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Chair

Mr. Lee Richardson

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• (1540)

[English]

The Chair (Mr. Lee Richardson (Calgary Centre, CPC)): Order, please.

We did some committee business prior to the opening of the meeting. We have concluded that we will have some additional comments on our procurement report. I have distributed to all the committee members a letter that had been received by Mr. Brison. I think it's worth looking at, so we'll defer any further discussion today of the U.S.-Canada procurement report until Tuesday, to see if anybody has any comments on that or wants to conclude it.

That does save us a bit of time, and that's a good thing, because we're a little late getting started. I would like each of our witnesses today to have an opportunity to speak, so that's going to eat some time.

To provide adequate questioning, we will make this the sole item on our agenda today, allow each of our guests to speak for 10 minutes maximum on opening, and go right to five o'clock with questions.

Monsieur Laforest.

[Translation]

Mr. Jean-Yves Laforest (Saint-Maurice—Champlain, BQ): Mr. Chair, there is a problem with the translation.

I have a question about the witnesses who are here today and the list of witnesses.

We know that people want to testify and to express their views on the bill on the free trade agreement with Colombia. A number of people have made requests to the clerk. We have not discussed the schedule of the various witnesses. Do witnesses suggested by members have priority over those who contact the clerk directly? Does everyone have the same priority? The fundamental question is: are all witnesses who wish to be heard able to speak?

[English]

The Chair: Yes and no.

Yes, the lists submitted by members do get higher priority on the basis that these are people we want to hear from. We have generally established on this committee that the clerk will deal with these requests. This case is a bit unusual, because we have been studying this bill on and off for quite some time and have heard many of the witnesses.

To answer your first question, Monsieur Laforest, yes, we do give some priority to members' lists, because those are people we want to hear from, and that's obvious by the submission of those names by members of Parliament.

We also have people who approach the committee on their own. We have no particular way of knowing, in some cases, if these people have any expertise at all or just want a free trip to Ottawa and be able to put on their resumé that they were an expert witness.

It's not as if we've put an ad in the paper asking for anybody who wants to comment on this. No; if there are people whom we'd like to have appear before the committee, with reasonable credentials and something to say, particularly if it's something we haven't heard before, they're welcome to come. But we're not going to go on a nauseam hearing from everybody who's got an opinion. We are interested in seeking information, particularly new information, from people who have a basis of understanding of the subject.

That's it in a nutshell. At this point we haven't been exclusive in any way. The clerk has been quite busy trying to line people up. I'm grateful to the people today, and I should say, in their defence, that in some cases it's been on quite short notice.

To the witnesses, thank you for your patience and being able to come on short notice to appear today.

So we're at it, and we've got another week or two to fit in witnesses. If there's somebody you particularly want, I would let the clerk know.

[Translation]

Mr. Jean-Yves Laforest: Would it be possible for the clerk to provide us with the list of all those who have asked to testify directly with the clerk, just so that we can get organized?

[English]

The Chair: Sure. We can do that right now.

Do you have that with you?

[Translation]

Mr. Jean-Yves Laforest: Could we get them as the requests are received?

[English]

The Chair: I think that's quite a reasonable way to approach it. If there are some on this list that you particularly want, tick them off and let us know, because I don't think we're going to be able to accommodate everyone.

[Translation]

Mr. Jean-Yves Laforest: I have no other questions. Thank you.

[English]

The Chair: We'll be here until Christmas if we try to accommodate every union in Canada.

An hon. member: [Inaudible—Editor]

The Chair: You deserved it; you deserved it.

No, no, we've done enough of that.

Yes, Mr. Julian.

Mr. Peter Julian (Burnaby—New Westminster, NDP): Mr. Chair, with due respect, I see a list of very credible witnesses who have applied to this committee. Given the scope and the quality of the people who have requested to come before this committee, I would respectfully say that your comments about somebody wanting a free trip to Ottawa are a bit misplaced. These are very credible people.

• (1545)

The Chair: There you go.

Mr. Brison.

Hon. Scott Brison (Kings—Hants, Lib.): I have two comments.

One, I think it's important that we hear from reasonably balanced groupings of those people who are opposed and those in favour. What I have found in previous testimony is that those in favour typically make fairly similar cases and those opposed make similar cases. To the extent that we identify those who can best synthesize those arguments, I think that is very effective, particularly given the number of witnesses we've heard.

Secondly, I want to commend you, or the clerk, or whoever made the decision, for having a balance of both at committee. Sometimes at committee we've had one day where it is all one side, and then another day you have all of another side. I think it's nice to have a balanced approach, such that we can.

I think today, members, the degree to which we can have dialogue, discussion, and, to whatever extent, a little debate between members on specific points, I certainly would appreciate, and I think that would inform all our decisions.

Thank you.

The Chair: Well, I thank you, Mr. Brison, for—as usual—saying very diplomatically what I just said.

Hon. Scott Brison: But much better.

Voices: Oh, oh!

The Chair: Much better, yes, that's right.

Hon. Scott Brison: And without having insulted any particular witnesses.

The Chair: Or voters; but they ain't voting for me anyway.

With that, we are going to welcome our witnesses today. We have, from FOCAL, the Canadian Foundation for the Americas, Carlo Dade, executive director, who's been with us before.

Thank you for coming back.

We also have, from the Canadian Manufacturers and Exporters, Jean-Michel Laurin, who's vice-president of global business policy; from the Canadian Council for International Co-operation, again joining us is Gauri Sreenivasan, the policy coordinator, international trade; and appearing *en español* is Yessika Hoyos Morales, a human rights lawyer, I believe from Colombia.

We're going to ask each of our witnesses to begin with a brief opening statement—those we have heard before will be more brief—and having heard their opening statements, we'll go to the questioning.

Before we start, let me remind everybody that if you want to listen in English, you're on channel one; French is on channel two; and Spanish is on channel three.

With that, perhaps I'll start with our Spanish visitor.

Ms. Morales, would you like to begin?

Ms. Yessika Hoyos Morales (Lawyer, Human Rights, As an Individual) (Interpretation): Thank you. You are very kind.

Good afternoon, everyone. I am very grateful to have this opportunity to address you all.

In Colombia, the human rights crisis is ongoing and improvements are a long way off. Fundamental rights and freedoms are increasingly restricted in the context of a deinstitutionalization of the democratic state, as shown in different areas. Attacks against the civilian population and threats against trade unionists and against defenders of human rights and social organizations reveal the lie that demobilization of paramilitary groups has occurred.

Different human rights reports have shown that paramilitary structures are still in place in 293 Colombian municipalities. Apparently they just changed names.

In large cities in the country, the homicide rate has grown at an alarming pace. The city of Medellín offers the best example that the paramilitary has not been dismantled. And in this regard, with all due respect, I can tell you that you may consult a report written by Human Rights Watch that was published in February of this year.

Extrajudicial executions by the national army have grown a lot, achieved through what is called “false positives”. Last year, the United Nations Special Rapporteur on Extrajudicial Executions paid a visit to our country and at that time he said,

The sheer number of cases, their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military.

The office of the public prosecutor reported that as at September 2009, they had been investigating 2,077 such executions. People were killed by the national army, by people who were supposed to protect them.

While the government has announced an effort to protect trade unionists and human rights people, there is a contradiction in reality. There is a hostile environment to defend human rights in Colombia. The government is still declaring itself in a very harsh way against members of the Supreme Court of Justice, members of the unions, and against our work as human rights defenders.

