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## **Standing Committee on International Trade**

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**EVIDENCE**

**Thursday, June 7, 2012**

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**Chair**

**The Honourable Rob Merrifield**



## Standing Committee on International Trade

Thursday, June 7, 2012

• (1130)

[English]

**The Chair (Hon. Rob Merrifield (Yellowhead, CPC)):** We'll start the meeting. Some of the other members will be on their way, but nonetheless we have quorum and can start.

I'm glad to see you here, Madame Papillon.

We are studying the report on the operation of the Canada-Colombia Free Trade Agreement Implementation Act.

We have with us, from the Department of Foreign Affairs and International Trade, Kerry Buck. I believe you're going to do the presentation. Thank you for being here. I'll yield you the floor, and maybe you can introduce the rest of your panel and carry on with the presentation.

**Ms. Kerry Buck (Political Director and Assistant Deputy Minister, International Security, Africa, Latin America and the Caribbean Branch, Department of Foreign Affairs and International Trade):** Thank you very much, Mr. Chair, and thank you for the opportunity to provide some insight into Canada's engagement with Colombia. I'm very pleased to join you today to add to the standing committee's consideration of Canada's first "Annual Report Pursuant to the *Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia*".

As the Prime Minister noted in his visit last year to Colombia, diversifying trade is central to Canada's outreach to its hemispheric neighbours. Since 2006, Canadian ministers have paid 175 visits to Latin American countries. Canada has signed, or is now negotiating, free trade agreements with more than 20 countries in the Americas. Colombia is an important partner in our engagement in the Americas.

Canada and Colombia enjoy a longstanding, robust, and multi-faceted relationship. Our two countries are celebrating the 60th anniversary of diplomatic ties this coming year. I really would like to emphasize to the committee the breadth, maturity, and closeness of the Canada-Colombia relationship. Our political relations are very strong. We've had numerous high-level exchanges: with the Prime Minister, the Minister of Foreign Affairs, the Minister of International Trade, the Minister of Labour, and Minister of State Ablonczy. They've all met with their Colombian counterparts on numerous occasions. We hold regular officials-level consultations to share views and exchange information on political relations, trade and investment, human rights, security, and defence policy. Colombia is an important like-minded partner in the Americas, and we cooperate in multilateral organizations to promote shared goals. Our two

countries share strong and growing person-to-person ties through expanding commercial ventures, academic and cultural links, and migration.

Of course, a major milestone in our bilateral relationship was the signing of the Canada-Colombia Free Trade Agreement. Canada's prosperity is linked to reaching beyond our borders for economic opportunities that serve to grow Canada's trade and investment. Concluding trade agreements is one of the key actions the government can take to maintain and open new market opportunities for Canadian business. Canada believes that open markets create jobs and economic growth.

[Translation]

Canada therefore continues to actively pursue a broad and ambitious protrade plan to create new trade and investment opportunities, particularly with large, dynamic and fast-growing economies such as Colombia.

Colombia is a dynamic emerging market with a population of 48 million and an economy with high growth potential. It is a strategic destination for Canadian direct investment. Canada is of the firm belief that our free trade agreement will bring dividends to both Canada and Colombia. Canadian companies now account for some 60% of Colombia's extractive industry output, and Canadian financial institutions have become key players in the Colombian market.

At the same time as we signed our free trade agreement, we signed side agreements on labour and the environment in order to ensure that trade liberalization, labour standards and environmental protection are mutually supportive. It is important to highlight the tremendous opportunities this agreement creates for Canadian businesses in Colombia.

The elimination of tariffs on Canadian exports helps make Canadian goods more competitive in a range of sectors including mining, agriculture and agri-food products. It creates a level playing field for Canadian business vis-a-vis their competitors who are benefiting from preferential market access terms. It also provides enhanced market access for Canadian service providers in areas such as finance, engineering, the environment, mining, oil and gas, and construction services.

•(1135)

[English]

At the same time, Canadian investments are creating opportunities for Colombians. More than 70 Canadian companies are creating jobs and wealth in Colombia in oil, gas, mining, the financial sector, education, footwear, food processing, satellite technology, legal services, and more.

Due to our unique and multifaceted relationship with Colombia, the Agreement concerning Annual Reports on Human Rights and Free Trade between Canada and the Republic of Colombia was signed in May 2010. It entered into force on August 15, 2011, at the same time as the Canada-Colombia Free Trade Agreement, or CCOFTA. As you know, under the agreement, Canada and Colombia are required to each draft separate annual reports for deposit in our respective legislatures on the effects of CCOFTA on human rights in both countries. Canada's obligations under the agreement are incorporated into domestic law through the Canada-Colombia Free Trade Agreement Implementation Act.

Under the implementation act, Canada is required to report based on information from the previous calendar year. CCOFTA came into force on August 15, 2011, and therefore only entered into force for the last four and a half months of 2011. As such, the calendar-year threshold wasn't met, but there was insufficient data available to undertake a comprehensive analysis of this short timeframe. This year's report therefore focuses on outlining the methodological steps to be used in future years.

Then the full period from August 15, 2011 to December 31, 2012 will be analysed in the next report, to be tabled in 2013.

[Translation]

Allow me to turn to human rights, an important facet of the Canada-Colombia relationship. Challenges remain, but the Colombian government has made important progress on human rights and is working closely with the international community to advance the domestic human rights situation.

Canada is among many partners committed to the advancement of human rights in Colombia. We believe that engagement, rather than isolation, is the best way to support continued positive change. Through our interactions, including commercial ties, Canada is sharing its values of respect for democracy and human rights.

Canada has a high-level, open and frank dialogue on human rights with our Colombian friends, between our heads of government and ministers, as well as at the officials level. We also work closely with the Colombian government, as well as with communities, trade unions, civil society, partner donor countries, multilateral organizations and other stakeholders to advance respect for human rights.

