



**HOUSE OF COMMONS
CANADA**

40th Parliament, 3rd Session

**THE STANDING COMMITTEE ON
FOREIGN AFFAIRS AND INTERNATIONAL
DEVELOPMENT**

has the honour to present its

SIXTH REPORT

On Thursday, December 9, 2010, the House of Commons Standing Committee on Foreign Affairs and International Development met to commence a study of the Supplementary Estimates (B) 2010-2011 under Foreign Affairs and International Trade. The Honourable Beverly J. Oda, Minister of International Cooperation, appeared before the Committee, accompanied by Margaret Biggs, President of the Canadian International Development Agency (CIDA), David Moloney, Executive Vice-President of CIDA, and Sue Stimpson, Chief Financial Officer of CIDA.

The purpose of this report is to place the proceedings of the Committee's meeting officially before the House.

During the meeting, the minister and senior officials were repeatedly questioned about the government's decision in late 2009 to reject a funding proposal for the Canadian Ecumenical Justice Initiatives, a non-governmental and faith-based organization that is more commonly known as KAIROS. As part of their questions, Committee members referred to an internal CIDA document that dealt with KAIROS' funding application. The document concluded with the following statement: "Recommendation – That you sign below to indicate you not approve a contribution of \$7,098,758 over four years for the above program." It appears from a copy of the document that had been reproduced in media reports, and which is now officially before the Committee, that the word "not" had

been added to the sentence by hand (see Appendix A). The document contains three signatures:

- Naresh Singh, Acting Vice President, Canadian Partnership Branch – signature dated September 25, 2009;
- Margaret Biggs, President – signature dated September 25, 2009; and
- Beverely J. Oda, Minister of International Cooperation – signature dated November 27, 2009.

When questioned about the KAIROS funding decision, the Minister stated: “the decision on my part was not to fund KAIROS but to continue funding organizations such as the Primate’s World Relief and Development Fund...”¹ An exchange related to the KAIROS funding proposal document itself then followed:

John McKay (Scarborough—Guildwood, Lib.):

Madam Minister, you've just said that you signed off. You were the one--

Hon. Bev Oda:

I sign off on all of the documents.

Hon. John McKay:

Yes, and you were the one who wrote the “not”.

Hon. Bev Oda:

I did not say I was the one who wrote the “not”.

Hon. John McKay:

Who did, then?

Hon. Bev Oda:

I do not know.

Hon. John McKay:

You don't know?

Hon. Bev Oda:

I do not know.

1 *Evidence*, Meeting No. 41, December 9, 2010.

Hon. John McKay:

That's a remarkable statement.

Hon. Bev Oda:

I know that the decision ultimately reflects the decision I would support.

Hon. John McKay:

Well then, there are only three people who could have written the "not".

Hon. Bev Oda:

That's not true.

Hon. John McKay:

Two of them are sitting at this table. So who wrote it?

Hon. Bev Oda:

I cannot say who wrote the "not".

However, I will tell you the ultimate decision reflects the decision of the minister and the government.²

Subsequently, CIDA President Margaret Biggs was asked about her recommendation to the Minister regarding the KAIROS funding proposal and whether the word "not" had appeared on the document when she signed it:

Mr. Jean Dorion:

Ms. Biggs, was the word "not" handwritten on the form that you signed on September 28, two months before the minister signed it?

Ms. Margaret Biggs (President, Canadian International Development Agency):

No, it wasn't, sir.

Mr. Jean Dorion:

So then, when you signed the form, you were in fact giving your approval. You were recommending approval, since the form states:

"Recommendation: That you sign below to indicate you approve a contribution of \$7,098,758 over four years for the above program."

So then, on September 28, you were recommending that the minister approve the project.

2 *ibid.*

Ms. Margaret Biggs:

Yes, I think as the minister said, the agency did recommend the project to the minister. She has indicated that. But it was her decision, after due consideration, to not accept the department's advice.

This is quite normal, and I certainly was aware of her decision. The inclusion of the word "not" is just a simple reflection of what her decision was, and she has been clear. So that's quite normal.

I think we have changed the format for these memos so the minister has a much clearer place to put where she doesn't want to accept the advice, which is her prerogative.³

In light of other information before the House, your Committee wishes to draw attention to what appears to be a possible breach of privilege and recommends that the House consider all relevant documents and ministerial and other statements and take such measures as deemed necessary.

A copy of the relevant Minutes of Proceedings (Meetings Nos. 41, 45 and 46) is tabled.

Respectfully submitted,


Dean Allison, MP
Chair

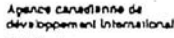
3 Evidence, Meeting No. 41, December 9, 2010.

APPENDIX A

Document divulgué en vertu de la Loi sur l'accès à l'information / Document released under the Access to Information Act

7-1402

 Canadian International Development Agency
Président

 Agence canadienne de développement international
Présidente


UNCLASSIFIED

Primary Local Partner — The Organization works with 23 well established local partners trusted by KAIROS.

Communications opportunities — In addition to the mandatory quarterly disclosure of contributions over \$25,000 on CIDA's web site, once approved, the project will be added to the list of possible announcements.

RECOMMENDATION — That you sign below to indicate you approve a contribution of \$7,098,758 over four years for the above program.


~~NOT~~



Naresh Singh
A/Vice President, Canadian Partnership Branch

SIX 25 2009


Date (YYYY-MM-DD)



Margaret Biggs
President

28/09/09

Date (YYYY-MM-DD)



Beverley L. Oda
Minister of International Cooperation

NOV 27 2009

Date (YYYY-MM-DD)

Supplementary Report—Conservative Party of Canada

The Members of the Conservative Party of Canada of the Standing Committee on Foreign Affairs and International Development do not agree with the opposition contention that the Minister of International Cooperation is in breach of privilege this Committee or the House of Commons.

When the Minister of International Cooperation was asked a direct question about who wrote the word “NOT” in the Kairos memo she refused to mislead this Committee. The Minister did not know who in her office had actually written the word on the document, as accurately reflected in her answer, “I do not know.” The Minister had directed her staff to ensure that her decision was reflected on the document in question, and it was. The Minister’s decision became, in fact, Department’s decision and was properly considered and referred to thereafter as a CIDA decision.

There was never any intent whatsoever, in either the Minister’s direction to her staff about having the document in question reflect the Minister’s decision, or in staff’s implementation of that direction, to give an incorrect impression of officials’ advice to the Minister.

The Minister does understand that she could have more clearly communicated the purpose and intent of why and how her office implemented her direction, and she has apologized to the House of Commons for how this issue has been handled. In that statement, she clearly said that it was never her intention to mislead either the House of Commons or the Committee.

No evidence has come before the Committee questioning any of the foregoing. It must and does follow that the Minister’s answer did not in any way mislead this Committee or the House of Commons. In fact it is the Opposition that has attempted to mislead this Committee and the House both by mischaracterizing the Minister’s communication of her own decision in a way that suggests a breach of privilege.

