



House of Commons  
CANADA

**Subcommittee on Human Rights and  
International Development of the Standing  
Committee on Foreign Affairs and International  
Trade**

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SDEV • NUMBER 015 • 1st SESSION • 38th PARLIAMENT

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EVIDENCE

**Wednesday, April 20, 2005**

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**Chair**

Mr. Navdeep Bains

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Wednesday, April 20, 2005

• (1535)

[English]

**The Chair (Mr. Navdeep Bains (Mississauga—Brampton South, Lib.)):** Order. Thank you very much.

I'd like to begin today by saying that we have to be cognizant of the time. It's a little past 3:30 right now, and we have Mr. Roth for about an hour.

Welcome, Mr. Roth. Thank you very much for being here today. I don't want to take up too much of your time. We have about an hour, so please, if you would make your opening remarks or statements, from there we'll just open it up to the members to ask questions.

**Mr. Kenneth Roth (Executive Director, Human Rights Watch):** Thank you very much for having me. I'm a great admirer of the work of this committee. We consider you a very important ally, and I feel honoured to have the opportunity to appear before you.

I've already spoken a couple of times today about a variety of issues. Rather than summarize my remarks, let me just focus on one particular thing that I think is of particular interest to the committee, and that is the challenge presented by the situation in Darfur.

I think the time has come for us to recognize that we can no longer pretend that the African Union is going to solve the problem of Darfur on its own. The African Union has done a very admirable job. I have met with some of its peacekeepers on the ground, and they take their job very seriously. Their presence is welcomed by the displaced people whose lives are at risk every day. They clearly feel safer with an AU force nearby. But it has been months and months, with people being killed by the tens of thousands, and still we don't have on the ground the 3,300 AU peacekeeper troops who have been authorized. We have only about two-thirds of them. We have no prospect of that number being filled out, let alone the 6,000 that people talk about, or the 10,000, which is probably the minimum that's needed.

It was a nice experiment. Everybody wanted the AU to succeed on its own, and I certainly hope that the international community can help build the AU's capacity so that for the next crisis, they could maybe handle it on its own. But I think we have to face facts now and recognize that we are continuing this experiment of the AU handling Darfur on its own at the cost of 10,000 lives a month. That is a cost that is not worth it.

The question is, what can we do to help the AU, not replace the AU but supplement it in a meaningful way? Frankly, it's been all too convenient for us to pretend that the AU is handling the problem; it relieves other western governments of the responsibility to put their own troops on the line. Canada, as the author of the "responsibility to protect" idea, understands better than anyone else that we are not living up to our responsibility by simply waiting for the AU to, at some point in the distant future, handle the problems of Darfur.

I have been proposing the idea during my visit, and have received considerable interest and sympathy, that Canada take the lead in trying to solve the problem of Darfur. Not that Canada would do it solo—nobody is proposing that Canada take over western Sudan—but we would assume responsibility for finding an international solution to Darfur. By this I don't mean simply a peace process, but rather a solution to protecting the people of Darfur, which really has to be our top priority.

I think if Canada were willing to assume this responsibility, it would be willingly given to Canada. Clearly, this is not something where Canada would then run off on its own. It would have to enlist the support of the United States, Britain, France, Germany, Australia, and many others. But somebody needs to take charge. There's been too much uneasy passing of the buck while the AU stumbles along. I think it is time for someone to step up to the plate, and Canada is by far the most logical choice for that task.

This will mean the need for some Canadian peacekeepers to be put on the ground. I'm aware that Canada is in the process of stepping up its peacekeeping presence in Afghanistan, in a very important mission there. I'm aware that Canada has made I think a critical commitment to bolstering its peacekeeping capacity over the long term. I recognize that this increased capacity is not going to be available in the short term, and that something is going to have to be done to find those troops. But I can't believe it's impossible to find, within Canada's after all significantly sized armed forces, the 500 or so troops that would be needed for Canada to have a credible presence in Darfur, enough to attract then comparable contributions from other states.

So my to plea to you all is to use your influence and clout to try to make this happen, to say that we are done waiting while people die, and that we tried, but the solo AU approach to Darfur didn't succeed, and we now have a responsibility to come in and provide meaningful assistance on the ground.

Thank you.

● (1540)

**The Chair:** Thank you very much.

I'd like to start now with questions from the members.

Mr. Day.

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Thank you, Chairman, and thank you, Mr. Roth.

We have been advocating extensively for this. At the risk of sounding partisan, this is not an issue that anybody wants to play political games with. We have been making the sincere point that we should be there on the ground. The last time I got the numbers, I think we had three personnel there. I understand we have six in Florida. So we are double the complement in Florida, protecting Floridians, than we are in Darfur. The only reference in the international policy statement released yesterday was that they could use some helicopters in Darfur. As you know, we have a challenge getting helicopters in Halifax, let alone Darfur.

We've been doing everything we can, pushing this government to say that, somehow, we've got to commit people there. We're not talking about an invading force; any force, especially of the size you're talking about, would have a deterring effect. From what you have been doing, from what you have been seeing—and I believe Canada should show leadership on this—what would you say is the actual process, then? Since our government seems to have difficulty with the specifics, from your experience what's the actual process of doing that? Is it as simple as going to the UN and saying, "We're here, we're ready to go, who wants to come with us"? Give us some thought on that in terms of your insights.

**Mr. Kenneth Roth:** First, you're absolutely right that the Prime Minister's international policy statement didn't get past the paradigm of the AU doing this on its own. It offered further financial assistance, logistical assistance, helicopters and the like. That's not enough. Now, I understand that the Prime Minister in fact cares personally very deeply about Darfur, and it wouldn't surprise me at all if he were open to a more activist role, but that wasn't in his policy paper from yesterday.