[English]

For example, of the \$130 million in programming that Canada has provided to Colombia since 2006 through CIDA and through DFAIT's global peace and security fund, over \$41 million has focused on human rights and justice-related projects. We're also currently the largest donor to the Office of the UN High Commissioner for Human Rights' office in Colombia, with a contribution of \$8 million over 4 years.

Canada remains committed to supporting the improvement of the human rights situation in Colombia. We will continue to engage Colombia at the highest levels on human rights, monitor developments on the ground, work with civil society and the international community to promote human rights, and provide concrete cooperation and advocacy in this regard.

Mr. Chair, I would like to close by saying that Canada believes that increased interaction with Colombia, including through our bilateral free trade agreement, allows Canada to better share its values of respect for human rights and democracy while also increasing mutual prosperity.

•(1140)

[Translation]

I would be pleased to take any questions. My colleagues Sylvain Fabi, acting Director General of the Latin America and Caribbean Bureau at DFAIT; Jean-Benoît Leblanc, Director of Trade Policy and Negotiations at DFAIT; James Junke, Director of Human Rights and Governance Policy at DFAIT; and Pierre Bouchard, Director of Bilateral and Regional Labour Affairs at HRSDC, are also present to assist in answering questions in their areas of expertise.

[English]

Thank you very much, Mr. Chair, for the opportunity to speak with you today.

**The Chair:** Thank you very much for your presentation and for your panel of experts being here. I'm sure it will stimulate thoughtful questions. We're just going to do one round of seven minutes each. We'll go a little past 12 o'clock. That will cut into the next hour, but that's the way it will be.

Mr. Davies, the floor is yours.

**Mr. Don Davies (Vancouver Kingsway, NDP):** Thank you, Mr. Chairman.

Thank you for being here.

Ms. Buck, you are aware that the human rights situation in Colombia was a serious concern, as we debated in the House prior to the passing of this free trade agreement. Would you agree with that?

**Ms. Kerry Buck:** We have long worked with Colombia on human rights issues. We have been very clear about some of the human rights challenges that the Government of Colombia faces. There's been important progress over the last few years in Colombia.

**Mr. Don Davies:** Ms. Buck, I have limited time, so I'm going to ask you to answer my questions directly, please.

You're aware that parliamentarians, at the time this bill was passed, expressed serious reservations about the human rights condition in Colombia. Do you agree with that or don't you?

**Ms. Kerry Buck:** Some parliamentarians in the debate expressed that concern. I'm aware of that. I'm aware of the human rights situation in Colombia.

**Mr. Don Davies:** You would agree with me, I take it, that the provision requiring the government to table a report on the impact of this free trade agreement on human rights was an amendment put to the original legislation by certain parliamentarians—I believe by my colleagues in the Liberal Party. Do you recollect that?

**Ms. Kerry Buck:** Yes. I wasn't accountable for the file at that time, but I'm aware of the proceedings.

**Mr. Don Davies:** I'll quote from the legislation, which reads: Each Party shall provide a report to its national legislature by May 15 in the year after the entry into force of the Free Trade Agreement between Canada and the Republic of Colombia and annually thereafter. These reports will be on the effect of the measures taken under the Free Trade Agreement between Canada and the Republic of Colombia on human rights in the territories of both Canada and the Republic of Colombia.

That is very clear. That's a mandatory requirement. It's the law, as passed by the Parliament of Canada, that such a report will be tabled in Parliament and it will be on the effect of the measures on human rights. Do you agree with that?

**Ms. Kerry Buck:** As I said, this year's report is pursuant to the act. Because of the four-and-a-half month period, which did not allow the full analysis required under the act, we have focused in this year's report on the methodology to be pursued in a report that will cover this period, to be tabled next year.

**Mr. Don Davies:** Ms. Buck, I have the report in front of me and I've read it many times. It doesn't contain one word of analysis on the impact of this agreement on human rights.

You said you only had four and a half months. The government has known of its obligation to draft this report since June 2010, when it received royal assent. We know this act came into force on August 15. Surely, from August 15 to the end of last year, there would have been some opportunity to present some analysis of the impact. If that's not the case, can you tell us what data have been collected in that time?

**Ms. Kerry Buck:** As I said in my opening remarks, sir, during the period of four and a half months, insufficient data were available to conduct that kind of analysis. This year's report focuses on the methodological steps to be used. The full period from August 15, 2011, until December 31, 2012, will be analyzed in the next report, to be tabled in 2013.

**Mr. Don Davies:** We know that. The problem is that the legislation calls for a report annually. It didn't provide for the opportunity to say we're not going to do a report because it was a partial year. The legislation is mandatory, Ms. Buck. What's

happened is that we've had an empty report tabled in Parliament that has no analysis of the impact of the agreement on human rights, when the legislation calls for exactly that. It doesn't provide an exemption for a partial year.

I would argue respectfully, Ms. Buck, that having August 15 to December 31 is sufficient time to at least put a sentence in, to put a paragraph in, to give parliamentarians some idea of the impact.

I'll turn to civil society. We're going to be hearing from witnesses who have been monitoring the human rights situation in Colombia. They will tell us that copious amounts of information are available on human rights in Colombia, which at least could have been touched on in this report.

Could you not at least have put baseline information in this report, which would serve as a basis for comparison in the next report?

• (1145)

**Ms. Kerry Buck:** The act requires the Government of Canada to table a report. We've tabled a report on implementation of the act. The report is not meant to be a report on the human rights situation in Colombia writ large. That is not the requirement under the act. The requirement is to provide an analysis of any noticeable changes in trade and the human rights situation in the most active economic sectors stemming from the CCOFTA for the period under review. Given the parameters of the report, there was insufficient data to do a full and fair analysis.

