



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



**Resolution 24-01: A RESOLUTION URGING FOR THE TRANSITION OF THE
GREAT LAKES FISHERY COMMISSION'S CANADIAN
BUDGET PORTFOLIO TO GLOBAL AFFAIRS CANADA**

WHEREAS, the U.S. and Canadian Committee of Advisors to the Great Lakes Fishery Commission (Commission) has passed three 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.glfcc.org/pubs/pdfs/resol2021_3.pdf], 2022 [http://www.glfcc.org/pubs/pdfs/resol2022_2.pdf], and 2023 [http://www.glfcc.org/pubs/pdfs/resol2023_1.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
- 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

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- 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”;
- On April 17, 2023, a letter was sent to Prime Minister Trudeau from Commissioner Earl Provost, chair of the Canadian Section and vice-chair of the Commission, reiterating the request outlined in the September 21, 2021 letter;
- On June 6, 2023, 25 members of the United States Congress (representing both parties) wrote to the Prime Minister to express their concern with the current governance model being used by Canada for interaction with the Great Lakes Fishery Commission.
- On November 29, 2023, the Commission passed a new series of conflict mitigation and avoidance rules applying to Commissioners, and after considerable discussion and legal follow-up, it was determined that Commissioners in conflict, including a DFO employed Commissioner, may not be able to engage in budget deliberations at the Commission table. This position was transmitted to DFO, GAC and the PMO for their consideration and response.
- On March 28, 2024, the Canadian Section wrote to the Prime Minister asking for a reply to the Section’s April 17, 2023, correspondence and again restating the Commission’s desire for a MOG change.

WHEREAS, the U.S. and Canadian Sections of the Commission passed a joint resolution titled “A resolution directing the Great Lakes Fishery Commission (Commission) secretariat, as a step in addressing the charge given the secretariat at Commission’s annual meeting of May 2018, to sign, on behalf of the Commission, a memorandum of understanding between the Commission and Department of Fisheries and Oceans (on behalf of the Government of Canada), for the purpose of establishing processes and principles for administration of machinery of government relating to 1954 Convention on Great Lakes Fisheries between the United States and Canada in accordance with the current legislative framework within Canada” which calls for the Commission’s executive secretary to:

- 1) Build on progress identified herein relative to “A)”, either through existing or revised structures (e.g., committees, boards, task forces, etc.), to ensure sea lamprey control programs are planned and delivered in accordance with the Commission’s mandate within the *1954 Convention on Great Lakes Fisheries Between the United States and Canada*, and to reflect the general working arrangements between the Commission and the control agents (DFO and FWS) as per the Commission’s inaugural meeting in April 1956;
- 2) Sign, on behalf of the Commission, the aforementioned MOU, otherwise referred to as version 24 (V24) in the suite of documents on which the Commission, DFO and GAC collaborated between May and September, 2023; and,
- 3) Build on progress identified herein relative to “B)”, and keep the Commission apprised on the Government of Canada’s response to request to consider a change to the Commission-related MOG from DFO to GAC.

WHEREAS, on October 25, 2023, Department of Fisheries and Oceans (DFO) and the Commission executed a Memorandum of Understanding (MOU) to go into effect on November 24, 2023, in which:

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- Canada committed to an ongoing base funding allocation of \$19.5 million annually, starting in the Commission’s fiscal year 2022, which represents the full funding committed by Parliament and is consistent with the funding proportion set by commissioners, and
- Clarity on a range of matters including the need for complete transparency in Commission-Canada relations, the establishment of a structured fiscal interface process between the Commission and Canada, and principles with respect to the commissioner appointments process in Canada, is provided;

WHEREAS, the MOU does not address the MOG interface thus Canada’s fiduciary responsibilities remain with DFO while the Commission awaits a response from Prime Minister Trudeau;

WHEREAS, the Standing Committee on Fisheries and Oceans published a report in November 2023 titled “Restoring Full Accountability for Resources and Governance of the Great Lakes Fishery Commission” based formal hearings in June 2023 and endorsed by all parties on the committee, that unequivocally affirmed DFO is in conflict of interest/duty and recommended to move the Commission’s MOG to GAC as a remedy to the structural conflict;

WHEREAS, the Canadian Government’s response to MP Brian Masse of Windsor October 25, 2023 Order Paper Question stated the Parliament of Canada—through the Minister of Fisheries and Oceans—has the responsibility to ensure the Commission can carry out its duties, thus clarifying that DFO has no inherent authority over what is granted to the Commission through the Convention on Great Lakes Fisheries;

WHEREAS, the Standing Committee on Foreign Affairs presented a report to the House of Commons on May 10, 2024, stating, “That the committee calls upon the Government of Canada to implement recommendation No. 8 of the Eleventh Report of the Standing Committee on Fisheries and Oceans entitled "Restoring Full Accountability for Resources and Governance of the Great Lakes Fishery Commission," adopted during the 1st session of the 44th Parliament by transferring responsibility for the Great Lakes Fishery Commission to Global Affairs Canada.”;

WHEREAS, the Commission has received confirmation that the MOG change being sought does not require a legislative change, nor does it require any other extraordinary measures from government to undertake.

THEREFORE, BE IT RESOLVED, the U.S. and Canadian Committee of Advisors again call upon the Government of Canada, specifically the Prime Minister of Canada, to take immediate steps to rectify the identified machinery of government issue by transferring the Commission’s MOG functions from DFO to GAC; and

THEREFORE, BE IT FURTHER RESOLVED, the U.S. and Canadian Committee of Advisors endorse all actions being undertaken by the Commission and the Secretariat to prompt this MOG change, and urge those involved to continue with all efforts until the MOG change is executed by government.

Passed unanimously
U.S. and Canadian Committee of Advisors
June 5, 2023

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