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# Special Committee on the Canadian Mission in Afghanistan

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EVIDENCE

**Wednesday, October 21, 2009**

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**Chair**

**Mr. Rick Casson**



## Special Committee on the Canadian Mission in Afghanistan

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• (1540)

[English]

**The Chair (Mr. Rick Casson (Lethbridge, CPC)):** We'll call the meeting to order.

I apologize for the delay. There were some technical difficulties with our sound system, but they seem to have been sorted out, so we'll get started.

Today is the 12th meeting of the Special Committee on the Canadian Mission in Afghanistan....

The interpreters are having trouble again, so we are not ready to go. We'll stand down for a second.

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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**The Chair:** Okay, we're good.

We have with us Minister Day, who is the chairman of the cabinet committee on Afghanistan. We welcome you, Mr. Day.

Mr. Day is with us until 4:30, colleagues, and then we have some committee business to deal with in camera after Minister Day.

Minister Day, you know the process; you've been at many committee meetings. We give you an opportunity to say a few words and then we have a ten-minute round. I hope we can get to all parties, and then you can make your commitment at 4:30.

Sir, the floor is yours. Thanks for being here.

[Translation]

**Hon. Stockwell Day (Minister of International Trade):** Thank you, Mr. Chair. It is an honour for me to be here with you and before this committee.

I say this sincerely, this committee is very important because it provides us with advice and, at times, with criticisms, but always in a spirit of improving the mission in Afghanistan.

I know that, at times, we deal with partisan topics, but I feel that all members of the committee here present understand that this is a matter of great importance. You very often work in a non-partisan way and I respect that.

[English]

Mr. Chairman, understanding that there is some difficulty with the sound system, and knowing I have to leave at 4:30, as was previously agreed, I hope members won't be too saddened if I

abbreviate my comments somewhat to allow maximum time for input from members.

I see on many of your desks the fifth quarterly report on our activities in Afghanistan. As you are probably aware, but it deserves mentioning, the quarterly report process is a result of the independent commission that was put together to give us some direction on how we as a government and members of Parliament should engage ourselves relative to Afghanistan. It recommended this series of reports. We can take some pride—using the word properly—in knowing that among NATO nations it has been said that we are the leader in transparency of reporting, tracking progress, and the degree of accountability that goes with that. So each of you is responsible for and has some share in that process, and you can take some sense of pride in being involved in that.

You'll have noticed as you read through the report that certain goals and projects are identified, and whether we are on track to attain those goals or not is clearly pointed out. We don't make excuses if goals are not attained or a certain benchmark is not achieved. That is noted, commented on, and reported. But I think we will agree that transparency is there, and that is quite the way it should be.

There are things that stand out in that report. People ask whether there has been progress in Afghanistan and what types of things have been accomplished. Unfortunately, probably because the progress is so detailed and faithfully reported on, there is often not a lot of coverage—I won't say there's not a lot of interest—on the progress report itself and the various achievements.

When I talk to people about Afghanistan, I talk about the fact that we don't make all of the benchmarks in every quarter, but I mention, for instance, that 12 schools have been completed already. We've seen in this last quarter that some 369,000 children have received vaccinations against polio. In the last quarter, more than 11,000 people went through literacy programs. We have almost achieved the 2011 goal, where it points out that almost 500 individuals have received micro-financing in certain areas. The construction of a health care centre was completed. The work that goes into preparing the roads for heavy equipment and everything that will be involved in the reconstruction of the Dahla Dam is proceeding.

None of these projects is free from risk. The Taliban/al-Qaeda extremists are out there all the time to literally kill, maim, or destroy men, women, and children who are involved in any of these construction projects.

I believe these are significant achievements. You can also see, because some of these goals have not been met, that we have significant challenges, and we have a way to go to achieve those various goals.

When I have the opportunity to speak to audiences—as I'm sure you do—and tell them that over five million children have been vaccinated against polio in Afghanistan, most people are shocked; they've never heard that. When I tell them that Canadians are involved in the reconstruction and renovation of a dam that will bring irrigation and power to thousands of people in a huge valley, they're unaware of that. When I talk about the thousands who have gone through literacy programs, when I talk about the percentage of combat missions in our area of responsibility in the Kandahar PRT area, they're surprised at the percentage of those now conducted by Afghanistan nationals, either army or policing. It says to me that although we have many communication exercises, and you will see some of them listed in your quarterly report, largely that type of information doesn't get through. It is important that we have times and opportunities to talk about those, and to talk about the challenges and the areas where we could be doing better.

• (1545)

As I turn the floor over to you and look to your questions and your advice and your guidance, I think it would serve us well to reflect on why we are in Afghanistan, because over time we can lose track of the fact that the United Nations asked the NATO group to be in Afghanistan. First and foremost, the Taliban had to be removed from that area; from that particular country, over 90% of all the heroin in the world was being exported. But even as horrific as that is, as equally gripping is the fact that the majority of violent terrorism was being exported from that area of the world. People were trained and exported, and their activities even reached our continent, as happened with 9/11 in New York, when Canadians also joined people from all over the world who were numbered among those slaughtered on that particular day.

Our mission there is to work towards the time and the day when the people of Afghanistan are able to provide for their own security, their own care, and their own needs. There has been progress towards that goal, though at times it's been halting and at times the security situation has not always improved, but in fact has regressed. I think it's important to keep that in mind as we look to the days and months ahead.

On the very question of the success of the mission, in other words, countries working and supporting Afghanistan to be in control of its own destiny, its own security, in my mind I think it's important to realize—and we make no mistake about this—that should that mission fail, the emboldenment of terrorist forces, especially Taliban-type, al-Qaeda-related forces, would be something that would be nerve-racking to contemplate. There's no question that if the mission fails, and if Afghanistan and the good people there who want to secure their own security are not able to do that, there would be a full-scale return to terrorism and terrorists being trained and exported from that area all over the world, as they did before there was intervention. The encouragement that would give to similar forces in other countries, some of which are failed states right now and some of which are at risk of that, would be formidable.

It is my view that often we hear, quite rightly, about the courageous job the Canadian men and women who are there are doing, but it is also the right thing that they are doing. They originally were sent there by a previous government, the Liberal government, and we supported that. Our troops need to be encouraged. Not only do we acknowledge their bravery and their courage, but in fact they are doing the right thing, and we are with them and support them in that. I like to say that, and I think it's important to say that, everywhere we go. It doesn't mean the mission itself is above analysis, by any means, but the incredible work they do should be acknowledged. Other countries point to Canada and our troops there as the troops, the men and women in uniform, who are a standout among the many nations that are engaged there, both for the sacrifice they've already paid and for the manner in which they conduct themselves. I just want to acknowledge that and have that on the record today, Mr. Chairman.

I look forward to your questions, your guidance, and any other direction you may have for us.

• (1550)

**The Chair:** Thank you for that, and thanks for being brief, Mr. Minister.

We have exactly 40 minutes, and we have four slots to fill of 10 minutes each when the minister is here.

We'll start with the official opposition. Mr. Rae.

**Hon. Bob Rae (Toronto Centre, Lib.):** I have one question, Minister, and then my colleague Mr. Wilfert and other colleagues will be able to get questions in.

Minister, I wonder if you could tell us what process you plan to follow to get the consensus of the House with respect to the mission post-2011. As you know, the parliamentary resolution only provides for what the mission is going to be doing until 2011. There's now a critical question, increasingly critical as we head into 2010, as to what plan the government has to consult the House and get a mandate for a renewed mission.

Can you fill us in on that, please?

**Hon. Stockwell Day:** As you look to the days ahead, Parliament clearly has to be involved in this. The very fact that we're here right now, the fact that we have a task force, of which I'm chair, the fact that you are here as a special committee—these are all a result of parliamentary discussion, debate, and then decision. That is going to be a key element of what we are going to continue to do.

The long-range development programs are in place now. Many of those are already there, with end points in terms of the achievement level. Many of those will stay.

This committee is involved, and it needs to be critically involved in having input to the ongoing progress. As the Prime Minister has said, we will be there after the military mission for human development, social development, and working with the institutional capacity of that country.

**Hon. Bob Rae:** Presumably the Afghan task force, of which you're the chairman, is looking at options. Do we stay in Kandahar, not stay in Kandahar? Do we focus on Kabul? Do we focus on training? What is the balance going to be of the renewed mission?