Point one is that we will be covering the entire period when we submit our report in year two. The main message is that the report is not meant to be covering the entire human rights situation in Colombia.

Point two is that Canada is very active with Colombia on the whole range of human rights issues—human rights challenges, human rights improvements. We have a very vigorous bilateral dialogue on human rights.

**Mr. Don Davies:** I'm just going to stop you there, Ms. Buck. I understand that, but that's not what my concern is. My concern is why parliamentarians do not have a report before us that reports on that. It is not what Canada-Colombia relations are.

You are aware, Ms. Buck, that guiding principles on human rights impact assessments of trade and investment agreements have been tabled at the UN Human Rights Council to help define global best practices. Were these used to inform how Canada would be approaching its obligations and the agreement with Colombia?

**Ms. Kerry Buck:** Canada has a long history, the government has a long history, of being very supportive of credible, strong international work on corporate social responsibility. We have been supportive of the work done by John Ruggie, for instance, on the guiding principles for business and human rights.

**Mr. Don Davies:** What about the United Nations report, Ms. Buck? That's what I'm asking you about.

**Ms. Kerry Buck:** Excuse me?

**Mr. Don Davies:** I'm asking you about the United Nations impact assessment guidelines. That's what I'm specifically asking you about. Are those being taken into account in the formulation of this report?

**Ms. Kerry Buck:** There are many different human rights impact assessment approaches. We have considered a range of sources when looking at the methodology. They include very strong work by a number of sources on corporate social responsibility and guiding principles for business and human rights, such as the voluntary principles, the Kimberley Process, etc. There is a very broad range of sources.

**The Chair:** Okay.

Thank you very much.

Mr. Keddy, you have seven minutes.

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Thank you, Mr. Chairman, and welcome to our witnesses.

I'll probably take a little different tack in my questioning than my predecessor.

I participated in the debate on Colombia after we formed the government in 2006. I had the opportunity to visit Colombia. I supported the agreement, along with other members of my party, when the NDP, who are now the official opposition, didn't. It was in the sincere belief that dialogue and trade are better than isolationism at any time. If countries get to the point where you have to have isolationism—there are a number of examples of that in the world today, Syria being one of the foremost that would come to mind—then you have no other choice. But Colombia was a long way away from that.

My question, Ms. Buck, will go to the institutions in Colombia itself. Colombia went through some very dark days in the 1970s, 1980s, and early 1990s. No one is debating that. No one is saying that it didn't occur. But when you look at the history moving forward, it was a gradual improvement, especially from the eighties and nineties and into the first decade of 2000. I think part of that, and we've never had the discussion, was due to the fact that their institutions were very strong. The institution of Parliament, with its flaws, was there and was very strong. The institution of an independent judiciary was there in Colombia for many years, even with its flaws in the police force, which had a long history.

I would just like to ask you how much that influenced the ability of Colombia to move forward through some very difficult times to the country it is today. You can travel from one side of Colombia to the other by car, when only a few years ago, it was unsafe.

● (1150)

**Ms. Kerry Buck:** There has been some very important progress made in Colombia in recent years. Progress on human rights is always attributable to a number of factors; it's never linear. Part of the evolution in Colombia was a political evolution, with stronger commitment by the current Colombian government to push forward on respect for human rights. So a number of very important

initiatives have been taken recently—restitution for loss of land, for instance.

Part of the capacity to move forward, yes, can be linked to strong institutions, but Colombia recognizes two things, as does Canada. The institutions need further strengthening on human rights, and they have taken some very important steps in that regard, and there is more work to do. The second part is that Colombia also recognizes that beyond the institutions it has to deal with communities with a multitude of indigenous groups and civil society actors, private sector, to move forward on human rights as well. So it's institutions and beyond institutions, as well, where it needs to do the work.

It recognizes it, and the Government of Canada has been working hard with Colombia for a number of years to help it build the human rights capacity of some of its key institutions, so on policing, on the judiciary, but also providing funding and support to human rights lawyers who can help victims in the renewed courts.

We have been working in terms of engagement, consultation, and funding of a number of human rights-related projects at all different levels—at the community level, with the Government of Colombia, and with multilateral organizations that help parts of the Colombian society deal with human rights—and some very important progress has been made.

**Mr. Gerald Keddy:** Thank you for that, because I certainly believe that important progress has been made.

One of the other questions that has to be asked is this. When we deal with nations, whether they're in the Americas or the European Union, or with Japan or other nations with whom we're discussing FTAs or economic partnership agreements, there is a pretty similar template, if you will, for most of our agreements. We're looking to eliminate tariffs, we're looking to get our products and trading goods—which we're already trading with most of these countries—into the country tariff-free, and we're looking to eliminate the hidden tariffs, the non-tariff trade barriers.

But the agreements with Colombia, Jordan, and Panama are all very similar agreements, with very similar templates. Colombia was the first, but we negotiated these agreements in roughly the same period of time, basing them all on a similar template. So I'm going to say that this is the Colombian model, if you will.

Do you want to just comment on that, that the template is there? Is it that much different from the agreements with Jordan and Panama, or is it a similar or almost identical template?

● (1155)

**Ms. Kerry Buck:** I'll pass that question to my colleague, Monsieur Leblanc, to answer, if you don't mind.

**Mr. Jean-Benoît Leblanc (Director, Trade Policy and Negotiations Division I, Department of Foreign Affairs and International Trade):** Thank you, Mr. Chair.

