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—
Chair

Mr. Lee Richardson

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• (1605)

[English]

The Chair (Mr. Lee Richardson (Calgary Centre, CPC)): We'll come to order for the 33rd meeting this session of the Standing Committee on International Trade.

Before we begin with our witnesses, I'll beg your indulgence for a moment. We have a small piece of committee business to deal with. We have quorum and there is a motion.

Mr. Keddy.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Thank you, Mr. Chairman.

I won't take too long to discuss this, because we do have witnesses waiting.

Certainly, to our opposition members, it's imperative that we get the EFTA legislation through the House before the House rises. I've discussed this with most of the members, but not all of them. It's certainly a priority for our government.

There are a couple of salient points I want to make. The committee has already issued our report on EFTA. That's the first point. Two, second reading debates gave every member who wanted to speak an opportunity to speak. Three, there's no room for amendments because the treaty has been signed.

We do need your support on this and we would like to move forward on it.

The Chair: Thank you, Mr. Keddy.

An hon. member: Call the vote.

The Chair: Those in favour...?

Hon. Navdeep Bains (Mississauga—Brampton South, Lib.): Can I speak to it?

The Chair: Oh, sorry. Go ahead, Mr. Bains.

Hon. Navdeep Bains: Thank you very much, Chair and colleagues.

I see that Mr. Keddy has put forth a motion. He has explained why and the intention behind it, but I would like to bring it to his attention that I've received numerous requests from various stakeholders who want to take this opportunity to speak, during this bill coming before the committee...and the enabling legislation. They do want to speak to it and comment on it. I think that some of these witnesses who didn't have an opportunity to speak before, want to come before the committee and do so.

In light of that, I want to bring it to the committee's attention, with the full intention of trying to honour the timeline. We'll do our best, but I can't make any assurances. I mean, if we need additional meetings, so be it, but that can be discussed.

I don't want to take up too much time, but I do have reservations and concerns about this particular deadline. Requests have been made to me by various MPs and stakeholders who have people who want to speak to this particular enabling legislation that has been put forward to the committee and on which we're going to go clause-by-clause.

In that context, in light of the time.... I mean, if we want to have a debate on this, we can, and I can explain why further. With respect to the witnesses, we can defer this discussion until after the meeting and spend an extra 15 minutes, because we have the votes.

So whatever you guys see fit, I'm more than willing to cooperate.

The Chair: Mr. Keddy.

Mr. Gerald Keddy: Perhaps I'll make a final comment on that.

If the official opposition wants to hold the legislation up, then we'll sit here until we get it through. But I think the issue here is quite simple. This is a signed agreement that the committee has supported up to this point. If we do not take the regulatory process into consideration and get this passed in a timely fashion, then the agreement will not come into force on January 1, as it should. It takes some time to put the regulatory process in place.

So it is important. We've discussed that. We do have witnesses here, and I appreciate that fact, but I'm not hearing the answer I'd like to hear.

The Chair: Mr. Bains.

Hon. Navdeep Bains: Again, that's what I wanted to speak to at length, this regulatory timeline that you speak to. My understanding is that the legislation doesn't come into effect until 2009, end of January, so I don't see why a June 11 deadline is so important to meet, especially when the actual legislation doesn't come into effect until 2009. That's my issue.

Aside from the witnesses coming before us to speak on this as well, I do want to get a better understanding of this timeline that you allude to. The fact that we've spoken to this bill, that we've debated it in a timely fashion and we've cooperated in the House with the government on this, should be a sign of good faith. In that context, I have no intention of being difficult, but I do want to be able to represent the concerns raised by stakeholders and some of my colleagues and I want to make sure that those are reflected in the debate that takes place on second reading.

Again, I don't want to prolong this debate, in light of the witnesses, and hence my recommendation that we deal with committee business after we hear the witnesses today.

Mr. Gerald Keddy: And I agree. Perhaps as a final word on that, since you did ask the question on the regulatory regime, it takes Finance three months to adjust the tariff schedules. It's as simple as that. So that's September, October, November; now you're in December...you're into the first of January. It doesn't give us any lead time, it doesn't give us any wiggle room whatsoever.

It is important that we get this done or it will wait until six months after January 1, which is not acceptable for our country in any free trade negotiations, and that's already been approved by this committee.

The Chair: I am cognizant of our witnesses, and they have been waiting for over half an hour.

Mr. Julian has raised his hand. Do you want to comment now? Otherwise, we can bring this up again at 5:30.

Mr. Peter Julian (Burnaby—New Westminster, NDP): If we are moving to the witnesses and discussing the committee business afterwards, then I will put my name back on the list at that time.

The Chair: Let's do it that way. Thanks, Mr. Julian.

If you wouldn't mind, Mr. Keddy, we'll just defer your discussion of this until we've heard from the witnesses, and then pick it up again at 5:20.

We will proceed with our witnesses for today.

Today we have, from Peace Brigades International, Gilles-Philippe Pagé, the Colombia Project; from the Canadian Foundation for the Americas, Alexa Barrera and Vladimir Torres, who will speak to the committee; from the United Steelworkers, Roger Falconer, department leader, organizing and strategic campaigns department; and from Enbridge Inc. in Calgary, Leigh Cruess, senior vice-president international, and D'Arcy Levesque, vice-president, public and government affairs.

Welcome to you all. I think you're all familiar with the process. We'll get opening comments from you. Since there are four of you and we're starting 40 minutes late, I'm going to ask you to keep it as tight as possible, and then we'll move directly to questions. We'll try to get through a round of questions in the traditional manner, but we'll have to judge when we've heard from you just how much time we'll have for the committee to ask questions.

First we'll have Gilles-Philippe Pagé from Peace Brigades International.

[*Translation*]

Mr. Gilles-Philippe Pagé (Colombia Project, Peace Brigades International): Thank you, Mr. Chair.

First of all, I would like to inform you that, in my presentation, I will, for convenience, refer to Peace Brigades International as PBI.

I would like to thank the committee for inviting PBI to present to you today. PBI is an organization that works to protect human rights defenders who are threatened because of their political work on human rights and unpunished crime in the armed conflict in

Colombia. We provide physical accompaniment backed by political work, both in Colombia and internationally, to show responsible Colombian authorities that the international community is concerned about the protection of human rights defenders, and to encourage them to take the actions needed to ensure the protection of those activists.

PBI has had a permanent presence in Colombia for 14 years. It provides protective accompaniment directly to 14 organizations and three communities of internally displaced people. PBI does not take a position on the free trade agreement between Colombia and Canada. However, several of the organizations that we accompany have strong opinions and significant concerns about it. We believe that, as international observers, we have a responsibility to come to testify before you today to present our observations and experiences in Colombia.

My name is Gilles-Philippe Pagé, I am a Canadian from the province of Quebec. In April, I returned from spending 18 months providing international accompaniment with PBI in various regions of Colombia.

I would like to begin my presentation by putting into perspective the perception that security and the protection of human rights are getting better in Colombia.

Among the human rights defenders that we accompany in Colombia are men and women who have been working on the issue of extrajudicial, or summary, executions of civilians attributed to the national armed forces. By this, I am referring to military forces, and, in some cases, police forces.

In May 2007, the Colombia-Europe-United States Coordination Group, a coalition of more than 100 organizations, released a report that documented about 955 cases of summary executions of civilians attributed to the country's armed forces. The documented cases occurred between August 2002 and June 2006. This period corresponds to the first term of the Uribe government and the implementation of its national security policy.

The report documents a consistent execution pattern. When soldiers arrive in a community, they accuse civilians of supporting and being part of rebel movements, the guerrilla. Civilians then disappear, and the military simulates a combat action against the guerrilla. The civilians are executed and shown off as members of the guerrilla killed during the action. This method of execution has been documented over and over again, a total of 955 times. It is important to note that the method gives the impression that the number of civilians killed or executed as the result of the conflict is going down. But, in fact, the number is simply added to the number of real guerrillas killed in combat. It is important to understand this.

Of the 955 cases documented in the report, 74 cases, with a total of 110 victims, took place in a region where I worked for almost a year in 2007, called Oriente Antioqueño. This is where I was working to accompany, among others, lawyers documenting cases of human rights abuses, who went into the area to gather statements from the victims' families and to offer legal assistance.

In the months I spent in those communities, I was able to observe the fear that the communities must deal with because of the threats and intimidation designed to prevent people from speaking out. This leads Colombian organizations to state that the number of 955 executions is probably an underestimation. The real figure is likely much higher.

Another way of giving the false impression that human rights are improving in Colombia is the use of alternative means of repression that are less visible. With the organizations that we accompany, we were able, in recent years, to observe an increase in the number of charges of *rebelión* against human rights defenders. A person supporting, aiding, or sympathizing with the guerrilla is charged with *rebelión*. These charges have significant consequences for human rights defenders.

•(1610)

These charges have significant consequences for human rights defenders. Although these means of repression are less visible, they are just as effective in paralyzing human rights work and in closing down the political space necessary for human rights defenders to play their important opposition role in a democratic society.

