

**Hon. John A. Fraser Address
Pacific Salmon Treaty Workshop
Woods Institute for the Environment
Stanford University
15 November 2007**

You have asked us to give an overview. I shall try to join with my colleagues on this panel to do just that; however, in order to do that, I want to share with you some of my own participation in the chronology of the Pacific Salmon Treaty and why we are all here today.

I was elected to the Canadian House of Commons in 1972. In the short-lived Prime Minister Joe Clark Progressive Conservative Government (1979-1980), I was Minister of Environment. In 1980, we were defeated and the Liberal Party became, again, the Government of Canada.

Sometime about 1982/83, some Members of Parliament from the Government, the Official Opposition (the P.C.'s) and the other opposition, the New Democratic Party, talked informally about finding a way to start negotiations for a Canada/U.S. Pacific Salmon Treaty. A small all-party delegation met in Washington, D.C., with Senators and others from Alaska, Washington and Oregon. We stressed why we believed the Treaty was necessary: salmon swim across borders; Canadian and American fishermen catch salmon raised in each others countries; this requires fair allocation; and we have to avoid overfishing, etc. We pointed out that, while there has been de facto cooperation for many

years, attempts to agree on a treaty had gone on for at least 15 years without success.

It was a good meeting. We reported that our American colleagues seemed receptive. They were. Government-to-Government discussion resulted in both sides agreeing to appoint negotiators. Mr. Edward Derwinski was selected to represent the U.S. On the Canadian side, the Liberal Government actually asked our delegation member whether we would support the selection of the Hon. Mitchell Sharp who, while no longer in the House of Commons, was a respected former senior public servant and political Minister. I knew Sharp well and strongly supported his appointment which was agreed to by other opposition members; although, by some, less enthusiastically than by myself.

Sharp and Derwinski went to work. There was a Canadian Federal Election in the early autumn of 1984 and the Liberals were replaced by a huge P.C. majority. I became Federal Minister of Fisheries. I was briefed by Department officials. They reported that Derwinski and Sharp were making real progress. I was pleased. But, then I came under pressure to fire Sharp because he was a Liberal (in Canadian terms, a Grit!), appointed by the Liberals and should be replaced by a Conservative (in Canadian terms, a Tory!). I phoned Derwinski. He told me that he and Sharp were working well together – but he did say that if Sharp was removed, he would understand – on the political principle that to the winner goes the spoils!.

We kept Sharp, with the Prime Minister's support, and this proved to be a good thing because, a few months later, Derwinski and Sharp delivered a draft agreement to both governments. Both countries were well served by these two men and their respective negotiating teams.

It is important to understand that the Canadian Federal Government and its Department of Fisheries and Oceans has sole constitutional legal authority and power over fisheries although, reasonably, DFO takes into account the views of commercial and recreational fishers, the Province of British Columbia, the Yukon, and First Nations. On the American side, Alaska, Washington and Oregon and the Native American Tribes have legal powers over fisheries in their own right. The effect of this is that the U.S. is dealing with Canada. Canada is dealing, not just with the U.S. Federal Government, but also with four other legal entities. The Canadian side is not quite as tidy as it appears and, especially, with First Nations rights, the Canadian Government is under constraints not envisaged many years ago and, as I will record in a few minutes, local politics do not just disappear.

After we received the Derwinski/Sharp draft Treaty, there were objections raised by some – and the question was: Who is Canada really dealing with? However, people of both sides felt we had to make it work, and the Canadian Federal

Cabinet accepted my recommendation to sign the Treaty, which was done on March 17, 1985.

After the Treaty was signed, I met with a senior Minister of the British Columbia Cabinet of then-Premier Bill Bennett. I wanted to discuss the Treaty and how its implementation would affect local Provincial political concerns. To his fairly easy dismissal of this, saying, after all, it's all a Federal matter, I mentioned that, among other things, we would limit Chinook sport fishing catches and he would, no doubt, be hearing plenty of complaints. This happened and, I was told, unofficially of course, that it was raised with consternation at a Provincial Government Cabinet meeting.