Labour conflicts are considered a public matter and different organizations act illegally against trade unionists, as we have proven. One of the most incredible criminal actions against people in Colombia is by what they call the Administrative Department of Security, DAS, the state intelligence army that reports directly to the president of the republic.

DAS carried out, with the full participation and knowledge of its directors, a criminal hunt against all those who opposed current government policies. The DAS illegally created a special group within the entity. They prosecuted local targets, intercepted phone calls, and detected routes that people took to go to different places. They even took keys belonging to one of the human rights defenders, and they took film and photographic records of places and people, including children. They threatened all those people, like journalist Claudia Julieta Duque, who got a phone call saying they were going to slaughter her little daughter. The inter-American human rights commission, the special rapporteur of the United Nations—they were all victims of these attacks and persecution.

The program meant to protect trade unionists and human rights observers was used by DAS to achieve its goals. Through the program that they conceived to protect us, they got all kinds of information and intelligence from us.

● (1550)

All these people have been the object of intelligence activities, to get in their databases. What they do is they use this information to prepare lists. Mr. Jorge Noguera Cotes gave this information to the paramilitary so they would threaten, displace, and kill all those people.

Jorge Noguera is today on trial because of this before the Supreme Court, and the Supreme Court has also been the victim of persecution and accusations by the government. It has been made very clear by all the declarants that the final recipient of that strategic intelligence was the president himself, Alvaro Uribe Velez.

In spite of all the efforts made to deny this violence against trade unionists, this remains the same: there were 707 violations of the rights to life, freedom, and integrity of union workers.

I would like to quote a portion of the annual report by the United Nations High Commissioner for Human Rights, dated March 4, 2010. She states:

Of particular concern are the threats against and killings of trade union members, journalists, lesbian, gay, bisexual and transgender (LGBT) persons and those who promote their rights. Similar concern is held for those advocating for the ethno-territorial rights of Afro-Colombian communities and indigenous peoples.

Crimes against trade unionists have given no results. They haven't had any positive results in the investigation of all these crimes. The state has implemented a series of standards that are not abided by. Sentences that they show as any progress in justice can be questioned. For example, when we did the investigation into my

father's killing, the sentence they gave is a sentence against a police officer who, two years before, had been killed in a non-related matter.

Those investigations are not bringing out the truth. They proceed with investigations, but they're only looking for reasons like crimes of passion. They are not looking for intellectual perpetrators, which is the only way to solve this.

I have to reiterate that the Colombian government has not been transparent in dealing with these issues. They are trying to create their own international image instead of trying to really protect the trade unionists. All this, among other things, has made Colombia have one of the lowest rates of trade union participation on the continent. We have been losing members. For example, between 2002 and 2009, 230 of these organizations were denied the right to become unions. There are 53,000 fewer people who are members of the unions as opposed to the number in 2002. We went from 863,000 members to 810,000 in 2010, and this goes against what the government says.

I know that some of the members of professional organizations in Colombia have said that Colombia wants the treaty adopted. What I can tell you is that the Afro-Colombian organizations, the three union organizations in my country, human rights people, are asking you not to approve that treaty with a government that's still violating human rights.

We ask you to please conduct a transparent and impartial analysis so that you will see what impact this treaty will have on my country. We do not believe in any study that is conducted by any government. We ask that a study be conducted by an independent entity.

You are the ones who decide who to listen to. I trust that you will listen to the victims, social organizations, defenders of human rights, and that you will defend and protect life.

Thank you very much.

● (1555)

The Chair: Thank you, Ms. Morales.

We'll move to Ms. Gauri Sreenivasan from the Canadian Council for International Co-operation.

Ms. Gauri Sreenivasan (Policy Coordinator, International Trade, Canadian Council for International Co-operation): Thank you very much, Mr. Chair, for the opportunity.

Gerry Barr, president and CEO of CCIC, sends his regrets. We were given barely 24 hours' notice, making it impossible, unfortunately, for him to change his schedule or agenda.

I think it's important to flag at the outset that there is tremendous interest on the part of many civil society and human rights organizations to appear to discuss Bill C-2 and to propose amendments, which we have yet to see on paper. Most are still awaiting news of possible hearings.

The process to inform people with such short notice does present great problems. I think we need to be fair so that groups can see that there is in fact an openness to participation and debate, as has been promised in the House.

CCIC believes very strongly in the potential for trade to lift people out of poverty, if it brings benefits to vulnerable populations and allows states that are willing to promote development outcomes and protect the environment. But trade can also lead to dislocation of marginal groups, and it can lead to heightened exploitation or violence. There are no automatic relationships. The details of the agreement matter, and the local context matters.

As you know, there has been a lot of public controversy about this agreement because of the human rights crisis in Colombia. In our view, a country with such deep levels of violence does provide special obligations of due diligence for Canada as it seeks to promote increased trade and investment.

I want to speak to three areas today. I want to provide a reminder of some of the key human rights concerns. I want to highlight from an analysis of the actual text of the agreement, which is now out and which CCIC commissioned with legal experts. This is not the theory of trade, but an analysis of the actual trade deal on the table. And I thirdly want to speak to the issue of a human rights impact assessment, which is such an important area.

I am going to spend a little less time on the human rights concerns, because I think Yessika has just given a very moving and important overview.

There is a lot of different conflicting information out there on the human rights situation. In the end, I think members of Parliament have to decide which sources of information you are going to listen to.

We focus ourselves on independent and highly respected human rights organizations and on those working with the most marginalized in Colombia. From these sources, the picture is pretty clear. There are improvements in the area of kidnappings, and there's an increased feeling of personal security in major urban centres in Colombia. But there are continued and unacceptably high levels of violence and violations, importantly violence in which the Colombian state is deeply implicated. Yessika has spoken very well on the issue of paramilitary violence.

I think it's important to flag. We have noticed a lot of discussion in the House and in the media about violence in Colombia just being about the drug economy and among drug lords. What is not being underscored enough—and this is why I think you need to hear from Colombian human rights activists—is how the government of Colombia itself is deeply linked to that violence, and it's not in a minor way.

Yessika has just highlighted the frightful revelations of the last year in which the president's intelligence unit, the DAS, is now clearly exposed as having masterminded massive illegal surveillance, which included Supreme Court magistrates and human rights organizations. The illegally obtained information was used to provide hit lists to the paramilitary to attack trade unionists, human rights defenders, who were attacked, murdered, and whose children were threatened. The direct linkage between the role that the state was playing to develop information to give to paramilitary, who in turn attacked civil society organizations in Colombia, provides an important reminder of the nature of the violence. It is not just fights among drug lords.

I think it is also important to underscore that the rise of paramilitary activity has coincided with significant increases in the rates of internal displacement. Since 1985, it is estimated that there are now 4.9 million people displaced in Colombia, second only to Sudan.

Why is that issue important for the trade agreement? It is key because violence and displacement are directly linked to the struggle for control over land, both for narco-trafficking and for the development of natural resources, including minerals, oil, and gas. Canadian companies are heavily involved in these sectors. There is a direct and reasonable concern about the likelihood of even unknowing Canadian corporate complicity in the occupation of land that was obtained through violence.

• (1600)

I want to quote from the UN special rapporteur for internally displaced peoples, who noted that there is a widespread perception among displaced people in Colombia that “while displacement may originally have been caused by armed conflict, the taking over of their lands by large corporations is at least a side effect, if not part of a policy of forced displacement”.

So I think we have a lot of reasons to be concerned about the linkages between violence and the state, between violence and displacement over land and resources, and then the question of who is going to access those lands and resources for profit, which is the direct question of commercial relationships for Canada.