As Mr. Keddy just mentioned, yes, it is true that the Colombia agreement is very similar in terms of the chapters that you have: the trade in goods, trade in services, investment rules, government procurement rules, intellectual property, and non-tariff barriers. So it's very similar. It is a model Canada has been using for years. Obviously since the NAFTA there is always some adjustment, depending on the commercial realities of the country we are negotiating with.

In some countries, for example, investment rules will be even more important if Canada is a large investor. If for example, Canadian banks are active in one market, we might put a bit more emphasis on financial services, and so on and so forth.

So it's the same template—quite general, but with a little adjustment depending on the commercial relationship.

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

Mr. Easter, you have seven minutes.

**Hon. Wayne Easter (Malpeque, Lib.):** Thank you, Mr. Chair.

Thank you, folks, for your presentation.

I do agree with Mr. Davies' line of questioning on this issue.

I will admit that I come from the point of view that an economic relationship can be utilized to improve human rights; I don't think the right way to go is to just close the door and say that we're not going to deal with them.

But I can certainly tell you that on this particular clause in the legislation, Scott Brison did travel to Colombia, and the clause was one of the conditions of our agreeing to pass the legislation.

We don't want to take it out on you folks, because it's ultimately the minister and the ministry who are responsible, but I find this is basically an excuse. I have to ask you, does the ministry, the department, not take seriously the clauses that were inserted into the legislation so that there would be a significant report? That was conditional on our passing that legislation. Does the department not take the legislation seriously?

I think the departments are basically in violation of a law that was passed by the Parliament of Canada. This is serious stuff. People can laugh if they like, but this is serious. Parliament passed a law. We expected a report; we're not getting it, so why the insufficient data?

**Ms. Kerry Buck:** The department, the government, takes the report and that clause of the legislation very seriously. You'll appreciate that this is an agreement, as my colleague said, that is specific to Colombia. This element of the agreement is specific to Colombia. It's very important to do it properly; it's very important to do the proper analysis.

The report is about the correlation, the human rights impact of activities that flow from the CCOFTA, in the most active economic sectors flowing from the CCOFTA. Four and a half months of trade and investment data was, in our view, insufficient to allow that in-depth, rigorous analysis of the correlation between that economic activity and human rights.

The period will be covered. The government's position is that the tabling of the report is clearly consistent with the fulfillment of its

obligations under the legislation. But it is also clear, as we have recognized in the report, that the entire period will be covered when we table the next report in 2013.

Thank you.

**Hon. Wayne Easter:** I guess it's not clear to me why you take the position that there's insufficient data for the period. I mean, what's going to change next year? When we next address this after a year has passed, how are you going to set up the protocols or the baseline, or whatever you call it, that will give Parliament a comparable and evidence-based report that's going to be different from the current one?

• (1200)

**Ms. Kerry Buck:** Sir, I think you've actually framed it quite well. The thing that will be different is that there will be a year of data and we'll be better able to do that rigorous analysis that's required.

You asked about how we would approach the rigorous analysis. We've set it out in the current report. As I said, the overall framework is to assess any notable changes in the human rights situation in the most active economic sectors that stem from the CCOFTA. Those are the parameters of the report. In that report we'll have to include baseline information outlining the trade and human rights situation in those economic sectors so as to be consistent with the requirements of the legislation prior to entry into force of the CCOFTA. Then we'll be looking through the number of methodological steps outlined in the current report.

I'll briefly run through them: we will review the measures that flow from the CCOFTA in the preceding year; do a preliminary screening of what sectors we see more economic activity in; cluster those economic sectors—

**Hon. Wayne Easter:** Is there any way you could provide the chair or the clerk with a note stating what those parameters are, because they are not in your remarks? I find a year versus four and half, five, or six months.... If you can't do it for five or six months, how can you do it for a year? That's the problem.

**Ms. Kerry Buck:** Four and a half.

**Hon. Wayne Easter:** In its report the United Nations does say, to Colombia's credit, that there have been improvements but that "many human rights and international humanitarian law violations are still committed in Colombia".

The United Nations is the organization that the government, lately, is consistently attacking. They can give us a report, they can examine the issues, and your departments, which are mandated by law to do this, can't? Water under the bridge may be a certain thing, but what I find remarkably strange is that if you can't do it for this year, how can you do it for next? But at least give the parameters to the clerk so that we can have a look at them.

I will ask you this last question. Will you be comparing the years that have already passed with this year, as we move into...? Will that comparison be there, as well, next year?

**Ms. Kerry Buck:** First, we would be very happy to provide the committee with information on the methodological steps that we intend to take.

Second, on reporting generally on human rights, yes, the UN recognizes that there are ongoing human rights issues in Colombia. The Government of Colombia recognizes ongoing human rights, as does the Government of Canada. This is normal. We also all recognize that there's been important progress.

But that is not the mandate that we are given to report on, generally, on human rights. We have to do a rigorous.... This is a Colombia-specific agreement. This kind of analysis I know, as someone who's worked on human rights for about 25 years, is very hard to get it right. You have to do it up right and you need a sufficient database in order to move forward. Four and a half months was not sufficient. But the entire period will be sufficient.

We'll be following the methodology that we will outline to the committee and outlined in our report.

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

We have one more questioner.

Mr. Holder, I'll yield the floor to you.

I understand, Mr. Bouchard, that you have to leave, perhaps very soon. Feel free to do that. But we certainly want to carry on with the final questioner.

Mr. Holder.

**Mr. Ed Holder (London West, CPC):** But, Mr. Chair, we're coming to the best part now.

I hope you don't have to leave, Mr. Bouchard

I'd like to thank our guests for being here today. It's been an interesting challenge, with some fairly aggressive questioning, but I appreciate your forthrightness.

I'd like to come to something, Mr. Chair, if you'd allow me. Sometimes you just can't let certain things sit there and go unchallenged. What is important to challenge are the references that have been made about the government's position with respect to the UN.