It would be helpful if we had some sense of what those options were. Are you considering putting out a white paper, or something that would give us a sense of what those options are?

**Hon. Stockwell Day:** Well, over time, Bob, we'll see if it's going to come to that level of official approach in terms of a white paper.

The motion, which is the motion that guides us, indicates that by July of 2011 we will start to draw down and redeploy Afghan forces into the area of Kandahar, and that militarily we must be out of that area by the end of the year. We already know that's in play. The discussion has begun, not only in Parliament, not only here, but really across the country—at NATO, at the United Nations—in terms of the ongoing future of countries like ours in Afghanistan.

The time is ripe for consideration from this committee, the participants here, to give us your views, your direction, and your suggestions. I'm not presuming the role of this committee or the role of Parliament, but I can well imagine another motion or another form of official parliamentary direction. As I've said, we've already indicated that in the areas of social development, community development, human rights, and institutional capacity, we are there for the long term. Many of our plans are in place, and they are going to take—as long as we remain there—a number of years to achieve. It's a work in progress.

If there is to be significant departure from that or an increase in any of those specific areas, this committee, among others, would play a key part in it.

• (1555)

**The Chair:** Mr. Wilfert.

**Hon. Bryon Wilfert (Richmond Hill, Lib.):** Minister, thank you for coming. I wish you could stay longer, and I hope that because you're here for less than an hour, we will have you back sooner rather than later.

First of all, with regard to the runoff elections in 17 days, the Kandahar region had one of the worst turnouts, and of course it is one of the worst areas for security in terms of getting people to come out to vote. What steps do you think can and will be taken by our forces and the officials in Kandahar to try to increase participation?

**Hon. Stockwell Day:** We've had very strong assurance from our security forces and others that the process will be protected. I don't think anybody should be naive. Those who hate the fact that people can have freedom and can choose for themselves will be out to try to destroy and to hurt.

When you look at the overall participation rate, and final figures were out today—we're just looking at those right now—it's something along the line of 38%, 39%. Sometimes there can be an initial reflection of "that's not very high". Well, in the last election in Vancouver—and I'm from B.C. and I love Vancouver—the turnout was less than that. I don't think that delegitimizes the mayor. In the last election in Halifax it was 26%. I don't think that makes the process in Halifax any less legitimate. And those people who went to vote in those cities did not do so under threat of their life, of their families being killed, kidnapped, or homes being burnt to the ground and their livelihood destroyed. All things considered, I think we need to take that into effect.

We would have liked to have seen a higher turnout. We would have liked to have seen a higher turnout in the last federal election in Canada. So let's just keep that in mind.

We shouldn't be surprised that in one of the areas of intense activity, as far as Taliban extremist activities is concerned, where we see everything from girls going to school having acid thrown into their faces, schools being burnt down, elderly women being decapitated, the intentional slaughter of children.... I mean, we are dealing with a demented and perverted force—being the extremist Taliban element—and they are very active in this area where Canadians have paid a high price.

As I said, we hope it will go well. Security will be provided at optimum levels, and I think we should not be naive about things that may happen.

**Hon. Bryon Wilfert:** The question is whether or not the institutional capacity is there. Given the low turnout before and given 17 days to go—and I don't disagree with Taliban threats—in fact it really raises the question of legitimacy of the election process and whether or not the government, which is already viewed in some quarters as questionable, will in fact be able to survive this. And then it's contingent upon...which really is my second question, Minister. The Institute for the Study of War released a report in September of this year that indicated that what will happen with the election will depend on whether or not the United States may or may not add additional forces in Afghanistan and whether or not they even view whatever the results are as being legitimate enough to put in American soldiers. Could you comment on that?

**Hon. Stockwell Day:** Yes. If the existing forces are to be augmented by an increase in American forces, which apparently the administration of the U.S. is considering right now, existing forces will be able to provide the necessary security.

In terms of legitimacy, I think I've reflected on that. When you look at percentage turnout and the extreme challenge to an individual even going to vote—if you question the election based on the turnout, then you have to question many elections in the western world. So the turnout, though we wanted to see higher, when you weigh that all in...I don't question the legitimacy.

On the process itself, what we saw with the Electoral Complaints Commission and the Independent Election Commission, both of which were run by Afghanistan...the very fact that you would have a complaints commission take all those complaints...there were something like 23,906 polling stations. They did a survey. They decided that at 210 of those polling stations, the fraud was so significant from all quarters that in fact they weren't even going to count the ballots. Even before voting started, the Electoral Complaints Commission was taking action on complaints relative to certain candidates, who then dropped out because of the complaints that came forward. The fact that over 19,000 of those polling stations' votes are being accepted, something like 5.5 million votes are being accepted as legitimate.... I don't question the legitimacy of that. There is the fact that President Karzai has accepted. He got within a whisper of that 50%, and every indication we have today is that he has accepted that. As far as we know anyway, the second round will go between him and Mr. Abdullah Abdullah. I don't question the legitimacy.

I certainly hope the people themselves are going to vote. We encourage them. We hope they are not unnerved by the threats to their lives and their families and their livelihood. And we wish them well in their pursuit.

• (1600)

**The Chair:** Thank you, Minister. You're right on time.

Mr. Bachand, you have 10 minutes.

[*Translation*]

**Mr. Claude Bachand (Saint-Jean, BQ):** Thank you, Mr. Chair. I am going to share the time I have available with my colleague, Ms. Lalonde.

Thank you for being here, Mr. Minister.

We have quite carefully studied the targets and the progress indicators for January, February, March, and those we have before us today.

Even though I was not very good at science, my science professors used to say that, if you wanted to do studies over time, you always had to base them on the same data. It seems to me that we are not using the same data here. Let me explain. I think the targets and the progress indicators have changed or have been watered down. For example, if, in a previous report, performance in security was established by the number of districts under control and if now we are focusing on operational performance, it is not the same thing. Previously, we used to look at the number of districts in which things were moving forward and we calculated progress accordingly. Your report no longer does that. Now we are focusing on operational performance. So the data are different. It is hard for members to draw comparisons because we are no longer using the same data.

I have other examples, like the percentage of security operations conducted by the ANA. Your baseline is that 45% of security operations are conducted by the ANA. You tell us that the quarterly result is that 71% of security operations are conducted by the ANA. But your target for 2011 is 65%. You tell us that we are at 71% now, that we will be at 65% in 2011, and that this is progress. I do not see where the progress is.

In addition, the area of responsibility has changed and it will change more and more as the Americans arrive. Canadian soldiers used to have responsibility for all the area and all the Kandahar district. From now on, they will have the city and the surrounding area, and the Americans will look after the rest. It is easy to say that we will achieve our targets because some of the data is different from the previous report. Some data will change, and, as a result, you can expect things to go very well in 2011, because you are failing to account for the significant help that we will receive from the Americans.

Do you agree with me that, in the document we are studying today, the progress indicators and the targets are not the same as they were for the January, February and March period?

• (1605)

**Hon. Stockwell Day:** First, Mr. Bachand, I guess your professor had a different way of gathering results. Perhaps he got marks from other universities, from other professors, or from other studies, but certainly not from a war.

You cannot lose sight of this. The vast majority of the levels we are seeking to attain have not changed. Sometimes, there are changes when they are necessary, that is one of our requests. If there is a change in our goals, we absolutely have to declare it, and also explain why.

You are right to provide the example of the increase in American forces. They have arrived. That means that, for the first or second quarters, Canadians were responsible for an area like that. But with the arrival of the Americans, the area that we are responsible for may change. If that is the case, we will say so.

**Mr. Claude Bachand:** So the targets will be different.

**Hon. Stockwell Day:** Yes.

**Mr. Claude Bachand:** When you consider your target for 2011, are you taking the American support into account? It is easy to paint a rosy picture for 2011 if you know that you will have help in the first, second or third quarters.

**Hon. Stockwell Day:** It is important to show that and to be clear, for the reasons you mention. But our soldiers were already in the country; other troops have now arrived and it is no longer solely our responsibility. So our focus will change.

You mentioned the degree to which Afghan forces have led combat operations in a region. It is now at 71%. The forecast was for 65% in 2011. So, at present, we are clearly ahead of our target. But we are going to keep watching how things evolve because, if the security situation continues to deteriorate, the percentage may perhaps be different in the sixth or seventh quarters.

