussion and negotiation, and I think for working. I think there is such an opportunity for governments to actually sit down and work with the communities.

We have interest in protecting the different species as well, and we have Mi'kmaq and Wolastoqey values and laws that help us in that. I think that by working together and collaborating, a lot more could be done, but currently we're not seeing that. We're not seen as having a say or a role in the management of these resources as it relates to our fisheries rights. We are being treated simply as another stakeholder, which I think is not working and hasn't worked for the last 20 years.

• (1620)

Ms. Lisa Marie Barron: Thank you.

We heard from a witness recently, Mr. Russ from the Coastal First Nations-Great Bear Initiative. I'm just taking a quote out of what he said in his testimony. He talked about “inaccurate and sensationalist accusations involving first nations in illegal, unreported and unregulated fishing in Canada.” He was identifying that as something that happening quite frequently, and he pointed out, “The further criminalization and vilification of first nations looking to exercise their most basic inherent and aboriginal rights is not the answer.”

I'm wondering if you can provide any thoughts on those remarks.

Prof. Naomi Metallic: I think that is an excellent summary of some of the public sentiment.

When I was invited to come and I was reading the different transcripts, I had these same concerns about how, for some witnesses, indigenous fisheries were being framed as IUU as opposed to constitutional rights that have yet to be fully implemented. I agree with his statement.

Ms. Lisa Marie Barron: Thank you, Ms. Metallic.

I'm going to ask my last question to Mr. Hawkins.

Mr. Hawkins, this has been a bit of a focus of ours for a while, looking at the data collection and how to more effectively collect it. A couple of things that came out, in addition to privacy concerns, were around connectivity, so sometimes fishers were out of range. Also, standards are set and then, by the time the technology is developed to meet those standards, the standards are then changed by DFO.

I'm wondering if you can provide some thoughts on that.

Mr. Julian Hawkins: Yes. There are a couple of things.

We've been working in fisheries for a while. If you don't have a solution for when the fishermen can't get a signal, then you've really left them up a creek.

Certainly, our products work with or without a signal. When you get a signal, you can synchronize the information you put in before. It's not great. In the future, people will probably be able to pick up the Internet everywhere, but there's certainly a solution for that.

I'm sorry. What was the second part of your question?

Ms. Lisa Marie Barron: It was around the standards being set.

Mr. Julian Hawkins: Yes.

The other thing about fisheries is that the rules change all of the time, and not just in Canada. Quite often it's for good reasons. It's not always for bad reasons. You have to design software that is adaptable. Even during the process of working with DFO and the national e-log standards, our team actually found that there were some open issues that hadn't yet been identified. Again, we were asked to make changes.

Any system should be able to make changes within just a few weeks. It has to be a living system. If you're recording things that people needed to know 10 years ago, then you're not recording what they need to know today.

The Chair: Thank you, Ms. Barron.

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

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

Thank you to all the witnesses here today. Your testimony is invaluable.

I'll start with Ms. Metallic.

You described the justification test established in the Sparrow case. The two prongs to this test are, first, that there be a valid objective, and second, that the government has to show that it is following a certain process that ensures that its treatment of aboriginal treaty rights is in line with the honour of the Crown and the government's fiduciary duty.

In the terms of a valid objective, is it your understanding that conservation is a valid objective?

Prof. Naomi Metallic: Yes, it is, but it has to be proven. There has to be evidence to establish that it is indeed a valid objective in that particular context.

Mr. Mel Arnold: Thank you.

The Supreme Court has identified that the conservation and management of natural resources can be part of the valid objective. In fact, with the commercial context in the Gladstone case, the court also noted that there can be additional objectives, such as addressing economic and regional fairness within an industry, as well as historical reliance and participation by non-indigenous groups in an industry.

Ms. Metallic, would you agree with this statement?

Prof. Naomi Metallic: Yes. I said it in my submissions as well.

Mr. Mel Arnold: Thank you.

Are you aware of illegal, unreported and unregulated fishing occurring in Canadian waters?

• (1625)

Prof. Naomi Metallic: I have not directly witnessed any.

Mr. Mel Arnold: Thank you for that.

I will move on to Mr. Young now.

Mr. Young, you mentioned that organized crime is now being more involved in IUU. Could you elaborate a little further on that?

In particular, is it because of the value of some species and the value of the catch? Is the monetary value driving that?

Mr. Mark Young: Certainly, the value of the catch is part of that. You can see that some of the tuna catch goes for thousands of dollars per fish and the income you can receive for that.

For organized crime, there is also the context of using fishing vessels that appear to be engaged in fishing, but there are opportunities to take advantage of potential arms trafficking or drug trafficking associated with the fishing vessel. Typically, those types of fishing vessels that might be involved with that have a master or owners who do not operate at all times in compliance with fisheries' rules and regulations.

Mr. Mel Arnold: Thank you.

You mentioned that dockside reporting and inspections could be more useful than actual patrols and monitoring.

How would that be effective in the case of foreign vessels that don't necessarily report in Canada or the U.S.? How would you monitor it at the docks in those countries and be sure that accurate reporting was coming back to Canada or the U.S.?

Mr. Mark Young: There is the FAO's port state measures agreement or PSMA. The importance and value of it is that it is a global treaty. It becomes more effective when more countries sign up to the port state measures agreement and have the obligations that are in there.

There are obligations associated with sharing information and data for inspections conducted in port, especially when there's a risk of IUU activity associated with the vessel. It provides opportunities for engagement with the appropriate flag state and the sharing of information. FAO is developing a global information exchange system associated with the port state measures agreement that provides opportunities for that sharing of information, which would be applicable to both Canada and the U.S.

Mr. Mel Arnold: Thank you.

I have just one more quick question before my time runs out. Is the participation in that group and organization voluntary, and are only the good apples participating? Are the bad apples not there?

Mr. Mark Young: We are finding that more and more countries are signing up for the port state measures agreement. Certainly, it would be beneficial if all countries did sign up for it, but the more countries that do sign up for it, the greater the opportunities it provides.