Let me tell you what the government is saying with respect to the UN. The government is saying that we don't think that an agency of the UN that has a food rapporteur who attacks Canada is the best focus, frankly, for the UN nor do we think it fair. We don't think that another agency of the UN that chooses Robert Mugabe, from Zimbabwe.... And if anyone wants to talk about human rights, Mr. Chair—

• (1205)

**Hon. Wayne Easter:** I have a point of order, Mr. Chair.

**Mr. Ed Holder:** No, it was brought up, Mr. Chair.

**Hon. Wayne Easter:** On a point of order.

**The Chair:** It had better be a point of order.

**Hon. Wayne Easter:** It is a point of order. What does this have to do with the evidence—

**The Chair:** It's not a point of order.

**Hon. Wayne Easter:** Then we're going to debate the issue, Mr. Chair.

**The Chair:** No, we're not.

**Hon. Wayne Easter:** We're going to debate the issue—

**The Chair:** Mr. Holder, go ahead.

**Hon. Wayne Easter:** —because I'm not going to listen to this propaganda coming from the government side.

**The Chair:** Yes, you are.

Mr. Holder, carry on.

**Mr. Ed Holder:** I have a wife who was born in Rhodesia, now Zimbabwe, and left because of human rights issues. That's the group that a UN agency chooses to make, basically, one of the leaders of tourism, Robert Mugabe, whom I have zero respect for.

Mr. Chair, if I might say, as it relates to the UN, I think our government has been pretty...*[Inaudible—Editor]*.

**Hon. Wayne Easter:** That's misinformation that the member is putting forward. He was not....

Every leader got that same letter—

**The Chair:** Close his mike.

**Hon. Wayne Easter:** He wasn't put forward as an ambassador.

**Mr. Ed Holder:** Mr. Chair, I'll carry on, if I can.

Thank you to our guests. It's rather interesting. You get a sense of the dialogue that we have the opportunity to hear on a fairly regular basis.

What I'd like to ask you is the following. I think this is important. I think you're trying to help us understand the situation as it relates to the human rights conditions in Colombia, and I understand that. All of us on this committee, certainly those of us who were on this committee as we studied Colombia over the years—and that's not all of us, though the continuity is probably on this side—have great concerns about improving human rights.

I'd like to ask you, Ms. Buck, or one of your officials, do you think there's a correlation...? This is a fundamental issue here. Is there a correlation between trade and doing more business with a country, particularly when it relates to side agreements on the environment and particularly labour rights? Do you think there's a correlation between an improvement in the human condition, which I would argue is human rights, and improved trade?

**Ms. Kerry Buck:** Yes, I do.

**Mr. Ed Holder:** I think that's the point we've tried to make with every government in every country that we've tried to establish trade relations with and, frankly, every one of which the official opposition has opposed to this point.

There's some hope, I gather, that in the future there will be some agreements that will be supported because I think it is true. I think it's fairly clear or there is a general sense that the greater the trade relationship—and even my colleagues from the Liberals acknowledge this—there's an improvement in the human condition. Obviously, for everyone's sake, we hope that to be the case.



Ms. Buck, in your comments, you mentioned that Canada is currently the largest donor to the Office of the United Nations High Commissioner for Human Rights in Colombia, contributing some \$8 million over four years. Do you have any sense if we're getting value for that money? Is there any way to assess that?

**Ms. Kerry Buck:** There are two questions embedded in that.

Do we have any way to assess whether we're getting value for money from our contribution to the UN Office of the High Commissioner for Human Rights in Colombia, specifically? This particular project flows through CIDA, but I'm also responsible for a lot of human rights and security programming as well, so we have very rigorous results frameworks for our programming that flows to Colombia, to the UN Office of the High Commissioner, to ensure that the results that we and other donors are paying for are being achieved. We have a system of evaluation and audit. So in terms of value for money, yes, we are reassured, absolutely. We've got the frameworks in place to track this.

As to what they do, it is very important that they have a standing presence in Colombia, as does the ILO. It's an important part of Colombia's progress. As I said, when we engage on human rights we engage with communities, we engage with the Government of Colombia and its state institutions, and with the multilateral organizations. That's an important range of tools that we use. So the OHCHR program in Colombia does human rights awareness training for the Government of Colombia, but it also goes out to stakeholders. It helps build the capacity of the Colombian institutions to respect and respond to human rights. It also increases the use of human rights protection and prosecution mechanisms by victims, civil society organizations, and the public.

So it's a really important part of the work we do, but I'll give you a wider sense of this because this is one small part of pretty hefty human rights programming that we do with other donors in Colombia. For instance, CIDA is financing a number of projects with civil society and Canadian NGOs, etc., to protect the rights of conflict-affected children in Colombia. Through the programs I'm accountable for we go to victims; train justice officials; protect threatened witnesses, etc.; and provide justice for displaced women who are victims of sexual violence in Colombia, because there's a situation of armed conflict.

●(1210)

**Mr. Ed Holder:** I appreciate that.

I think I have about one more minute.

I'm reminded that the government has a very strong opinion about how the UN should be dealing with Syria. We feel very strongly that the United Nations has a strong role to play in condemning activity there. It makes me think of one of the things you said, which is that your officials hold regular consultations "to share views and exchange information on...including human rights".

I'm trying to get a sense of this. What are your officials hearing as it relates to human rights conditions in Colombia? That is really the point of these hearings today.

**Ms. Kerry Buck:** As I said earlier, the general message is that important progress has been made.

**Mr. Ed Holder:** How do you measure that?

**Ms. Kerry Buck:** You measure the legislative framework. You see it in the UN reports too. You see it in our reports for consultations. You look at important pieces of legislation, for instance, land restitution. You look at all the institutions of governance. Are the judges implementing the law? Is there respect for the rule of law? When police are prosecuting and arresting people, are they respecting human rights norms? Is there training for police as they move forward?

