



**Committee of Advisors
to the
Great Lakes Fishery Commission**



**Resolution 23-01: A RESOLUTION CALLING FOR THE TRANSITION OF THE
CANADIAN MACHINERY OF GOVERNMENT FOR
FIDUCIARY RESPONSIBILITIES RELATING TO THE GREAT
LAKES FISHERY COMMISSION FROM FISHERIES AND
OCEANS CANADA TO GLOBAL AFFAIRS CANADA**

WHEREAS, the U.S. and Canadian Committee of Advisors to the Great Lakes Fishery Commission (Commission) has passed two resolutions calling on the Government of Canada to change the machinery of government (MOG) interface for the Commission from Fisheries and Oceans Canada (DFO) to Global Affairs Canada (GAC) in 2021 [http://www.glfc.org/pubs/pdfs/resol2021_3.pdf] and 2022 [http://www.glfc.org/pubs/pdfs/resol2022_2.pdf], and has received no Canadian governmental response;

WHEREAS, correspondence has been sent on this issue over the past 3 years with no Canadian governmental response and no resolution, including (but not limited to):

- On November 23, 2020, the Chair of the Canadian Committee of Advisors wrote on this issue to the President of the Privy Council (PCO), who is responsible for appointing commissioners to the Commission, and
- On September 21, 2021, the Vice-Chair of the Commission wrote to Canada's Prime Minister, Minister of Foreign Affairs, and Minister of Fisheries and Oceans, requesting a transition of the Commission's MOG functions from DFO to GAC, and
- On October 6, 2022, the Executive Secretary wrote to Canada's Minister of Fisheries and Oceans, and provided specific details regarding *conflict of duties* concerns vis-à-vis the current MOG arrangement between the Commission and the Government of Canada, and
- On December 2, 2022, the U.S. Section of the Commission sent to the Canadian Section, a letter request – which was subsequently shared with DFO and GAC – requesting clarification on Canada's official position with respect to confirming that the PCO appointed Canadian Commissioners speak, as per the 1954 *Convention on Great Lakes Fisheries*, on behalf of the Government of Canada as the Party to the Convention, and
- On March 8, 2023, a group letter was sent from nine members of Congress to President Biden, asking the President to raise this matter with Prime Minister Trudeau, and

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- On March 20, 2023, the Commission made its most recent representation to the Treasury Board of Canada regarding the urgent need to resolve certain systemic conflicts of duties innate with the existing MOG interface, and potential violations of Treasury Board rules caused by the existing structure; and
- On March 27, 2023, the Canadian Section of the Commission wrote to Canada’s Minister of Foreign Affairs to identify current MOG challenges and asking for action to resolve said challenges, and
- On March 31, 2023, a letter was sent to Prime Minister Trudeau from 43 Members of the Liberal Caucus, asking him to “approve the transfer of GLFC MOG functions from DFO to GAC without delay”;

WHEREAS, on November 29, 2022, DFO formally communicated its intention to the Commission to unilaterally withhold nearly \$15 million dollars of the new Parliamentary allocation in the first five years alone;

WHEREAS, in an apparent demonstration of the conflicted and unreliable nature of the existing governance arrangement, at the March 27, 2023, meeting of the Standing Committee on Fisheries and Oceans, certain factual inconsistencies in the testimony previously offered by DFO officials relating to the Commission, were publicly identified by MPs in attendance;

WHEREAS, in response to Commission representations, and in keeping with figures presented by the Commission to the House of Commons Standing Committee on Finance, the 2022 Canadian federal budget specifically mentioned multi-year and increased funding commitment for the Commission, thereby creating a clear binational expectation that Canada would fully fund the Commission’s Canadian programming mandate for the first time since 2001;

WHEREAS, in the days following the presentation and subsequent passage of the 2022 Canadian federal budget, representatives of DFO, Finance Canada, and various other branches of the Government of Canada, verbally committed to fund the Commission at the requested level and to work to resolve the identified MOG issues, but the actions of the government and DFO to date run counter to that narrative, and appear to disregard the specific MOG and fiscal issues identified by the Commission;

WHEREAS, if these issues are not resolved, the 1954 *Convention on Great Lakes Fisheries* will be placed at further risk of collapse, as happened with the two previous treaties, thereby returning the Great Lakes basin to a system of divided governance, which has a long history of strained relations, ineffective management, and degraded environmental and economic outcomes;

WHEREAS, the 67-year successful history of the Great Lakes Fishery Commission, established by the 1954 *Convention on Great Lakes Fisheries* relies on:

- (1) consistent commitment to securing necessary funds to support the Commission’s mandates under the Treaty, and
- (2) a commitment to ethical collaborative governance among the Parties, the Commission, its fiduciaries, and federal, tribal, First Nation, Métis, state, and provincial management agencies;

WHEREAS, the Commission’s inability to efficiently conduct business in this current environment, affects the ability of state, tribal, First Nation, Métis, and provincial partners to continue to conduct their business;

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WHEREAS, the U.S. and Canadian Committee of Advisors are duly appointed in accordance with established procedures to represent a range of national and binational interests;

WHEREAS, the U.S. and Canadian Committee of Advisors support the Commission in any and all efforts to rectify this issue if the Government of Canada fails to remedy the MOG challenges; and

WHEREAS, the Sea Lamprey Control Centre (SLCC) has done a phenomenal job of delivering the sea lamprey control programme and the preference of the Commission and advisors would be to continue to use DFO's SLCC as the delivery agent going forward.

THEREFORE, BE IT RESOLVED, the U.S. and Canadian Committee of Advisors requests the Council of Great Lakes and St. Lawrence Governors and Premiers and Council of Great Lakes Fishery Agencies write to Canada's Minister of Foreign Affairs and the United State's Secretary of State to express concern about this issue and request immediate intervention;

THEREFORE, BE IT FURTHER RESOLVED, the U.S. and Canadian Committee of Advisors call upon the Government of Canada to rectify the identified machinery of government issue immediately;

THEREFORE, BE IT FURTHER RESOLVED, the U.S. and Canadian Committee of Advisors call upon the Commission to seek solution, such that if the Government of Canada fails to transfer the machinery of governance, the Commission must explore an alternative conflict-free agency to deliver the sea lamprey control programme;

THEREFORE, BE IT FURTHER RESOLVED, the U.S. and Canadian Committee of Advisors commit to meeting with Members of Parliament and Congress to discuss this matter;

THEREFORE, BE IT FINALLY RESOLVED, the U.S. and Canadian Committee of Advisors commit to meeting with media representatives to discuss the binational issues and concerns addressed herein.

Passed unanimously
U.S. and Canadian Committee of Advisors
April 21, 2023

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