In terms of the logistics, obviously Canada doesn't just show up on the steps of the UN and say, "I'll do it". There are conversations that have to take place, beginning, I think, with Secretary-General Kofi Annan.

My sense of the situation—and this is not based on any tremendous inside information, but just following Darfur closely—is that the Secretary-General would eagerly hand leadership to Canada, or a similar country, but I'm going to focus on Canada because I actually think Canada would probably be the first choice, if Canada were willing to assume the task. The issue here is not convincing anybody to give Canada the role but rather Canada convincing itself that this is an important thing to do if the responsibility to protect is to have any meaning.

Obviously, you don't then want to do that in a vacuum. I'm aware that Canada has had experience, I think in 1996 with eastern Congo, then Zaire, trying to play a similar leadership role. Nobody followed. So for this to be successful, I think it would require some serious homework. It would require going to London and Paris and Berlin

and Washington and Canberra and coming up with commitments in advance, before Canada plays a leadership role.

I think those commitments would be possible. Obviously, everybody is busy with other things. We're aware of the other commitments. But the numbers we're talking about are small. In fact, they're smaller than even the 10,000 peacekeepers who have already now been committed for southern Sudan, where, yes, we do indeed want to reinforce the peace, but where there is not anywhere near the scope of killing taking place as in Darfur, in western Sudan.

So I think this is doable. It will take some diplomatic work, but it's not as if Canada is going to have to beg and plead for the role. The role would be handed to Canada. I think the work involved would be to build a coalition of governments willing to assume the responsibility they long ago should have assumed.

**The Chair:** You still have some time, Mr. Day.

**Mr. Stockwell Day:** There are other issues, obviously, although this is of key importance. In the international policy statement—again, at the risk of sounding partisan, which I am—there was mention of relations with China, for instance, and mention that we need to pursue relations with Latin America. Problems in Colombia were mentioned.

Just using those two as an example, there was no mention at all of what we do with the serious human rights record of China itself, and relations with Tibet. The word "Taiwan", as a jurisdiction, was not even mentioned in the entire document. We recognize there are difficulties in Colombia, but not an eyebrow was raised about the serious human rights record related to Cuba.

Again, recognizing the highly charged political atmosphere that we are in, can you reflect on that at all?

● (1545)

**Mr. Kenneth Roth:** Human Rights Watch works in about 70 countries around the world. All of the countries you mentioned are appropriate topics of concern. With China, obviously, the issue that many governments are grappling with is how do you prevent the commercial enticements of China from standing in the way of a principled response to its repression in Tibet or Xinjiang, or against religious or political or labour activists? That's a challenge that many governments are failing, and I don't think Canada is doing a very good job on it either.

In places like Colombia, the major problem now is how do we rein in the paramilitaries, and how do we prevent President Uribe from giving the paramilitaries the amnesty they want? You know, keep your millions of dollars, keep your murders, go and enjoy life on your ranch: that's basically the deal they want. I think that would do a deep disservice to the victims of those paramilitaries and it would also be a recipe for further killing. You have to be naïve to think that the paramilitaries are going to stop their killing today if they just happen to be given amnesty today. It's not going to happen. So there are major problems there.

You are absolutely right to mention Cuba. Indeed, there is a resolution before the UN Human Rights Commission—I think it will probably be voted on tomorrow, although I haven't been able to follow the news today—about the U.S. treatment of detainees in Guantanamo, urging the United States to allow UN inspectors to come in and speak freely to the detainees there. It's a sad fact that the only sponsor of that resolution was Cuba. No one else was willing to stand up to the United States. I wish others were willing to co-sponsor that resolution. Ideally, Canada tomorrow will vote for it, although I fear that the best we can hope is that Canada will abstain. The principled thing to do would be to amend the resolution, to say, yes, we want inspectors to visit Cuba, all of Cuba. Let them into Guantanamo and let them into Castro's jails as well.

So that would be the principled response, and that's what Human Rights Watch has urged. Will that happen? I don't know. But it's important not to forget Cuba.

Indeed, when people make their indictment out about the UN Human Rights Commission, they speak about the fact that Libya was the chair, and that Sudan sits on the commission. Frankly, one of the real scars on the commission's reputation has been the active, persistent role that Cuba plays there—always to try to obstruct the purposes of the commission, always to try to defend Castro and his ilk. And there is a need to speak about that. Indeed, part of why it's so important to abolish the commission and start again with a new human rights council is to stop that charade, to try to raise the bar and have a group of governments on the new human rights council that are genuinely committed to upholding human rights, not to frustrating any possible attempts at their enforcement.

**The Chair:** Time's up, Mr. Day. Thank you.

Ms. Bourgeois.

[*Translation*]

**Ms. Diane Bourgeois (Terrebonne—Blainville, BQ):** Good afternoon, sir.

I attended your conference at lunch time and I greatly appreciated it. I commend your organization for the excellent work that you are doing. You serve as a beacon, because you are there on the ground and you are telling us the real conditions in which the people are living.

At the very beginning—I believe it was in October—, our committee did a very quick study of the Darfur issue. That study resulted in a motion requesting that the government be more active in that issue. I don't know where it stands now. We did not make any follow-up of that motion that has been introduced, if I am not

mistaken, at the Standing Committee on Foreign Affairs and International Trade. We do not know, we did not have any result.

Do we know what happened with this motion?

**The Clerk of the Committee (Mr. Richard Rumas):** Madam Bourgeois, when Mr. Kilgour was the chair, we have tried to find a suitable date to introduce the three reports, but it was not possible.

**Ms. Diane Bourgeois:** It was not possible.

So, Mr. Roth, you are asking us to use our influence. Our subcommittee will have to assess the influence that it can have. When you talk about us utilizing our influence, I understand that such influence can be of two types: that of this subcommittee and the Canadian influence, the influence that we may have as Canadians, the influence of our great government. We will sit in camera later on. We will try and see whether we do have the necessary influence to transmit your position on Darfur.