Let me talk about the trade deal on the table now. In response to some of these concerns, the Canada-Colombia trade deal has been described and explained to Canadians as a different kind of trade deal, as a deal that has top-notch safeguards and that addresses human rights. So that is why we waited for the release of the text and we undertook collaboratively with legal experts the job of examining the text.

What happens when you layer this particular trade deal onto the context of violence? It is not to say that the trade deal causes all the problems, which existed before the trade deal even arrived. The question is what is the likely impact of the trade deal in this context?

In our view, from looking at the agreement as negotiated, the deal turns out to be actually a fairly typical and aggressive market access agreement. The safeguards in the side agreements are quite ineffective.

Let me go over a couple of examples. On the substantive trade measures, there's a very important investment chapter, which provides Canadian investors in mining, oil, and gas with unprecedented new powers of enforcement in the Colombian context. These kinds of protections didn't exist in the bilateral relationship between Canada and Colombia before: new powers of enforcement to secure access to resources that would discourage contestation of their projects despite the highly contested nature of land in Colombia.

In our view, the arrival of those new powers of enforcement can act, and would act, as an anti-democratic force in Colombia inasmuch as they provide a disincentive to strengthen human rights laws—for example, if the Colombian government wanted to introduce regulations to deal with the illegal seizure of lands once investors were already on.

Professor Penelope Simons from the University of Ottawa, whom I really encourage you to bring as an expert on commerce and investment, has underscored that the text also has no obligations on corporations to screen their security forces, conduct human rights training, or disclose any payments to the host-state government or to guerrilla forces.

There are no provisions currently existing in Canada, as this committee recommended in 2008, requiring the home state—that would be Canada—to create a right of action or to ensure access to our courts for victims of human rights violations that were committed by our corporate nationals. So the investment treaty focuses on investor protections and provides heavy threats of enforcement to secure their operations and no corresponding binding responsibilities and no recourse for victims who feel aggrieved by corporate actions in Colombia.

We talked briefly about the agriculture market access session. Again, the CCIC brief, which is in front of you—I'm happy to take more questions on that later—shows that a very aggressive market liberalization of Colombian agricultural sectors would accelerate displacement in vulnerable communities. We looked specifically at the areas of grains, wheat in particular, and pork, because a lot of studies have been done on the impact of the U.S. deal in these areas, and our products trade very competitively with the U.S. in those areas.

Based on Colombian analysis, the Canadian FTA would likely have a very negative impact on production and jobs in Colombia, undermining, for example, the livelihoods of about 12,000 local wheat farmers and possibly eliminating up to 39,000 jobs in the informal pork sector. The deal, interestingly, virtually eliminates the Colombian government's access to safeguard measures to protect farmers' livelihoods and incomes. In our analysis there is no evidence of a human rights friendly or developmentally friendly agreement here.

The side accords have been widely touted, but are they effective? Again, I would encourage you to call Steven Shrybman, a well-known environmental lawyer who has done the legal analysis of this. In a word, the environmental side deal you have before you in the Colombian agreement doesn't even match NAFTA standards. It may provide a legal disincentive to raise environmental standards. The

labour side accord offers no independent means of enforcement for labour unions who are raising complaints.

The whole mechanism of the labour side accord, which has been pitched as a safeguard for violation, relies exclusively on the goodwill of the governments, the two parties with the least incentive to air dirty laundry, to enforce the accord.

● (1605)

Even if either of the governments decides to enforce and to send a complaint up to an arbitration panel, at best it can provide fines, which in fact would be resources to be fed back into programs likely run by the Colombian government. Unions in Canada and Colombia have denounced this kind of side accord as a response to the context in Colombia. In other places or other countries there may be a less severe labour scenario and the opportunity to propose papers and have a government hear your complaints may be an issue, but in Colombia this kind of side accord, which provides no independent recourse for unionists, is not seen as a safeguard.

Let me come to the last area, because it is really important. That is the question of a human rights impact assessment. The initial scoping study that we did of the agreement has led to a very strong demand from civil society, which has been taken up by Parliament, for an independent human rights impact assessment to check the validity of the safeguards and to check the nature of the provisions in the agreement before proceeding with implementation.

It's really important for Canada to do this due diligence. Other countries, such as the U.S., Belgium, and Norway, are approaching their trade deals with Colombia slowly and looking much more in depth at human rights issues. I noticed Mike Michaud, a Democrat in the U.S. Congress, just sent a letter about his concerns about the Canadian deal.

With the Canada-Colombia free trade agreement and with recent initiatives, human rights impact assessments have really moved into the mainstream of the debate on trade, and this is a really positive thing. The challenge now is to do the process credibly. What is a credible human rights impact assessment? Civil society has spoken to the need, at a minimum, for an independent assessment to be undertaken on the deal, and for the results of the assessment to be addressed before implementation. This was also the demand of this committee in 2008.

We actually await more details and a copy of the proposal as presented by the Liberal Party. We've seen the transcript in *Hansard* that has been accepted by the government. That's all we have to date.

I want to offer some initial comments on that. We would be interested to understand if that is an amendment that is proposed to be added to the agreement itself, to Bill C-2. How would that work legally?

As it currently stands, although the idea of the human rights impact assessment is so dear and important, the current proposal lacks credibility. There are three key issues that I would like us to discuss.

The assessment has to be prior. A human rights approach demands that we seek to avoid measures that can lead to human rights violations before they happen. It's true that it's more challenging than an assessment after the fact, but there are a lot of precedents. Think of environmental impact assessments. Think of the European Union's commitment to sustainable impact assessments. These are all done as prior impact assessments, and it's what speaks to the need and importance for Canada of avoiding violations, not documenting them after they've happened. A prior assessment is the first key thing.

Second, the assessment has to be independent. It must be at arm's length from those making decisions on the trade agreement. It has to be undertaken by a team with human rights and trade expertise and employ a human rights methodology that is transparent, consultative, and participatory.

Again, this is not a weird, outrageous claim. Look at the European Union; for its social impact assessment, it commissions independent teams that report back to an oversight body. Their model may not necessarily be ideal, but the important principle is respected. It's not acceptable for government officials who are committed to the trade deal that they have negotiated to assess the impacts. This is doubly true in Colombia, where government has shown a marked aversion to those who report on human rights issues and has attacked them.

The third issue is that the assessment has to be oriented to results and action. It needs to have precise and directed conclusions and recommendations for actions. There has to be a commitment in the amendment that actions and recommendations would be acted upon, rather than a commitment to table a report that would just be read and put on the shelf.

Speaking to the important principle, in our view the current proposal is too unwieldy. It actually claims to address the entire trade deal and claims it will document all impacts. It's not practical. We think it would be more realistic to identify specific aspects and provisions that Canada is concerned about, look at the impacts of those specific measures, make recommendations on them, and then commit to taking action on those recommendations. It has to be done empirically; it can't be done by sitting at a desk and assuming what the impacts are.

To sum up, we need a commitment in principle to act on the human rights impacts recommendations. We need results and action, we need the assessment to be prior, and we need the assessment to be done independently, and those are three key issues that we don't see right now.

•(1610)

I'd urge you to invite legal expert Dr. James Harrison of the U.K. to appear before you as a witness. He set out a series of important benchmarks to assess human rights impact assessments.

I think with the discussion of assessment, we have an opportunity to—

The Chair: I'm sorry, Ms. Sreenivasan, that's 15 minutes. I offered you 10, and it's now 15 minutes. Please wrap it up.