I would also like to tell you about protection. This is a major concern for PBI in Colombia. When referring to protection, human rights defenders distinguish between physical protection and political protection. They also tell us about a double standard, two ways used by the Colombian government to protect them. On the one hand, the government operates programs with physical methods of protection such as surveillance cameras at the entrance to offices, armoured cars and so on. On the other hand, these same government representatives, both civilian and military, use what are called *señalamientos* in Spanish. These are public statements accusing human rights defenders of supporting the guerrilla. This has been condemned by international human rights organizations, by the United Nations and by the Organization of American States. It exposes the human rights defenders to significant danger in the Colombian conflict. They have to confront illegally armed combatants who are conducting an irregular war against anyone suspected of having links to the guerrilla or of supporting it in any way. The charges are made by government representatives and put the human rights defenders at grave risk. This leads to their belief that the government has no real desire to protect them. I could give examples, but I do not think that I will go into details.

I could talk about what is called parapolitics. You have heard it mentioned a lot in recent weeks. It is a central theme in Colombian politics; as a result, human rights defenders claim that the Colombian government does not have the legitimacy it requires. I could describe for you violations of human rights for economic reasons. We accompany communities who are resisting forcible displacement for economic reasons in the Uraba region of northern Colombia. I will not go into details.

I would like to conclude by telling you about some conversations that I had with human rights defenders whom you probably know, people who have visited Canada in recent months. Liliana Uribe, for example, is a lawyer and human rights activist, working from the city of Medellín. Among other things, she works on extrajudicial, or summary, executions. Because of her work, she is under significant

threat. Liliana was very surprised and concerned by the contradiction she sees between the importance that Canada places on values like democracy, human rights and freedom and our interest in supporting the Uribe government by negotiating a free trade agreement.

I could also mention my discussions with Ivan Cepeda, the spokesperson for the National Movement for the Victims of State Crimes, and one of the most threatened activists in Colombia. We have been accompanying him for a number of years. Mr. Cepeda has often told me that, when the Canadian government shows its support of the Colombian government, it is like recognizing the legitimacy of the government and its policies. The policies have failed to protect human rights in Colombia and continue to fail to do so.

These are the comments that I wanted to make to the committee in order to give you an idea of what Colombian human rights defenders think of the situation. I will yield the floor to the other witnesses.

•(1615)

[English]

The Chair: Thank you, Monsieur Pagé, for staying within that time, although I must give my congratulations to the translator. It was a remarkable speed you were travelling at. Thank you for that.

Next is Vladimir Torres, project manager of trade and development with the Canadian Foundation for the Americas.

Mr. Torres.

Mr. Vladimir Torres (Project Manager, Trade and Development, Canadian Foundation for the Americas (FOCAL)): Thank you, Mr. Chair, and members of the committee.

We are aware that many witnesses have been before this committee previous to us, so chances are you've already heard some of the things we're going to say today. However, we believe it's worth reiterating some of the arguments around this issue.

FOCAL has a rather unique take on discussions such as this one, and for three main reasons. First and foremost, we do have a certain expertise in trade and development—and the linkages between those two things—through the research we carry out in-house and the research we outsource to many different sources in Canada and throughout the Americas.

The second thing that gives us some kind of expertise and justifies our presence here is our definite, profound, intimate, in-depth knowledge of the region. Our subject matter is the Americas. We work intensely throughout the region, the hemisphere. Colombia is one of the countries where we focus a lot of our attention.

The third reason our presence today is somehow justified is that FOCAL plays the role of a forum, a convenor of all the different positions, all the different takes that surround a particular issue, including one that has proven to be so divisive as this one. A good example of this last role is that we very recently had a visit with the vice-president of Colombia, Francisco Santos. We had the opportunity of having an event to which we invited all the different sectors that have opinions or are stakeholders in the negotiations of a free trade agreement between Colombia and Canada.

Let me begin by saying something rather obvious: a trade agreement is a trade agreement, period. It is not a panacea that is going to solve, once and for all, all the maladies and problems of the country. It is not the solution for the development problems of the country, for the human rights problems of the country, or for everything that goes wrong in a country. In consequence, a trade agreement can be blamed only for the failures that are attributable to a trade agreement and can be praised only for the benefits that derive strictly from a trade agreement.

I'm going to digress for a second. It's all about lowering barriers to trade. This was relatively easy to do when it was only a matter of tariffs. But that part of the road has been trod already, through multilateral agreements and the WTO. Now we move into an era where trade agreements are more complex, and this has two clear implications. First, it's more difficult to showcase the direct links between the trade agreement itself and the direct, positive impacts it can generate. Second, due to that increased complexity they are a more difficult sell. There are expectations that are not going to be met on the one hand, and there are critiques that have little or nothing to do with trade itself that are set against the potential agreements.

Having said that, one thing a trade agreement can do is open opportunities for many other complementary policies and beneficial impacts within a country—in this case, our developing partner, Colombia—when we take the opportunity of a trade agreement to enable the possibility of these other things happening.

Much has been said about trade agreements tending to lower things to the lowest common denominator. One could argue that's quite the opposite. Through a trade agreement, and in this case through the side agreements in labour and the environment, one can say that certain industries and companies would be there with or without a trade agreement, ones that it would be very difficult to hold accountable for their practices in a different country. Now, in the case of Colombia, we will be in possession of the legal tools to hold them accountable to corporate social responsibility practices, to environmental good practices, to labour good practices. And this, quite to the contrary of lowering things to the lowest common denominator, raises the standard. It's an opportunity that is not...you can't say it's only due to the trade agreement; the trade agreement presents us the opportunity to do that, just as it presents opportunities for improving many other areas that have to do with the rule of law in general, with cutting red tape in some of the bureaucratic processes, with competitiveness and capacity-building—many things that directly benefit our partner country in this case, but that we have to say do not happen automatically. They're not an automatic consequence of a trade agreement. They have to be achieved.

• (1620)

The trade agreement, I repeat, presents us with the unique opportunity to help them achieve these other things—complementary policies that are necessary to do this, many of which Canada has a great deal of expertise in. If we are going to really commit to doing this and really commit to a strategy of the Americas, we can and should contribute with the development and implementation of all these hosts of complementary policies.

In the specific case of Colombia, yes, there have been decades of conflict and there have been atrocities committed by all actors involved in the conflict, but the real victims—the Colombian people caught in the middle, in the crossfire of this thing, those who have been displaced—are the ones who are most likely to benefit once all the right sets of policies are in place, not thanks to the trade agreement but through the opportunities that arise from the trade agreement. When all those things are put in place, these are the people who will benefit the most, particularly when all the steps in the right direction have already been taken by the current Colombian authorities. We can go into what I mean by taking the right steps in the right direction and what the specific policies of the Uribe government are that allow us to make this statement.

The other thing, and this is critical, is that we're talking about some of the most resilient democratic institutions in the whole of South America, so resilient, so based on sound foundations, that these institutions have resisted five decades of conflict. That today is a conflict far removed from any political or ideological confrontation, such as it could have been subject to once upon a time. It's a matter of the institutions of a legitimate government of a legitimate state confronting the threat of armed, organized crime, terrorists, and drug trafficking—the lot.

Last but not least, then, we believe that Canada has the obligation to support the democratic government, and the trade reasons are valid in and of themselves, but our concern for the well-being of Colombians and for human rights in Colombia is definitely the most powerful argument for why we should indeed go ahead with this trade agreement.

Thank you.

• (1625)

The Chair: Thank you, Mr. Torres.

We'll move on to Roger Falconer of the United Steel Workers. Roger is the department leader in the organizing and strategic campaigns department of the United Steelworkers.

Mr. Falconer.

Mr. Roger Falconer (Department Leader, Organizing and Strategic Campaigns Department, United Steelworkers): Thank you, Mr. Chair.

Thank you, members of the committee, for this opportunity to appear before you.

The Steelworkers Union is an international union with members both in the United States and Canada. We have about 800,000 members in North America and over 200,000 of them are in Canada. Our union has members in every sector of the Canadian economy. We are grateful for this opportunity to make submissions on the ongoing negotiations aimed at establishing a free trade agreement between Canada and Colombia.

In 1985 our union started the Steelworkers Humanity Fund. This fund is largely financed through members' dues and it has developed into one of the largest leading NGOs in Canada, with projects devoted to Africa and Latin America. We are intimately familiar with the struggles of workers in the Americas and we are committed to ensuring that the benefits of trade are distributed to all workers in the hemisphere.

Our union is also the leading union in the mining sector in Canada. As such, we have a particular interest in the hemispheric trade agreements with countries such as Colombia that are focused on the resource extraction sector. Our union has been involved in the struggles of the Colombian labour movement for many years. Our union is actively involved in the international campaign to bring an end to the ongoing labour and human rights abuses in Colombia.

We believe entering into a free trade agreement with Colombia raises important issues for Canada. Colombia has the worst human rights and trade union record of any country in the hemisphere. Colombia continues to attract global attention for its appalling record regarding the frequent murder of trade unionists.