[*English*]

**The Chair:** Madame Lalonde.

[*Translation*]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Thank you, Mr. Chair.

Thank you, Mr. Day.

Let me start by saying that, having this divided up into micro-objectives may look good, but it makes it difficult to assess and to get a good idea of the development that has gone on.

That is what I think, after having tried to understand it. But we debated this in the House the other day, and it seemed to me that people were in agreement that this war cannot be won with weapons.

We may be able to win minds through development—at least, we hope so. But, at the same time, we cannot develop schools and the like without security.

So how do you think that we will be able to convince the people that there is hope?

From what I read, when we started, in 2001, 2002, 2003, women could walk around without wearing a burka. Now they no longer dare to do that. If they go out, they have to wear a burka. No development indicators there. You must have thought about that.

How do you respond to that?

•(1610)

**Hon. Stockwell Day:** Of course, there is a major debate about how to win the war and how to achieve security in Afghanistan.

We cannot win it unless we operate on two fronts. As you said, the Afghan people have to be firm in the belief that they can live in security, and security cannot be established without soldiers fighting the Taliban and al-Qaeda. That is why we have to do both. It is not one or the other, as you know.

We have seen progress, but we need to see even more.

[English]

**The Chair:** We'll go to the government side for 10 minutes with Mr. Hawn.

**Mr. Laurie Hawn (Edmonton Centre, CPC):** Thank you, Mr. Chair.

Thank you, Minister, for being with us again.

I have a couple of points to pick up on from some of the comments that were made.

If we're over target—if our ultimate goal was 65% and we're at 71%—although it's an obvious statement, we'll keep working to get it even better. We're not just going to allow it to degrade to a longer-term target.

**Hon. Stockwell Day:** That's true, and Mr. Bachand raised some valid concerns. This is why we've been clear that if there's going to be a change of benchmark for some reason, the reasons for it have to be stated. The vast majority of benchmarks have not changed, but some have reason to be stated.

We'll watch over the next quarter and take advice from this committee and others on that particular benchmark and the 65%. If it looks like this is going to be consistent in terms of the number of operations led by Afghans, then obviously we should raise that benchmark to continue to see progress. This is what this is all about, which again reflects back on Madame Lalonde's question.

You're not going to have progress without security. That's why the military aspect will continue, but I believe we've shown, and the Canadian example has been clear, that we believe this is not entirely a military mission. That's why we're so heavily involved on the development side.

There are two competing schools of thought, and this is what the U.S. administration is dealing with right now. You have the new report from General McChrystal talking about the type of counter-insurgency operation that has been relatively successful in Iraq. The Canadian Forces have done that just outside Kandahar City in a place called Deh-e-Bagh. They moved in there with Afghan forces and basically secured the area, secured the village. When it was secured, they then moved ahead with, for instance, the establishment of solar-powered street lights. We might not think that's a big deal, but that is a very big deal if at night there can be lights on your street. They put a number of positive developments into that particular village, and we have achieved what we believe is peace and security in that village.

As we know, peace and security requires eternal vigilance, but we have demonstrated, with Afghan forces significantly taking

responsibility, that an area can be secured and the standard of life can be increased. Teachers can go into the area. Schools can be maintained with some degree of confidence. On a small portion, the Canadian Forces have shown that they have won the confidence of the citizens in that area, and I believe they deserve credit for this. That's not true of all the areas we're in, where we haven't won that confidence, but this is the process. It's village-to-village, city-to-city progress that needs to take place if the people of Afghanistan are going to be in control of their own destiny and their own security.

•(1615)

**Mr. Laurie Hawn:** I'm glad you brought that up. It's quite true that this war, or the peace, will not be won solely with weapons, but it will surely be lost without them, especially at this stage.

I'm glad you brought up General McChrystal's report and our experience there, because I believe that in his report he pointed to our efforts or to the kind of thing we're doing, saying that is the future of this mission. Is that your reading of his report as well?

**Hon. Stockwell Day:** He's clearly of that mind. We're watching somewhat at arm's length. I believe the size of the American forces that will come in there is going to be a significant factor. The overall international force there is about 68,000, with 32,000 being American, and then there are about another 36,000 who are under American command.

General McChrystal's observation is that the goal of having 210,000 men in the Afghan forces being trained and responsible is woefully short. He says it has to be more like 440,000. This is uphill, and we aren't at the top of the hill yet.

In fact, as we know from watching what's happening in the U.S., it appears the debate about the size of the armed forces is still going on within the administration. General McChrystal is saying one thing in terms of the type of campaign, and we understand Vice President Biden is out there with another view. We wish them well and hope they settle that internally. It's an important debate that they have to have, and we're not going to get involved in it, but clearly increased security forces from the U.S. and other countries are going to be required to do what has to be done.

**Mr. Laurie Hawn:** We concentrate on Kandahar for obvious reasons, but Kandahar is only one of 34 provinces. Do you have a feeling that we're not there just for Kandahar? We—NATO and the rest of the folks—are there for the entire country. Do you have any insight on the progress in the country as a whole, and not just Kandahar?

**Hon. Stockwell Day:** Some areas of the country are seen as very secure. In fact, huge areas of that country are very secure. But the areas in which we are involved are those that are most prone to this activity. They are the target areas. Including the Kandahar area, we have two other districts for which we are responsible. For a lot of reasons, historical and otherwise, we're in the thick of it. You don't hear about the relative peace and security in other areas because this is a large country. I guess that's understandable.

Over a million aircraft today will land safely. There's not going to be a news story on that in any newspaper or on television. If one crashes, quite rightly it's going to be a big story. I'm not saying that in a pejorative sense relative to reporting, but all we hear about—and we do need to hear about it—are the security problems, the deaths, the fact that suicide bombers still walk into crowds of children and blow children to pieces. That still happens. That needs to be reported. It underlines the gravity of our mission there.

**Mr. Laurie Hawn:** Just touching on the election for a second, I liked your comparison to voter turnouts in Canada. There was fraud, obviously, in the election over there. That's pretty clear. You listed 23,000 or so polling stations, 210 of which had serious fraud problems. That's less than 1%. I have no idea what it is in Canada, but it's safe to say in your experience, and certainly in mine, there is election fraud in Canada as well. There's fraud in every election in the world. It's a matter of degree. Obviously over there it's much higher than we'd wanted to see, but again, some perspective is required.

**Hon. Stockwell Day:** I understand from election to election, and we all watch it carefully, that in any robust democracy, even a mature one like Canada's, not an election goes by without complaints being filed, accusations of fraud. Sometimes those are proven and sometimes they are not. We shouldn't be surprised to hear of similar accusations in a place like Afghanistan where this is brand new, nor should we be dismissive. We have to take it seriously, and I believe the commissions are taking it seriously: they disqualified candidates; they disqualified large numbers of polls; and they told the president, as close as he was to 50%, he was not close enough, apparently. There's going to be a runoff.

• (1620)

**Mr. Laurie Hawn:** It's the glass half full, half empty discussion.

In a similar vein, I'd like to get your thoughts on the Shia law being watered down. It was proposed and then sent back, and it finally did go through, which we obviously, fundamentally, disagree with. The fact that women got away with protesting it—to me that's a glass half full, not a glass half empty example.

**Hon. Stockwell Day:** We'll all agree this law, quite rightly and thankfully, could never exist in Canada, even in its redrafted form. We also, quite rightly, acknowledge the right of other nations to come up with their own laws. I look for the day in Afghanistan when women won't just get away with protesting; it will be a matter of course, and they won't even have to think about retribution.

Aspects of that law were changed because of Canadian concerns and concerns around the world. Violence against women, upon which the law is predicated, is something we take very seriously. We want to see ongoing progress. The fact is that it was changed. Even though everyone is acknowledging it's their law, we don't like what we're paying a sacrifice for—many times in the extreme case—and we want a serious second look at that. It got a second look, and some changes were made. This is progress, but it's incremental. I don't think I for one, and others around the table, would be cheering wildly that women have full rights in Afghanistan. I don't believe that's the case.

There are also other countries with whom we deal in a very open, diplomatic process. We trade with them, we exchange embassies

with them, and they have similar laws. We want to work in appropriate ways with women and others in all those countries to see true equality one day become a reality in those countries also.

**The Chair:** Thank you, Mr. Hawn.

Mr. Dewar.