That being said, I will ask you a rather sensitive question. I hope that you will give me a very frank answer. The Prime Minister, when he took the helm of this government, has split the Department of Foreign Affairs and International Trade into a Department of Foreign Affairs and a Department of International Trade. In your view, could this have any effect on Canada's position regarding human rights?

● (1550)

[*English*]

**Mr. Kenneth Roth:** Thank you for your question.

[*Translation*]

I hope you will indulge me if I answer in English.

**Ms. Diane Bourgeois:** Go ahead: we do have a translation service.

**Mr. Kenneth Roth:** It is no problem? Okay.

[*English*]

As a preliminary matter, in terms of your influence, the human rights business is built around using people's voice, and speaking out. Even though you can say, "Oh, what influence do you have, you're just a committee", the way in which one in fact promotes human rights is by speaking one's conscience, speaking out about principle, criticizing those who don't live up to principle. That's all we have.

In most of the countries where we work, there's no court that we can go to in order to sue the government. There's no police force we can call in to arrest the violators. All we can do is speak out, shine a spotlight, and embarrass and shame those who violate human rights. And you're as capable of doing that as I am.

That's why we do appeal to the committee to use its influence in situations like Darfur, because you do have influence. Even though it may seem intangible, the way one defends human rights is by speaking out and shining a spotlight. That's why I'm very happy to be here, because you are important partners in this venture, and I appreciate your many efforts toward our mutual goals.

On your principal question, I can't say I've followed this debate closely. I'm aware that there is this proposal to split the foreign ministry, but I just don't know the ins and outs of it. If the purpose of the split is so that commercial interests don't stand in the way of other matters of principle, so that you're not weighing China's commercial opportunities against the importance of speaking out about Chinese repression, then I suppose the split is good. But if there are other factors in this that I'm not aware of, then it may not be good.

I'm a visitor to Canada, and I know that this is an issue of intense debate here. I wouldn't want to pronounce in any definitive way on what I realize is a heated matter of dispute.

[*Translation*]

**Ms. Diane Bourgeois:** Let me put another question to you.

I have read all the documents that we have been given today to prepare for your visit. I realize that Canada is rather quiet in the area of human rights protection. Our country could take a more active stand in this regard. Indeed, we are held in very high regard; we are perceived as a pacific country having some influence.

I would like to know what you think of Canada's attitude regarding for example the issue of crimes against humanity. In this regard, we could talk about Darfur, Tunisia or Columbia. Do you believe that Canada could go even further? What could we do?

[*English*]

**Mr. Kenneth Roth:** Of course Canada could do more. I would be remiss if I answered that any other way. But let me just take a step backwards for a moment and talk a bit about the way in which I believe Canada's voice is relatively unique.

If you look around the world at the major western governments, relatively few have both a profound commitment to human rights and an independent voice. There are 25 European governments now in the European Union, and they spend an inordinate amount of time trying to arrive at a consensus among the 25. Particularly in multilateral institutions, Europe is punching below its weight because of the preoccupation with consensus. Often what you have is consensus becoming the lowest common denominator. You have an agreed position that all 25 can endorse, and it's a mushy, ineffective position.

I know that the Prime Minister's policy review talks about Canada's non-membership in a regional bloc as a source of weakness, but I actually think in the human rights realm it may be a source of strength, because you have the luxury of being able to speak out without having to convince 24 other governments. If you look around the world, there are relatively few governments in that position. I'm going to leave the United States alone, because it has its own set of problems and credibility issues, but if you look at governments with long-standing commitments to human rights that are not in the EU, there is Switzerland, Norway, Canada, Australia, and New Zealand. Among the major western governments, I think that's it. If you look at those five, there's no question that Canada has the largest influence.

I think Canada actually punches above its weight, because it is such an important independent voice, and it's one that is deeply respected around the world. Canada today still represents a

commitment to peacekeeping. It's one of the forces behind the International Criminal Court, behind the land mines treaty, behind the child soldiers treaty. This gives you an incredible reservoir of goodwill around the world, and I simply encourage you to use that influence. You are in a position, as a nation, to speak out and to be heard, perhaps far more than you realize, because of both your historical commitment to human rights and the lack of many others' with a similarly independent voice.

● (1555)

[*Translation*]

**Ms. Diane Bourgeois:** Thank you.

[*English*]

**The Chair:** Thank you very much.

Madam Torsney.

**Hon. Paddy Torsney (Burlington, Lib.):** Thank you.

First of all, you probably haven't had a chance to see the international policy statement.

**Mr. Kenneth Roth:** I have this one.

**Hon. Paddy Torsney:** Then you know, of course, that in the second paragraph, on the Canadian approach, the Prime Minister says that Canada's continued success depends on the joint pursuit of democracy, human rights, and the rule of law. In fact, there's a whole chapter on human rights and the pursuit of human rights. So I'm particularly pleased that you are here, because there are many references to the role of human rights in our development approach and in our diplomatic approach.

Some of us had a chance to hear you speak at lunch. There was a discussion about the proposal for the Security Council and how we could advance that, and the issue of the right to protect. So at the same time as I want to hear you talk about Sudan and what else we can do...in terms of respecting the people in Africa, who have a role in this. Some of us have spoken at international meetings of particularly politicians. I actually got my hand slapped because I wanted to keep the issue of Sudan on the table, and particularly Darfur. We were told by the African nations, in no uncertain terms, "You will not meddle in our area. How dare you? Let us solve this."

So we do need some supporters, and we do need to be dealing with that, but we also have to respect and give support to Africa to deal with this, which we are trying to do through our foreign policy and in CIDA particularly.