The question for Canada is whether entering into a trade agreement with Colombia will contribute to the advancement of democracy, political stability, human rights, and labour rights in Colombia and in the Americas generally. We believe it would be a mistake for the Canadian government to enter into a free trade agreement with Colombia at this time. The signing of such an agreement would provide legitimacy to the Colombian government, a government that has been condemned all around the world.

We also submit that the Canadian government would be sending the wrong message to Canadian corporations who have an interest in investing in Colombia. Investing in Colombia can and does lead to complicity in grave and violent human rights abuses. We think it is important to note some of the worst labour rights violations that routinely occur in Colombia.

Since 1986, over 2,500 trade unionists have been murdered in Colombia. During President Uribe's first term in office, over 400 unionists were assassinated. Thirty-eight trade unionists were assassinated in Colombia last year between January 1 and December 1, and in the first four months of this year, 22 trade unionists have been murdered. Seven of them were leaders of their own unions.

These assassinations are carried out by paramilitary forces that obtain logistical support and even troops from Colombia's regular armed forces.

Of equal concern is the fact that those who commit crimes against trade unionists are hardly ever brought to justice. The rate of impunity for these murders remains at over 97%. Also, the International Labour Organization has repeatedly criticized Colom-

bia's failure to adopt laws consistent with ILO core labour standards, which are considered the minimum labour standards for countries.

Progress on labour law reform has been slow, and trade union density is in sharp decline in Colombia. Our union gained firsthand knowledge of these human rights violations in Colombia when we sent our first delegation there in March 2001. Our delegation heard testimony from scores of workers who had suffered all types of abuses from attempting to engage in lawful union activity, including threats of violence, death, forced exile, kidnapping, and torture.

Since that 2001 visit, our union has continued to send delegations to Colombia on a regular basis. Sadly, the horrifying stories we heard back then have been repeated over and over through to the present time. Our union has also taken some other action to eliminate the human rights problems in Colombia.

Drummond Limited is a U.S.-based mining company that operates a large unionized coal mine in La Loma, Colombia. On March 12, 2001, the union president and the vice-president were taken off a Drummond company bus and murdered by a paramilitary group in front of their co-workers. In September 2001, Gustavo Soler agreed to become the new union president. On October 5 he was taken off the bus by the paramilitaries and murdered. On behalf of the families of the murdered Colombian coal miners and their union, the Steelworkers, along with the International Labor Rights Fund, filed a civil case in U.S. court, alleging that Drummond was responsible for the killings of the top union leaders at its La Loma mines. The lawsuit continues today and is presently before the Eleventh Circuit Court of Appeals in the U.S.

● (1630)

The experience at Drummond mining is only one example of the violence suffered by Colombian trade unions over the last decades. By pursuing this legal action against Drummond, our union has made it a priority to ensure that companies such as Drummond are held accountable for their actions.

Why should there be free trade with Colombia? Colombia is not a significant trading partner for Canada. Less than 1% of Canadian exports are directed to Colombia; 80% of existing Colombian trade imports into Canada are duty-free. To our knowledge there is no great need to remove trade barriers between Canada and Colombia.

We believe the pursuit of the trade agreement is part of a broader trade agenda in the hemisphere. Colombia has also been pursuing a similar agreement with the U.S. We note in the U.S. that the so-called fast-track authorization for the Colombia trade agreement has been denied. Many leading members of the Democratic Party oppose any deal with Colombia.

The question for Canada, then, is why an agreement with Colombia should be pursued at this time. We understand that Canadian corporate interests may have an interest in investing in Colombia, but Canadian investment in Colombia comes with great risks. Colombia's decades-long internal conflict is not yet resolved. Colombian exploration or development of natural resources inevitably means doing business with paramilitaries, in effect organized crime syndicates. Paramilitaries, and by extension those who do business with them, glean profits from the horrendous crimes they have committed. We submit that the Canadian government must carefully consider whether this free trade agreement is consistent with Canada's international human rights commitments.

We understand that the proposed trade agreement will also include a so-called side deal that will seek to address labour rights issues. In our experience the hemispheric trade agreements signed by the Canadian government have not generally provided any substantial mechanism to ensure that labour rights are protected. The labour side agreements to NAFTA, the Canada-Costa Rica free trade agreement and the Canada-Chile free trade agreement, have not in our experience provided any enforceable legal mechanisms to pursue labour rights violations. There is no basis to conclude that the insertion of a labour provision into the proposed trade agreement between Canada and Colombia will have any positive effect on the labour rights climate in Colombia.

In summary, the violent repression of trade unions and workers continues. United Steelworkers urges the Government of Canada to suspend negotiations with the current Government of Colombia until such time as a respected international human rights institution has conducted a full human rights audit and can certify that the human rights climate in Colombia is within accepted international norms and requirements.

The ILO condemns the continuing murder of trade unionists. Amnesty International and other important human rights organizations continue to cite the persistent human rights violations in the country. Until these issues are addressed, we submit that Canada should not conclude an agreement with the current Colombian administration.

United Steelworkers also submits that the Government of Canada must engage in meaningful consultations on this issue with trade unions, civil society groups, and the public at large. If negotiations of a Canada-Colombia agreement are to continue, there must be transparency with respect to the negotiation of the agreement. It is unconscionable that these agreements are negotiated in secret, without any significant public consultation.

Canada does not have an enviable record with respect to transparency when it comes to the negotiation of trade agreements. The negotiation and ratification of the agreement must be as open and democratic as possible. Therefore, if a trade agreement is concluded with Colombia, it must be subject to ratification by the House of Commons and the Senate.

Thank you very much, Mr. Chairman, and the committee.

• (1635)

The Chair: Thank you, Mr. Falconer.

We'll now hear from Enbridge Inc. I understand that Leigh Cruess, the senior vice-president, international, will speak on behalf of Enbridge.

Mr. Cruess.

Mr. Leigh Cruess (Senior Vice-President, International, Enbridge Inc.): Thank you very much, Mr. Chair, and committee members. Enbridge welcomes the opportunity to be in front of you this afternoon on this subject.

I'd like to begin my presentation with a brief overview of our company before turning to a specific discussion about environmental impacts and human rights concerns in connection with a free trade agreement between Canada and Colombia.

Enbridge is a Canadian company based in Calgary and is a leader in energy transportation and distribution in North America and internationally. We transport the natural gas and crude oil used to heat homes, power transportation systems, and provide fuel and feedstock for industries. As a transporter of energy, Enbridge operates, in both Canada and the U.S., the world's longest crude oil and liquids transportation system. As a distributor of energy, Enbridge owns and operates Canada's largest natural gas distribution company, providing distribution services in Ontario, Quebec, New Brunswick, and New York State. We employ approximately 5,600 people, primarily in Canada. We have employees as well in the U.S. and South America.

We pride ourselves on being a socially responsible company. For us that means doing things right and doing the right thing. All our business decisions and actions have to be considered in light of their short-, medium-, and long-term economic, environmental, and social impacts. This includes decisions we make as to the countries in which we invest. Our decisions are governed by our desire to, first of all, conduct our business in a socially responsible and ethical manner; second, protect the environment and the safety of people; third, provide economic and other benefits to the communities where we operate; fourth, support universal human rights; and fifth, engage, learn from, respect, and support the communities and culture in which we work.

We have walked away from several countries because we did not believe we could live up to our commitments. On the other hand, we've done business in Colombia for about 15 years because it is able to meet these criteria. On the surface that may seem like a surprising statement, but let me elaborate.

We have been doing business in Colombia since 1994, when we made our first investment in Oleoducto Central SA, or Ocesa. That was our first investment outside North America, I might add. We own 24.7% of Ocesa, a consortium that built Colombia's largest oil pipeline system at an investment of more than U.S. \$2.3 billion. The pipeline runs from the Cusiana and Cupiagua oilfields in the central interior of Colombia to the Port of Coveñas on the Caribbean coast. Enbridge provides technical and management services to this pipeline, which has a capacity of 550,000 barrels per day. The other members of the Ocesa consortium, the other owners, are Ecopetrol, the largest company in Colombia and the state-owned oil company of Colombia, BP, and Total.

We knew going into the country that there were considerable risks associated with our investment, given that Colombia is a country with a past history of civil war and ongoing conflicts involving guerrilla and paramilitary groups. We also believed those risks were manageable. Why? First, despite the civil strife, Colombia is a long-established democracy. It has a relatively stable economy, well-developed trade relations with countries around the world, and a population that is predominantly optimistic and engaged in productive activities. The oil business can be, and is, carried on successfully and safely in Colombia.

We are pleased to have had Enbridge and Ocesa representatives participate in the industry round table that members of this committee met with on your visit to Colombia last month. We hope your firsthand experience in the country helps you as you deliberate the proposed free trade agreement between our two countries.

Let me just share briefly our experience there.

In the 15 years that we've been active in Colombia, we have transferred technology, skills, and technical know-how, as well as environmental, health, and safety standards. We are proud of our record in the country in which, along with our partners in Ocesa, we have helped to create economic, social, and environmental value by creating awareness, understanding, and respect for human rights; making corporate social responsibility a priority; and engaging all levels of stakeholders, including local communities, governments, landowners, NGOs, contractors, employees, and others.