The PSMA is not the only mechanism. Just having port state measures, even without signing on to the agreement, are effective. Having agreements between countries that share a maritime boundary line and their being able to share information are important factors that feed into that. It's not necessarily just having to sign up to the PSMA. It's also having effective port state measures in place that address those issues.

The Chair: Thank you, Mr. Arnold.

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

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for providing some really interesting testimony. I appreciate it. IUU has a tremendous impact. All the MPs on this committee have heard a lot, but we've also witnessed a lot. Most of us are from a coastal community. We've seen the impact of IUU in terms of the extraction, in fact, of community wealth. We've talked about it here. Witnesses have talked about the involvement of organized crime but also the impact on the species, whatever species we're talking about, in terms of sustainability.

Before I go to you, Professor Metallic, I want to make sure I have your title right. Are you Dr. Metallic or Professor Metallic?

• (1630)

Prof. Naomi Metallic: I am mid-Ph.D. You can call me Professor Metallic. Thank you.

Mr. Mike Kelloway: You're welcome.

Professor Metallic, on Tuesday we heard from indigenous witnesses from the west coast. Something kind of stayed with me from their testimony. They talked about C and P officers not understanding their rights well enough to do proper enforcement. I'm wondering if you would agree with that.

You talked a fair amount in your testimony and also your answers today about the importance of education. Oftentimes when I'm out and about in different communities, I really get the sense that there's a dissonance, or not a shared literacy, on a whole host of things among different groups, from first nations to fishers, from government to first nations, or from first nations to fishers.

I'm wondering if you could speak to that for us.

Prof. Naomi Metallic: I don't have any direct experience with that, but there's been some excellent coverage of that by the Aboriginal Peoples Television Network. Angel Moore in particular is a journalist who has gone in depth and I guess under cover. She got infiltrated into the Facebook of our C and P officers, where in fact there were several disparaging, discriminatory and racist comments about that, and she reported on some of these issues.

I think that's an element to all of these issues and does speak to education, cultural competency and the need for quite a bit of this in this area. That's not to paint all officers in that respect—

Mr. Mike Kelloway: No, of course not.

Prof. Naomi Metallic: —but there certainly are issues.

Mr. Mike Kelloway: C and P officers are doing a very tough job. I've met many of them, and they're just top-of-the-line professionals.

I'm wondering if, based on your conversations with stakeholders and with first nations no matter where they are in Atlantic Canada, you've heard of any interesting models that may help C and P but also help first nations writ large, and the fishery writ large, in terms of enforcement.

Maybe “enforcement” is not the right word. Maybe I'd be struggling for the word there.

Prof. Naomi Metallic: Not having a clear recollection of exactly when this conversation was, I think it goes back to this idea of collaborating. If Mi'kmaq and Wolastoqey first nations were seen as having a role, seen as having a management role, and that management role was seen to be collaborative or in partnership with C and P officers, maybe there could be training, collaboration, joint work, shared information or data sharing. I do think these are opportunities to work together.

My home community of Listuguj does have a rangers program. We have had it for about 20-plus years. I think they do work with local enforcement. There's a relationship. A lot of it is about collaboration and relationship building, but I think it requires the change in perspective of seeing a partnership with indigenous nations as opposed to their being just simply stakeholders in this.

Mr. Mike Kelloway: Thank you very much.

I have about 30 seconds left, and I'd like to go to Mr. Young.

Traceability is something that we've seen as a big issue with IUU. You mentioned in your opening remarks technology and data, and we've heard about the use of e-logbooks, which may very well be a recommendation...I'm not sure. Are there other technologies that you would recommend that DFO implement?

Technology is absolutely going to be a necessity and our friend here. I'm wondering if you could unpack that in five seconds or less, or maybe you could provide that in writing.

Mr. Mark Young: In five seconds or less, really quickly, it was really interesting during our global workshop last year in Halifax that we had someone from NOAA Fisheries in the U.S. who talked about AI in electronic monitoring, so AI is another area of technology that might be of increasing use.

It's great to be able to see that in a single jurisdictional type of fishery. It might be a little easier to implement. Where the problem gets hard is in multijurisdictional fisheries such as in the Pacific region, where you have dozens of distant water fishing nations fishing on the high seas and in coastal state waters and trying to implement a traceability system that addresses all those particular issues.

AI is an interesting aspect, but it's probably a long way off, especially for developing countries.

• (1635)

The Chair: Thank you, Mr. Kelloway.

That concludes our first hour of testimony and questioning.

I want to say a huge thank you to our witnesses, who have appeared both in person and online, for sharing their knowledge with the committee today on this very important study.

Again, we'll switch out from our current crowd here, and we'll go to our next lot.

We'll suspend for a moment.

- (1635) _____ (Pause) _____
- (1635)
- (1640)

The Chair: Could we get everybody to the table so we can get started with our second round?

I'm going to cut some of the opening remarks a bit short.

I would now like to welcome our witnesses. On Zoom, representing the Canadian Coast Guard, we have Marc Mes, director general, fleet and maritime services. In person, from the Department of Fisheries and Oceans, we have Adam Burns, assistant deputy minister, programs sector; and Brent Napier, acting director general, conservation and protection.

Thank you for taking the time to be here today, as you've already appeared on this study.

I understand that you are ready for the rounds of questions without opening remarks.

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

Mr. Mel Arnold: I was preparing to hear opening remarks, but I guess I will start out with Mr. Burns.

We have heard that there are decreases in the patrols, particularly off of the east coast of Canada, with as much as a 30% reduction in patrols and matching declining numbers of boardings or inspections. Can you provide any details as to why that is?

Mr. Adam Burns (Assistant Deputy Minister, Programs Sector, Department of Fisheries and Oceans): Thanks for the question, Mr. Chair, but I'll pass it to Marc Mes from the Coast Guard.

Mr. Marc Mes (Director General, Fleet and Maritime Services, Canadian Coast Guard): Thank you very much, Mr. Chairman.

You are correct. There has been a reduction with regard to the patrols in the NAFO region in Atlantic Canada over the last two years, primarily due to the fact that our ships are now going through vessel life extension, which is in anticipation for the new arrival of vessels. To extend those vessels, we've had to take some vessels out of service and, due to some lengthy steel work and additional work, that has caused us to have a reduction in the number of days when we are present.