Thinking of the Sudan example, but beyond that, I wonder if you could comment on how we deal with the next emerging failed or failing state, and how we can advance the human Security Council agenda as well as the right to protect.

**Mr. Kenneth Roth:** I'm completely aware that the African governments are saying that they'll handle this. They've been saying that for, what, eight months now?

**Hon. Paddy Torsney:** Sadly.

**Mr. Kenneth Roth:** Yes. We haven't gotten very far.

**Hon. Paddy Torsney:** No.

**Mr. Kenneth Roth:** I think it's time to say to them, that's well and good, but you're not handling it, and we insist that you need help, because the people of Darfur need that partnership in protecting them. There is a tension here between African Union pride and the lives of the people of Darfur. We have to be frank about that tension, and in my view it's absolutely clear what should prevail.

That's why I've appealed to Canada and other governments to face reality and to help the African Union, not just with more money, more helicopters, and more logistical support, but with troops on the ground. That's what's needed.

You're going to get resistance from the African Union, and the only way to fight back is to say, "Is your pride really more important than 10,000 Darfurians a month?" In those terms, I think they will have to back down.

Now, this doesn't mean you abandon the quest to create an African capacity to deal with these issues. We all agree that this is important. Indeed, I would hope that a partnership can be a capacity-building exercise as well, so that when the next crisis breaks out, maybe then the African Union can do it on its own. But it's past the point where we can pretend that it's going to happen in this crisis. It's not.

• (1600)

**Hon. Paddy Torsney:** How do we advance the issue of the UN Security Council and the right to protect?

**Mr. Kenneth Roth:** The UN high-level panel report and the Secretary-General's report both strongly endorse the Canadian idea of a responsibility to protect. I think that's a great strength of both of those reports. Indeed, the responsibility to protect has become kind of a mainstream idea at the theoretical level. The challenge now is how do you put it into practice.

One of the things you heard me talk about earlier is that there's a lot of a debate about Security Council reform right now. Much of it is around things that I'm not going to take a position on—you know, what should be the size of the council, who should be the permanent members, etc. I mean, we all have ideas on that, but that's a separate discussion.

One idea, though, that I think would help to transform the capacity of the council to protect people facing mass atrocities is the proposal put forward that the permanent members refrain from using their veto in situations of mass atrocities. The veto was designed so that the permanent members, if an acute national interest were at stake, could stop the Security Council from jeopardizing that interest. It is difficult to conceive of situations where an acute national interest is at stake when somebody else is facing mass atrocities.

While I don't think it's going to be possible to adopt a formal rule precluding the use of veto in those circumstances, it should be possible to create an informal norm. We've spoken with the French and British about taking a lead on this. As permanent members who

don't veto at all, they certainly should be supporting, and do support, the idea of not using the veto in atrocities situations. They will need backing from governments, like Canada, with extensive Security Council experience. If we create a broad coalition of governments that frown strongly on the use of the veto, or the threatened use of the veto, in atrocities situations...

For example, it would have been far easier to act in Darfur without China's threatened veto. It would have been easier to get the ICC involved much earlier without the threat of the China veto. And I can name a bunch of other cases where the veto problem was Russia, or the United States.

So I think this is a very important recommendation that deserves to be upheld by Canada and others who want to make the Security Council a more effective body.

**Hon. Paddy Torsney:** Thank you.

Finally, whether this committee makes reports or not, each of us as members of Parliament and as members of caucus choose what questions are going forward. It's unfortunate that in the House of Commons we haven't had very many questions on the situation in Sudan specifically. Perhaps as a result of your appearing here, we'll have more than ten in four months.

**The Chair:** Thank you very much.

Mr. Broadbent, please.

**Hon. Ed Broadbent (Ottawa Centre, NDP):** I'm tempted to comment on that, but I won't.

I welcome Mr. Roth. We've been in old movies together, going back to the nineties. I just want to say that you represent what I regard as the pre-eminent human rights organization in the world—

**Some hon. members:** Hear, hear.

**Hon. Ed Broadbent:** —in terms of integrity and thoroughness of reports. I have nothing but the highest regard for the work you do now and for the work of your predecessor and the organization as a whole.

I'd like to ask you, given the appropriate emphasis that you're giving to Darfur, if you have had an opportunity to talk with senior representatives of the Canadian government while you've been here, either at the official level or at the political level.

**Mr. Kenneth Roth:** Yes, although I'm actually not comfortable talking publicly about that. This is an issue that we're actively exploring. I have to say that we've received, I think, sincere interest and serious consideration. I think this is a possibility, and one that is worth pursuing.

**Hon. Ed Broadbent:** Do I understand from this that you've brought to the Government of Canada the request that you've made to this committee?

**Mr. Kenneth Roth:** Yes.

**Hon. Ed Broadbent:** With reference to the Secretary-General, you were again explicitly clear that he would welcome a lead coming from Canada on this issue. Can I ask why Canada in particular? I don't want to be at all pejorative about Canada, obviously, in this case, but is he just looking for *someone* to lead, or is there a particular desire on his part that Canada take the lead?

**Mr. Kenneth Roth:** I don't speak for the Secretary-General—

**Hon. Ed Broadbent:** No, I understand that.

**Mr. Kenneth Roth:**—so please take this as just a surmising on my part rather than a reflection of any inside knowledge.

At a certain level, yes, any major western government with a peacekeeping capacity could play this role. But if you look around at the likely candidates, many of them are preoccupied elsewhere. There's just no way the U.S. is going to take this on. There's no way Britain is going to take this on. They're all completely caught up in Iraq. France seems to have its hands full at the moment between Côte d'Ivoire and eastern Congo. Theoretically, Germany could play this role, but Germany still is struggling with the idea of even having a peacekeeping role, and I don't think they're ready yet to have a lead peacekeeping role in the kind of activist way that would be required here.