Our policy of community relations expresses our commitment in three dimensions: first, to strictly comply with the law and all government regulations; second, to carefully manage our operations to minimize any possible adverse impacts to the public, to our employees, to our contractors, or to the environment; and third, to contribute to improving the socio-economic conditions and political stability in regions where our company is active.

The implementation of this policy requires the dedication of financial, human, and technical resources, as well as a high degree of coordination among municipal and departmental governments, institutions of national law and order, and international non-governmental institutions. The output of this work is called our social investment plan. The social investment plan is designed to empower communities as managers responsible for their own destiny and to generate new opportunities for growth and sustainability through better living conditions.

• (1640)

The program has four main thrusts.

The first thrust is the reduction of poverty through the construction of new homes and the making of improvements to existing homes, the training parents about proper nutrition, and strengthening the nuclear family through customized training programs to teach parents how to protect and care for their children.

The second is institutional strengthening through community courses and workshops designed to increase good governance skills in both elected officials and the citizens they represent.

The third is helpful communication, through the provision of FM radio shows and a monthly newsletter to remote regions along the

pipeline's right-of-way—remember that pipelines traverse huge spans of geography—promoting respect for people and cultural diversity; knowledge about basic human rights and obligations; and news and interviews to increase the sense of community among isolated towns and villages

The fourth and last is increasing skills and self-reliance through our agreements and support of the Juntas de Acción Comunal, which are community cooperatives. These self-governed organizations supply manpower for both community projects and civil works in our right-of-way, and are funded by Ocesa. They provide an opportunity for members of the junta to learn about safety on the job, how to manage projects, how to interpret engineering drawings, and many other skills designed to increase their employability. Each year, between 200 and 400 people are employed on our right-of-way through the cooperatives.

Ocesa currently invests 2.2% of its ordinary operating costs in the communities—and that's assuming that we would deduct extraordinary costs associated with security and helicopters, which would not be necessary if the system were operated in Canada.

Let me reference two of the programs that we have supported, just as examples. First, Ocesa's reforestation program is part of its commitment to the environment. Ocesa has an ongoing program to plant trees along the pipeline's right-of-way. To date, about 1,970 hectares of trees have been planted. In sensitive shoreline areas, 122 hectares of red mangrove trees, a rare and endangered species, have been planted with the assistance of local communities. Ocesa has also purchased 167 hectares of high mountain forest, and plans to buy an additional 50 hectares. Ocesa took this action as part of an agreement with Colombia's environment minister.

In the area of human rights, Ocesa was one of the first companies in Colombia to publicly declare its philosophy and commitment to the respect of human rights in all company activities—and this was in 2002. The human rights policy emphasizes respect for human dignity and no discrimination; support for the rule of law and of public institutions; a rejection of all forms of violence and of any kind of relationship with illegal armed groups; protection of the civil character of all personnel and assets granted by international human rights laws; promotion of security practices that favour and uphold the exercise of all human rights; and the promotion of a culture of respect for human rights among employees and contractors.

Ocensa follows the Voluntary Principles on Security and Human Rights and the UN's Global Compact—as does Enbridge, I might add. Ocensa adopted a detailed human rights policy and code of conduct in 2004, an action-oriented program that includes: mandatory attendance for all employees in basic human rights training and workshops, held four times a year every year; the use of human rights clauses in all contracts, demanding from contractors concrete assurance practices, with compliance being reviewed directly as well as through independent auditors; and the promotion of specific assurance practices for security contractors that guide their conduct and behaviour in any situation where human rights could possibly be violated.

In 2007 Ocensa led an industry and government project that resulted in the publication of the first-ever handbook of *Guidelines on Human Rights for Private Security Companies*.

It also provides funds for third-party training by accredited academic institutions for public enforcement personnel on the subject of human rights.

Now, the Ocensa pipeline traverses an extensive part of Colombia's geography and includes some zones of conflict. Those zones are patrolled regularly by the Colombian army to protect people, infrastructure, and resources. In 2006, 1,400 soldiers, airmen, and marines from 17 military bases stationed near Ocensa's pipeline participated in Ocensa's human rights awareness training programs. Since the implementation of these programs, more than 4,000 military personnel have received extensive training designed to achieve a strict application of international humanitarian law and respectful conduct towards the people in communities close to our facilities.

Last, there is an anonymous, confidential reporting system in place to receive and investigate any allegations related to the human rights policy. Ocensa has also appointed a human rights coordinator, who tracks and audits the company's human rights practices and monitors employee and contractor compliance with the human rights policy.

Despite our best efforts, but also, more importantly, those of the Colombian people and their democratically elected government, we are all too aware of the ongoing human rights issues in Colombia today. What we are encouraged by, though, is the positive trend we have seen recently. Some indicators of this include the fact although there were 2,882 cases of kidnapping registered in the country in 2002, by 2007 there were 486 cases.

•(1645)

Terrorist actions have declined from 1,645 in 2002 to 387 in 2007. Homicide rates have declined from the 28,837 registered in 2002 to the 17,198 by the end of 2007. In terms of forced displacements, 392,431 persons were classified as forcibly displaced in 2002. By 2007 that number was reduced to 220,439. The United Nations High Commission on Human Rights has recognized the increment of public efforts to alleviate this problem for which the illegal armed groups are being held responsible.

Unions have a strong protection under the law in Colombia, although the illegal armed groups have seriously affected the exercise of the right of association. The government's advance

against those groups has achieved a reduction from 192 union members killed in 2002 to 26 in 2007. The UNHCHR has shown confidence in the Colombian government's efforts to prevent the killing of union workers through activities such as the improvement of the protection capabilities of persons in danger or under menace. In 2006 the general prosecutor's office created a special unit to investigate this specific type of crime. The unemployment rate has declined from 15.1% in 2002 to 11.1% in 2007.

We know things aren't perfect in Colombia. In fact, they are far from it. We do believe, however, that more engagement and investment in the country by us, by other Canadian companies, and increasing engagement between our two societies and governments can help continue to advance a number of these indicators. The problems in Colombia are not caused by trade and investment, but they may be partially addressed by increased trade and investment.

We believe we've made a positive difference in Colombia. We see the growth of new forests along our pipeline right-of-way. Even more telling, we see the growth of new ideas through our education and awareness programs on human rights and social and environmental issues with our employees and their families, as well as our contractors and the groups we interact with on a daily basis. Because we have a long-term commitment to the country, we will continue with those programs regardless of the outcome of these discussions.

In summary, it's our firm belief that we have contributed positively. We believe Canada stands to benefit from access to new and growing markets, such as the one in Colombia. We believe a greater presence of Canadian companies operating in Colombia will be of benefit to the people of Colombia and of Canada. This is a country that is making improvements, has a wealth of highly skilled and committed workers, proven respect for commercial agreements, and a long-term history of democracy. In short, we believe Colombia is a worthy partner for a free trade agreement with Canada.

We thank the members of the committee for allowing us the opportunity to make our presentation. We'll be glad to take any questions at the appropriate time.

The Chair: Thank you, Mr. Cruess.

We're going to have to move right to questions. I'm going to ask for the cooperation of the committee again, because of our late start; we'll have to limit it to five minutes per question and answer.

We'll start with Mr. Bains, who will ask his question and have it answered within five minutes. We can move on from there.

Mr. Bains.

Hon. Navdeep Bains: Thank you, Chair.

Our committee has really been looking at two key aspects of how to deal with this free trade agreement. One is the issue of engagement: do we use this free trade agreement as a means to engage with them, to help address not only issues of economic prosperity for both countries but obviously human rights issues? The other view is that there have to be preconditions. That has been expressed very clearly. Some of you have been very forthcoming about your views on that.

I wanted to get your view on that, Gilles Pagé from Peace Brigades International. You've seen firsthand on the ground the situation in parts where we, unfortunately, were not allowed to travel because of security issues. You've been in the rural parts.

Can you speak to those two schools of thought? Which one, in your opinion, would be applicable in our pursuit of a free trade agreement with Colombia?

• (1650)

Mr. Gilles-Philippe Pagé: As I said, I think human rights defenders in Colombia believe it is a very dangerous business to take an unconditional approach to free trade with the country; that's obvious.

Now, organizations over there have tons of recommendations around different issues. All of them know very well what they're talking about, around the extrajudicial execution, for example. They have been talking about the necessity to go from the penal justice system to the ordinary justice system, the different cases of extrajudicial executions, because they believe there is not enough separation of power between the executive and the judiciary penal system for those cases to be investigated and judged without impunity. That's only one example.

I think one fundamental condition to making sure human rights are respected in Colombia is to make sure that human rights defenders are protected. To show that, well, the government would first have to stop making those signals, *señalamientos*, I was talking about, those accusations that expose the defenders to very important risks.

The second thing is to recognize publicly the legitimacy of the work of those human rights defenders. That's a very key issue in terms of protection, in terms of human rights, because without defenders we don't have a solid plan for improving the human rights situation over there.

Hon. Navdeep Bains: Thank you.