We do have a third vessel that also does provide a level of support, but unfortunately, with an aging fleet, it also went through some mechanical issues. Therefore, those days have been reduced. When we get both of those vessels back on to the NAFO in the next year or so, we'll be back up to our full 600 days per year.

Mr. Mel Arnold: Thank you for that, Mr. Mes.

Would the bad actors, the foreign vessels and Canadian vessels, potentially, that may be interested in IUU operations, be aware of the reduced patrols?

Mr. Adam Burns: Mr. Chair, I'll answer that question for you—and thanks again for the question.

Our level of coverage is ultimately reported to NAFO. At the same time, other contracting parties are also engaged in enforcement activities in the NRA, and we have other enforcement approaches that go beyond simply vessel presence.

Mr. Mel Arnold: The question was, would the nefarious bad actors be aware of those reduced activities?

Mr. Adam Burns: All contracting parties report their various enforcement activity hours to NAFO. It's after the fact, not before the fact, but it is indeed something that is reported.

Mr. Mel Arnold: Would they have known that DFO was short on vessels for patrols? Is there public reporting, basically, or would there be public information available that would...?

Mr. Brent Napier (Acting Director General, Conservation and Protection, Department of Fisheries and Oceans): Yes, the reporting is part of the compliance report, which is a year behind, so they wouldn't know in advance that there would be less detection. The other piece is that they do run their own radar, so they could tell if there was a patrol vessel in the vicinity.

Mr. Mel Arnold: They would know that there were fewer vessels in the area—more opportunity for them to become bad actors.

Was this a budget issue, a personnel issue or was this simply that the minister or successive ministers—because we've had six over the last eight years—haven't made vessel readiness and procurement a priority?

Mr. Adam Burns: I'll pass that to my colleague Marc Mes.

Mr. Marc Mes: The vessel life extension program is a well-thought-out program that helps us get to where we need to be in the arrival of the new vessels. It is planned. It is working well with PSPC as we identify the shipyards to deal with some of these mitigating issues with our ships and make sure they're ready. At the same time, we prioritize, reassess and move vessels around to address some of the program deliveries and gaps that we have across all of our programs.

Mr. Mel Arnold: Have DFO and the Canadian Coast Guard been able to operate all planned patrol missions, or have some or any been curtailed because of staff shortages?

• (1645)

Mr. Marc Mes: We had some during COVID, of course. There were some issues with regard to crewing and some of the program delivery, but once those measures were put in place to mitigate that on board our ships, we were able to deliver programs. There are always, at certain times, some crewing issues, particularly in some of those key areas like engineering, but we look at moving those engineers across the country to ensure that we have program delivery. However, there was nothing of a significant length of time, from a crewing perspective, in program delivery.

Mr. Mel Arnold: Mr. Perkins, do you want to take 40 seconds?

Mr. Rick Perkins: Sure. Thank you.

Again, to our witness from the Coast Guard, just as a follow-up, you said the programs on vessel replacement were going well. The polar-class 1 icebreaker is required, obviously, to help with the patrols of the north. It was announced 16 years ago—in 2008—but we have yet to finalize the design. I wouldn't call that going well. Would you?

Mr. Marc Mes: The design is well under way with Seaspan's Vancouver Shipyards, with the goal of having the polar delivered in 2030, which would be in line with the end of life for the *Louis St-Laurent* and some of the other vessels. It is a process in designing one of the most advanced polar icebreakers in the Arctic, so that's where we are in that process. However, we are on track for a 2030 delivery with Vancouver Shipyards. As a matter of fact, a prototype is currently under way as we work with the shipyard on the design and build of that vessel.

The Chair: Thank you, Mr. Perkins.

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

Mr. Mike Kelloway: Thank you, Mr. Chair.

Hello to everyone, and thanks again for your testimony.

There's no question that when I hear “funding” my ears perk up. We could always use more money. In fact, it's my understanding that in the fall economic statement we had money allocated for DFO and the Coast Guard, which the Conservatives voted against. Nonetheless, enforcement is a huge priority for all of us around this table.

I wonder if you could walk through a couple of things for me because I think it's important, again, not just for all of us here but for all those watching. My understanding is that, when charges and law enforcement are in play, it's not conducted out of the minister's office. There's a line, the blue line or bright line. Can you talk about where politics end and law enforcement begins?

Mr. Adam Burns: I'll take that. Thanks for the question.

That's absolutely true. There is no direction to our enforcement officers in terms of pursuing charges. Indeed, our enforcement officers observe and investigate what's going on and build a case report, which they then work with the Public Prosecution Service on. It is ultimately a decision of the Public Prosecution Service as to whether or not charges would be pursued in court.

That is the process. Indeed, there's no involvement outside of the direct chain of command of conservation and protection within the

department to inform which activities or files might be brought to the Public Prosecution Service and what investigations would be undertaken in that way.

Mr. Mike Kelloway: Thank you for that, Mr. Burns.

With the last series of witnesses, I talked about conservation and protection. I think many of us around the table have had the pleasure and the privilege of meeting the men and women in conservation and protection. They are doing a lot more than ever on a whole host of fronts in a variety of provinces.

I'm wondering what we can do to improve the ability of the officers to do their job more completely and without risk of danger. These men and women are facing an increasingly alarming amount of danger. It is in relation to IUU. It's in relation to bad actors. It's in relation to individual bad actors, organized crime and all of these.

I think people need to realize this. These C and P officers live in these communities. When they go to the grocery store, they're known as C and P officers. They do such a great job. It's that blue line.

I'm wondering what we can be doing to help C and P.

Mr. Burns, that's for you, but it's for others around the table there as well.

• (1650)

Mr. Adam Burns: We work on a daily basis with conservation and protection, reviewing the policies and procedures and ensuring that the direction they're receiving from their chain of command is being provided to them in an appropriate way. We're ensuring that the rules and the lay of land are clear to them and that they're adequately resourced with the appropriate tools, as well as the appropriate ongoing training. It's not just about that initial training. It's about ongoing, updated training.

