

Senate



Sénat

CANADA

# **PROPOSED CHANGES TO THE CONVENTION OF THE NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)**

## **Report of the Standing Senate Committee on Fisheries and Oceans**

The Honourable Bill Rompkey, P.C.  
*Chair*

The Honourable Ethel M. Cochrane  
*Deputy Chair*

**November 2009**

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(Committee Business — Senate — Reports)  
40<sup>th</sup> Parliament — 2nd Session

## MEMBERSHIP

The Honourable Bill Rompkey, P.C., *Chair*

The Honourable Ethel M. Cochrane, *Deputy Chair*

and

The Honourable Senators:

James Cowan

Roméo Dallaire

Elizabeth Hubley

Michael L. MacDonald

Fabian Manning

Dennis Glen Patterson

Vivienne Poy

Nancy Greene Raine

Fernand Robichaud, P.C.

Charlie Watt

*Ex-officio members of the committee:*

The Honourable Senators

James Cowan (or Claudette Tardif)

Marjory LeBreton, P.C. (or Gerald J. Comeau)

*Other Senators who has participated on this study:*

The Honourable Senators Cook, Finley and Meighen

*Parliamentary Information and Research Service, Library of Parliament:*

Claude Emery, Analyst

*Senate Committees Directorate:*

Danielle Labonté, Clerk of the Committee

Louise Archambeault, Administrative Assistant



## ORDER OF REFERENCE

Extract from the *Journals of the Senate*, Thursday, March 12, 2009:

With leave of the Senate,

The Honourable Senator Comeau moved, seconded by the Honourable Senator Cowan:

That the Standing Senate Committee on Fisheries and Oceans be authorized to examine and to report on issues relating to the federal government's current and evolving policy framework for managing Canada's fisheries and oceans;

That the papers and evidence received and taken and work accomplished by the committee on this subject since the beginning of the First Session of the Thirty-ninth Parliament be referred to the committee;

That the committee report from time to time to the Senate but no later than June 30, 2010, and that the Committee retain all powers necessary to publicize its findings until December 31, 2010.

The question being put on the motion, it was adopted.

Paul C. Bélisle

*Clerk of the Senate*



## **PROPOSED CHANGES TO THE CONVENTION OF THE NORTHWEST ATLANTIC FISHERIES ORGANIZATION (NAFO)**

Beginning on 1 October 2009, the Standing Senate Committee on Fisheries and Oceans heard a number of witnesses on the proposed changes, from government, academe, and the fishing industry.

The views expressed at the meetings were conflicting, to say the least. Some of the proposed amendments, such as wording on the ecosystem approach to decision-making, were accepted or at least not opposed. Other changes, such as revised voting rules, generated both support and opposition. Some witnesses suggested that the proposed new dispute-settlement procedure is nothing more than a non-binding review process, while others believed it to be at least a step forward from the present Convention, which has no mechanism to settle disputes.

But on one matter, there was general agreement. All witnesses expressed concern about Article VI, paragraph 10 of the proposed new NAFO Convention, a provision that would allow NAFO, at Canada's request, to manage fisheries inside our 200-mile zone. Some witnesses believed it to be a threat to Canada's sovereignty. Even those who less vigorously opposed the amendment saw no reason why the provision was put into the amended Convention.

In light of the new Convention's potential to affect Canada's Atlantic fisheries and coastal communities for many generations to come, the committee asks that the government delay any immediate moves toward ratification and take the time to review the new agreement with the greatest care.

## WITNESS LIST

Tuesday, November 3, 2009	
Fisheries and Oceans Canada	David Balfour, Acting Assistant Deputy Minister, Fisheries and Aquaculture Management Guy Beaupré, Associate Assistant Deputy Minister, Fisheries Renewal
Thursday, October 29, 2009	
Northwest Atlantic Fisheries Organization  Department of Fisheries and Aquaculture, Newfoundland and Labrador	Earle McCurdy, Commissioner Raymond Andrews, Commissioner Hon. Thomas J. Hedderson, Minister of Fisheries and Aquaculture Tom Dooley, Director, Sustainable Fisheries and Oceans Policy
Thursday, October 1, 2009	
Faculty of Law, University of Victoria As an individual	Ted L. McDorman, Professor Bob Applebaum

## WRITTEN SUBMISSION

Friday, October 30, 2009	
Marine & Environmental Law Institute, Dalhousie University	Dawn Russell, Professor David L. VanderZwaag, Professor