I will be sharing my time with my colleague, so I'll be very quick with my next question: what's the rush? That's the question that many have asked. In the context of Canada trying to strategically pursue free trade agreements with, say, a united Europe—the EU, of course—China, or India, why Colombia? It's less than 1% of our trade. Can you speak to that?

Alexa Barrera or Mr. Torres, from your perspective, what's the rush? In the context of our trade, it's less than 1%. Why Colombia, why now, and why in the next few months?

Mr. Vladimir Torres: There are two ways to answer that. One is strictly speaking about trade. It's an opportunity. It's there. It's a very visible policy. It sends the right signal about our re-engagement with

the Americas, and it opens the door to further negotiations with similar like-minded countries in the hemisphere. That is a justification, as I said, strictly from the trade point of view.

The second goes beyond that, and it is the need to show our commitment to our way of understanding the world. By this I mean being absolutely unapologetic about the support for democracy and for a democratic government that is facing several threats, not only domestically but also internationally.

It's a way of saying very clearly that we are committed to the hemisphere and that we are committed to the defence of democracy, human rights, economic prosperity, the possibility of enhancing that economic prosperity, and indeed security.

Thank you.

The Chair: Okay. That was a one-minute question and answer.

Hon. Navdeep Bains: Yes, that was pretty fast.

Ms. Joyce Murray (Vancouver Quadra, Lib.): Do we have a second round?

The Chair: We do if we get through the first round.

Hon. Navdeep Bains: Joyce, you continue, absolutely. You can have my time.

Ms. Joyce Murray: Okay.

I have a question for both sides, the “anti” and the “pro”, in terms of the free trade agreement.

To the anti-agreement or conditional advocates, are the human rights abuses, per se, the reason why you would say not to go ahead, or is it the possibility or the claim that the government is either complicit in or covering up the human rights abuses?

In other words, if the government's involvement were not an issue, and if those human rights abuses were outside the government's control, and they were trying, would it still be a no? Is it the abuses, or is it the government's role in them that is the concern?

I would like an answer from both of you.

• (1655)

Mr. Roger Falconer: I can say, from the United Steelworkers point of view, that in a country where trade unionists are being murdered and people tend to know who's committing these atrocities, and nobody is held accountable for them, it clearly falls on the shoulders of the government to do something about it.

I don't think there's a simple answer. If we felt comfortable knowing that there was a system in place that protected trade unionists and that respected trade unionists—and not only trade unionists but other people in the country who are being killed because of their political beliefs—then we wouldn't have the same objection to the trade deal that's being talked about right now. We wouldn't have the same problem.

But the Government of Colombia is complicit in not doing something about those right-wing paramilitary groups that are out there. They're running with complete impunity from the government. They're not being held accountable for killing people, and it's totally unacceptable in a so-called democratic society.

The Chair: Thank you.

Monsieur Cardin, you have five minutes, please.

[*Translation*]

Mr. Serge Cardin (Sherbrooke, BQ): Thank you, Mr. Chair.

A number of people have told us that the government is complicit, not only because it does nothing, but because some members of Parliament are corrupt and have links with the paramilitary. Against that background, it is naive to claim that a free trade agreement is going to help in the development of rights. Furthermore, 20 experts at the international conference called "Humaniser le commerce" assured us that no free trade agreement had yet succeeded in changing behaviour in a number of countries or in moving human rights forward.

If it is true that the government is complicit—and we have to think that it is—can we legitimately commit to a relationship like that and support it? Some companies, of course, already invest in Colombia on an individual basis. Mr. Cruess' company almost seems like a community association. To hear him talk, he is there just as much to look after the welfare of the people as to make money. But you still enjoy a degree of protection for your assets.

Should we put an end to the free trade negotiations with Colombia or should we sign an agreement? If we sign an agreement, should we sign unconditionally? What conditions would there be and what impact would they have? For example, companies want their investments in Colombia to be protected. That could be done with a kind of chapter 11, under which they would even have the right to sue the government if they did not make money as a result of its actions. Could the opposite be true? Could the government sue Canadian companies overseas, if, in whatever way, they did not uphold human rights or workers' rights?

Mr. Torres, Mr. Cruess, Mr. Falconer, M. Pagé, can we sign an unconditional free trade agreement with Colombia? If not, what conditions could we attach, and how would they be applied?

[*English*]

Mr. Vladimir Torres: There are several sides to your question, and I'll try to address them within the time constraints.

When we say that a trade agreement is strictly about trade, it will not do anything for the situation of human rights. But beyond the scope of a trade agreement there is much that can be done, and it is definitely a very clear political signal that the government is moving in the right direction. Much has been said about the paramilitaries and their proximity to the government.

What has the government of President Uribe done? It has for the first time begun to end impunity. These people are being tried. People who are uncomfortably close to him or people in his party, or who supported him and have links to the paramilitary, have been extradited to the U.S. Believe me, extraditing someone to the U.S. is not exactly like sending them on a holiday.

What has been done is a clear movement in the direction of transparency, the independence of the judiciary, and ending impunity. All these things are not directly linked to trade and will not be improved by a trade agreement. We never said that and do not claim that. But they are definitely a signal in the right direction.

I would like to repeat one thing we said before. We are unapologetic about the support for democracy, human rights, prosperity, and security in the context of democratic institutions. The Colombian democratic institutions are there and moving in the direction of improving.

• (1700)

[*Translation*]

Mr. Serge Cardin: Mr. Pagé.

Mr. Gilles-Philippe Pagé: Colombian activists often draw a comparison with impunity. When crimes go unpunished, it opens the door to them being committed again. With a free trade agreement, they see support for government policies, meaning that the door is open to the policies being repeated. In the case of Colombia, the criticism is that the policies that have been put in place have not succeeded in preventing people's basic rights from being violated. That is what concerns the activists. That is the message that they are sending to us. A free trade agreement provides legitimacy to the government, and when that door is opened, policies are repeated just as crimes are repeated when they go unpunished.

[*English*]

The Chair: Thank you.

Mr. Julian.

[*Translation*]

Mr. Peter Julian: Thank you very much, Mr. Chair.

I have some questions for the four groups.

Starting with Mr. Pagé. You mentioned that the government had changed its approach and you said that there is a contradiction. Physical protection and public denunciation are never far apart, but you did not give examples.

Could you give us two examples of situations where people supposedly under protection were subject to public denunciation of that kind?

[*English*]

Secondly, Mr. Falconer, we've heard from businesses that have raised serious concerns about a Canada-Colombia trade agreement—for instance, the sugar industry just a few days ago—and I'm wondering how the labour movement in Canada feels about this. Has there been discussion at the level of the Canadian Labour Congress around this agreement? I'd also like your reaction to the provisions of the agreement that essentially allow for a fine to be imposed if there are continued killings of labour activists or human rights activists; if you kill a labour activist, you pay a fine. How do you respond to that?

Thirdly, Mr. Torres, I'd like to know how much money the Canadian Foundation for the Americas gets from the Canadian government. Do you receive any money from para-public organizations as well? Do you get any money from the American government, or American foundations, and do you get money from the corporate sector?

And finally, Mr. Cruess, I have three quick questions. What countries has Enbridge walked away from on the sole basis of human rights violations? Secondly, you raised the issue around cooperatives—we've certainly heard a lot of testimony that cooperatives were used to undermine the labour movement—so I'd like to know what number of your workers are under a binding collective agreement in Colombia. And finally, you mentioned the unemployment rate. We heard testimony that the Colombian government simply with the stroke of a pen changed the definition of employment. If you work eight days a year, you're fully employed. I want to know your reaction to the Colombian government simply changing the statistics so they can appear a little bit better.

Mr. Pagé.

[Translation]

Mr. Gilles-Philippe Pagé: You are asking for examples of the denunciations, the *señalamientos*, that can affect the safety of the activists. Here is one example: a threatening e-mail was sent to several organizations in Colombia, social organizations, some of which we have been personally accompanying for a number of years. The e-mail, which arrived on March 11, 2008, threatened “death to the leaders of the march for peace, the *guerrilleros*, and their accomplices”. This March 11 e-mail was signed by the Black Eagles, who describe themselves as the new generation of paramilitary forces. According to the message, the threat was justified because the organizations helped to plan the demonstration that had taken place five days earlier, on March 6, in a number of regions in Colombia and around the world. The march was intended to pay tribute to victims of state and paramilitary crimes. The threats came against a background of *señalamientos*, public accusations. In the weeks before the march, a presidential advisor, José Obdulio Gaviria, had, on a number of occasions, accused those organizing the march of doing so in the name of the FARC, thereby associating the organizers with the rebel group and exposing them. In the weeks following the demonstration, several of the organizers were murdered in various parts of the country. Some of them were union leaders.

• (1705)

[English]

Mr. Peter Julian: Merci.

Monsieur Falconer.

Mr. Roger Falconer: First of all, I think this committee knows the position of the Canadian Labour Congress when it comes to this trade deal. There's no difference between our position and their position.

Mr. Peter Julian: Was it adopted unanimously?