**Mr. Paul Dewar (Ottawa Centre, NDP):** Thank you, Mr. Chair, and thank you, Minister.

I want to start off with your comments about communication and getting the message out. I want to be precise. In looking over the shop that you chair, the Afghanistan task force, something came up that caused me considerable concern. When I asked officials responsible for training military and police whether they were able to read the Afghan Independent Human Rights Commission's report, a wonderful project that we helped fund, they told me they couldn't read it because it was in Dari. I was happy to provide a translation for them.

I looked into this, and I asked an order paper question about translation and the capacity of the task force. You talked about getting the message out, and that's fair enough. What came back was rather stunning to me. Not one person in the PCO, the Afghanistan task force, knew Dari or Pashto. In this country, I'd think we'd be able to find someone—I have. Those six communication assistants in that shop are doing something. From 2006 to 2009, the government spent a total of \$4,512 on translation into Dari or Pashto, whereas in this same time period they spent \$9.2 million on communications about the war.

I point that out to you because I think there are a lot of deficits. It's about priorities. I don't think we should be spending \$9.2 million on getting the message out about the war. We should spend more on translation services. We have a critical role. If we can't even find people to translate the Afghan Independent Human Rights Commission's report about torture by the people we're training, we have a problem, Minister.

I will leave that with you as a concern, because you asked for advice. It's not acceptable, from my point of view, and I'd like to know the response. I think it's an area where we have failed.

There's been a lot of attention paid to the transfer of prisoners. I'm going to make a motion to have this committee talk to people about this and bring people before the committee. Are the transfer agreements that the government brought in and we signed onto being followed by Afghan government officials? Are we certain that they're following the procedure we put in place?

• (1625)

**Hon. Stockwell Day:** It's my understanding that they are. I'll get back to you on how we came to that understanding and what gives us that sense of confidence. Then you can judge whether it's a good checking process we have.



On the issue of translation, there actually is a Dari speaker on our task force. This may not have been true when you asked for that information, but there is somebody there now who speaks Dari. Is one person enough? I don't know.

You've raised some good issues on translation. I'll get some information back to this committee, because I know we receive it from other sources. We get the reports of those human rights—

**Mr. Paul Dewar:** But you understand the disproportionate nature of the numbers.

**Hon. Stockwell Day:** With respect to communication itself, I'll come back to you with the costs. The cost of printing and distributing these reports—that's got to be fairly significant. There are quite a number of other communication methods that are used. More communication was one of the key recommendations of the independent panel that looked at Afghanistan. In fact, it is the reason we're here today: communication, communication, communication. It was very strong. So I'll get back to you on that.

**Mr. Paul Dewar:** Fair enough.

I want to get back to the transfer. When the Afghan government releases a prisoner, one of the things that is of concern to all of us is whether we are being notified by the officials. Is that part of the protocol? Are we being notified by the officials when those prisoners are released from jail?

**Hon. Stockwell Day:** I'll have to get back to you on that. I'm not sure what the notification process is. I don't know whether that would be our responsibility, but—

**Mr. Paul Dewar:** But we should know.

**Hon. Stockwell Day:** —let me check on it. I have visited the principal prison under our jurisdiction. I went through pretty well every area of it and talked with a number of the individuals who were kept there.

**Mr. Paul Dewar:** I appreciate that. Please get back to us. For obvious reasons, this is something I think we should know.

We're training the military, the Afghan National Army, and that's an important job. I've had concerns about the police. I wonder if they know the human rights criteria of their own country, of their own constitution. That's a serious concern, and I've mentioned it before in committee.

I found it very surprising that the AWOL rate for the Afghan army is 10%. Is that your understanding? If so, how is it being dealt with by our military? If 10% of 94,000 men are AWOL, that's quite a significant number. What's our response to that?

**Hon. Stockwell Day:** Whether it's 10% today or not—I can't say—any rate at all is of concern. Are we going to look at it in comparison to the Canadian Armed Forces, which results show are the best in the world, in a mature parliamentary democracy, with incredible training? We hold this brand-new Afghan army to high standards, but if we expect the same kind of attendance rate, we may be disappointed. So we have to measure it in terms of progress. The number of those being trained and staying are higher than they ever were, but this is fairly new. So it's a concern. It's something we'll work with in our mentoring and training.

Also remember that if you're a member of the armed forces in Afghanistan, you are a target within your own country. In Canada, when our soldiers walk down the street, they are greeted with respect everywhere they go. In that country, if you're a soldier, your family is at risk and you are at risk.

**Mr. Paul Dewar:** We're not at war, though, and I guess that's the point. It was reported by Persian BBC a couple of weeks ago that ANA and others are handing over their arms to the Taliban. So this is a critical piece. I'd like to know that we have something in place to track the soldiers we train. If they're going AWOL, where are they going?

● (1630)

**Hon. Stockwell Day:** Remember, this is a culmination of us working with Afghanistan. They have to get to the place where they are controlling their own security and learning the methods and processes. Sometimes it's a simple matter of pay. They're getting paid more than ever, but in some areas of the country, where the narcotics economy is strong, it's pretty easy to buy them away from where they are.

So a 10% AWOL rate is not something a modern-day, sophisticated armed forces could tolerate. But we have to remember that 90% of them are staying on the job under threat of death and their families being slaughtered every day.

**Mr. Paul Dewar:** But we want to make sure that 10% of them aren't going to the other side. You mentioned Iraq, and that was an issue there. So do we have a strategy to deal with that? If we don't, we darn well should. We could be indirectly fueling the insurgency, and I don't think anyone wants that.

**Hon. Stockwell Day:** Clearly these are things that make up part of the overall security matrix. We are seeing a maturing in Afghanistan of their capabilities, not just on the military side but on social development, in virtually every area. But you can't compare it to where we are.

**Mr. Paul Dewar:** I'm not.

**Hon. Stockwell Day:** I know you're not, but we have to look at the progress and the fact that they are learning. They are also learning how to go after these types of inconsistencies.

**The Chair:** You have one minute left, Mr. Dewar.

**Mr. Paul Dewar:** We want to see the government do more in engaging with other countries in the region. As was mentioned, this war cannot be won through military means, and I think that's pretty clear. So I want to know what the government has done.

Has there been any initiative to talk to countries in the region, like India, Pakistan, Iran, China, Russia, etc.? I think that's something Canada could do, and I certainly encourage you to do that if you haven't.

**Hon. Stockwell Day:** The entire United Nations force that's engaged there is involved in that type of diplomacy. But Canada specifically has put together a very successful program called the Doha process. We engage and encourage people from Pakistan and Afghanistan to meet and discuss everything from borders to reconciliation. So Canada is very much involved in those types of discussions.

**Mr. Paul Dewar:** But I'm talking about all the other countries in the neighbourhood. Has there been something of that nature?

**Hon. Stockwell Day:** From the point of view of diplomacy, discussions are ongoing on a variety of levels.

**Mr. Paul Dewar:** But are they with those other countries?

**Hon. Stockwell Day:** Yes. When I was in Saudi Arabia we had discussions about Afghanistan, Saudi Arabia's role, and how they can do more.

**Mr. Paul Dewar:** But what about the other countries I mentioned?

**Hon. Stockwell Day:** There are discussions with other countries too.

**The Chair:** Mr. Dewar, your time is up. Thank you.

Mr. Minister, a couple of issues were raised that you said you would respond to.

**Hon. Stockwell Day:** I'll get back to you.

**The Chair:** Hopefully we'll see them.

**Hon. Stockwell Day:** I appreciate some of the points that have been raised. We'll look into them and get back to the committee.

**The Chair:** Okay.

We'll suspend for a few minutes while we move in camera.

**Hon. Anita Neville (Winnipeg South Centre, Lib.):** We've only had 40 minutes to ask questions of the minister here. I find that quite inadequate considering the importance of the issue and the heft of the issues on the agenda.

I am wondering how quickly we can get the minister back. There are many other items that I wanted to speak to. I find this whole session extraordinarily frustrating at best.

**Hon. Stockwell Day:** I agreed to be here for an hour, and I base my daily schedule on my commitments. I'm here until 4:30. I'm sorry there was some problem with the sound system. I abbreviated my remarks at the start.

This has been very helpful to me, and I'd be delighted to come back.

**The Chair:** Very good.

We'll be dealing with future business later, and that might come up.