Ms. Gauri Sreenivasan: It's my last sentence. I do appreciate the extra time.

I just wanted to say that I think the notion and the proposal offer us an important opportunity to set a really historic precedent, but the damage from a non-credible process is high, so let's get it right.

Thank you.

The Chair: Mr. Dade.

[*Translation*]

Mr. Carlo Dade (Executive Director, Canadian Foundation for the Americas (FOCAL)): Thank you, Mr. Chair. First of all, I would like to thank the committee and yourself for inviting me to share some ideas on the free trade agreement between Canada and Colombia.

[*English*]

I've been before the committee two or three times before, so I will actually keep my remarks at or under five minutes to allow more time for the questioning. I will keep my remarks, too, focused on the bill before the committee, Bill C-2, which focuses on a free trade agreement between Canada and Colombia. Should there, however, be questions or interest about proposed amendments or other ideas that the committee is considering, I'd be happy to discuss those, either in the actual or the hypothetical.

In terms of the free trade agreement with Colombia, as I've stated before, context is important—for Canada, Canadian competitiveness, jobs, and the situation of the domestic economy. We've seen since the breakdown of the Doha Round and the Free Trade Agreement of the Americas negotiations an aggressive move by countries throughout this hemisphere to sign bilateral agreements. In that regard, Canada has lagged behind, unfortunately.

We currently have, in effect, five agreements that cover seven countries. Just within North America, the United States has 11 agreements—and is aggressively negotiating many more—that impact 16 countries. Mexico has 12 agreements and is negotiating more—we've heard recently that they're talking with Brazil—and their agreements cover 46 countries.

So even within North America, Canada is falling behind in terms of international trade competitiveness, yet the trade agenda continues. It's not as if the problems that the U.S. has had with the Colombia free trade agreement have prevented it from moving to other agreements, such as the trade preferences for the Pacific, or the TPP agreement, where the United States is looking at a new trade regime between countries that line the Pacific—Colombia, Chile, Costa Rica, etc.—with countries of the Asian Pacific Rim.

So the trade agenda continues, and it continues aggressively. It's extremely important that Canada participate.

Our choice in participating is factored on two bisecting trends and two bisecting interests. One, in places where we have existing trade, we're facing competition...and also the intersection of countries that have an interest and a willingness to quickly negotiate. We've seen this in the case of Panama, where negotiations took three or four rounds, and in the case of Peru, which also moved to aggressively and quickly negotiate with us. We see that, too, in the case of Colombia.

So the reasons for us to be in Colombia are twofold: there are opportunities and it's important for Canadian competitiveness, and the Colombians have shown a willingness to negotiate.

In terms of the importance for Canada, you can look at it sector by sector, province by province. In agricultural products, Alberta has \$60 million worth of exports to Colombia; Saskatchewan close to double this, at \$117 million, and these are only wheat, barley, and pulses. Quebec is sending \$40 million a year of machine parts, including flight simulators and autos; and Ontario, \$67 million in similar products. Even in paper and cartons, Nova Scotia, with \$23 million, has an important market for that province's paper and carton industry, the wood industry, which has been suffering lately.

Finally, let me note that there is obviously a strong business case for the agreement. Investment will benefit; trade will benefit. It's important for Colombians. You've had Colombian unions here. The flower exporters, I believe, were before the committee explaining the importance of the agreement.

It's important, therefore, that if one is looking to restrict trade with Colombia or to prevent this agreement, given the importance of jobs in Canada, given the importance of exports in provinces across this country, one would need a very good reason. Obviously the human rights situation in Colombia is of great concern, but for it to have an impact on trade with Canada, you would really have to make a strong and compelling case, or even any case, that the products we sell, the commerce in which we engage, has an impact on human rights in Colombia negatively or even positively. Despite the fine work that CIC has done, and others, we really haven't seen this link.

Let me just quote briefly Federico Guzmán. I suppose you know Federico Guzmán, a lawyer in Colombia. Federico was in Canada in February, speaking about an Amnesty International human rights report. He was on *The Current*. The broadcast is available online—another fine job by Anna Maria Tremonti.

On February 27, the first part of the broadcast, five minutes in—if anyone would like to go and check the tape—he was asked specifically by Anna Maria about the impact of trade between Canada and Colombia on human rights.

•(1615)

His response was interesting. He said there's no real impact between trade; the impact comes from large mega-projects in Colombia—and impacts on displacement and other issues that we've heard.

Anna Maria followed up and asked him if there were indications or any evidence of specific violations or involvement by specific Canadian companies. Mr. Guzmán replied that, no, as of yet there were not, but should there be any violations, well, then, the

Government of Canada really needed mechanisms in place to deal with these, should they occur.

Again, if we're looking at an important potential trade market, if we're looking at jobs back home, we really have to look at preventing the hypothetical—with perhaps some regime to identify problems should they arise, but, as yet, we have not found evidence. And this is from someone speaking on the Amnesty International report in Canada.

Finally, the exchange at the beginning of the committee was really interesting—the idea of having witnesses come in, and the difficulty and the shortness of time, and hearing from Canadians who are concerned about this.

Based on that exchange at the beginning, I have an idea for the committee. While it's very convenient for us, even in short periods of time.... I had about 24 hours to respond, too. There's a report waiting on my desk that CIDA, or someone else, will kill me for not getting to them. Be that as it may, it's great to have the opportunity to walk down the street and come here.

Given the interest of Canadians across the country, perhaps it would be more interesting for the committee to go to places such as Kindersley, Saskatchewan, or Brooklyn, Nova Scotia, or Pointe-Claire, Quebec, to talk to people on factory floors, people who are trading with Colombia, people whose jobs and future employment are perhaps tied to this agreement, and ask them about the impact of their products—the beans they sell, the wheat they sell—on human rights in Colombia, and have an explanation at these plants, on these farms, and elsewhere about the work that the committee is doing.

Thank you.

•(1620)

The Chair: Thank you, Mr. Dade.

Now we have our last witness of the day, the vice-president of Global Business Policy with the Canadian Manufacturers and Exporters, to talk about trade matters.

Mr. Jean-Michel Laurin.

[*Translation*]

Mr. Jean-Michel Laurin (Vice-President, Global Business Policy, Canadian Manufacturers and Exporters): Thank you, Mr. Chair.

Good afternoon, everyone.

[*English*]

Good afternoon. Thank you for inviting me to appear before the committee today on behalf of the Canadian Manufacturers and Exporters to discuss Bill C-2, the Canada-Colombia free trade agreement bill.

I believe this is the third time, and I have to admit I also hope it's the last time, that I'm appearing before the committee on this issue. Our position on this important trade agreement hasn't changed, but I'll try to be as original as possible in my opening remarks.

Before I start, I'd like to say a few words about the association and the members I have the privilege to represent. Canadian Manufacturers and Exporters is Canada's leading trade and industry association and the voice of manufacturing and global business in Canada. We represent businesses in all sectors of manufacturing and exporting activity across the country. Our mandate is to promote the competitiveness of Canadian manufacturers and the success of Canada's goods and services exporters in markets around the world. Small- and medium-sized manufacturers constitute the bulk of our membership.

Our work is focused on the issues that are most critical to our members, such as manufacturing competitiveness, U.S. business opportunities, international markets, people and skills, energy, and the environment. We're particularly interested in Bill C-2 because manufacturing is an export-intensive business, as my colleague just explained. Overall, manufacturing accounts for two-thirds of Canada's exports. In fact, the majority of Canada's industrial production is exported, so access to export markets is a priority for our organization.