So there are just not that many countries around with a strong peacekeeping tradition and the possibility to provide the moral leadership that Canada can provide. It doesn't surprise me that, if you do a quick survey of the possibilities, you arrive at Canada pretty quickly.

**Hon. Ed Broadbent:** Thank you.

In terms of the veto problem you just referred to, in a different context, and given the position of the AU on their opposition to outside interference, what do you see as the sort of small-p politics of the situation of getting...? Let's assume Canada wanted to do this; presumably Canada wouldn't do it unless it was authorized by the UN. The problem of getting authorization from the UN is the existing veto. Pragmatically, have we given some thought as to how that could be dealt with?

•(1605)

**Mr. Kenneth Roth:** The only conceivable vetoer here is China. A deployment of peacekeepers in Darfur is far less threatening to Chinese interests than the referral of Darfur to the International Criminal Court, to which it obviously didn't veto. The ICC threatens the leadership in Khartoum, the people who signed the oil contracts with China. Putting peacekeepers in Darfur doesn't threaten anybody that China cares about. It threatens the Janjaweed, and the low-level military commanders who are operating in Darfur, but that's not China's concern. So given that China has already acquiesced in the ICC referral, I don't see why it would stand in the way of a larger peacekeeper deployment.

Now, that said, I don't envision this happening over Khartoum's objection. I think a more likely scenario is convincing Khartoum not to object.

I've spoken privately on this with a few of you already, but I think the most appropriate analogy is what Kofi Annan did in East Timor in 1999. For those of you who may not even remember the history here, Indonesia at that stage was murdering people left and right in

East Timor; it didn't look all that different from Darfur. Indonesia was saying, "Don't worry, we have this under control, we don't need any external peacekeeping force". Kofi Annan, very courageously, said that Jakarta would be complicit in crimes against humanity if it didn't either stop the killing itself or allow in a willing external force that would stop the killing. It was a very strong statement, and one that was sufficient to move Jakarta, even when there was no International Criminal Court on the horizon.

Here we have an International Criminal Court with jurisdiction. A statement like that, with that kind of pressure put on Khartoum, I think could be very effective in convincing it to consent, particularly since—and I spent a little time in Khartoum—the leadership of the Sudanese government is very fearful of the ICC. The last thing they want to do is spend their dying days dodging arrest warrants in the Sudanese desert. It's not their idea of a good time.

So I think there is leverage to be had on Khartoum that would convince it to consent, and that too would make it much less likely that you would encounter a Chinese veto over a larger peacekeeping deployment.

**Hon. Ed Broadbent:** Do I have time for one more question?

**The Chair:** You have one minute.

**Hon. Ed Broadbent:** On an entirely different subject, this deals with the great, ongoing saga of globalization, in particular globalization defined in terms of economic activity, specifically China. As everyone knows, when the Berlin Wall came tumbling down at the beginning of the 1990s, all western democratic leaders, and I once totalled them all up, said now the world is going to be safe for human rights and/or democracy on the one hand and trade on the other. Then they promptly forgot about human rights and vigorously, almost without exception, Canada included, pursued their commercial self-interest. I think this has been abominable in terms of modern human history.

We also understand the commercial power of China. I won't list your reports, among others, about the terrible violation of rights within China. In terms of western governments, have you thought recently, or can you give us some suggestions, about some more practical approaches that might work in dealing with a country like China?

•(1610)

**Mr. Kenneth Roth:** This is obviously a huge dilemma that many of us have faced. There is no great answer to it.



I think one lesson that has been learned is that simply trading with China hasn't been enough to improve things. You know, it has created greater personal freedom, in the sense that there is now greater latitude to choose your job, to choose where you live, to choose where you send your kids to school. These are all important personal freedoms. But it has not changed the political terrain very much at all. The surest way to find yourself in prison is to start an independent labour union, to start an independent political party, to start a human rights group, to start a Falun Gong chapter, to start a house church, to talk about separatism if you're in Xinjiang or Tibet. I mean, these are all quick "go to jail" cards. That hasn't changed.

Many governments and companies talk about the importance of corporate social responsibility, of conducting business consistent with human rights values. Then they create a giant exception for China. They'll say, "Of course we'll always permit independent labour unions in our factories, in the factories of our suppliers", but when you ask about China, they'll say, "Oh, we couldn't do that, because it's not allowed".

I think one of the goals we have, one of the challenges, is to push governments and businesses to really live up to these principles, even in China, and to try to create oases of freedom in the various factories or enterprises that are sort of the western embassies in much of China. This is going to require moving beyond voluntary codes of conduct, because we've seen what happens there. People just ignore their voluntary codes. It's going to require promoting enforceable business standards.

I know the Canadian government has been reluctant to take that step. It is a step that I think should be taken, because it's the only way we can ensure that globalization in a situation like China really does work on behalf of freedom and not in opposition to it.

**The Chair:** Thank you very much, Mr. Broadbent. I just want to stick to the time a bit.

Mr. Goldring, please.

**Mr. Peter Goldring (Edmonton East, CPC):** Thank you very much, Mr. Chairman.

Mr. Roth, thank you for your appearance here today.

I'd like to speak about another country in this hemisphere that seems to be going through continual crisis, and that's the country of Haiti. Once again, it's another country that's been dropped from the list of 25, if you like, under CIDA aid, with the problems they have there.

I think it's commonly known here that we can go back with Canada, and the United States, and France, involved in the overthrow of the elected president of that country, too. At that time, Canada installed 500 troops, but then they withdrew them. Once again, we have the police installed in Haiti too. It was supposed to be a commitment of some 100. It's rather 50 or 60 now, I think, and then there's the more recent withdrawal and removal from the CIDA list.