It's ensuring that they have the best available intelligence information, and it's understanding what the state of play is, if you will, to ensure they're appropriately equipped to be able to do their job.

Mr. Mike Kelloway: Thank you, Mr. Burns.

Mr. Chair, how much time do I have left?

The Chair: You have one and a half minutes.

Mr. Mike Kelloway: For the record, I seldom get the six-minute slot. The five-minute and the 2.5-minute slots are usually my jam. This just gives me a little bit more time to ask.

For Mr. Burns or the others, what can we be doing better right now, from both an inshore and an offshore perspective, on IUU in terms of utilizing technology?

Our previous witnesses talked about the importance of looking at e-logs and dockside monitoring. That's fair enough, but are there things we are working on now that you can share with us that may not necessarily mean more people, but may mean using technology or other means to cut down on the amount of IUU?

Mr. Adam Burns: We have received investments to help the department implement the fisheries monitoring policy across key fish stocks over the coming years. That policy is really meant to review the full scope of information that enforcement, science and fisheries managers need from a particular fishery, and then to look at the various ways we can obtain that information.

We'll be undertaking that work over the coming months and years to improve the monitoring on a fishery-by-fishery basis. That might include e-logs and different roles for dockside monitoring, at-sea observers, etc. Each fishery has its unique set of information needs. Each fishery is operated in its unique way, so it's important to do that analysis on a fishery-by-fishery basis.

Mr. Mike Kelloway: Thank you.

The Chair: Thank you, Mr. Kelloway. I don't know what jam you're in, but you were 15 seconds over.

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

[*Translation*]

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

I thank the witnesses. Some of them have appeared before our committee before, so it's good to have them back.

Earlier, we were told that patrols declined by 30% on the Atlantic side and that it was due to the obsolescence of the ships and the lack of resources to make the upgrades on time.

In Quebec, we have the Davie shipyard, which has the capacity to meet 50% of Canada's shipbuilding needs and meets the highest technology standards. We have been fighting for several years for the Davie shipyard to have its share of the market, its share of shipbuilding projects and its share of contracts. While the Davie shipyard is waiting for contracts, other shipyards elsewhere in Canada are still not able to meet their commitments for upgrades. That's not counting the cost overruns. Today, we find ourselves in a situation where we do not have enough ships for the patrol fleet.

Does that decision come from the Department of Fisheries and Oceans? Is it a directive from the top, from the Minister of Finance, for example? How can it be explained that, despite the fact that a shipyard could deliver a certain number of ships on time, the government decided instead to fund the upgrading of ships carried out by other Canadian shipyards, which have not yet been able to meet their commitments?

Are the decisions that are being made on investments, on shipbuilding and on ship upgrades coming from your department, or are they stemming from a directive from a higher level of government?

• (1655)

Mr. Adam Burns: I'll let Marc Mes answer that.

Mr. Marc Mes: I thank the member for her question.

[*English*]

This is a very good question. The Davie shipyard, of course, is one of the three yards under the national shipbuilding strategy that have been recently announced. It will be tasked with building the Coast Guard's six large program icebreakers in the coming years, along with the second polar-class icebreaker.

At the same time, the tendering process.... Working with PSPC on putting these contracts out for vessel life extension and major re-fits is a process whereby it's tendered and people then bid on those contracts and go through the process set by PSPC. A winner is determined through the bidding process, and those contracts are awarded.

Through the NSS, the three large shipyards—ISI, the Vancouver Shipyards and now Davie—are really the focus of the safety and security of the fleet of the future, including the building and renewal of the Coast Guard's fleet. In particular, with Davie, there are the program icebreakers and the second polar-class icebreaker in the years to come.

[*Translation*]

Mrs. Caroline Desbiens: Thank you for your answer.

Is the fact that we have a 30% shortage in patrol vessels today due to a lack of foresight or to a lack of vigilance? It could have been foreseen that these ships would end up needing repairs or upgrades. The Davie shipyard could have even built new ships.

Isn't there something that has been missed over time? Had nothing been missed, there would be no shortage of ships.

Mr. Marc Mes: Again, I thank the member for her question.

[*English*]

I'll answer this one again.

This is quite simple. The Coast Guard developed and continues to renew its fleet renewal plan. The planning of ships, going back to 2012 and even 2007, has evolved, and the government has had the foresight to help fund the replacement of various classes of our ships.

You spoke about the last two years and the 20%, as you alluded to a lack of Coast Guard presence and patrols in the NAFO region. Part of that is in the vessel life extension and major refits of these vessels, because they are older vessels, they do take longer. For instance, if I look at the latest ship, the Coast Guard *Cygnus*, which is one of those offshore patrol vessels in NAFO, it took a little bit longer than a year to do a lot of that vessel life extension only because of the aging vessel. However, that's part of the work that it does, and it's an older vessel.

That being said, it will be replaced in 2026-27 and then 2027-28 by the new Arctic offshore patrol Coast Guard variant vessels that are currently being built in ISI. We will be receiving those replacement vessels in the next four to five years, but the plan is in place, working with PSPC, on the replacement of those vessels through all classes.

The Chair: Thank you, Madame Desbiens.

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

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

Thank you to the witnesses for being here and for some returning again.

My first question is to you, Mr. Burns.

Those around this table are probably going to get tired of me reading this testimony, but I feel that it is particularly impactful and I would like to get your thoughts on it.

We had Mr. Russ here from the Coastal First Nations-Great Bear Initiative during this study, and he pointed out that there are, in his words, "inaccurate and sensationalist accusations involving first nations in illegal, unreported and unregulated fishing in Canada." He pointed out, "The further criminalization and vilification of first nations looking to exercise their most basic inherent and aboriginal rights is not the answer."

I'm wondering if you could share some thoughts around that particular testimony.

• (1700)

Mr. Adam Burns: I would say that the government is very committed to reconciliation with indigenous communities. What we seek to do is work with communities to understand what their perspectives are on what their rights-based activities are as well as what their economic objectives from the fishery might be. We seek to work with them in order to further those objectives.