As you know, the recession has hit manufacturers and exporters more harshly than any other sector of the Canadian economy. For our members, the recession was mostly felt between August 2008 and August 2009. During that 12-month period, our export sales fell by 32%, our manufacturing sales fell by 20%, and manufacturing production overall declined by 17%. Overall, more than 180,000 jobs were lost in Canada's manufacturing sector last year alone. Since 2005, manufacturing employment has fallen by 420,000, or approximately 20% of the manufacturing workforce in Canada.

As we head into recovery, we are realizing that there are significant structural changes that are reshaping market conditions here in Canada, but also in global markets. As a result, new strategies are required on the part of business leaders and public policy-makers alike to ensure business success and to enhance productivity and economic growth. We all need to focus on what it takes for businesses to maximize the value of global supply chains, improve manufacturing competitiveness, encourage investment and innovation, and take advantage of new opportunities in domestic and international markets.

One of the most significant changes we are witnessing right now is a shift in market power and economic growth potential away from the developed markets of North America, Europe, and Japan and towards the emerging markets of China, India, Southeast Asia, and Latin America. In fact, for all countries, but especially for those with an open economy, such as Canada, economic recovery depends on developing new business opportunities in emerging markets. In turn, that rides on the ability of businesses to effectively sell their goods and services in these growing markets. We therefore need to continue to negotiate meaningful market access, investment protection, and tax agreements with other countries, such as Colombia, and this is why our association supports Bill C-2.

Trade between Canada and Colombia is actually complementary. Two-thirds of our exports to Colombia are manufactured goods, such as trucks, auto parts, fabricated metal products, turbo propellers, newsprint, and other paper and cardboard products. On the other hand, most of our imports from Colombia are energy products, such as oil and coal, or food products, such as coffee, bananas, and flowers.

However, Canada's exports to Colombia continue to face somewhat high tariffs that hinder competitiveness in that market. For example, Canadian exporters face tariffs averaging 12% on industrial goods and 17% on agricultural products when selling to Colombia. While Colombia enjoys almost completely open and duty-free access to Canada, with approximately 85% of their products entering our market duty-free, our ability to export to their market remains limited.

In fact, in many cases tariff rates are a real barrier to entering that market. Passage of the Canada-Colombia free trade agreement would get rid of those tariff barriers and provide Canadian manufacturers and exporters with preferential treatment over competitors around the world.

● (1625)

Moreover, on top of immediately eliminating nearly all of Colombia's tariffs on manufactured goods, the free trade agreement would help reduce non-tariff barriers and strengthen investment rules. Despite those trade barriers currently in place, Canadian businesses exported \$600 million worth of goods to Colombia last year. From 2005 to 2008—so, right up to the beginning of the recession—Canada's exports to Colombia jumped by more than 58% over the four-year period.

The Canada-Colombia free trade agreement has the potential to have a significant positive effect on Canada's exports to Colombia, for mainly two reasons. First, as I mentioned, exports of Canadian products would grow as a result of the reduction and elimination of tariff and non-tariff barriers; second, the free trade agreement would help preserve existing Canadian exports that would otherwise be lost if Colombia maintained its expansion of free trade agreements with other nations or groups of countries that compete with Canada in manufactured goods, such as the United States and the European Union.

Colombia offers excellent opportunities for Canadian exporters. Colombia and other trading partners recognize this, and Colombia has embarked on a very aggressive bilateral trade agenda involving the United States, as I mentioned, the European Union, the European Free Trade Association, and some of their other trading partners. These countries, especially the United States and those in the European Union, are some of our main competitors.

Implementing this agreement quickly would help us secure a position in this market and give us a competitive advantage over other countries, because we would be an early mover.

On the other hand, or on the defensive side, implementing the Canada-Colombia agreement is unlikely to result in significant new increases in Canada's imports from Colombia beyond those that can be expected to occur anyway, so it doesn't really put our industries at risk. In the case of many trade negotiations, there are obviously concerns about increased competition for Canadian industry, but in this case, because our trade is very complementary, those defensive concerns are not necessarily present.

We expect that Canadian imports from Colombia will continue to increase, but the principal drivers of that increase will be the expansion of Colombia's oil production and the continuation of the duty-free treatment that most Colombian exports already enjoy in Canada.

In conclusion, we believe that this agreement is good for Canada and good for Colombia. It's time that Parliament passed the legislation for the agreement to come into force so that Canadian exporters can benefit from improved market access and improve their presence in Colombia.

Thank you very much. I'll be happy to answer any questions.

• (1630)

The Chair: Thank you.

This has been very helpful, although it took a little more time than we're used to.

We're going to begin our questions, and I'm going to have to keep it tight. It looks as though we're only going to get one round in today. I'm going to ask that the witnesses try to keep their answers concise and tight, in the knowledge that the members only have seven minutes for questions and answers. Of course, I'll remind the questioners to try to keep them tight as well.

We'll begin with Mr. Brison.

Hon. Scott Brison: Thank you very much, Mr. Chair.

Thank you to all of our witnesses.

We already have a trade relationship with Colombia. It's one that is growing, by and large, and notwithstanding the global economic downturn its secular trend has been one of increase over a period of time. We don't have a robust rules-based system governing that free trade agreement.

How does adding rules—in this case the most robust labour agreement and environmental agreement that not only Canada has ever signed with any other country, but that has ever been signed by any two countries—have the capacity to make things worse?

Ms. Gauri Sreenivasan: It's true that commerce already exists between Colombia and Canada. It wouldn't be accurate to say that it's not rules-based, because the rules governing international trade still apply.

The question is what is the application of this bilateral trade agreement? And your question is—

Hon. Scott Brison: But does this add more rules?

Ms. Gauri Sreenivasan: Yes, and that's exactly what I was trying to go to. You have to look at the specific new policy measures that are added.

In agriculture, it therefore adds an opening of vulnerable sectors in Colombia, which has price effects and livelihood effects. In investment, it adds unprecedented new powers of enforcement to investors who are interested in controlling aspects of land and resources in a country—because it really matters what country—where there's a lot of local people who are contested and who have been violently displaced from their lands. In a balance of power that's already quite tipped towards corporate interests, it further strengthens corporate interests.

The safeguards are not the top in the world. The environmental side agreement is lower than the one negotiated for NAFTA, and the labour side accord doesn't offer any new, additional safeguard to workers. I think the assumption that is missing, in asking “If we just add rules, what is missing?”, is to underscore that one of the most important conclusions from the signing of the accord is a political agreement between the two governments, which the Colombian government wants very desperately.

I think we can't underestimate the importance of Canada's seal of approval. The main interest on the Colombian government's part is the U.S. deal, on which they are stalled because there are human rights questions. They see, as the ministers identify in their testimony, that the Canadian agreement—

Hon. Scott Brison: Thank you very much. In the interest of time....

You mentioned the Colombian government wanting this trade agreement. In the most recent poll of the parties running in the presidential election, the only party that is against FTAs—the party led by Mr. Petro—has 5% in the polls. The other parties are all pro-FTA.

Isn't there a certain degree of cultural condescension for us in Canada to say that we know better than Colombians whether or not free trade can help them improve their lives? With only 5% supporting anti-trade parties, it seems to me to be a bit sanctimonious and condescending an approach to say as Canadians that Colombians don't have the right to self-governance. They are an independent country.

• (1635)

Ms. Yessika Hoyos Morales (Interpretation): Well, to be honest with you, I'm not aware of those polls you were talking about, but I am aware that the three union federations are against the free trade agreement, that indigenous communities are against the FTA, that peasants and agricultural workers are against the FTA, that more than four million people who have been displaced are against the FTA. The families of the victims of crimes committed by the state are against the FTA too.