Mr. Roger Falconer: Yes, by the CLC; as a matter of fact, we debated it last week at the CLC convention, which happens every three years. The resolution was passed in support of trying to lobby

the Canadian government not to enter into this agreement for the reasons that we've enunciated.

With regard to killing someone and being fined for it, it's a simple question of how much a human life is worth. Is it worth a \$10,000 fine, or a \$100,000 fine, or a \$1 million fine? I don't think we can put a price on human life, and as such, I think that the standards, the norm...to answer one of the previous questions, in a roundabout way, is you asked what kind of provisions would we put in a trade deal. Quite simply, the international human rights norms and being accredited by a legitimate human rights agency that is respected and renowned throughout the world would be a good first step. If they were allowed to go and do a proper audit in Colombia and make a full report, and if the Colombian government measured up, then maybe it would be time to continue the negotiations.

Mr. Peter Julian: Thank you.

The Chair: Mr. Allison.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): I'd like to thank our guests for being here.

It's too bad you guys don't care as much about crime in this country as you do in other countries.

At any rate, I digress—

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Don't waste time.

Mr. Dean Allison: They're my five minutes, Sukh, and I can spend them any way I want.

I'm going to share my time with Mr. Keddy. I have just a couple of points.

Mr. Cruess, I want to thank you guys for what you do in terms of leading and in terms of corporate responsibility. I think you're doing a great job. We had a chance to speak to some of your people in Colombia and were very impressed by your example.

The concern we have is we talked to the trade unions in Colombia who said they have this list of Canadian violations, but yet can't provide anybody. I sense that there's not a whole lot of credibility that I can see when someone can make those kinds of outrageous statements and not be able to back them.

The question I have for you, Mr. Cruess or Mr. Torres, is how is it that a government that's been panned by some of our witnesses—as well as what we've seen down in Colombia by some of the trade groups—can actually win a second election with 62% of the popular vote, and, quite frankly, is shown to have almost 80% support? It seems outrageous to me that we could have all these statements about the government. We know it has issues; we're not denying the fact that there are issues in Colombia. But how is it that a government—supposedly as corrupt as it is—can get re-elected with 62% of the vote and have an 80% popular vote?

That's my only question for Mr. Torres and Mr. Cruess. Go ahead.

Mr. Leigh Cruess: I'll be glad to tackle this first.

I actually have copies of the most recent polling information that we've been able to obtain through the Gallup affiliate in Colombia, the polling organization. Mr. Uribe currently has a 79% favourable rating; he's actually down from 82% earlier. He's extremely popular with his own people. There does seem to be a bit of a disconnect because he was democratically elected twice—the second time with a larger plurality—and, frankly, enjoys approval ratings that I don't believe any Canadian prime minister has ever enjoyed in the history of our country.

I also have information about the favourable and unfavourable ratings for various institutions of the country. It's very interesting because the most favourably viewed institution in the country of Colombia is the military forces. The three most unfavourably viewed institutions in the country are the FARC, the ELN, and the paramilitaries. The paramilitaries enjoy the largest favourable rating at 3%, with 91% unfavourable.

Colombians have a very favourable view of their governmental institutions, their democracy, and their country. They're very proud of their country. They're struggling with insurgency, terrorism, violence, a lack of education for many of the people, frankly, and lack of opportunity. But it isn't for lack of effort on the part of their government, I don't think, to make things better.

It kind of boggles my mind that we as a country wouldn't want to get more engaged to assist them to make the transition from the state that they've been in, to a more developed, advanced, secure, and prosperous situation.

• (1710)

Mr. Dean Allison: Thanks.

Go ahead, Gerald.

The Chair: You have two minutes.

Mr. Gerald Keddy: Okay. I have a couple of issues.

First of all, when we were in Colombia we met with the International Labour Organization. I got a bit of a mixed feeling from them. They certainly recognized the need to have an office there. They certainly recognized the long history of abuses that have occurred in Colombia. At the same time, they had a very good rapport with Uribe's government. They have weekly meetings with the Minister of Social Protection. They had a list of issues that they talked about.

These are the quick facts that they gave us. Trade union members have increased in Colombia in recent years. The total budget for the union protection program has grown 300% since 2002. I'm not saying that's enough, but that's what the International Labour Organization is saying. There have been 1,246 teachers relocated for safety reasons. They're tracking all of this stuff. They're keeping an eye on it.

There's a program to protect labour unionists in Colombia today. Since that program has been instigated, none of the labour unionists in the program have been murdered—there are still labour unionists being murdered, but none in that program have been murdered.

Sitting around this table, we can't imagine 200 labour unionists being killed in a year. None of us can. However, that number went from 200 to 26 in 2007—and you've already mentioned that it has gone up again this year.

I mention those things because here's a country that's headed in the right direction, and I really question what happens if we say to them now that all the work they've done is for nothing because it's not enough yet.

It isn't enough yet, but I don't know if we reward that or penalize it and how they accept it themselves.

Does somebody want to comment on that? It's a tough issue.

The Chair: If that was a question, I'm sorry, but we don't have any time for answer.

It's not the first time, Mr. Falconer.

I think we could do a quick round and try to get everybody in. We're going to go with a two-minute round, so keep it a quick question and quick answer, if you would.

Mr. Dhaliwal.

Mr. Sukh Dhaliwal: Thank you, Mr. Chair.

My question is to Mr. Pagé and Mr. Falconer.

Do you think the implementation of free market reforms have been paralleled by a dramatic increase in the state's direct involvement in human rights violations in Colombia, yes or no?

• (1715)

Mr. Gilles-Philippe Pagé: As I said, PBI doesn't have an opinion on the free trade agreement itself.

Mr. Sukh Dhaliwal: No, I'm not saying free trade; I'm talking about free market.

Mr. Falconer.

Mr. Roger Falconer: I really don't have a comment on that.

Mr. Sukh Dhaliwal: To Mr. Cruess, when you started your operations in Colombia, did you provide helicopters, vehicles, or any logistical support for military operations to carry out your business?

Mr. Leigh Cruess: The answer is no.

Ecopetrol, which is a state-owned company, has a relationship with the Colombian military.

Ocensa has a relationship with the Colombian military in two areas. When right-of-way has to be investigated, it's mandatory for security reasons that the area be swept by the military first, before personnel, workers of Ocensa or contractors, can go on-site to investigate, for the obvious reasons of land mines and other security issues.

Ocensa also built and maintains the barracks that are used when army units are in the field along the right-of-way. In those, the army personnel are supplied with beds, food, shelter, showers, etc.

There is also a very small monthly stipend that is paid through the Colombian military, with very strict guidelines that it must be spent on the training that I discussed in my notes about respect for human rights by military personnel.

Mr. Sukh Dhaliwal: Do you pay it on the lands from which Colombian people were displaced—

The Chair: Sorry, your time is up.

Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Thank you, Mr. Chair.

Let us imagine a free trade agreement with precise conditions on human rights and workers' rights. The agreement would impose those conditions on the government and on our companies wanting to go to Colombia. They would therefore be required to apply those standards of human and workers' rights.

If that were the case, would you be in agreement, given that Canadian companies doing business in Colombia could be sued by the Canadian government if they did not fulfill the conditions? The conditions would be in order to provide the Colombian government with an example of how standards of human and workers' rights are applied.

[*English*]

Mr. Vladimir Torres: Every single business operating in a country where there is a legal framework should comply with that legal framework.

If a Canadian company, or any company whatsoever, is acting within Colombia where there is a rule of law and where there are labour standards complying with the ILO, with our environmental standards, reinforced and enhanced, say, by side agreements to a trade agreement with Canada, when you have that rule of law, every single company has to comply with it.

It's not a matter of Canadian companies or not, it's a matter of raising the standards for everyone.

[*Translation*]

Mr. Serge Cardin: We know very well that the rule of law does not exist in Colombia today.

[*English*]

Mr. Vladimir Torres: On the issue of human rights, again, it cannot be confined within the trade issues, strictly speaking. The issue of human rights is there, nobody is denying that, but the government is dealing with it. The freely elected, democratic, legitimate government of Colombia is dealing with that.

We can choose to express our support to those efforts, or we can choose not to. We think we should choose to support them.

The Chair: Thank you.

You will have the final question for this round, Mr. Keddy.

Mr. Gerald Keddy: Thank you, Mr. Chairman. I will try to be very brief.

On the whole question surrounding the corporate social responsibility, Mr. Torres, I think we have an opportunity in

Colombia. We have a country that's headed in the right direction. We have 1,000 Canadian companies who have either a corporate presence in Colombia or an investment in Colombia. Those 1,000 companies have an excellent chance to lead by example. I think we've done that throughout the hemisphere.

I just want your comment on our ability to do that, to lead by example.

• (1720)

Mr. Vladimir Torres: We are doing that. We cannot say, in all due fairness, that we have always done that.

Mr. Gerald Keddy: No, I completely agree.

Mr. Vladimir Torres: But definitely...and our contribution is not simply through what Canadian companies can do now. Let's think and jump to the future. Let's think about how you can raise the level, how you can raise the bar for the kind of things you want to see enforced.