That is what we are focused on, and on all three coasts negotiators from my group are engaged with nations doing just that and working collaboratively to try to further those interests.

Ms. Lisa Marie Barron: Thank you.

Not to point out specific words, but I noticed you used the word "perspectives" on rights, and that made me think about the fact that we have had many witnesses in this study point out that they felt there was a lack of understanding around the obligation to respect and protect indigenous inherent treaty rights and the obligations under UNDRIP. I'm wondering if you're seeing the same thing in your day-to-day work.

Mr. Adam Burns: What we seek to do is understand the asserted or court-affirmed rights of a particular nation and work with them on furthering those rights.

Ms. Lisa Marie Barron: Great. Thank you.

Do you feel that at DFO there are opportunities for staff to better understand how to best work with nations to ensure that these rights are being upheld?

Mr. Adam Burns: We work with our staff on a regular basis. The folks in our negotiations area who work directly with nations on undoing the things that I've described earlier are absolutely top notch in what they do and have a very deep understanding of indigenous rights and of the approaches that are being undertaken related to reconciliation. However, we certainly do seek to work with staff throughout the department to help them better understand all of those things as well.

Ms. Lisa Marie Barron: Thank you.

Through the chair, Mr. Russ also went on to talk about how the first nations are ready and willing to work with the federal government on a nation-to-nation, government-to-government basis to reconcile the rights and jurisdictions of their member nations with those asserted by Canada.

It sounds like some of the witnesses are saying that the work that they would like to see to ensure that those rights are being asserted is not being done. I'm wondering what your thoughts are on that, and perhaps, if you could, provide a bit of a response to Mr. Russ's comments that the nations he's referencing are willing and able to work alongside.

Mr. Adam Burns: Through the chair, I would say that the department is actively engaged with a number of nations on a variety of aspects, including various elements related to shared decision-making, various aspects of engagement related to the management of the fisheries, and understanding their rights, be they asserted or court-affirmed, and their economic objectives. Indeed, we are very actively engaged with a number of nations. I can't speak to the specifics of one particular negotiation at this moment, but the department is very actively engaged with a number of nations, as I said, on all three coasts.

Ms. Lisa Marie Barron: Thank you.

I'm wondering whether DFO has made their position clear on moderate livelihood and food, social and ceremonial rights. It feels like, when we're sitting around this table, there's the lack of a common consensus on what those treaty rights mean and how they apply to fishing rights.

I'm wondering if you have any thoughts on that.

Mr. Adam Burns: The Sparrow decision of the Supreme Court in 1990 that found the right for fishing for food, social and ceremonial purposes, which the department has applied through policy throughout the country related to fishing, is about the local needs of the community, and essentially their food needs as well as social and ceremonial needs. We seek to work with nations to understand what those food needs and social and ceremonial needs are, and to provide that and to give food, social and ceremonial access a priority that is higher than commercial or recreational fishing—really only second to core conservation objectives.

In terms of the Marshall right of the 35 Mi'kmaq and Wolastoqey nations, the peace and friendship treaty nations on the east coast, on that right found by the courts we work with each of those nations to understand how they want to pursue that right. We work with them through various programming instruments in order to further their ability to pursue that right. I would say that we approach that right on a nation-to-nation basis and work with each nation directly in order to understand their vision for how that right should be pursued.

• (1705)

The Chair: Thank you, Ms. Barron.

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

Mr. Rick Perkins: Thank you, Mr. Chair.

As I think has been referenced, Mr. Burns, earlier this week we had three representatives of B.C. fishing alliances for first nations. I asked them whether they collected and reported catch rates on commercial and communal commercial licences and FSC catches and, if so, whether they reported that to DFO. They said yes to both counts.

Do first nations in Atlantic Canada do the same?

Mr. Adam Burns: Certainly with respect to the commercial and communal commercial licences, the commercial reporting requirements are present there for those as well. I would not want to say to you today that there's 100% reporting related to the catch of FSC. I wouldn't be confident enough that this is indeed the case.

Mr. Rick Perkins: I asked DFO in an Order Paper question through the House of Commons to provide me with the FSC catch rates in Atlantic Canada. The response was that there aren't any.

Mr. Adam Burns: I won't question the response that was given. What I can tell you is that we know through observation that FSC catch rates are very low relative to the overall removals in the fishery. In our scientific processes, in areas where there are catches that aren't specifically quantified, including in some recreational fisheries on the east coast as well—

Mr. Rick Perkins: Okay. That's fine. You basically said that you agree—you don't have the data, although you have it for the west coast. I'm not sure why the double standard.

I'll move on to more philosophical things. The purpose of everything DFO does is conservation—is it not? Everything you do about rules around what you can do in a commercial catch or a recreational catch is about conservation of stocks—is it not?

Mr. Adam Burns: The Fisheries Act speaks to conservation and the proper management and control of the fisheries. The orderly

managing and the orderly running of the fishery as well as conservation are at the core.

Mr. Rick Perkins: Right, so no decision that the department would make wouldn't be based with conservation in mind, whether it was regulation or rules.

Mr. Adam Burns: Again, the core responsibilities for the minister relate to conservation and the orderly and proper management of—

Mr. Rick Perkins: I'll take that as a yes. Obviously, enforcement of the rules and regulations is critical to making sure that conservation is preserved. Is that not correct?

Mr. Adam Burns: It is a core element of our overall management regime, absolutely.

Mr. Rick Perkins: I'm concerned, because through access to information several years ago, before I was elected, I got access to some sitreps from C and P around the situation that happened in St. Marys Bay in southwest Nova Scotia back then. This sitrep here, from the maritime region, says that C and P ordered officers in the gulf and maritime regions to be directed to observe and record and report. In other words, don't charge anyone and don't enforce the law.

Can you tell me about or can you provide to this committee any similar sitreps since then on any fishery in southwest Nova Scotia where similar orders were given to C and P officers, including the last two years in the elver fishery, please?

• (1710)

Mr. Adam Burns: I'm not part of the C and P chain of command.

Mr. Brent Napier: That was a very specific case in terms of public safety concerning the safety of the officers and trying to understand the rules in place.