Hon. Scott Brison: I don't know what polling company you're using, but I know that the two polls I've seen recently, from independent pollsters, are saying that the only party that is opposed to FTAs in Colombia has 5% of the support of the people of Colombia.

I think that's important, because at the end of the day we want to do not only what is good for Canada but something that helps Colombians move forward.

The issue of the independent human rights analysis is an important one. I've read through this, and this is helpful. The Canadian Council for International Co-operation, Canadian Association of Labour Lawyers, the Canadian Labour Congress, the Canadian Centre for Policy Alternatives, are all independent organizations and have provided us with a very thorough assessment of this free trade agreement in terms of the impact on human rights.

So in fact you have helped us fulfill our commitment as a committee to have an independent human rights assessment. And we thank you. That does help inform our thinking on this issue.

The Liberal amendment, which has been read into the record of this committee, and which was agreed to by the Colombian trade minister this week, and read into the record, proposes that we need more than just an impact assessment at the time of the agreement. We need an ongoing mechanism to evaluate the impact of this agreement on human rights.

It calls for the Government of Canada to provide annual reports to the Parliament of Canada on the impact on human rights of the Colombia-Canada FTA in Canada and Colombia. And it also calls for the Colombian government to do the same. So Canadian DFAIT officials and our own people will be writing a report each year on the impact of this agreement on human rights in Colombia.

That report—we've had DFAIT officials appear before the committee, and we asked about this mechanism and how it would work—would be informed by independent human rights organizations, NGOs, civil society representatives, who would feed into that. And Minister Plata also said that the same would be the case in Colombia. We would hear from both.

When this report comes to Parliament every year, this committee and the human rights committee can hear more witnesses, including your organization, on an ongoing basis. I really believe it has the capacity to strengthen governance on human rights on an ongoing basis. And I had a good meeting with Gerry Barr recently, and want to continue that dialogue.

You cited the UN, and some of the reports from the UN commissioner on human rights. The UN commissioner on human rights said that the report demonstrates how the internal armed conflict continues to pose many challenges for the country, including the "complete disregard for international humanitarian laws" by FARC. The commissioner said as well that the situation was "exacerbated by violence against civilians by illegal armed groups" that emerged after the demobilization of paramilitary organizations, links between illegal armed groups and drug trafficking, and the particularly acute impact of the internal armed conflict on indigenous people and Afro-Colombian communities.

Much of the violence in Colombia is a result of this drug war and drug-fuelled civil war. The narco-traffickers and the drug lords don't have labour agreements with the Government of Colombia. The Canadian government has no influence on the activities of these narco-traffickers and these abusers of human rights, these murderers,

and these people who drive farmers off their lands so they can produce drugs.

Don't we have an obligation to the people of Colombia to help them by providing them with an opportunity to sell their goods and to enjoy real economic opportunities and not to be forced into this violent drug war?

• (1640)

Ms. Yessika Hoyos Morales (Interpretation): You're absolutely right, the Canadian government cannot influence the drug traffickers in my country. But you can influence the Colombian government, which is violating human rights as stated in the United Nations report. The human rights commissioner mentioned violations by the Colombian government. We are reporting violations that are being carried out by a government that has the duty to protect Colombian citizens.

You mention the sale of goods; over four million people were displaced and they have no right to sell the goods they could produce. They cannot produce now because their land is in the hands of the paramilitary groups who have not been demobilized. They still exist and they are occupying their land.

Hon. Scott Brison: The UN commissioner on human rights has also said that "significant progress" has been made in terms of a dramatic reduction in the numbers of complaints of extrajudicial executions.

She also said that she was

impressed by the increased expenditure on government programmes to protect and support vulnerable groups. Such efforts, in a country facing such a complex and multifaceted armed conflict, must be acknowledged and encouraged.

And President Barack Obama has said:

I commended President Uribe on the progress that has been made in human rights in Colombia and dealing with the killings of labor leaders there, and obviously we've seen a downward trajectory in the deaths of labor union[ists] and we've seen improvements when it comes to prosecution of those who are carrying out these blatant human rights offenses.

Very few people I have met in Colombia, even those opposed to the FTA, when asked if things have improved in Colombia since 2002.... In fact, none of the people we met, including some who were opposed to the FTA, said that the situation had not improved since 2002 in terms of security, rights, and economic opportunity.

In terms of homicide rates—

The Chair: Wrap it up.

Hon. Scott Brison: —Colombia has a lower homicide rate than Washington, D.C., Rio de Janeiro, and Mexico City. Again, that has been a huge achievement since 2002.

I do agree there are significant challenges in Colombia, but my view is that we ought to engage them and be partners with them to try to address those challenges, and not isolate them and leave them to their own devices. If we want to have an influence, the worst thing we can do is to say no to economic engagement and have them move forward on their own.

The Chair: I'm sorry, there is no time for a response. That did go over time.

Monsieur Laforest.

[*Translation*]

Mr. Jean-Yves Laforest: Thank you, Mr. Chair.

Good afternoon to the witness.

My first question is for Mr. Dade. I was surprised to hear you suggest that we go and meet workers in Quebec, Ontario or in other provinces or cities to ask them if they felt confident that they could keep their jobs in the face of a free trade agreement with Colombia. Because, at the moment, there is no signed agreement and their jobs are not an issue.

At the same time, I have to stress that the unionized workers in Quebec that I know have a lot more solidarity than you think with other workers around the world and their cause. Do you think that those people would say that their jobs are at risk but they are ready to say that we should sign the agreement anyway? I am sorry, but that is not how those people react. Unionized workers everywhere have more solidarity than that, especially since there is no threat to their jobs at the moment. The Canada-Colombia free trade agreement does not go very far in creating or significantly increasing exports.

For some countries, we know that there are much greater possibilities of an increase in Canadian exports than for our exports to Colombia. The Bloc Québécois is clear that this free trade agreement is not just about increasing exports or protecting Colombian citizens. It is much more about providing protection in Colombia through investment. Pure and simple.

I just wanted to make that comment to you, because I did not want you to go away with the impression that Quebec workers—those that I know anyway—are not in solidarity with workers in Colombia.

Ms. Morales, are there currently free trade agreements between Colombia and other countries?

•(1645)

[*English*]

Ms. Yessika Hoyos Morales (Interpretation): The free trade agreement with the United States has not been adopted as of today, precisely because of the violations of human rights still taking place in Colombia. Although it is claimed that huge progress has been made in the free trade agreement with the European Union, a number of parliamentarians have decided not to sign the agreement because of the human rights violations. They realize now that the DAS was also investigating some members of Congress, and they say that until there is real progress in terms of justice and the protection of human rights, they will not agree to negotiate with a country that does not respect the rights of workers.

[*Translation*]

Mr. Jean-Yves Laforest: So currently there is no free trade agreement between Colombia and any other country?

[*English*]

Ms. Yessika Hoyos Morales (Interpretation): [*Technical difficulty—Editor*]

[*Translation*]

Mr. Jean-Yves Laforest: If there is no other agreement and if the agreement with the United States and the European Union is still not in effect—you tell us that it is because the question of human rights is not yet settled in their eyes—why do you feel that Canada is able to consider the human rights situation satisfactory when others have concluded that it is not? I find that quite strange. Does it make sense to you?