What are your feelings here? How would you compare the situations? Is it that desperate in Haiti? Is it something that we absolutely must address? And in view of this, what should we be doing here, and what are some of the ways we can do it?

**Mr. Kenneth Roth:** Haiti is by far the poorest country in this hemisphere. It's a country where you would want to give aid if you could, if you could make a difference.

I don't know the reason behind Haiti not being on the list of 25, but I suspect it's the sense of futility, that given the current governmental structure, or lack of governmental structure, you're just throwing money down the toilet if you give aid to Haiti. So I think the challenge is to create some kind of governmental structure so that Haiti can be put on the list, because it certainly needs the money.

I've been following Haiti for a long time, although not as closely recently as I once did; there was a time when I spent quite a bit of time there. The problem historically, and to the present, is one of impunity. The reason Haiti is racked by violence, the reason you have one gang of thugs overthrowing another gang of thugs, is that everybody gets away with murder. I think the greatest challenge is, yes, building a professional police force, but a police force built outside a system of accountability is just going to be the next group of thugs that takes over.

As Canada engages in Haiti—and I certainly encourage the kind of political and training engagement that is taking place—I think it's important that real effort is directed toward creating a functioning legal system, and that the police are there not simply to police on the streets but also to serve the rule of law. That is a complicated task in a place like Haiti, but until that happens, until you really have something approaching the rule of law, you're just going to get one brutal dictatorship after another.

• (1615)

**Mr. Peter Goldring:** Your comments on Darfur indicated that there would be a preference for Canada to assume a leadership role in the circumstances there. Is this not something that Canada could assume in Haiti too? Perhaps the problem has been over the years not necessarily inadequate response but inconsistency of approach, which exacerbates the situation. Once again we have a reversal of ways that we're going to be approaching it, by removing it from the CIDA list, because it leads to the question, what is Canada going to do now? We rather doubt it would simply abandon Haiti, but what would their step be, and will this be another inconsistency?

**Mr. Kenneth Roth:** First of all, I hope that removing Haiti from the CIDA list doesn't mean that Haiti is disqualified for rule of law assistance and efforts to build up a functioning accountability system. I hope that kind of aid would continue, and that therefore, down the road perhaps, Haiti would be eligible for traditional CIDA assistance.

Should Canada take the lead on Haiti? I think it was a very positive development that Brazil came forward, and it's one that I think we should encourage. You know, Brazil does have the capacity to do the right thing in Haiti. They may need help, but it would be great for Brazil to emerge as a peacekeeping country. I think we should encourage that to happen and find ways to allow it to continue to play a leadership role in Haiti, but perhaps more effectively than it has been.

You're absolutely right about inconsistency, though. There are many reasons for Haiti's problems, but one of the big reasons is that it's always been too convenient for Haiti's closest allies to support a particular military ruler, or to overthrow a particular democratic leader. I have very mixed feelings about Aristide. There was a time when I saw him as the great white hope against the Duvalier dictatorship. He then became a violent populist himself. So I'm not standing here as an advocate for Aristide at all, but it is important to be principled in our support for the rule of law and democracy over the long term in Haiti.

**The Chair:** Just very quickly, for the committee's attention—and this won't eat into your time, Mr. Goldring, sorry—under development partners, Haiti is not mentioned, but under failed and fragile states, Haiti is included in the IPS. I just wanted to bring that to the committee's attention in terms questions about Haiti.

**Mr. Peter Goldring:** It's not on the list of the 25.

**The Chair:** No, I just wanted to bring that to the committee's attention.

**Hon. Paddy Torsney:** Yes, it's not a development partner, Mr. Goldring, but it is absolutely an area of focus. It's part of a whole-of-government approach. So it's diplomacy, defence, aid—

**The Chair:** I just wanted to clarify that it was in it. You're right that it's not in the 25, but it is in the IPS.

Thank you.

**Mr. Peter Goldring:** In line with this inconsistency, in speaking to some of the leadership of other Caribbean countries and the concern there, we seem to be moving and making changes this way without necessarily being in step with CARICOM, which is the regional organization. I think that's typified by this last movement of bringing the troops in and then withdrawing them. The reality on the ground in Haiti right now is that in many parts of the country, it's a risk to go into those areas even in armoured vehicles. Trying to put money into the rule of the law, wouldn't you think the first step to take in Haiti would be to arrest the killing and the armed thugs and then move on into other forms of progression?

In other words, shouldn't Canada be more involved with troops in the region first before working on the rule of the law and other refinements?

**Mr. Kenneth Roth:** There are two separate questions there. One, should it be Canada, and two, what should be done by whoever it is? I'd obviously welcome Canada's involvement in Haiti. Haiti needs all the help it can get. I'm aware that there are a lot of different pleas for Canada's commitment right now, so I'm not going to play the Haiti versus Darfur game. In terms of what should be done, of course basic security has to be established, but over the longer term, and even over the pretty short term, you need to establish the expectation that if you start murdering people, you will be arrested and punished.

That is not the expectation in Haiti today. It hasn't been the expectation for some time. Until it becomes the expectation, then a country as poor as Haiti is inevitably going to generate thugs who realize that the easiest way to earn a living is to shoot their way into everything. Until you get past that, Haiti is not going to be pulled out of its disastrous situation.

• (1620)

**Mr. Peter Goldring:** Thank you very much.

**The Chair:** Thank you.

Mr. Khan.

**Mr. Wajid Khan (Mississauga—Streetsville, Lib.):** Thank you very much, Mr. Chair.

Welcome, sir. I feel fortunate to have you here, and to listen to you. I agree with you that Canada should take the lead. I have a couple of questions to ask. You can answer them and I'll listen.