Mr. Rick Perkins: Did you issue similar ones last year during—

Mr. Brent Napier: We do not issue those from headquarters. They're technically—

Mr. Rick Perkins: Can you check and provide those to the committee, please?

Mr. Brent Napier: We can certainly look into those, yes.

Mr. Rick Perkins: Last week, DFO in Halifax met with the licensed elver harvesters and told them that they would provide no more C and P enforcement than they provided last year on the rivers of Nova Scotia, where people were assaulted with pipes, where people brought firearms and weapons out on the river and where no licensed elver harvester has ever seen a C and P officer show up. All of them have live cameras on the river. After 18 days of this lawlessness, it was the licensees who were held back.

Can you pledge to me that you are going to work with the RCMP to have people on the rivers one month from now in March when the poaching starts, which is about a month before the official season? Will you commit to making sure that there are officers on the river—not at the airport and not patrolling buyers, but on the river—to prevent the violence and the poaching?

Mr. Adam Burns: The department is actively engaged in three streams of work, which are the management review, the allocation work and the regulatory work on possession of elvers.

Mr. Rick Perkins: It's a simple yes or no.

Mr. Adam Burns: What I can tell you is that last year the department allocated more C and P resources to elver enforcement—

Mr. Rick Perkins: Are the elver harvesters incorrect in what they told you?

The Chair: Mr. Perkins, your time is up. Your time has gone over, actually, so you can't be butting in like that.

Mr. Morrissey, go ahead for five minutes or less, please.

Mr. Robert Morrissey (Egmont, Lib.): [*Technical difficulty—Editor*] from my colleague, Mr. Kelloway, which was interesting because often DFO is the one that receives the blame for not pursuing charges.

Could you explain to the committee, so it's on the record, the process of who makes the decision on what cases will be prosecuted in the courts?

Mr. Brent Napier: Yes, absolutely. I think we referred to some of that process earlier. The Public Prosecution Service does.

Mr. Robert Morrissey: It's not DFO. I attend a lot of fisheries meetings and it's usually protection that hears from the fishers things like, "How come you're not doing this or that?", so that's a valid point.

Mr. Brent Napier: They actually use two criteria, which are public interest and whether there's sufficient evidence in the case to hope for a successful outcome.

Mr. Robert Morrissey: Based on that, could you provide the committee with the number of charges that were laid and how many of those charges actually ended up being prosecuted in the courts?

Mr. Brent Napier: We can provide that in writing.

Mr. Robert Morrissey: Okay, I would appreciate that.

Could either of you explain to the committee the criteria that is currently used to train a fishery officer? I'm curious because I don't know the answer.

Has it changed over the years? How is a fishery protection and conservation officer trained today? Is there a difference from years ago?

Mr. Brent Napier: There has been a shift. It's 16 weeks, which has remained the same. That's for the initial basic training. We've moved from the RCMP, which used to conduct the majority of our training, to APA, which is the Atlantic Police Academy.

We have evolved many of the courses to reflect the modern nature of it and some of the circumstances we see. Modern tools and indigenous awareness are also a prominent element of it.

Mr. Robert Morrissey: Is the department comfortable with the level of training that newer recruits have before they move into the field to begin enforcing the acts?

Mr. Brent Napier: Absolutely. The 16 weeks is basic training, and then they arrive at a detachment where they receive extra training accompanied by expert, experienced officers, etc.

Mr. Robert Morrissey: Could you provide to the committee how many charges proceeded to court? Of those charges, how many resulted in prosecution of illegal activity and how many were dismissed?

● (1715)

Mr. Brent Napier: We can certainly look at that success rate, if you will. We can provide that in writing.

Mr. Adam Burns: Mr. Chair, if I could just add one point on that, with respect to the laying of charges versus successfully having them pursued in court, one of the things that C and P does in order to not overwhelm court time is work with the Public Prosecution Service and through a regional charge review committee that reviews the case report and works with the Public Prosecution Service to try to meet its information needs so that they can properly and adequately assess public interest and the likelihood of a successful outcome.

If the determination by the prosecutor is that it would likely be a negative, in many cases, charges won't be laid in order to avoid the frivolous laying of charges that wouldn't otherwise be pursued by the Public Prosecution Service.

Mr. Robert Morrissey: I do not believe that the industry is fully clear on that, because it looks to DFO protection. They take all of the blame for none of these cases arriving in court, when it's not the department's decision or the minister's decision, but the prosecution's.

I have a final question. You may not be able to answer it.

Who decides the level of punishment in the courts? Is it DFO or is it a provincial...? Again, that is the second part. The industry complains that the penalty is not a deterrent for the crime.

Mr. Adam Burns: The maximum penalties are defined in the Fisheries Act, but it is the judge who makes the determination, through their ruling, of what the particular penalty will be.

Mr. Robert Morrissey: How often would they be reviewed?

Who sets the monetary value of the penalty? It wouldn't be in regulation, or would it?

Mr. Adam Burns: The maximum penalty is prescribed in the Fisheries Act.

Mr. Robert Morrissey: It's in the Fisheries Act. When was that last reviewed?

Mr. Adam Burns: The Fisheries Act was last amended in—

Mr. Robert Morrissey: Not the act, but the penalty part.

Mr. Adam Burns: I'm not aware of when that piece was last reviewed.

Mr. Robert Morrissey: Okay.

The Chair: Thank you, Mr. Morrissey.

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

[*Translation*]

Mrs. Caroline Desbiens: Thank you, Mr. Chair. Two and a half minutes is not much time.

I will continue along the same lines as my colleague.

You say that the penalties are set out in the Fisheries Act, which is a federal piece of legislation, but that the provinces determine the amount. Is that correct?

Mr. Adam Burns: The maximum amount is set out in the Fisheries Act.

Mrs. Caroline Desbiens: What is that maximum amount?

Mr. Adam Burns: It depends—

Mrs. Caroline Desbiens: It depends on the type of offence and the context, for example.

Mr. Adam Burns: Exactly. There are a few—

Mrs. Caroline Desbiens: Is it a lot of money?

Mr. Adam Burns: It can be a lot of money, depending on the situation. The judge determines the exact amount.