[*English*]

Ms. Yessika Hoyos Morales (Interpretation): We're talking about international organizations. We're talking about the human rights commissioner. We're talking about the Inter-American Commission on Human Rights. Just a month ago, they published a report where they expressed their concern because threats are ongoing, harassment is ongoing, and there's still this hostile environment in which to work.

They are still violating human rights in Colombia.

•(1650)

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chair, before handing over to my colleague Mr. Guimond, I would like to raise a point of order right away, please.

Next time we have witnesses who speak Spanish, would it be possible to have Spanish-French translation without an intermediate stage, please? We have translation from Spanish to English, which then has to be relayed from English to French and it is a lot harder that way.

There have to be interpreters who speak Spanish and French. I feel we have a right to translation like that. I would like us to have it the next time we have Spanish-speaking witnesses.

[*English*]

The Chair: All right.

[*Translation*]

Mr. Jean-Yves Laforest: Go ahead, Mr. Guimond.

[*English*]

The Chair: You are already two minutes over your time.

[*Translation*]

Mr. Jean-Yves Laforest: Mr. Chair, the Liberals had about 10 minutes. We had to wait almost three or four minutes for the translation.

[*English*]

The Chair: Well, you've just burned up another one.

There you go: you get one minute now.

[Translation]

Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ): Ms. Sreenivasan, earlier, you alluded to the Liberal amendment a little.

What is your thinking about the amendment, precisely?

Ms. Gauri Sreenivasan: I explained that it is very interesting that, at this stage of the debate, there is now a proposal for an impact study. But, as it is currently understood, it has no credibility. The study will not be done before the agreement. So there is no way of preventing badmouthing. There is also some question about its independence, because it will be written by people from Foreign Affairs, who are already close to the agreement as such.

Nor is it clear that it will be possible to respond to any recommendations the study may make. If we get a report that lists all the negative impacts, if we read it and put it on the shelf, there is no sense in it. As Mr. Brison explained, even the brief that was prepared seems already to include some recommendations and concerns. But the government has no commitment to act on them. So we need a report. It has been suggested that he do his own report using independent analysis, with emphasis on the recommendations. We do not want a report that does a literature review and that is it.

[English]

The Chair: Thank you.

Mr. Julian.

[Translation]

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

I have always found that you are very fair and I hope that you will continue to be. But it must be said that Mr. Laforest had much less time than Mr. Brison.

[English]

I would like to come back to your comments.

Mr. Brison referenced the report and said that essentially this analysis of the text should be considered as the human rights evaluation.

I'll just read the conclusion: The terms of the deal raise serious human rights concerns for vulnerable populations in the context of Colombia's conflict economy. The agreement makes a bad situation worse.

So if this is our human rights evaluation, it's very clear that this committee should be recommending that we not proceed with this bill. I don't think that's what he intended to say.

I would like to come back to the issue of the amendment.

You mentioned, Ms. Sreenivasan, that the amendment lacks credibility. We've had a very clear illustration of this, both from the Canadian government's presentation last Thursday and the Colombian government's presentation on Tuesday, at committee. They said exactly the same things.

What is even more important is what they neglected to say. In both cases—these are mirror-image presentations to this committee, on human rights—they didn't talk about the abuse of Afro-Colombians or aboriginal peoples, or about the military arm of the Colombian government, or the paramilitary link to the government. They didn't

talk about violent theft of land or sexual torture. They didn't talk about the false positives. They didn't talk about the links with the regime and drug cartels, both historically and also in the present day. They didn't talk about corruption. They did not talk about the DAS scandal. In fact, both governments lauded the Colombian government for providing protection to these labour leaders, when everyone who is up-to-date with human rights in Colombia knows that the DAS scandal actually shows the hollowness of that so-called protection.

I want to ask both of you, and Ms. Morales as well, about the DAS scandal and what that means in terms of the so-called protections.

Also, Ms. Morales, we heard a lot of testimony about the abuse of aboriginal peoples and Afro-Colombians before we went to Colombia. That's why this committee decided unanimously to stop this implementation until a full and independent human rights assessment was done. I've not heard concerns about the abuse of gays and lesbians, so could you come back to that issue? You're the first person who mentioned it. Could you talk more directly about the paramilitaries and the military being linked to the Colombian government and any abuse that may be occurring of gay and lesbian Colombians?

• (1655)

Ms. Yessika Hoyos Morales (Interpretation): In terms of the DAS scandal, in fact it has been proved how the security agents used the protection program, the trade unionists and human rights defenders program, to gather intelligence against them and to provide information on all the movements of these people. In other words, they're not really being protected as they should be protected, as the program called for; it is, as a matter of fact, to carry out surveillance on these people, and that provides them with the tools they need to threaten them.

Talking about gays, lesbians, and bisexuals, in fact we see that the UN high commissioner, who reported on March 4 this year, has this great concern because of the increased threats against and actual murders of these people—lesbian, transgendered, and bisexual persons.

Mr. Peter Julian: Is this by paramilitaries affiliated with the government or the Colombian military, or both?

Ms. Yessika Hoyos Morales (Interpretation): At this time, most of the crimes against these communities are perpetrated by the paramilitaries that work in the municipalities throughout the country, because they have actually expressed their dislike, their rejection of these people to be able to exercise their own feelings, their own personalities.

Mr. Peter Julian: Do you have additional evidence that you could present to us?

Ms. Yessika Hoyos Morales (Interpretation): Of course. I can actually provide you with reports.

We as a human rights organization have represented these victims. We don't only represent trade unionists and human rights defenders, but we have also represented these communities, so we have been able to prove their persecution. We have been able to prove that one of the cities in which they're most persecuted and where crimes have increased is Medellín.

This shows that the paramilitaries are not being dismantled, and they're acting in the same areas where they used to. In addition to that, we have their leaders, such as Cuchillo, who operate in these areas, and we've been able to document this.

Ms. Gauri Sreenivasan: As maybe just a quick reaction, I agree; the DAS scandal underwrites the central point that the Colombian state has not only no credibility to report on human rights violations, but the notion that it would openly consult and work with human rights groups to put together the report is put to shame by the fact that it has clearly, over the last years, been targeting these groups, providing information to paramilitaries so that they can in fact be assassinated.

It isn't possible, in the context of the factual evidence being released by these investigations, by the statements from the Supreme Court in Colombia, to then in fact agree that the Colombian government would have the credibility and capacity to write its own report on the impacts of the trade agreement.

If these kinds of issues were also missing from the reports from the Canadian government officials, that is also quite worrisome.

The importance of a human rights impact assessment is that there's such a political cloud around how everybody speaks. The report by CCIC has been available for a year by legal experts. We weren't called. We weren't asked to contribute to or discuss the creation of a human rights impact assessment. It makes more sense, if people aren't prepared to act on these recommendations, that an independent group be set up, but one in which the government has committed to respond to the reaction.

So I repeat, it would be really important in the amendment that it be clear that it not only be a prior assessment, but that it be independently carried out and that there be a commitment to act on the results and recommendations. All those three things are missing right now.

• (1700)

Mr. Peter Julian: We've had very strong criticism from both President Uribe and Vice-President Santos, criticizing human rights organizations for promoting policies and colluding with terrorism and colluding with the guerrillas. In that kind of context, when you have the leading officials in the Colombian regime aggressively attacking independent human rights observers, how can you then possibly have the Colombian government reporting on itself?

The argument would be, well, no, it's the Canadian government that takes that report and does something with it. But what we saw last Thursday was that very clearly the Canadian government just rubber-stamps what it gets from the Colombian government. The terminology and the praise for the Colombian government was exactly the same on Thursday as it was on Tuesday. You might as well have had the same script.