No trade agreement goes below ILO recommendations. No trade agreement is going to violate what is already accepted as environmental standards. It's the opportunity to move forward.

The Chair: Mr. Cruess, please.

Mr. Leigh Cruess: I might add a quick anecdote.

I was in Colombia in February, outside of Bogata, at a social event at which there were a number of members of Canadian companies, Canadian embassy staff, as well as a large number of Colombians, some whom are advisors to either members of the government or to ministers. I was told by the chairman of the Canada-Colombia chamber of commerce, as well as by one other individual who was close to the president, that in the area of environmental law and in the area of corporate social responsibility standards, when they looked at rewriting their laws and regulations regarding those areas they looked to the Canadian laws and standards. They considered them to be best in class, and also considered them to be more politically saleable in a country like Colombia than picking them from the American comparable laws and regulations.

So I think we have in fact led by example, and we have in fact, created a standard in Colombia. The question is, how much more can we do?

The Chair: Thank you, Mr. Cruess, and thank you, Mr. Keddy.

With that, we're going to have to wrap it up and get to our other business. I'm going to thank our witnesses. It was particularly good today, with the firsthand experience you have had. We very much appreciate the time you've taken. I'm sorry we were rushed again today. It's a long way to come for such a short period of time, but I very much appreciate it.

If you have anything else you'd like to add, you can submit it in writing to the committee. We're in the process of writing the report—as I speak, in fact.

I want to thank you again for your appearance today. With that, I will ask you to call it a day. Thank you.

I'm going to turn the attention of the committee to committee business. Take one minute to bid our witnesses farewell, and then please return to your seats.

• (1720) _____ (Pause) _____

• (1725)

The Chair: Mr. Keddy, before we broke earlier we were in the midst of discussion on your motion, so the motion is returned to the floor.

I'm just thinking that we have time pressing here, and we could debate back and forth, but there seems to be a sense that the committee does not want to be rushed and that there is an interest in pursuing Colombia.

My sense is that Mr. Keddy would like to have EFTA dealt with before the end of the session. I think the only way we'll be able to do that, without knowing when the session is going to be over, is to get it done in a couple of days.

We know there are witnesses who would like to appear. We've heard about the CLC and we've heard about shipbuilding concerns from other colleagues. I think it's quite possible to get this done. We could have witnesses on Monday and Wednesday and even do clause-by-clause on Wednesday, if there were a consensus of the committee.

Other than that, we can debate forever and come to the same banging of heads. I'm not into banging of heads, so rather than pursue your motion, I would like to get a comment from a representative of each of the parties to see whether they would be prepared to say let's try to get this done and then be able to carry on with Colombia.

I think there is a general sense that we may be able to conclude Colombia as well, at least to get our report out—or even tabled, if the House goes as late as June 20. But I think we're going to require some goodwill all around to do both.

With that opening comment, Mr. Keddy, in the interests of time I would rather just ask each one of the party representatives to give me their view on whether or not they think we can get both of these things done, one of them done, or what their preference is before the end of the month. I'm presuming we're going to have about four more meetings before we adjourn.

Mr. Bains.

Hon. Navdeep Bains: Thank you, Chair.

Our party's view is very consistent with what you've said, in that we feel that we've put a lot of effort into this study on Colombia. We've travelled to Colombia and we've met with a long list of witnesses, and we think it's important that we complete this study first and, subsequently, look at the EFTA implementation act that has been brought before the committee. The only caveat there is that we have additional witnesses we'd like to bring forward, so that needs to be managed in the time as well.

So the sequence of events should be consistent with what you said: Colombia first, and then complete the report on it, and then EFTA.

That seems to be our position. I hope that's correct.

Colleagues, does that make sense?

Some hon. members: Yes.

Hon. Navdeep Bains: Okay.

[*Translation*]

Mr. Serge Cardin: Mr. Chair, I am hearing some things... If Mr. Keddy says that he wants to deal with this matter quickly next week, it is probably because he thinks that we will not be here in two weeks, starting the week of June 16. So, if the committee is not sitting in the week of June 16, we run the risk of not finishing our Colombia task either. If Mr. Keddy knows that the House is going to be prorogued any day now, it is almost certain that we will not be able to finish working on Colombia or on the free trade agreement that we want to start looking at.

So we have a problem because there a number of things we do not know. We might have a time problem. I even have difficulty imagining that we can produce a draft report before the end of the session unless our research analyst has worked 24 hours a day since we got back from Colombia. There really is a lot of material to deal with.

So I am wondering about the government's motives. If we finish neither the study on Colombia nor the one on the FTA, we are certainly going to continue the Colombian one when we return. Or perhaps we are going to stay long enough to finish the report. So we could quickly find out if other witnesses are needed next week.

Personally, I have some very specific questions. If we continue our work next week, people from the department are probably going to appear. Some of them can give us information on specific aspects of the FTA and its implementation, can they not? That is why I am a little ambivalent on the work schedule.

• (1730)

[*English*]

The Chair: I'm sure the timetable is not up to Mr. Keddy, and probably not up to the government, for that matter. So I think you can get away from the hypothetical. I would just be happy to know what you think, not what you speculate someone else thinks. But I think we get your drift.

Mr. Julian.

[*Translation*]

Mr. Peter Julian: I agree with Mr. Bains. Witnesses are scheduled for next week, representatives of the Canadian Labour Congress, for sure. They are coming here specifically to talk about Colombia. So let us continue our study on that.

As to the bill, there is no requirement at all to pass it in two weeks. People from the department prepare the entire process, as they do any time a bill is tabled before a committee or before the House. They do that so that the bill can come into effect when it is passed, if it is passed.

Doing that in the next four meetings is not a problem. We have time to complete the study, whether it be during the summer or in September. So I propose that we continue studying Colombia and hear witnesses next week. I think that other witnesses are scheduled for next week. So we can either hear them, or begin to look at the study.

[English]

The Chair: Okay.

Mr. Keddy, if you think you can add something here, go ahead.

Mr. Gerald Keddy: I certainly hope I can. Thank you, Mr. Chairman.

There are a couple of issues here, obviously. I think I've been fairly clear in explaining my reasons why, and I'm a little disappointed that this is somehow going to become a debatable point. For the government, we certainly would like to get EFTA off the books. We'd like to do that by Wednesday of next week. We're prepared to have extra meetings if there are some members who have not had an opportunity to come to committee or want to be on the record for political reasons, or whatever.

This process went on for some time, long before I got to this committee. I think our study of the EFTA agreement is basically completed, except for the clause-by-clause; but if there are more witnesses, then we would be accommodating and agree to hear them.

There's not the same rush with the study of the Colombia agreement. I can't say that we can put it off until September, but certainly I agree with Monsieur Cardin that the priority of the government is to have the EFTA agreement get through committee, and to be able to put our regulatory regime in place. That's a very legitimate concern and not one that I'm suddenly pulling out of thin air. And, quite frankly, the hearings are over; we've heard all we can hear about EFTA, but we will hear more if you have more people you want to bring to committee. But on the Colombia study, we just don't have that same urgency.

• (1735)

Mr. Sukh Dhaliwal: Do you want to take a vote now?

The Chair: Well, I'm just trying to get through the practicalities here. In terms of the study on EFTA, we're not talking about amending the trade agreement; the trade agreement is done. We're either talking about implementing it or not implementing it. The committee has dealt with EFTA; we've gone through it. We've made a recommendation to the House, and now it's really a matter of its implementation and of going through the implementation bill. Other than people being obstructionist, I don't know why it would take a long time to deal with it. I think as a courtesy we can hear again from industries that may feel more affected than others, but I don't think that would lead to our amending the actual trade agreement.

So I guess I'm just at a bit of a loss here. I think we could go back and forth. We know what the government wants to do. I think we've had a reasonable concession from the Liberal Party that we ought to continue with the study on Colombia and get it done, and maybe take a couple of days before the end of the session to hear from these witnesses and deal with the EFTA agreement, hear a couple of witnesses, do clause-by-clause, and send it back to the House.

Are you in agreement with that, Mr. Bains?

Hon. Navdeep Bains: Again, Chair, I would just clarify two things. One is the fact that I didn't give a specific timeline per se. I just wanted to indicate the sequence of events—Colombia first and then EFTA. The timeline, obviously, is up for debate and we're open for that debate and discussion. So I don't want to say that it will take two or three days. Whatever time is required, and if there are more meetings required, then obviously we'll need to work in accordance with that.

The other comment I'd like to make quickly is that I think Mr. Keddy said that the study on Colombia is not a concern or a priority in light of the EFTA agreement. Is it the implication that the free trade agreement with Colombia will not be signed this summer? Is that the assurance you gave?

Mr. Gerald Keddy: No, no—

Hon. Navdeep Bains: Okay, I wasn't sure; and that's part our concern and why we want to complete the report on Colombia, because based on historical practice, there has been occasion on which this government—again, this is an observation about the softwood lumber agreement—has signed a particular agreement of this nature during the summer. And especially with Colombia, we want to make sure that we are on record with the report if a free trade agreement is signed, so that we can say that we put forth recommendations in advance of that free trade agreement. So that's our concern with the report on Colombia.