Thank you, sir.

*[Proceedings continue in camera]*

• \_\_\_\_\_ (Pause) \_\_\_\_\_

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*[Public proceedings resume]*

• (1640)

**The Chair:** We have two motions in front of us: one from Mr. Bachand and one from Mr. Dewar. One is dated October 9 and the other is dated October 15.

Mr. Dewar, because yours came in first, you may speak to it and we'll see how it goes.

**Mr. Paul Dewar:** I'm going to defer to my colleague Mr. Bachand to table his first, in the spirit of cooperation. Before I do that, I want to give a reason for the motion.

At this committee we are dealing with the resolution that was passed in the House, and there was a whole piece around detainees. The opinion of the House is:

that with respect to the transfer of Afghan detainees to Afghan authorities, the government must:

(a) commit to meeting the highest NATO and international standards with respect to protecting the rights of detainees, transferring only when it believes it can do so in keeping with Canada's international obligations;

(b) pursue a NATO-wide solution to the question of detainees through diplomatic efforts that are rooted in the core Canadian values of respect for human rights and the dignity of all people;

Finally, the piece that I think is most important is:

(c) commit to a policy of greater transparency with respect to its policy on the taking of and transferring of detainees including a commitment to report on the results of reviews or inspections of Afghan prisons undertaken by Canadian officials;

That's why I brought my motion forward. But in the spirit of cooperation, I'll defer to Mr. Bachand and allow him to table his motion first.

Thank you.

**The Chair:** Thanks for that. I appreciate it.

Mr. Bachand, we're going to deal with your motion first. You'll have an opportunity to speak to it. Go ahead.

*[Translation]*

**Mr. Claude Bachand:** Thank you, Mr. Chair.

First, I would like to thank my colleague Mr. Dewar, from the NDP. He has been very kind.

I must also provide the following clarifications. We introduced this motion second, I agree, but we never changed the text of the current one. There are some preliminary amendments today that we can probably discuss later, but I still want to reassure my colleagues and tell them that, from my point of view, when the committee passes a motion like this, we are allowed to provide the list of witnesses subsequently. That is important for us.

I have read Mr. Dewar's motion and I completely support his list of witnesses. But others could be added. The merit of my motion is that no specific time is mentioned. In other words, if we are not finished after two hours, or four, we can continue the meeting for six hours or eight hours. We have to get to the bottom of this matter and I feel that it is important that we do not set time limits.

It is also important that the committee report its findings and recommendations to the House of Commons. That is not in Mr. Dewar's motion, but it is in mine.

As I see it, this motion is in no way restrictive. If we pass it, the committee gives itself all the flexibility it needs to take the time to hear from relevant witnesses and to look at the famous Canada Evidence Act in depth.

Mr. Chair, I have said for a long time that national security is continually held over our heads. Are members not allowed an opinion on overall operations? Can we not get a little more information on what exactly is going on? This would probably allow us to do so. We would also get an explanation as to why we are always being told about national security. Why does national security prevent Afghan detainees from testifying before the Military Police Complaints Commission? Why is the commission caught up in rules, procedures and legal complications? Those are the questions we will be able to ask, Mr. Chair.

Having checked this out with the highest authorities, I am reassured that this committee's mandate involves the same privileges as a standing Commons committee. I checked that thoroughly, because I did not want to find out, for example, that, if we summon a very reluctant witness, who really does not want to come to testify... Standing committees have procedures that allow us to require witnesses to come, up to and including issuing a subpoena. This committee of ours, even though it is not a standing committee, was created by a motion in March 2008 and has all the same attributes as a standing committee.

Finally, I come back to the motion passed in 2008. It specifically mentioned the treatment of Afghan detainees. It says that we must comply with international standards when it comes to Afghan detainees. It also mentions that if it is felt that information is being withheld from Parliament, people can be required to come to explain why the Parliament of Canada cannot be told certain things.

Judging by the government's responses, it seems that information is being withheld from us. The diplomat Mr. Colvin reported to 70 people, and General Hillier admitted that many people in the government—in CIDA and in Foreign Affairs—knew the fate of, and the dangers faced by, Afghan detainees when they were handed over to Afghan authorities.

That leads me to say that my motion covers all those aspects: the right to require people to testify when they do not want to, ministers, for example, and all the people on Mr. Dewar's list; and above all, the review of how sections 37 and 38 of the Canada Evidence Act are being used. It takes care of the lot, you might say.

● (1645)

And finally, I once more thank my colleague Mr. Dewar and the NDP for their kindness.

[English]

**The Chair:** Thank you, sir.

We have a couple of people. Mr. Dewar, and then Mr. Hawn.

**Mr. Paul Dewar:** Mr. Chair, I want to move an amendment to the motion, what has already been laid out, to add to the end of Monsieur Bachand's motion, basically a sentence, and invite Peter Tinsley, chair of the MPCC; Richard Colvin, diplomat; Captain Steve Moore, Canadian Forces provost marshal; and General Hillier, to discuss concerns regarding the MPCC hearings. The rest, as he

mentioned, would obviously be within the spirit and scope of the motion.

That's the amendment we want to bring forward.

**The Chair:** That's the amendment you're proposing.

We have an amendment on the floor.

Mr. Hawn.

**Mr. Laurie Hawn:** Thank you, Mr. Chair.

I'm going to respond to one of Monsieur Bachand's comments. There were various people in Foreign Affairs, in the military, in government and so on, who were aware of the allegations. That's all. Allegations are cheap and easy.

With respect to the motion—and I know we're discussing the amendment—and I'll talk about the whole package, a study of sections 37 and 38 is what seems to be the hang-up in terms of what's releasable and so on. We think it's right and proper to have a discussion on sections 37 and 38 with the appropriate expert witnesses from the JAG and from the justice department, and whoever else.

We do not support the amendment to it under the motion as presented by Mr. Bachand. We can come up with a witness list to include anybody, including Tinsley, Colvin, Moore, and whoever else. That's not necessary as an amendment to the motion. In fact, because of the current circumstances of the MPCC, with an appeal before the Federal Court of Appeal, it has some prejudice of that process.

We think the basic motion is fine as is, and the committee can submit witnesses from wherever they want. The amendment is completely unnecessary, and we do not support that.

● (1650)

**The Chair:** Mr. Wilfert.

**Hon. Bryon Wilfert:** Mr. Chairman, I was going to put a subamendment on the floor.

I'm not quite sure I follow Mr. Hawn's rationale, given the fact that it's spelling out names of individuals. We are often asked for witnesses, and the fact that Mr. Hawn indicates that in Mr. Bachand's motion you can ask for any witnesses you like...all Mr. Dewar is doing, in my view, is simply spelling out some specific names, to which in my subamendment, Mr. Chairman, if in order, I would like to add the names of David Mulroney, Michel Gauthier, Colleen Swords, General David Fraser, Minister Peter MacKay, and Minister Gordon O'Connor.

The purpose of this, of course, is that we would be asking for these names before the committee. The fact is that Mr. Hawn is right in the sense that you can ask for anyone you like. I think, though, it's important that we put on the table who it is we would like to see, because it will help to define where we hope to be going with this amendment in terms of the process.

Again, Mr. Bachand has indicated there's no time limit, so it may be wrapped up in two sessions or four sessions. But as Minister MacKay indicated in the House of Commons, the House committees, of course, are masters of their own fate, as we know. Therefore, I would be looking forward to the government members supporting the motion, the amendment, and the subamendment on the basis that we all want to get to the bottom of the truth, and I think there would be no difficulty—of course, subject to availability—of these witnesses to come forward.

**The Chair:** Could you go over your subamendment one more time, slowly?

**Hon. Bryon Wilfert:** Mr. Chairman, my subamendment is to add David Mulroney, Michel Gauthier, Colleen Swords, General David Fraser, Minister Peter MacKay, and Minister Gordon O'Connor. I did have General Richard Hillier down, but I noticed that Mr. Dewar had already added him.

**The Chair:** I don't know if Mr. Dewar did add Hillier.

**Hon. Bryon Wilfert:** He did, yes.

**The Chair:** Okay, we have some more people who want to comment.

Mr. Abbott.