Does that worry you, then, that what we are actually embarking on is a rubber stamp on human rights? We're actually, in a very real sense, condoning the human rights abuses that everyone around this table purports to be opposed to.

Ms. Gauri Sreenivasan: Yes, I think it's extremely worrisome. The issue is not just that there's a major opportunity lost to set a precedent—because the notion that the Colombian government and Canadian government would agree to an impact assessment is possibly precedent-setting and really important—but done improperly it could be in fact more dangerous, because it could provide a platform for a kind of continued whitewashing of the facts from the Colombian government, and that's what we'd want to avoid. We need a process that is credible, if it's going to be worth its salt. That's what I think we need to work towards.

The Chair: Good. That's a little over nine minutes, so I think we'll call it a day.

Thank you.

Before we continue, Ms. Morales, we have you on our agenda as an individual. You just mentioned “our organization”, and I wondered what organization you were referring to.

Are you representing an organization here, or are you here as an individual?

Ms. Yessika Hoyos Morales (Interpretation): I'm appearing as the daughter of a trade unionist who was murdered in Colombia and as a member of an organization for human rights, the José Alvear human rights association. We represent victims of human rights violations. We have produced reports and we have taken our cases to the inter-American court of justice, which has condemned these cases.

The Chair: Thank you. That's very helpful.

We're going to have to wrap it up; we're over time.

Mr. Keddy.

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

I'm splitting my time with Mr. Holder. I will have two quick questions, but Mr. Holder has a statement he'd like to make on behalf of the Conservatives.

Mr. Ed Holder (London West, CPC) (Interpretation): I would like to make a brief statement, and my colleague Mr. Keddy will ask some questions.

From my point of view and that of all members here, I would like to express my condolences to Ms. Morales for the tragic loss of your father. My thoughts are with him.

Now my colleague will take our remaining time.

Mr. Gerald Keddy: Thank you, Mr. Chair.

With your indulgence, I'll share the remainder of my time with Mr. Allison.

Ms. Morales, I listened very closely to your testimony. I have one question, and that question is quite simple: do you not see any improvement in the situation in Colombia?

The reason I ask this is that we have met with President Uribe himself, all of the cabinet at one time or another, a number of NGOs who have been to Colombia, and almost to a person, including President Uribe, they will say that the situation has improved but it is not perfect. They will all say that many of the paramilitaries have been disbanded but some of them have re-armed. There's never been an attempt by any official from the Colombian government to gloss over or whitewash, if you will, the situation in Colombia as it affects personal safety and security.

So would you not say that personal safety and security has improved—yes, or no, if you could, or otherwise very briefly?

• (1705)

Ms. Yessika Hoyos Morales (Interpretation): Well, from my point of view, I have to say that for us, the defenders of human rights, and for us, the trade unionists, in the context of democratic security we have not felt safe. After the DAS scandal, we feel completely insecure. We've received threats, and children have also received threats and were also photographed.

Mr. Gerald Keddy: Okay. Thank you.

Ms. Sreenivasan, I'm listening to your testimony as well, and your disagreement with the trade agreement. However, what I don't understand is this. You that this will reflect upon Canada's international reputation. But we're in a line-up to sign a free trade agreement with Colombia. We're not out there by ourselves. Colombia has already signed with the EFTA countries—Switzerland and Iceland and Norway and Liechtenstein. The EU fully expects to sign with Colombia; they have said that on numerous occasions. The Americans are revisiting their agreement. A number of South American countries and Mexico have signed or are in the process of doing it.

So how can this hurt the Colombian-Canadian relationship? How can it do anything but improve it?

Please answer quickly, because I know Mr. Allison wants to wrap up.

Ms. Gauri Sreenivasan: It's true that Liechtenstein, that some of those countries, did go ahead, and it was a great shame. But Norway clearly expressed its own reservation and didn't pass it. Switzerland did. The EU's is signed—it's sort of like where the U.S. is—but it has not gone through ratification. A number of human rights concerns have been raised. There is expected to be at least a year of debate and discussion.

There's a lot of information on the Washington agreement. Our information from Congress is that Obama continues to make important diplomatic overtures to say, "Let's keep talking, but..." There's always a "but". They have not proceeded to sign. You recently received a letter from Mike Michaud to underscore that.

So Canada actually may be in line with Liechtenstein, but not with Norway, the U.S., or much of Europe.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): This is to Mr. Dade, who's been sitting patiently with not many questions today.

I want to get your viewpoint on this. We heard on Tuesday, clearly, that unions are on the rise, voluntary or otherwise. We're hearing today that this is not the case.

What's your third-party experience as you look at this country? Are union memberships on the rise? Are there more members, or are they actually decreasing, as has been said today? What are your thoughts?

Mr. Carlo Dade: I do not have figures with me on union membership, but those are easily available from sources in Colombia, from the Escuela Nacional Sindical, the Colombian version of the CLC.

I've seen reports of recent declines in unionism, but nothing substantial. It would seem to be cyclical. There have been no reports that I've seen of precipitous or unusual drops in union activity.

It's interesting to note, though, that there is a split in terms of support for the free trade agreement among unions in Colombia. Those that actually have a stake in the agreement, those from the private sector, are overwhelmingly in favour of the agreement. Those from the public sector, who don't have a stake in it and won't mostly be impacted by it, tend to be overwhelmingly against.

Mr. Dean Allison: Okay.

Ms. Gauri Sreenivasan: Invite the ENS, the Escuela Nacional Sindical, to come and testify. I have their report here, if you want the statistics.

Mr. Dean Allison: Okay. Thanks.

The other thing I want to put on the record...and I note it was raised in opening comments that when it came to wiretapping and general surveillance, this was a concern. I want to make note that the Office of the UN High Commissioner for Human Rights, on June 16, 2009, talked about this new law and emphasized the guarantee of rights and enforcement and legal controls that were in place, and went on to comment that they really commended the Colombian government for having invited various experts as well as the UN special rapporteur on the situation for human rights defenders, as well as the UN rapporteur on the independence of judges and lawyers.

Once again, I think we need to have the other side of this, which says that, as the UN High Commission for Human Rights has noted, Colombia went about doing this the right way.

Do you have any comments on that, Mr. Dade?

• (1710)

Mr. Carlo Dade: It's interesting to note that Colombia was the first country in this hemisphere to invite the UN High Commission for Human Rights to set up permanent offices. They've been there for close to a decade and a half. Also, the International Labour Organization has been invited by Colombia to come in. So the openness and willingness of the Colombian government to participate with human rights organizations and to take steps that are in the forefront of what anyone else in the hemisphere has done really, I think, speaks to the commitment.

It's also important to note that when we speak of the Government of Colombia, we are not just speaking of the administration and President Uribe, but of Colombia's very strong institutions—courts and other institutions of government. In 2003 we saw the courts revoke the emergency powers that Uribe had declared and make him stop. We've just seen the courts prevent the extension of the presidential term to three times in Colombia. They've bucked the trend in the region. We've seen term limits wiped away.

The institutions in Colombia are strong, and it's important to note, when we speak of the government, that it is not just the administration but it is the institutions of the state of Colombia,

and for things such as the rule of law and rules-based trade, there's great hope and reason to be optimistic for what we've seen in Colombia.

Mr. Dean Allison: Thank you.

The Chair: Thank you, Mr. Allison.

Thank you for a good day. We got a lot in—despite the fact that some people got 43 seconds more than the next guy.

We appreciate your time. Thank you very much for coming.

We are adjourned.

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