Of course, there are human rights challenges in Colombia. We recognize it, they recognize that others, and the monitors who watch the situation recognize it, but there's really important progress, and that's what we're hearing. That's the high-level message.

Then we get into some really detailed conversations in our bilateral conversations and consultations with them. What can we do to help you better build community policing, for instance, consistent with human rights? What can we do to help your judges better understand Colombia's human rights norms and obligations?

So it's a pretty intense dialogue and it covers the waterfront. I would add our political dialogue and our security consultations too, in which we talk about human rights all the way through. Throughout the course of a year we'll be speaking to Colombia about human rights many times, at many levels.

**Mr. Ed Holder:** Thanks very much.

**The Chair:** Thank you very much for coming in and sharing that with us. We look forward to next year's report. You can see the interest around the table.

With that, we will suspend as we set up the next group of panellists. We will not take very long on this. We'll move forward very quickly with the next round.

●(1210)

\_\_\_\_\_ (Pause) \_\_\_\_\_

●(1215)

**The Chair:** We'll call the meeting to order. We have with us, from Amnesty International, Alex Neve, and from the Canadian Labour Congress, Mr. Yussuff.

We will start with Mr. Neve.

The floor is yours, sir.

**Mr. Alex Neve (Secretary General, Amnesty International Canada, Amnesty International):** Thank you very much, Mr. Chair. Good afternoon, and good afternoon, committee members. Thank you for the opportunity to be here.

Let me begin by succinctly capturing what Amnesty International's overarching message will be. It is a message about the crucial importance of due diligence and accountability with regard to Canada's human rights obligations, particularly with regard to the duty to ensure that Canada's economic and investment activities do not in any way contribute to human rights violations.

Amnesty International testified before this very committee, on numerous occasions, in fact, before the signing and implementation of the Canada-Colombia Free Trade Agreement. We argued then that given the particular context of widespread human rights violations in Colombia, many of them linked to the appropriation of areas of economic interest, it was imperative that the free trade agreement not go through without first having an independent, impartial human rights impact assessment conducted to identify any negative impacts and to provide an opportunity to address them before proceeding.

This recommendation was, of course, echoed by a report from this very committee in 2008. But the government did not follow that recommendation. Instead, implementing legislation for the agreement was passed by Parliament, which included an amendment calling for an annual report on human rights impacts to be prepared by both governments, the Government of Canada and the Government of Colombia. As you all know, the first such report by the Government of Canada was tabled on May 15, as required by law.

Amnesty International is deeply disappointed by the nature of the report that was tabled, as well as by the lack of transparency with respect to the process leading up to the preparation of the report. On repeated occasions, Amnesty International and many other civil society groups that have an interest in following and contributing to this requested information from government officials about the process by which the report was being prepared, the standards and framework being used for the report, and what opportunities there would be to provide input. We never received any information. Thus, regrettably, we were unable to make any contribution or participate in the process of preparing that report.

The report that has been submitted does not provide any analysis of the human rights impacts of the Canadian promotion of trade and investment in this war-torn country. It indicates that it is the government's view that sufficient trade data is not available. Instead, the document provides only a cursory outline of steps the government plans to follow to prepare future reports, with a promise that the first substantive report will be completed a year from now, in 2013.

Minister Fast has stated that since the agreement has only been in force as of August 2011, there is not enough available data to do a comprehensive analysis.

Committee members, what I want to share with you is that in our view, that position is not in keeping with emerging international norms. The United Nations High Commissioner for Human Rights recommended back in a 2004 report to the UN Commission on Human Rights that "States...should undertake human rights impact assessments of trade and development rules, policies and projects, both during the process of policy and project formulation as well as after a period of implementation".

The UN Special Rapporteur on the Right to Food issued the "Guiding Principles on Human Rights Impact Assessments of Trade and Investment Agreements" in December 2011. And those guidelines provide that, "[a]ll States should prepare human rights impact assessments prior to the conclusion of trade and investment agreements".

You see that UN experts call for human rights impact assessments of trade agreements not only after they've come into effect but also before they've come into force. As such, in our view, the assertion that a few months into an agreement is too early, simply cannot be sustained.

The failure to carry out a full impact assessment at this early initial stage contravenes Canada's responsibilities for due diligence under international law and, importantly, denies Canadian corporations working in Colombia the information they need to avoid implicating themselves in the possibility of grave human rights violations.

● (1220)

There is no shortage of information about the human rights situation in Colombia, as relevant to the promotion of increased Canadian trade and investment. Certainly the situation remains dire. More than 259,000 people were driven from their homes and lands in 2011 alone because of violence associated with political and economic interests. In fact, Colombia has now surpassed Sudan as the country with the highest rate of internal displacement in the world, with the total number of internally displaced people now estimated at between 3.9 million and 5.3 million.

Afro-descendant and peasant farmer communities, as well as trade unionists and those who question economic megaprojects, continue to face deadly attacks. The crisis facing indigenous peoples, many of whom live in areas of economic interest, is particularly alarming. Colombia's Constitutional Court has identified 34 indigenous nations that are in grave danger of extinction, amidst armed conflict that has often been used as a cover for appropriation of their resource-rich lands.

In Colombia, human rights abuses have long been committed as a means of forcibly removing civilian communities from areas of economic interest. Much of the land targeted for intensive development, such as plantations, mines, and oil and gas development, is land that is inhabited by indigenous and Afro-descendant communities. Forced displacement has particularly tragic consequences for these communities, since their close relationship to the land is not only the foundation of their cultures and way of life but is also essential to fulfilling their rights to subsistence.