Mrs. Caroline Desbiens: Okay.

Do you think that, most of the time, the fines are sufficient to act as a deterrent? It must be said that, for some very wealthy offenders, paying \$100,000, for example, is like a drop in the bucket. Perfection is impossible, but do you think fines act as a deterrent in most cases or are they just symbolic?

Mr. Adam Burns: As far as we're concerned, this comes under Parliament, which brought in the Fisheries Act, as well as judges, who have to render their rulings in each case.

It's not really up to me to do that analysis.

Mrs. Caroline Desbiens: Are you not consulted by judges when it comes to determining the gravity of the facts? I imagine you provide them with testimony from time to time.

Mr. Adam Burns: No, I'm not a legal expert. That's really a matter for the prosecution services.

Mrs. Caroline Desbiens: I have one last question for you.

During our last exchange, I spoke to you about the principle according to which, in Quebec, money seized on the black market by a police officer is reinvested in the fight against drugs, for example. The money is put back into the system that is affected by the penalty.

Have you given any thought to my idea of redistributing the money collected in the form of penalties to fishers who are suffering the consequences of illegal, unreported and unregulated fishing, for instance?

Mr. Adam Burns: Under the current process, the money collected in the form of penalties is paid to the government, and it is the government and Parliament that decide where the money will be spent.

Again, it's not for me to comment on that.

• (1720)

Mrs. Caroline Desbiens: Don't you think that might be a good idea?

Mr. Adam Burns: I don't have an opinion on that.

[*English*]

The Chair: Thank you, Madame Desbiens. Your time is up.

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

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

Mr. Burns, perhaps I will ask you my last question. We've had lots of testimony throughout this study around the use of electronic logbooks. The last time you were here, I asked questions through the chair to you about the use of electronic logbooks. You talked about the work happening to move forward with this system so that data is better accumulated for us to have a better understanding of what's happening, in fact, with illegal, unregulated and unreported fishing.

We've heard from many witnesses talking about different technologies, some talking about concerns, some talking about the work moving forward, and it sounds like a lot of pieces need to be in place to be able to move forward to have this implemented. I'm wondering what your thoughts are. Are there any updates since you spoke about this before Christmas? Are we moving forward with this?

Mr. Adam Burns: Yes, this will be a key part of implementing the fisheries monitoring policy, but specifically on the technologies related to e-logs themselves, there are a couple of fisheries where mandatory use of e-logs is in place and others where.... Indeed, for all fisheries we would now, I believe, accept the use of e-logs, but it's not mandatory.

One of the obstacles is getting the necessary applications in place in order to collect that data. We had embarked exclusively on third-party provision for this. Because the results of that third-party provision of the apps is such that there are some fisheries that are not covered by available e-logs, we're assessing the path forward on that in order to ensure we can, indeed, implement e-logs across fisheries, because it's not a one-size-fits-all. There are various data requirements and other things depending on the fishery, so it's not just whether there's an e-log application; it's whether there's an e-log application appropriate to collect the data necessary for a given fishery.

Ms. Lisa Marie Barron: Okay. There's another layer, then, of making sure that this data is able to accumulate the appropriate information required. Is there any consultation with fishers on how to best see that being implemented? Where are we with that?

Mr. Adam Burns: Yes, we work with the fishing industry as well as the various data users to ensure that our logbooks collect the necessary and appropriate data to support the informed decision-making in a given fishery. Really, e-logs are about taking those data needs and transitioning them to an electronic means of capturing them, so it's that second part of creating the application that would collect the data that we've already identified as being necessary. The data elements that are necessary are something we do work with industry on, and now it's a matter of working with various developers to ensure that we have available applications.

The Chair: Thank you, Ms. Barron. We went a little bit over.

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

Mr. Mel Arnold: Thank you, Mr. Chair.

I'll be sharing my time with Mr. Brock.

I have two quick questions for Mr. Burns.

Does DFO consider conservation as the primary objective of its policy, regulations and objectives?

Mr. Adam Burns: Conservation and the proper management and control of the fishery are the key aspects of our management regime.

Mr. Mel Arnold: That's a top priority. Okay. Thank you.

Moments ago, after you stated you don't have FSC reporting or data, that you don't retain or obtain that data, you then said a few seconds later that FSC catch rates are very low. How do you square that circle? If you don't have the data, how do you know it's low?

Mr. Adam Burns: We know through various means of observation of the level of activity of FSC fishing by nations, the means by which they're engaging in that FSC activity and—

Mr. Mel Arnold: You're using anecdotal information to run fisheries.

Mr. Adam Burns: For example, in many fisheries, our scientific assessments also develop estimates of unreported catch, as I mentioned earlier, whether that's the small amount of FSC activity or whether it's other activities like recreational fishing, which doesn't have logbook reporting, or various bycatch activities—

Mr. Mel Arnold: Thank you.

I'll turn my time over to Mr. Brock now.

• (1725)

Mr. Larry Brock (Brantford—Brant, CPC): To Mr. Burns, all public prosecutors, when they are prosecuting a federal charge, ask themselves two questions: Is there a reasonable prospect of a conviction, and is it in the public interest? I'm not talking about the conviction aspect but the public interest you referenced.

All the times I prosecuted in Ontario, when I withdrew a charge because of a public interest issue, I had to articulate the reasons behind that on the record. In the case of the Public Prosecution Service in the Maritimes, what general set of reasons are they putting on the record when they are withdrawing charges under the Fisheries Act on public grounds?

Mr. Brent Napier: In terms of moderate livelihood, the rights-based perspective complicates the pursuant. In looking at the vari-

ous court cases, it's not as clear based on the rules that we have in place. Trying to merge the commercial with the rights-based fishery creates confusion. Therefore, it's challenging for us to pursue. What we need to do is establish the clear guidelines for those moderate livelihood fisheries.

Mr. Larry Brock: Why hasn't that been done?

Mr. Brent Napier: That process is in place. Negotiated by all the communities—

Mr. Larry Brock: This is an issue that's been going on for decades. Why has that not been done?

Mr. Brent Napier: The process is to negotiate with each of the communities, and that activity is ongoing.