So I don't have any particular timeline—two days, three days, four days—but I do want to say that we give priority to completing the report on Colombia in light of that concern, and then the study on EFTA.

The Chair: Mr. Miller.

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Thank you, Mr. Chairman.

Mr. Cardin, you talked about delays and what have you. I can tell you that we won't get anything done if we don't get on and do it. So this stalling....

To get back to Peter's comments about no obligation, this committee has an obligation to do its job and to do due diligence.

Navdeep, there's an old saying about sticking around this job just to see what the hell's going to happen next. I can't believe it. Most of you opposition members, a certain number of you, have been fabricating stuff against why a Colombia free trade agreement should be signed or agreed to, and then all of a sudden you want to put it first.

I don't have a problem getting the job done on it, but here you have an EFTA deal that's basically done, where there are no major issues. We had witnesses. I don't have a problem with having more, but we had a timeline when we dealt with them. Do we go back a year and a half or two years on the committee and say we want to bring some more witnesses on whatever the issue of the day was? I think everybody had their list and went from there.

It's frustrating. No wonder people have this idea that government never gets a dang thing done with these kinds of games being played.

An hon. member: Tell me about it. My motion got filibustered in foreign affairs.

Mr. Gerald Keddy: Well, this is not foreign affairs. This is international trade, and we have an agreement that has gone through second reading. It was passed in the House. If there are no amendments, and I don't hear anybody saying they're going to make an amendment—

An hon. member: Oh, yes.

• (1740)

Mr. Gerald Keddy: I don't hear anybody making an amendment that has an outside chance—a snowball's chance in hell—of getting through. I don't hear any amendments. And we really do need to get this through the House.

An hon. member: Your way or the highway.

Mr. Gerald Keddy: Well, it's not quite our way or the highway. I've explained why we need to do this. I've explained about the regulatory regime. I've said that if you have Liberal members who want to come to committee to sit in to make political points, bring them. We'll have the extra meetings.

We don't have a lot of leeway here. We do intend to try to get EFTA through the House, because EFTA is ready to get through the House. We have to get the regulatory regime in place or it will not be able to come into legislative force on January 1, 2009.

Mr. Sukh Dhaliwal: [*Inaudible—Editor*]...for the vote or the next time around we should discuss it if it's going to go longer than this. We have so many other commitments right now.

The Chair: Mr. Julian.

Mr. Peter Julian: I think we know what the problem is: essentially, if there's a move by the government this summer to sign a Canada–Colombia trade agreement, this committee has to complete its work on Canada–Colombia. As far as the regulatory regime is concerned, this doesn't in any way stop the government from doing all the preparatory work.

To Mr. Keddy—through you, Mr. Chair—you are well aware of that.

So this artificial deadline that all of a sudden we've got to get something done in the next 72 hours or things will collapse simply is not true. What this would allow us to do, if we finish Canada–Colombia before the break, is we could come back and have the hearings that need to be held around EFTA. If you're saying that amendments won't be accepted by the government, then it doesn't matter in terms of the regulatory regime. You'll simply impose the work we've already done. So you can come back to it in September and this committee can take two or three sessions and we'll see how we feel about EFTA after hearing from witnesses.

But we have an obligation to hear those witnesses. We have witnesses on Colombia set up on Monday next week, from the Canadian Labour Congress, for example. They were already reserved and ready to go, so we should proceed as we had planned

and do that next week and provide some guidance on Colombia to the government before the end of the session.

The Chair: Mr. Cannan.

Mr. Ron Cannan (Kelowna—Lake Country, CPC): Thanks, Mr. Chair.

This is through you, Mr. Chair, to Mr. Bains: did you say you're open to having additional meetings next week? I just want to clarify.

Hon. Navdeep Bains: I'm saying I'm open to anything that can help move the agenda forward, but it's up to the committee to decide if additional meetings are required and what times will be allocated.

Mr. Ron Cannan: I'd like to move that we have additional meetings next week, the necessary meetings to hear the witnesses for Colombia as requested, and we can complete and consider Bill C-55 next week.

Hon. Navdeep Bains: As I said, it's up to the committee. It's not a threat to me. I'm ready to work and I work really hard.

The Chair: I'm sorry, Mr. Cannan has the floor.

Mr. Sukh Dhaliwal: Call the question, Chair. It's not going to get done, the way we are going.

The Chair: Monsieur Cardin.

[*Translation*]

Mr. Serge Cardin: Thank you, Mr. Chair.

I raised a number of points earlier, but, in the light of the comments I received, there is, as you said, nothing to change in the FTA. But there are still things that we could clarify.

Given that we could make comments or recommendations to the government about Colombia before the end of the session and it could be wrapped up over the summer, it is urgent that we finish the study on Colombia before negotiations are concluded and an agreement is signed.

I will be very unhappy if I have not been able to make formal recommendations before the agreement is signed. You say that there is nothing that can be done. We will have time to finish with the file when we come back in September. So I consider the Colombia file to be urgent. We can add more meetings if we want to table a report before the end of the session.

[*English*]

The Chair: Right now we have two more witnesses. They were going to be the final two witnesses for the consideration of Colombia. We've had a lot, and my sense is we're getting into a bit of redundancy. Many of the witnesses seem to be somewhat polarized, whether they're speaking on one side or the other side. We have these two witnesses already scheduled for Monday—the CLC and Pork International.

We might well conclude with our witnesses on Monday, and if there are any others we want to hear from, we might also do them Monday. I suggest for this reason that we could well conclude our consideration of Colombia. The clerk and the analysts have been writing the report as we go along. If we were able to conclude Colombia on Monday, that would give the analysts time to complete the report.

If we had maybe one extra meeting next Tuesday and could begin discussion of EFTA on Tuesday, then, at our regular meeting on Wednesday, I'm suggesting it's possible to conclude EFTA and consider the draft of the report.

Could you do it by Wednesday?

Okay, it will be the following Monday.

It's going to take a while to do the report, so we could take two days. Then we'll just take it over to the following Monday.

• (1745)

Mr. Sukh Dhaliwal: Monday we do Colombia, and Wednesday we do the EFTA. Is that right?

The Chair: Yes, and then we're back to review the report the following week. We presumably still have two more meetings in the following week and could wrap up.

If we can do this, that will mean we would have the final meeting of witnesses for Colombia on Monday next, June 9, and then would have a special meeting on Tuesday, June 10, and a regular meeting on Wednesday, June 11, at which point it would be possible to conclude our discussion of EFTA. That could be then sent back to the House.

We would return on Monday to consider the report. We could have the report by Friday of next week, I think. We talked about that. I think we could have the report by Friday so that you could have it over the weekend. We've been talking about this for a while, trying to get it done.

In any event, that would take care of getting it all done by the end of June, if it works. I'm not going to ask for a vote, because I'm not going to have any more bickering back and forth. Let's go Monday with the witnesses and the meeting we have scheduled, and if we have any time at the end of Monday, then we can ratify what I've just suggested to you.

Mr. Julian, as usual you have the final word.

Mr. Peter Julian: Mr. Chair, there are some witnesses who haven't gone through their process who have been submitted, so I think—

The Chair: Well, we have to cut it off at some point, Peter. I asked you six months ago for your witness list, and we've more than accommodated your witness list.

Mr. Peter Julian: Let me finish. I'm actually referring to the Bloc's witness list.

Those names need to come forward, and I would suggest next Wednesday for that. I'm not opposed to an extra meeting, but I—

The Chair: Okay, fine. I didn't wish to continue the debate, Peter.

Mr. Peter Julian: Hold on; the issue here is making sure we hear from the appropriate witnesses on EFTA, and I'm not convinced that we can do this with a rushed plan.

The Chair: Well, we're going to try.

Ms. Joyce Murray: Mr. Chair, I have a request for some witnesses who would be reporting to us the results of the compliance reports of the environmental and labour side agreements for NAFTA. We're basing our considerations of the Colombia free trade agreement on the fact that it's based on the NAFTA template. A lot of this is wrapped up around how effective these side agreements are for human rights and the environment.

A compliance report has been done by Canada, U.S., and Mexico neutral parties to review how the results of NAFTA have dovetailed with the side agreements. I think those compliance reports are very important indicators of whether or not, as we move forward, we agree that's a good template.

• (1750)

Mr. Larry Miller: I think, Mr. Chairman, we don't need to have them here—

The Chair: Ms. Murray has the floor.

All right. I think that's a good point and I think that's something we can continue to discuss on Monday.

Ms. Joyce Murray: Thank you.

The Chair: I think this one's pretty much expired.

Mr. Gerald Keddy: Are we in agreement for Monday, Tuesday, and Wednesday for meetings?

An hon. member: No.

The Chair: We're going to give it the best shot we can.

Mr. Sukh Dhaliwal: We have only Monday and Wednesday, Chair.

The Chair: I'm going to proceed on the basis that we're going to meet Tuesday. We'll find the time on Tuesday to start EFTA, and we'll have departmental officials and the first witnesses that you can propose.

Thanks. The meeting is adjourned.

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