**Hon. Jim Abbott (Kootenay—Columbia, CPC):** Mr. Chairman, maybe we should be proposing a sub-sub-subamendment, because what you do by proposing this amendment is to constrain the motion. The motion, as is, is broad. The motion, as is, would allow the most suitable people to come to this committee and to bring testimony. If we do a sub-sub-subamendment, and heaven forbid we happen to leave one person off who turns out to be very valuable, what then?

The kind of list the members are proposing is exactly the kind of thing that goes on in a steering committee. A steering committee sits down in camera, goes over a list of potential witnesses, comes back to the committee of the whole, here, and presents that list. It does not constrain in any way. For example, if there was a subsequent executive meeting, there could be the proposal for 1, 2, 3, 10, or 25 more names. Again, that list could come back to this committee.

My point is that the motion, as such, is acceptable to the government and is a workable motion by which decisions can be made by the executive committee as to who the most suitable witnesses would be. If we were going to be proposing a sub-sub-subamendment, in its own right, it's really quite facetious. But let me propose the sub-sub-subamendment of Anne McLellan, Art Eggleton, Bill Graham, Minister Pratt, and all the Liberal ministers of justice. Then we have a motion that totally constrains this committee. Until we have worked out the testimony of this shopping list of people, the committee will not have been able to complete the work that is envisioned under this very valuable motion.

Therefore, if my colleagues on the other side are really set on going with all of these amendments and all of these names, I would ask them to explain to me what value they are going to have by going with amendments, subamendments, and sub-sub-subamendments? What value is going to be received? How is this motion going to become stronger?

•(1655)

**The Chair:** I appreciate that.

Mr. Hawn, did you have a comment at this point?

**Mr. Laurie Hawn:** I would add some more names to that: every commander of Joint Task Force Afghanistan, the NATO commanders. This could go on and on forever.

Frankly, Mr. Chair, I think this is silly. I agree totally with my colleague's comments. I agree totally with the motion as proposed. I think it's sufficiently broad that what happens in the subcommittee and with respect to calling witnesses is the committee's prerogative, and it just makes the thing a little bit silly.

**The Chair:** Okay. We have Mr. Wilfert, and then Mr. Dewar.

**Hon. Bryon Wilfert:** There may be a possible solution, but Mr. Chairman, I never heard of it being silly putting forth specific witnesses to deal with a specific issue. It's quite normal and quite legitimate.

I'm surprised that my friends on the other side aren't concerned there's no time limit. Maybe we should restrict it to four hours, or something of that nature, and say within those confines we're going to have  $x$  number of witnesses, these are the ones we have put forward, and we're going to wrap it up—so that we don't go on and on. A timeframe may or may not be helpful.

Originally Mr. Dewar's motion did have a two-hour meeting. If I said we do two sessions and within those two sessions this is what we need to do, it puts us under the gun and makes sure that at the end of the day we deliver what we're looking for.

Nobody's proposing sub-sub-subamendments. What we're asking for up front is this. Here are the witnesses who we believe should be here with regard to the motion that was originally put forth by Mr. Bachand. I don't see any contradiction in that and I don't see that there's any difficulty.

If, at some point, Mr. Chairman, you're interested, or if Mr. Dewar and Mr. Bachand are amenable to restricting the number of meetings so that we can in fact confine it to two sessions, or whatever you want, I'm quite happy to look at that.

**The Chair:** Before we go on we have Mr. Dewar, then Madame Lalonde, and then Mr. Hawn.

In the past what's happened is we've dealt with the motion; the motion has been decided on. We've asked all parties for their lists of witnesses. That's fed into the system. The steering committee gets together, and when you see the list of witnesses, you talk about the issues that could arise to limit the number of meetings or whatever we need. I think we need all of that before we can decide how many meetings it's going to take. That's usually the job of the steering committee, so I think we're going down the wrong track here just a little bit.

Mr. Dewar.

**Mr. Paul Dewar:** Thank you, Chair.

I want to perhaps move things along. This is simply a question. I think the clerk might concur. When we have an amendment before us, if it's accepted by the mover, we can move to that question. If the mover accepts the amendment, then we can move on to vote on that and get moving.

The reason I deferred to Mr. Bachand's motion, although I had priority on the list, was that he had certain concerns about it, so I said it was fine and he could put his first. I didn't want to lose the specificity of mine, which was to have certain people come forward. I'm just giving you the rationale for my putting an amendment forward.

But in terms of procedure, if the mover of the motion accepts the amendment, i.e., friendly, I think that can then be adopted with whatever other amendments they want to accept. Then the question is there and we can move on to voting on the motion.

I just wanted to clarify that in terms of process if Mr. Bachand accepts the amendment.

**The Chair:** Can you just give me a second while I confer with the clerk?

It's my understanding that if you have an amendment and a subamendment, you deal with the subamendment and then the amendment. You work your way back.

Mr. Dewar's question is, if the mover of the motion accepts the amendment, do we then have to act on that, or do we still have to deal with the subamendment?

I guess I'll have to ask Mr. Bachand what his thoughts are, but if dealing with a friendly amendment, I'm not sure.... It's something that gets outside of the procedural business. Usually it's the subamendment, then the amendment, and then the amended motion. That's what my experience has been: to work from the bottom up.

Go ahead, Mr. Wilfert.

• (1700)

**Hon. Bryon Wilfert:** If I may speak to this, as a former chair of the FCM I had to deal with tons of these over the years. In fact, I think the term came from FCM years ago; that is, if the mover is prepared to accept a friendly amendment and it's not contrary to the basic thrust of the motion, then there's no vote other than on the motion as amended by the individual.

**The Chair:** I'm seeing consensus in the motion that was presented. I think that's important. If we get away from that... I like to work on consensus, as you know.

Madame Lalonde, go ahead.

[*Translation*]

**Ms. Francine Lalonde:** Mr. Chair, I like working by consensus too. But I think that Mr. Abbott was right to say that, in its present form, the motion limits the number of people to those already mentioned. Using any way to consensus that you like, the words: "... including the following people..." should be added. Then we could put others on the list.

[*English*]

**The Chair:** But the motion Mr. Bachand brought forward, Madame Lalonde, does not have a limiting factor in it. The limiting factor is in Mr. Dewar's motion that he's not presenting as of yet.

**Mr. Paul Dewar:** Sorry, Madam.

I want to be very clear here, Chair.

The amendment that I had was to include certain people. It doesn't in any way limit—

**A voice:** [*Inaudible—Editor*]

**Mr. Paul Dewar:** No, of course not.

I want to go back to its acceptance as a friendly amendment. If we can clarify that, then we can move on to voting on the amendment or subamendment to be included, and then we can get to voting on the motion.

**The Chair:** The indication I had from the expert here is that this is not the way it would have to go. It would have to go with the subamendment, then move back up the list. But if you choose to withdraw a subamendment or an amendment, that changes—

**Mr. Paul Dewar:** The question goes to Mr. Bachand, so through you to Mr. Bachand—

**The Chair:** We're going to get to that.

**Mr. Paul Dewar:** —if he accepts the amendment and the subamendment, then we can. That's all.

**The Chair:** Okay.

Mr. Hawn, do you have something to say?

**Mr. Laurie Hawn:** Yes. Peter Tinsley himself said in his long judgment about suspending the MPCC that one of the things he was trying to avoid was having people called over and over again to different committees.

The committee can do what it wants. I understand it's a parliamentary committee and that's all fine, but it does go against what Tinsley himself was trying to accomplish.

The other aspect of this is that Claude's motion is just fine as it is; it's all-inclusive.

As you rightly point out, the job of the subcommittee is then to determine specific witnesses, and if they want those three guys, obviously they'll get them. That's just fine, but let's keep it simple. Let's follow the customary process. We're going to have to continue here, and if we're going to do this, then we're going to be doing subamendments as well with some of the people my colleague mentioned. Obviously we have the Judge Advocate General's people who need to come in, and we have justice department lawyers who need to come in.

Why don't we just stick with the simple process? We have a simple motion. Let's pass the simple motion and let the subcommittee and then the committee get on with whoever they want to bring in. It can be those three guys; it can be a hundred people.

**The Chair:** Mr. Abbott.

**Hon. Jim Abbott:** I want to be careful that I am not challenging the chair. My comments are not intended that way at all. It's just that while I have the greatest respect for Mr. Wilfert and his experience in these things, I'm not at all clear in my own mind that notwithstanding whatever the FCM rules might be, we have parliamentary rules and I would like to be sure that we are following them in this particular instance, accepting this assertion by Mr. Dewar.