African governments want you to solve the problem. They are unable to, or don't want to. That's fine, and others have to get in. Is there any way for a long-term engagement with the African nations to train them, or to bring them to a level where in future they can do this? Is there any hope, at this moment, that they would ever be able to solve their own problems down the road?

A question was asked by my honourable colleague Mr. Broadbent that commercial interests have trumped human rights. I'd like you to comment on that.

Finally, we always hear about non-democratic countries, communist countries, and others where there are human rights abuses, but there are many democracies that are just as bad, if not worse, on human rights. We never hear about those. Is democracy enough for them to have some sort of cover?

**Mr. Kenneth Roth:** First of all, I have great hope for the African Union as a positive player on the continent in stopping atrocities situations. If you just look at the progression from...

Take ECOWAS, which is one component of the broader AU force. The difference in the role it initially played—first in Liberia, then in Sierra Leone, and then back in Liberia—is that there's been a real and positive progression in the professionalism of those forces, obviously mostly Nigerian-led. Nigeria is a very significant component of the AU force in Darfur.

So I do think that with proper training and proper experience, the AU can be a very positive and effective force. It's just not going to happen quickly enough for the people of Darfur. That's my only point there.

On commercial interests and human rights, I don't have a whole lot to add to what we've already been talking about, but yes, there's been a tension there. I think part of the role of a committee like this is to try to prevent commercialism from trumping human rights.

In terms of democracy, let me just highlight one particularly important abuse by democracy, as we've been talking about today, in other settings. One of the big challenges we've faced is around the legitimate concern that fighting terrorism is being used as an excuse to violate human rights. This has been an issue in terms of arbitrary detentions, and it's been particularly an issue in terms of abusive interrogation. The United States has obviously been at the forefront of that.

One thing that I've highlighted and that I'd like to bring to your attention is the fact that during the confirmation hearings of the new U.S. Attorney General, Alberto Gonzales, he made it clear, for the first time, that the United States considers that, as a matter of policy, it is entitled to use cruel, inhuman, or degrading treatment so long as it's against someone who is not a U.S. citizen or is not present in the United States. The United States is the only government in the world to have adopted a position like that as a matter of policy. Everyone else at least pretends that they don't engage in cruel, inhuman, or degrading treatment. The U.S. says they do as a matter of policy.

This is an outrage. It is something that is threatening to undermine one of the most basic protections that exists in international human rights law. I have urged other members of the Canadian government, and I'll repeat it here, that Canada should file a formal protest to this reinterpretation of the Convention Against Torture. There's a procedure that when a government enters a reservation that is inconsistent with the purposes of the treaty, other members of the treaty can enter a formal reservation. This particular policy statement is a reinterpretation of a reservation that was entered ten years ago, but the reinterpretation just happened in January. So it is very appropriate now for Canada and others to enter a formal objection to this essentially ripping up of the treaty in one of its most important respects.

I should say, speaking of another democracy, you're aware that Human Rights Watch has had concern about Canada's own compliance in certain respects. We issued a report the other day about the importance of never sending somebody to a country that tortures. Even if you receive assurances from the country that they won't mistreat the person, those assurances are worthless from a country that does practice torture.

I'm aware of the dilemma that Canada faces with the security certificate detainees; it wants to deport them but can't because their home countries torture. It's afraid to release them for fear they're a security risk. The best answer in those circumstances is to prosecute them. If indeed they are such a security risk, there has to be evidence of conspiracy to commit acts of terrorism, or whatever, that should warrant prosecution. If that is really impossible, then there have to be methods, short of full-fledged detention, that would allow Canada to keep an eye on these people in a way that would neutralize their security threat, as has happened with one of the detainees who has been released.

• (1625)

**The Chair:** Thank you.

Mr. Broadbent, and then we'll try to get in Mr. Kilgour afterwards.

**Hon. Ed Broadbent:** I have one question related to what you had to say about commercial interests in China trumping human rights. This committee had presentations about a situation involving a

Canadian mine, for example, in the Philippines. We're still in the midst of considering that issue. One approach, if I understood you correctly, or what you're proposing, is that Canadian law, for example, affects Canadian corporations; we could lay down law, and put it in our Criminal Code provisions, making corporate management owners and directors responsible for their treatment of workers overseas.

Would you favour such an approach?

**Mr. Kenneth Roth:** Let me suggest a slightly different approach. I favour making standards of corporate social responsibility mandatory. I think if it's done on a country-by-country basis, what you're going to find is resistance. Canadian companies will say, "You're putting us at a competitive disadvantage. Our competition can suppress the labour union in Chinese factories and get cheaper labour, so why can't the Canadian company?"

This is a problem we faced in a slightly different but analogous situation on the question of corruption. As you may know, in the late 1970s the U.S. government adopted a law prohibiting U.S. companies from bribing overseas officials. American companies screamed and howled and said, "You're putting us at a competitive disadvantage. The French or the Germans can bribe their way to get the contract, and American companies can't". That led to a push for standards across the whole OECD. Indeed, it took 20 years, but there now is an OECD commitment to have comparable anti-corruption standards among all the major industrialized countries.

I think something similar is going to be needed in the area of corporate social responsibility, because already I've had CEOs of major companies come to me and say, "We would like to do the right thing here, but we're at a disadvantage". Indeed, what they complain about is that the major brand name companies already have a very strong incentive not to become complicit in human rights abuses for fear of jeopardizing their brand name and their goodwill. It's the no-name companies, the little companies, which can sort of operate under the radar screen, that are using a lot of these abuses to their competitive advantage.

So I'm finding increasingly that the major companies want enforceable standards as a way of levelling the playing field. I think that's something we can work with. If we can build up enough of a sense that it is unfair not to have enforceable standards, I think you may be able to find a solution that would not be Canadian only, but that could involve something like the OECD.