The Premier apparently responded: "Well, the Federal Minister warned you and, after all, we had Provincial officials at the negotiations. It seems a little late to be complaining." That may have headed off a Provincial reaction but, it did not assuage the very public outrage of sports fishers, lodges and guides.

The immediate issue was how severe the cuts would be. I went to Campbell River on Vancouver Island. A huge crowd was gathered outside on the street. How many Chinook a day would we allow? As I got out of the car, to a tumultuous and not very friendly welcome, I looked at a huge banner strung across the front of several buildings. It read: John: two fish – one vote! One fish – No Vote!!

In this short overview, I am not going to try and describe all the elements of the Treaty and its Pacific Salmon Commission and panels. I was not involved and there are others who can tell this part of the story.

However, both sides made it work but, by 1992, the parties were unable to reach a comprehensive coast-wide agreement. The Canadian concern was U.S. interceptions of salmon of Canadian origin – from Canadian rivers and streams – and, increasing worry over salmon stock declines. Alaskan interceptions of Chinook got most of the public attention in Canada. What wasn't as well understood in Canada were Washington, Oregon and Southern Tribes objections to Alaskan interceptions of Chinook originating from southern U.S. rivers and streams.

Both sides agreed to appoint a New Zealander, Christopher Beeby, as a mediator. The terms were curious. His report would be secret if either side would not accept his recommendations. The rumour on the Canadian side was that the American stakeholders and/or Alaska would not accept.

In any event, whatever Beeby proposed never got into the public domain. The Canadian and American public were completely excluded from this secret process and this applied equally to the representatives Canadians and Americans elect to governments. In my view, Beeby's findings and recommendations should have been made public. There should have been

public reaction, favourable or negative. The stakeholders should have had to bear public criticism or enjoy public support for their respective positions. After all, this was all about a public resource in which all citizens have a legitimate interest and, as well, a duty to protect.

This is about where I got back into the picture. By 1993, the Conservatives were replaced as a national Federal Government by the Liberals. Despite my political allegiances, I was appointed, by the Liberals, as Canada's Ambassador for the Environment. I was asked to find a way to engage the U.S. State Department to help fix the Pacific Salmon Treaty. While we fully understood that the U.S. Federal Government could not unilaterally tell the States and Tribes what to do, we felt it could help.

Extensive discussions took place after the Beeby mediation was rejected. Various approaches were discussed. For a while, we considered asking the International Joint Commission to resolve the difficulties. I was involved with my counterpart at the State Department and the Canadian Department of Fisheries and Oceans and Canadian stakeholders, and others, in an attempt to either come up with an approach consistent enough with a key element of the Treaty – Article III – to be accepted; or, to get everyone back to the table to at least agree on as many management and sharing issues as possible, even if some were not resolvable.

There were no doubt problems on the U.S. side. But some Canadian actions did not help. I had met with then-Premier Clark of British Columbia and senior officials. My message was “whatever you say publicly, while we are trying to sort this out, don’t link the discussions with other matters of contention between our two countries – and – remember that Chinook interceptions by Alaska happen outside Canadian jurisdiction but do matter to Washington, Oregon and Southern Tribes. Canada is not in a favoured position. We need American friends.”

I thought this was very sensible but I share with you some of what did not help.

Premier Clark demanded that Canada terminate a Canada-U.S. Defence treaty allowing the U.S. Navy to test technology on torpedoes in Canadian waters.

Canadian fishermen took out their frustrations by surrounding an Alaskan ferry at Prince Rupert and preventing it from sailing. This was highly publicized and supported by the B.C. Premier.

At least one former senior Canadian fisheries official was advocating that, if Alaska would not cooperate, Canada should hammer West Coast Vancouver Island Chinook which came from Washington and Oregon. He said: “after all, they’re only hatchery fish.” In my view, this would have lost us any good will on the American side, but would also not be approved by the Canadian public. I told him so but the story did circulate.