If I may continue just before you comment on that, Mr. Speaker, I must tell you that I find this quite frustrating, as I'm sure all of us on both sides do, in that we have a motion by Mr. Bachand that accomplishes everything that all of us want to accomplish. We are all in agreement, I believe, that Mr. Bachand's motion should go forward. And then we have this business of bringing in a new element to Mr. Bachand's motion, which then ends up restricting the power of Mr. Bachand's motion unnecessarily, because the same people that Mr. Dewar is proposing, that Mr. Wilfert is proposing, that I am proposing, are names that could be handled by the steering committee.

• (1705)

**The Chair:** Mr. Holland.

**Mr. Mark Holland (Ajax—Pickering, Lib.):** Very quickly, Mr. Chair, I have been in committee where friendly amendments have been accepted. It's part of Robert's rules. I think that's well established. But that being said, I've also been in committees where a chair didn't accept it. My recommendation here is that you either accept it or don't accept it. If you do accept it, we move on with that. If not, then we move directly to voting on the subamendment and then the amendment. It effectively will do the same thing.

I just take some exception to the notion that prescribing witnesses somehow is a restrictive move. It absolutely is not. If you are prescribing the witnesses you wish to appear before a committee, the committee always, at its every opportunity, as master of its own destiny, can add additional witnesses as it sees fit. The only thing it does, in my opinion, is accelerate the agenda of the committee to say these are the witnesses that need to be heard from. If the committee then decides later on that it wants to hear additional witnesses, they can always do that.

But I would recommend respectfully, Chair, that you make a determination on whether or not you will or will not accept a friendly amendment. We either go with that or we go with the subamendment and then the amendment.

**The Chair:** Mr. Holland, and then Mr. Wilfert. Then we're going to bring this to a head.

You're on the list, Mr. Bachand.

**Mr. Laurie Hawn:** Mr. Chair, we do need to get to a resolution on this. I'm just going to go back. The simplest thing is Mr. Bachand's motion. It is all encompassing. The fact is we are going to have to go back and look at who we want to come, and we may not have that at our fingertips. But sections 37 and 39 were brought in by the previous government, so we clearly need to hear from the justice minister at the time or some officials, or the public safety minister at the time, who was Anne McLellan. I'm always happy to see Anne again.

We're making this much more complicated than it needs to be. Clearly those three people are going to come to the committee at some point anyway. So let's follow the customary process, have a simple motion, which we support. Sections 37 and 38 are the basis of what most of this discussion is really coming back to.

There are aspects of this whole process that cause one to ponder about the motivation behind it. That's all I'll say in that regard. But let's not make things complicated—sorry?

**An hon. member:** [*Inaudible—Editor*]

**The Chair:** One at a time here.

Mr. Hawn.

**Mr. Laurie Hawn:** Let's not make things complicated. We support Mr. Bachand's motion as is. We can approve that. We can pass that. We can call whatever witnesses the committee wants. But let's keep it simple.

**The Chair:** Mr. Wilfert, and then Mr. Bachand is going to get the last chance.

**Hon. Bryon Wilfert:** I know that Laurie wasn't impugning any motives here, but you can simply say that the committee hear from witnesses, including but not limited to...and then the names that Mr. Dewar and I put forth.

But I just want to point out for the record, Mr. Chairman, that this committee as a whole has taken on the responsibility sometimes from the subcommittee, for example, when we dealt with the issue of Afghan travel and witnesses that were put forth by the analyst. We actually have dealt with them as a committee of the whole. So we're not suggesting anything groundbreaking here; it's been done before.

**The Chair:** Mr. Bachand, you get the last word, and then I will make a determination.

[*Translation*]

**Mr. Claude Bachand:** So the onus is on me.

If possible, I would like the committee to agree to an approach like that unanimously. That could not be allowed in Canadian society as we know it and we should not tolerate it elsewhere. If atrocities have been committed, if our soldiers, knowing that Afghan detainees are tortured, have handed them over to Afghan authorities anyway, we have to get to the bottom of it.

I think we are nitpicking here. I tried to convince Paul that my motion included his, in the sense of the witnesses, for a start. You said it: even the steering committee can decide which witnesses it wants to call. In order to accommodate Paul Dewar, I suggested putting the names of his three witnesses in my motion, but I do not want it to be just those three witnesses.

As Ms. Lalonde mentioned earlier, we could add the word "including". That would need a subamendment. We already have Mr. Wilfert's subamendment on the table and I am asking him to withdraw it. If we could add the word "including", it would mean that my motion is agreed to in its entirety. The first three witnesses that we will hear from are those already mentioned and, if we need to hear from others, we will call them. In a spirit of compromise, we must not take positions that are so firm as to upset half the committee.

To Mr. Hawn's comment that my motion has everything we need, I would say why not accommodate one of our colleagues at this table, maybe more, by adding these three witnesses? Then, if NDP and Liberal members want to call others, they can suggest it and we will decide, as we do on all committees.

I sort of hesitate to say that we should end the debate. At the moment, I see no consensus, so unfortunately, there will have to be winners and losers around the table. I would like us all to be winners by defending Afghan detainees and by making sure that Canadian behaviour in this matter is beyond reproach. It is your call, but, personally, I am not ready to say that we should wrap this up right away.

I suggest that we ask Mr. Wilfert to withdraw his subamendment and Ms. Lalonde to add the word "including" in order to give us a bigger pool of witnesses. Hopefully, that will convince Mr. Hawn that my motion, even with an NDP amendment, changes nothing because we are going to hear from those three witnesses in any event. If that satisfies the NDP, why do we not all agree to doing that?

After all, it was Mr. Dewar's intention to let my motion be tabled first. I cannot believe that we cannot agree to that. My proposal alone, or the proposal as amended, it amounts to the same thing. We are looking for consensus. All we have to do is put it out there and have everyone rally round.

That is my appeal to you. The decision is up to you.

• (1710)

[*English*]

**The Chair:** Mr. Hawn.

**Mr. Laurie Hawn:** Thank you, Mr. Chair.

With respect, even if we did that, it would not be logical for those three people to be the first witnesses. We're dealing with sections 37 and 38. That's what all of this discussion comes back to, the application of that, what it means as to who can say what to whom. It's entirely illogical to call those three witnesses—or any others, frankly—until we have dealt with witnesses who can shed light on section 37 and section 38, why it was put in that way, what it means, what their thought process was at the time, what it means now, what it means going forward. That means the people who were there when it was drafted, and the people who are in charge of administering the Canada Evidence Act and so on now, whether it was the Judge Advocate General, the Department of Justice, whoever, and how the Canadian Forces have interpreted that.

Mr. Chair, I'm not saying it's not an important issue. How we carry out our international obligations is obviously very important, but let's not forget that the treatment of Afghans by other Afghans is the real issue, and what people may or may not have seen or may or may not have heard. There have been all kinds of allegations. Not a single one has been proven.

I can tell you that in my view, and certainly from my own experience in my own riding, the only people seized with this issue are in Ottawa. No one, not one single constituent, has voiced a concern to me by e-mail, phone call, town hall meeting, whatever,

not one single time, suggesting that they were concerned about this issue and the aspects that are being discussed here.

That doesn't mean it's not worthy of discussion and worthy of an investigation, because it does have to be clear to everybody, to Canadians, to people in this House and people on the street. If there's anybody out there who really does view this with some sense of alarm or concern, if they're out there, not a single one has talked to me. I've had a few who have said things in the opposite direction that were perhaps unkind, from a human rights point of view, but certainly nobody has brought this to me, other than people in this House.

It's illogical to single out those three people. If we go down that road, then we'll be proposing some subamendments, sub-subamendments, whatever we're going to do, and under the rules those will need to be dealt with from the bottom up, and we can be here for as long as we need to be here. But Tinsley himself, Mr. Chair, has commented on this kind of a process, saying that it's not appropriate, it's an abuse of witnesses to keep calling them to different venues. He has voluntarily suspended his commission until the issue is resolved by his appeal to the Federal Court of Appeal. He said himself that, in effect, this is not the way to go.

I don't know how many people read his judgment on whether to suspend his commission or not. It was quite long, it was quite detailed, and it went into all kinds of detail about section 37 and section 38—not so much section 37, mostly section 38—the implications of that and so on. But until we hear from the people who drafted it and the people who are in charge of administering it today, it makes no sense to call these other folks.