Killings and threats have often taken place as part of efforts to weaken the resolve and capacity of indigenous communities to oppose economic projects. In this context consultation exercises have been conducted that fall short of the rights of indigenous peoples to free, prior, and informed consent as enshrined in international law. In many cases, mining licences have been issued before the initiation or completion of any genuine consultation with indigenous or Afro-descendant communities, and without their consent.

What do we want to see now? What are Amnesty International's recommendations, given where things stand?

I'd like to make a few comments with respect to two particular dimensions. The first is the preparation of the 2013 report, but the second is some recommendations on action that needs to be taken now.

With respect to the 2013 report, Amnesty International believes it is imperative that Canada evaluates not only the direct impact of the agreement, but also the human rights climate in which the two governments are promoting trade and in which Canadian companies are making investment decisions. What is needed for the Canadian public, but certainly for Canadian companies and others contemplating trade and investment in Colombia, is an accurate analysis of that climate such that decisions can be made to avoid contributing to abuses.

There will be other witnesses who appear before you who will have much to say about the methodology for impact assessment reports. I'd simply return to some of the important work done by the Special Rapporteur on the Right to Food, in the guidelines that have been submitted to the UN Human Rights Council. Those guidelines recommend that in order to be credible and effective, the assessment should be guided by a human rights-based approach that observes the following conditions: independence, transparency, inclusive participation—including by the poorest and most vulnerable segments of the population and women—as well as expertise and funding.

Therefore, it's crucial that indigenous and Afro-descendant organizations, as well as organizations involved in attempts to regain stolen land, trade union organizations, and women's organizations, all have the opportunity for meaningful participation.

Obviously May 2013 is a year away. Canada needs to be cognizant that there are pressing human rights concerns that need attention now and cannot wait a full year for action and an opportunity to address them.

Finally, we'd very much highlight that even now it is crucial that Canada demand, forcefully and consistently, that the Colombian government take decisive action to devise and implement a plan to guarantee the protection and rights of indigenous peoples at risk, in compliance with rulings of Colombian's own Constitutional Court and UN recommendations.

•(1225)

Canada must also ensure that the conditions for true, free, prior, and informed consent exist for indigenous and Afro-descendant peoples, and should ensure that our policies towards Colombia are in line with such crucial international standards as the International

Labour Organization Convention 169, and the UN Declaration on the Rights of Indigenous Peoples.

Lastly, it's very important to flag that millions of hectares of lands have been appropriated, stolen mostly by paramilitaries over many years but also by insurgents and armed opposition groups, as a result of grave human rights abuses in Colombia. It is imperative that Canada ensure that its policies, Canadian funding assistance, and investments do not contribute in any way to the process of de facto legalization of stolen lands, and that Canada builds safeguards to guarantee that Canadian companies are not benefiting from this situation, deriving profits from lands that were misappropriated through human rights abuses.

Thank you very much, Mr. Chair.

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

Now we go to Mr. Yussuff with the Canadian Labour Congress.

The floor is yours.

**Mr. Hassan Yussuff (Secretary-Treasurer, Canadian Labour Congress):** Thank you very much. I want to thank the committee for the opportunity to appear before you here today to discuss the annual report on human rights and free trade between Canada and the Republic of Colombia. We think this is an important issue that we are discussing here. We care about workers in Colombia and we work very closely with our counterparts in Colombia.

Colombia was rewarded with a free trade agreement with Canada in 2011. The situation was grave before, and we need to know whether or not the situation has improved.

The report that has been tabled to Parliament, unfortunately, is inadequate for a meaningful discussion of whether or not Colombia is enforcing its own labour laws and, of course, whether or not it is protecting human rights within its country.

Is Colombia refusing to enforce its labour laws to encourage trade or investment, or not? How do we know?

Since it has signed this agreement, has Colombia upheld its international obligations on freedom of association, the right to collective bargaining, forced labour, child labour, discrimination, conditions of work, and migrant workers? This report is unable to tell us any of this.

Here is a specific example. What is deeply troubling about this report is it that contains absolutely no data on the human rights violations in either country. Yesterday, the International Confederation of Trade Unions issued a report. Colombia is still the most dangerous country in the world for trade unionists. There were twenty-nine murders of trade unionists in 2011, and most remain unsolved. There have been 17 murders of trade unionists in Colombia since the free trade agreement with Canada came into force. There have been 254 human rights violations against trade unionists since that date. In 2011, the ILO sent a mission to Colombia to make specific recommendations, many of which are still to be implemented.

Our colleagues tell us that in spite of some of the new legislation requiring some labour inspections, most companies that hire their workers through temporary services companies still violate labour rights.

A labour ministry has been created, and I will say that's a positive thing, but there are serious problems with the administration and legal protection system for workers, including an unbelievable backlog facing labour inspectors.

The ITUC report shows that there is severe anti-union discrimination and criminalization of strikes. One example is the Campo Rubiales oil fields' case, where there was a strike by subcontracted workers facing terrible conditions. These workers are employed by the Canadian multinational company Pacific Rubiales. We know these workers face appalling working conditions. Workers faced brutal police repression during the strike in July. Even before the Canada-Columbia Free Trade Agreement went into force, their labour rights were not being respected. They continued to face serious health and safety issues. On September 18, 2011, their second strike was joined by 11,000 workers from 16 companies.

My point is that labour rights are human rights. It is impossible to separate labour rights from human rights, and the labour cooperation agreement is an integral part of the FTA. How does the government intend to measure human rights in an effective and meaningful way?

In conclusion, the government must incorporate a role for civil society in the evaluation process, especially representatives of Colombian workers. We need accountability and evidence-based discussion of these serious issues. To date I think we have had none of this in the report that's been filed before Parliament.