In the midst of all this, I met with Eileen Claussen in Washington. She said “You know Mr. Ambassador, you do have friends here; but, your fellow Canadians are not making it any easier for us!”

Despite the difficulties, during 1997 stakeholders on both sides went back to negotiations. These ended when the Canadian side, lead by a distinguished Montreal lawyer, finally gave up on the process and terminated the discussions.

In August, William D. Ruckelshaus, a gentleman with a long environmental and conservation record in the U.S. and Dr. David W. Strangway, the recently retired President of the University of British Columbia, were appointed “to suggest ways to reinvigorate the stakeholder process established in 1997.” Their report was submitted on January 12, 1998.

While they were preparing their report, Dr. Strangway asked me to brief him. It was a long meeting. To the best of my knowledge and memory, I tried to give him a full and fair history of the fishery in Canada and differences, but also, the cooperation, between our two countries.

There were two points I emphasized. Article III was meant to prevent overfishing, to ensure benefits equivalent to production of salmon originating in each other’s waters, to reduce interceptions, to avoid disrupting existing fisheries,

and be guided by annual variations in abundance of the stocks and, of course, cooperation in management, research and enhancement.

But, Canada was insisting that benefits from Canadian production of salmon could be quantified and, it was argued, Canada was losing. The Alaskans were interpreting the words “benefits equivalent” subject to “avoiding disruptions of existing fisheries” and they insisted that measurements should be based, not on arithmetical numbers of Canadian raised salmon, but on the “abundance” of the stock, from time to time.

I said I did not believe a return to a stakeholder process would resolve this – it had to be, somehow, at a government level. Further, I felt the Canadian complaint that we were losing 80 million dollars annually due to interceptions was not a persuasive argument; rather, the emphasis should shift to the conservation of the stocks with which both countries could agree and incentives to restore both stocks and habitat.

Interestingly, the Ruckelshaus/Strangway Report concluded that “the stakeholder process should not be reconvened” and that “governments should develop a practical framework for implementing Article III.”

In any event, government-to-government negotiations, based on Ruckelshaus/Strangway Report, renewed the Pacific Salmon Treaty in 1999.

Presently, the parties are currently in negotiations for all of the chapters of the Treaty that expire in 2008. As I understand it, this is really the whole Treaty, except for the Fraser River chapter which expires in 2010.

These negotiations are taking place at a time when some of the old, assumed certainties, no longer prevail. Once upon a time, many believed that, if we just produced enough smolts, we could bring the total number of salmon back to pre-settlement times. With this would come, again, prosperity for the traditional fishery and for First Nations. But, salmon stocks have declined in many places, and disappeared in other places. Ocean production – i.e., the state of the ocean – is accepted as key but, if there ever were certain, dependable cycles, we now have to consider the impact of climate change.

A recent presentation by D.F.O. projected climate change effects – warmer river waters, diminishing nutrient levels in the ocean, and the possible loss of some stocks, especially Sockeye, in southern parts of the Province. And the economics of traditional fisheries has changed dramatically. As Terry Glavin has recently recorded: “Since the buy-back program in 1993, there are only half the boats and fishermen (about 2,200 vessels, down from roughly 4,400) and the processing sector has been decimated” and “the commercial sector needs 120 million in annual landed value to get any return on investment, yet not once since 1999 has the landed value of wild salmon on Canada’s West Coast exceeded 60 million.”

My point is, that with the best will in the world, we cannot go back to yesteryear. There is no yesteryear to go back to.

It is not my place to get into the intimate details of the present negotiation except to say this: Yes, we have to ensure an equitable return for everyone: commercial, sport, recreation and First Nations. But, we first have to ensure the preservation and enhancement of viable stocks and habitat, or there just won't be anything to divide.

This is the imperative of sustainable salmon stocks and habitat – and we Canadians and Americans must do it together.