Mr. Wilfert did bring up, quite correctly, that whatever the committee decides to do, in terms of witnesses, can be done at committee of the whole, this committee, or it can be done in subcommittee. It doesn't matter. But we're complicating a motion that doesn't need to be complicated. We've had discussions on it. It seemed like a pretty straightforward motion—Mr. Bachand's motion. It is all-encompassing. It does leave us complete leeway to make it one meeting, two meetings, ten meetings, whatever. It doesn't matter. We can go on ad nauseam, as we are wont to do at times, and there's simply no need to do that.

• (1715)

Mr. Chair, I think my colleague may have some comment as well.

We have made a very simple process overly complicated. I think we should vote on Mr. Bachand's motion as is. We are prepared to pass that as is. Then the committee can move on with three witnesses or one hundred witnesses, in one meeting or twenty meetings. That's the committee's choice.

**The Chair:** Thank you.

Mr. Dewar, and then Mr. Kerr. We're getting a list again.

**Mr. Paul Dewar:** Mr. Chair, I was hoping we could get to the amendment. It was the request of Mr. Bachand, and I think Madame Lalonde was going to speak to it.

To accommodate the concerns that were elicited by Mr. Bachand, after Mr. Bachand's motion we can say:

and including, but not limited to: Peter Tinsley, Chair of the Military Police Complaints Commission; Richard Colvin, diplomat; Capt. Steve Moore, Canadian Forces Provost Marshal; and General Rick Hillier to discuss recent events at the MPCC hearings.

It will accommodate the Bloc's concern about not limiting witnesses, and certainly we've heard that from the Liberals and others. After hearing from Mr. Hawn, it sounds clear to me that they don't want to discuss the MPCC hearings and they don't want these witnesses to come forward. As I said before, I think the amendment is trying to bring together the wishes of Mr. Bachand and certainly what I had in my motion.

My motion is very explicit, Mr. Chair. It was to have committee hearings on the recent events at the MPCC and that the key players are Mr. Tinsley, Mr. Colvin, Mr. Moore, and of course Mr. Hillier. To not have those witnesses in front of this committee and to not discuss recent events at the MPCC hearings is to basically waste the opportunity.

I opened my remarks by saying that the rationale for my motion—which I deferred to Mr. Bachand in the spirit of cooperation—goes back to the motion that was passed in the House on Afghanistan. It was to deal with transparency when it came to detainees.

I think it's a very simple amendment to have “and including, but not limited to”, and I named the people: Mr. Tinsley, chair of the MPCC; Mr. Colvin, the diplomat; Mr. Moore, the Canadian Forces provost marshal; and General Hillier, to discuss recent events at the MPCC hearings. It captures the spirit of Mr. Bachand.

It might not capture the wishes of the government. They still have the opportunity to discuss the issue around sections 37 and 38, which they were wanting to discuss. It is a compromise. I certainly did that when I deferred to Mr. Bachand. I think it also allows us to have more witnesses if we want to. We're not limited.

I'll leave it at that, Chair, to have that amendment, “and including, but not limited to”, and then name the names, “to discuss recent events at the MPCC hearings”. I'm moving that.

• (1720)

**The Chair:** Are you changing your original amendment?

**Mr. Paul Dewar:** Yes, I just tweaked it to accommodate the concerns of people.

**The Chair:** We're not dealing with your original amendment. You've changed it.

We have quite a list, and we don't have a heck of a lot of time if we're going to get this dealt with.

Mr. Kerr.

**Mr. Greg Kerr (West Nova, CPC):** Thank you, Mr. Chair.

My thought was back on the amendment to the amendment to the amendment.

I don't often interject, but I've been through a lot of committee processes, as probably most of us have, and I take exception to the last thing that Mr. Dewar said. It seems that he is setting up a very specific agenda and timetable for the committee.

When I listened carefully to Mr. Bachand's motion, which I was fully prepared to support, it sounded as though we were going to bring in a number of witnesses and spend some time looking at all the issues. That went to the three witnesses we must bring in right now. It was three in the motion, and now it's gone to four who we must bring in at the very outset.

That's not the spirit I was getting from Mr. Bachand at all. What I was getting from him was to have a fulsome, open discussion, and if it includes these witnesses as part of the process, okay.

The steering committee should set the timetable and agenda. I get from Mr. Dewar that he immediately wants these ones because that's the real purpose. The only reason he's supporting the motion of Mr. Bachand is to get these particular four witnesses here. That's the difficulty I'm having.

If it's going to be an open discussion of those particular regulatory processes with a variety of witnesses, that's one thing. However, you're naming these, and you said these are the ones who must start first. In fact, you're predetermining the outcome of this particular—

**Mr. Paul Dewar:** A point of order.

Sorry, Mr. Kerr. Just to be fair, I didn't say that these witnesses must be heard first. Just to be clear, I said “including, but not limited to”. So let's not torque it up too much.

• (1725)

**The Chair:** Thank you.

Go ahead, Madam Neville.

**Hon. Anita Neville:** I was going to respond to Mr. Hawn, but I'm going to pass for the rest of the time.

**The Chair:** We'll have Mr. Wilfert.

**Hon. Bryon Wilfert:** Mr. Chairman, I notice that Mr. Dewar has taken my comments about the committee hearing from witnesses, “including, but not limited to”, which is what I had suggested would be a friendly amendment to add to this. Now he's taken it as his own, but he's only left his own three witnesses, which I find most intriguing.

There's an old oil commercial that says you can pay me now or you can pay me later. Either we put the witnesses up front now or we put them in later. I'm just trying to help by moving it along. Heaven forbid that I'm not helping with consensus. I'm a bit intrigued that Mr. Dewar would take my words and then leave it with his three witnesses and not include ours, since the whole idea was to put them up front. Put them up front; here are the witnesses.

I'm not going to withdraw the subamendment. Whatever happens, happens. But I will serve notice that as far as we are concerned, we intend to put these names forth regardless of whether they are accepted today or in the future. But I would have thought that from my colleague's perspective, having taken the words I put forward earlier, he would at least have included those in the subamendment, because it makes sense.

**The Chair:** We'll go to Mr. Abbott.

**Hon. Jim Abbott:** I would suggest to Mr. Bachand that if Mr. Bachand wants this to go through with unanimity, which is what he has said, if we go back to his original motion, that can happen.



I would also suggest to Mr. Bachand that what he is being sold by Mr. Dewar as a friendly amendment is in fact a totally separate issue from Mr. Bachand's motion. It is not a friendly amendment. What Mr. Dewar has said—and, Mr. Dewar, I do want to quote you accurately and I don't want to torque or change your words, but I wrote them down—is that you believe it would be to have hearings on the events of or surrounding the MPCC, the recent events....

**Mr. Paul Dewar:** It is the MPCC, right, yes.

**Hon. Jim Abbott:** My point to Mr. Bachand, as the mover of this motion, is that what has happened here is that Mr. Dewar, as is his right, has explained that his objective is to have hearings on the recent events concerning the MPCC. Therefore, he wants to invite these four specific witnesses. That is really a separate motion from your motion, Mr. Bachand. It may be related, but it is totally separate. As a matter of fact, it is one that could and should be dealt with on its own, in its own right and in its own value.

I would suggest, with the greatest respect, that you consider that this is not at all a friendly amendment, but is indeed a totally separate motion.

**The Chair:** Okay. We have two more, and then I'm going to bring this to a head.

Mr. Bachand.

[*Translation*]

**Mr. Claude Bachand:** Mr. Chair, I sense that it is going to be very difficult for us to achieve consensus today. The committee cannot remain divided by this issue. After consulting my colleague and our assistants, I suggest that we adjourn now, because we have to go and vote in five minutes anyway. I do not want to rush this to a conclusion that will leave half the members of the committee frustrated and the other half thinking that they have somehow won. If we give ourselves another week and discuss it with our whips and other members, we could come to an understanding. This is a public session at the moment; we have fragile egos and we do not want to lose face. I do not want anyone to lose face, and I want us all to be winners. So we need a consensus that we do not have at the moment. I move that we adjourn and leave everything on the table just as it is at the moment, if that is in order.

● (1730)

[*English*]

**The Chair:** The meeting is adjourned.

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