Mr. Larry Brock: Do you agree with me that this creates the perception of a two-tiered level of justice? Do you agree with that concept?

Mr. Brent Napier: I wouldn't suggest that. I would suggest there are tiers: There's conservation and there's rights-based, and then there are the other fisheries that fall beneath that.

Mr. Larry Brock: Does that approach affect the number of charges that are actually laid, knowing full well that the Public Prosecution Service will withdraw time after time on public interest grounds?

Mr. Adam Burns: With respect to the moderate livelihood right, the government has invested since 1999, with the Marshall court ruling from the Supreme Court, well over \$600 million—

Mr. Larry Brock: Thank you, Chair. I'm going to yield my time now to Mr. Perkins.

Mr. Rick Perkins: We're more than familiar with that history.

I'm going to try this one more time. During the elver crisis last year, April through June, my office called my local RCMP detachment every day to ask if DFO had asked for help in enforcing the law, which is something DFO C and P did in the 2000 crisis.

Why is C and P not asking for additional resources to help enforce the law?

Mr. Adam Burns: I can tell you, Mr. Chair, that the department is coordinating directly with CBSA and the RCMP in order to ensure and—

Mr. Rick Perkins: I'm telling you that, on the ground, the RCMP were never called, and I'm telling you that CBSA sat in that chair and said they didn't get any elvers exported, so I'm going to ask again. In March the poaching's going to begin. Are you going to be on the rivers in greater numbers to enforce the law and stop the illegal activity?

Just say yes or no, please. I don't have much time.

Mr. Adam Burns: The department will be 100% engaged with its partners in—

Mr. Rick Perkins: No. Will it be on the rivers in greater numbers than it was last year to arrest poachers and stop the illegal activity? That's a simple yes or no. Are you putting more resources in or the same?

Mr. Adam Burns: Again, I can't speak to the exact numbers, but what I can tell you is that last year there were more resources dedicated to elver enforcement than to other activities.

Mr. Rick Perkins: They didn't work, so what about this year? Will there be more resources on the river this year?

Mr. Adam Burns: There are a variety of means that we'll be implementing. As I mentioned earlier—

Mr. Rick Perkins: On the river.... It's a simple question. It's four weeks away.

Mr. Adam Burns: There are a number of tools that we need in place in order to properly manage this fishery, as I mentioned earlier: the management review, the allocation review as well as the positioned regulations—

Mr. Rick Perkins: No, what the department—

The Chair: Mr. Perkins, your time is up.

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

Mr. Vance Badawey (Niagara Centre, Lib.): Thank you, Mr. Chairman. I have a couple of questions.

I'll say it this way: Fish don't have passports. Fish are all over, and of course with that, the effects on one side of a border can affect the other side of the border. For the most part my question is how the enforcement partners, through intelligence, fleet dedication and available technology vis-à-vis radar—which is probably the most effective technology to utilize to see who's who and where's where—like drones, etc., are looking at data with respect to quotas. The reality of what's being caught versus what's being allowed can tell the full picture.

Lastly, on the harmonization of regulations, are we in fact working together with those not only within our country but within the countries that are actually a part of this fish stock so that we're dealing with one situation at hand in terms of trying to preserve, but more importantly, in trying to preserve there is the enforcement of—hopefully—harmonized regulations as well as harmonized efforts to deal with this challenge?

• (1730)

Mr. Adam Burns: I'll offer a few thoughts on that.

I'll start by saying that we do use a variety of tools for domestic enforcement. We have C and P working with the Coast Guard related to maritime domain awareness, knowing where activities are occurring and deploying assets appropriately related to that. We can tell if a vessel is fishing versus transiting, based on its speed and behaviour. We are able to do a lot of things that in years gone by you just weren't able to do from a computer screen somewhere. You just needed to be out to see it. There's a real modernized approach to maritime domain awareness domestically.

You mentioned internationally. I will note the work that Canada is leading on globally related to dark vessel detection, working with countries like Ecuador and the Philippines, for example, and helping them develop the tools they need for their maritime domain awareness as well to support fisheries enforcement. There are really exciting developments from that related to protecting the Galapagos Islands and seeing the Chinese distant-water fleet literally being pushed out of those areas where they otherwise would be destroying those valuable ecosystems.

We're also engaged with partners—the U.S., Japan, Korea—on Operation North Pacific Guard with aerial surveillance as well as on-water presence. Last year Canada had a vessel. We hope that will be the case again this year, along with the U.S., where enforcement agencies from all of those countries are coordinating and present on the vessel to enforce high seas rules.

That is the other important piece. You were mentioning regulations. By ensuring that the international rules-based framework is in place and enforceable, we really can ensure that the bad actors on the high seas are able to be dealt with. Really important and encouraging progress is being made on all those fronts.

Mr. Brent Napier: I would just add that of course with the multitude of tools we have there's cross-validation. E-logs are important, but it's comparing that against something else—third party monitoring, electronic monitoring and the analysis and intelligence work that's done. We have some of the most sophisticated air surveillance programs in the world for our regulatory purpose at our disposal to collect information, to catch video and to collect evidence as well. We've been very effective in using those sorts of technologies to support our work.

Mr. Vance Badawey: Thank you.

In conclusion, Mr. Chairman, my interest in this is that, yes, we have to ensure that we have proper reaction to this through the laws and regulations that we put forward, but that's after the fact, when the harm's already been done. I'm more interested in preventing it from being done in the first place, so that we don't have to get to that point.

From what you're telling me, that's happening to some extent. I think radar is probably the most effective with respect to the domains that you're actually looking over, and therefore, at the end of the day, we won't have to be in a court of law. We'll have dealt with the problem before it happened versus reacting to it after it happened.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Badawey.

I want to say a huge thank you to Mr. Burns, Mr. Napier and Mr. Mes for appearing today. You're always quite co-operative to come

either before we get going on the committee or at the end of a study. Thank you for your time today. I'm sure it will help us when we write our report.

I will adjourn the meeting, but I'd like for members, if they're available, to stick around for just a couple of minutes for me to say something.

The meeting is adjourned.

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