**Hon. Ed Broadbent:** Would you wait 20 years for this to happen?

**Mr. Kenneth Roth:** No, I wouldn't wait 20 years. I think this needs to start happening now.

**Hon. Ed Broadbent:** Okay. I'll leave that for now.

Thank you.

**The Chair:** Thank you very much.

It's been brought to my attention, Mr. Roth, that we do have a few more minutes of your time, and I think that works very well for all of us.

As you know, we have Mr. Kilgour here with us as well, as an observer today. If it's okay with everyone, I'll allow him to ask a question.

**Some hon. members:** Agreed.

**The Chair:** Thank you.

Mr. Kilgour.

**Hon. David Kilgour (Edmonton—Mill Woods—Beaumont, Ind.):** Merci beaucoup, Mr. Chairman.

There are many questions I'd like to ask Mr. Roth, and they'd all be about Darfur.

On the 51 indictments that were filed—sealed, I guess—I gather that many of them were for government officials. Do you think that will really cause the government in Khartoum to stop the killing in Darfur, for example?

**Mr. Kenneth Roth:** First of all, it wasn't 51 indictments. The commission of inquiry named 51 people against whom they thought there was evidence of complicity in atrocities, and urged that they be investigated. That evidence has now been handed to the ICC. But they're not indictments. No one has been indicted yet.

I do believe the ICC has deterrent value. It is insufficient, and it is not a replacement for putting troops on the ground. That said, it is much better than nothing.

What struck me from meeting with the leadership in Khartoum is that this is a very sophisticated group of people. They are well travelled. Many of them are educated in the west. They are not people who want to lead a clandestine, hidden existence for the remainder of their lives. So they are people who are susceptible to the threat of international arrest.

• (1630)

**Hon. David Kilgour:** Okay.

The time is really short here, especially for me as an observer.

**Mr. Kenneth Roth:** I'm sorry, go ahead.

**Hon. David Kilgour:** You talked about doing this within the UN system. What about the Bosnia and Kosovo examples, where this got around the UN system because the UN Security Council wouldn't act? You think it'll work through the UN system because of the veto, China and so on; is that fair to say?

**Mr. Kenneth Roth:** What was the question?

**Hon. David Kilgour:** Are we in a situation like Bosnia or Kosovo, where we're going to have to find a way to find mechanisms that will work—outside the UN system, which we all prefer?

**Mr. Kenneth Roth:** So in terms of military intervention.

**Hon. David Kilgour:** Yes.

**Mr. Kenneth Roth:** As I said earlier, I don't think China will veto this, particularly since I think we can convince Khartoum to consent to it, in the end.

I would be willing to go with a multinational force outside of Security Council authorization if that's what it takes. I don't think it'll be necessary, but I do think there's a higher principle here, of saving the lives of the people on the ground. If that takes a coalition of Canada and the U.S. and Britain and a few others, so be it.

**Hon. David Kilgour:** Two other very quick questions.

First, your point about Indonesia is an excellent one, and I can't thank you more for that, but some people have argued that the situations are different, that Indonesia is not Sudan, and there are differences between East Timor and Darfur. Do you think that's a fair comment?

**Mr. Kenneth Roth:** Obviously every country is different. Indonesia is a much more powerful country than Sudan. Indonesia was never the kind of pariah that Sudan is. So any differences that exist are differences that speak toward the greater ease of convincing Khartoum to consent to the deployment of a multinational force, not that make it more difficult.

**Hon. David Kilgour:** Okay.

Finally, we have a first report...and when you're gone, I'd like to raise the point that we should get moving on that. But one other thing was that you heard from Errol Mendes, today at lunch, talking about using the IMF and the World Bank to put pressure on Sudan. Would you perhaps repeat what you said there, if you can?

**Mr. Kenneth Roth:** There, all I said was that I think the World Bank has made great progress under Jim Wolfensohn in recognizing that issues of good governance and the rule of law, which are basically human rights in different terms, are directly relevant to successful development assistance. The IMF has taken a different approach. It deals more at the macro level. But even there we've operated constructively with the IMF—in Angola, for example—in pushing the government to disclose its revenue and expenditures.

In the case of Sudan, we do have to be careful that the international financial institutions are not operating at cross-purposes to what we're trying to accomplish in Darfur. There is a desire, on the one hand, to reward Khartoum for the peace agreement in the south, but also to penalize Khartoum for its ongoing atrocities in the west. We have to be careful to recognize that it's still one country. Indeed, I think a case can be made that the refusal to deal seriously with accountability for atrocities in the south was part of what led Khartoum to believe it could get away with further atrocities in the west.

So we should learn that lesson and develop a holistic approach to the country that takes into account the fact that atrocities are still going on.

**Hon. David Kilgour:** Thank you.

Thank you, Mr. Chair.

**The Chair:** No problem.

Any further questions from any of the members?

Thank you very much, Mr. Roth. On a personal level, I think we really do value your input, especially with respect to your expertise in Darfur.

Actually, I was going to mention at the beginning that we would like to discuss the IPS, so I'm glad that you were able to give feedback on that as well, especially recognizing Canada's role. I think that's very important to recognize, that we have an independent voice, and that we do have a history of strong human rights work. I think that was very important to bring to our attention.

Again, thank you very much for taking time out of your valuable schedule.

We're going to go in camera for some committee work.

**Hon. David Kilgour:** On a point of order, Mr. Chairman, before you go in camera, I believe the clerk will agree that the former chair was supposed to take to the full committee the first report, dealing with Darfur, of our subcommittee. I wonder if you would all agree, when you go into camera—and I guess I'll leave—that the new chairman could take this to the full committee.

**The Chair:** Absolutely. I appreciate that.

**Hon. David Kilgour:** Thank you.

**The Chair:** Thank you very much.

*[Proceedings continue in camera]*

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