Thank you so much.

• (1230)

**The Chair:** Thank you both for those presentations.

We'll now move to Mr. Davies for the questions, then answers. The floor is yours. You have seven minutes.

**Mr. Don Davies:** Thank you, Mr. Chairman.

Thank you to both witnesses for being here today and for your ongoing work in the human rights field, not only in Canada but around the world.

Mr. Neve, has Amnesty International regularly forwarded reports on its human rights monitoring, including concerns associated with Canadian trade and investment, to the Department of Foreign Affairs or to the embassy in Columbia?

**Mr. Alex Neve:** We have regular contact both with the embassy in Bogota and officials here. And we certainly make sure that any time Amnesty International has a new report or press release or an urgent action, it is brought to the attention of government officials. We've not been in a position, we simply don't have the resources or capacity or presence in Colombia, to have been able during this time to do our own on-the-ground research with respect to Canadian companies themselves.

Nothing in my remarks today has been to point to any particular indication of a decision made by this or that Canadian company as to an investment or operations in Colombia and the human rights

violations that flowed from that. What we're talking about is the wider context, a clearly well-documented and established wider context of human rights violations that are very often associated with economic related issues.

**Mr. Don Davies:** As one of the premier human rights organizations in the country, were you consulted at all by DFAIT on the preparation of this first report? Was there any contact made with your organization?

**Mr. Alex Neve:** We were not, and as I said in my remarks, we actually asked for the information several times. What is the process? How can we make contributions? How can we tell front-line grassroots organizations with which we have relationships within Colombia how they can participate and contribute? None of that was forthcoming.

**Mr. Don Davies:** I want to get to the heart of the matter. The matter before this committee today concerns the specific issue of the legislation passed by this Parliament. It required the preparation of a report, to be tabled by May 15 of this year, containing an assessment of the trade agreement provisions and the impact they would have on human rights. As we know, there's none of that in this report.

You've heard the previous testimony. The government has basically said that they didn't have enough time. The government knew in 2010 that human rights impact assessments were going to be called for. They knew that human rights was a major issue in terms of the desirability or not of entering into a free trade agreement with Colombia.

This agreement came into force on August 15, 2011. The rationale given is that from August 15 to December 31 was not long enough for the government to have produced a sentence, even a sentence, on what impact the trade agreement may have had, in any way whatsoever, on the human rights situation in Colombia.

I want to put that to you. Do you accept that as a legitimate excuse?

**Mr. Alex Neve:** No, we don't feel that it's a legitimate explanation for why there's no human rights analysis in this report. As I said in my comments, international best practice, coming from such experts as the UN High Commissioner for Human Rights and the UN Special Rapporteur, who has submitted guidelines on human rights impact assessments to the UN Human Rights Council, is that the process of developing that sort of assessment should begin even before the trade deal comes into effect.

If best practice is that it's possible to do meaningful and important impact assessments even before the trade deal is in force, then certainly it is feasible and important to be doing it five or six months after a trade deal has come into effect.

There's a wealth of information available, and it's a shame that it wasn't drawn upon.

**Mr. Don Davies:** Mr. Yussuff, according to the January 2012 report of the UN High Commissioner for Human Rights on the human rights situation in Colombia, there continue to be a significant number of attacks against trade union members in Colombia. How would you describe relations between the Colombian government and the trade union movement? And has there been any discernable change since our agreement came into force on August 15 of last year?

• (1235)

**Mr. Hassan Yussuff:** Clearly, we have a very vibrant trade union movement in Colombia, despite the fact that it's probably the most dangerous field one could possibly choose to work in. Simply by making the commitment to be a trade union leader, you're putting a death sentence on your head. We have seen year after year the number of deaths that continue to occur among my colleagues in that country. This has been as troubling an issue for us, both at the international level as—

**Mr. Don Davies:** Can I just interrupt you?

How many trade unionists have been murdered in Colombia over, say, the last 20 years? We're not just talking about an academic report here; we're talking about what I'm led to believe is the most dangerous place in the world for someone to be engaged in a trade union. Over 2,000, I think, trade unionists have been murdered.

**Mr. Hassan Yussuff:** Yes.

**Mr. Don Davies:** We can only imagine what would happen if you had 2,000 deaths in Canada.

**Mr. Hassan Yussuff:** Colombia has the highest rate of union deaths of any country in the world. It's consistent, of course, with the fact that the majority of these workers who are killed are union leaders on the front line—obviously, engaging in negotiations, strikes, and issues of representing their members to a large extent.

There were 29 murders in 2011. Those are 29 of my colleagues dead. There were 10 attempted murders, and the list goes on and on. In terms of quantitative numbers, yes, it's less than the previous year, but again, the year is yet to be concluded.

Consistently, Colombia has the award for having the highest number of trade union deaths. And this has been a consistent issue we have raised with the Colombian government at the international level. The ILO sent a special mission to dialogue with the Colombian government about steps it could take to try, of course, to ensure the protection of trade union leaders in that country. That's a work in progress. Of course, this started before the Canada-Colombia Free Trade Agreement came into being.

**Mr. Don Davies:** I guess what I want to ask is, would have it been helpful, at least in this report, if they couldn't do an assessment on the linkage between the trade and the human rights situation to at least have had baseline information included? DFAIT could have come and said "Look, we can't give you the links yet, but here are the figures we're going to start from so we have a basis to build on for the next annual report".

Would that have been helpful in this report?

**Mr. Hassan Yussuff:** It would have been extremely important. I think for the future report it will be important for us to know the baseline that the government intends to use.

We have worked with an organization within Colombia to do a report. They will be coming to this committee to testify, and you can ask them specific questions. They have used the baseline. They have documented what the situation has been in Colombia within that period. More importantly, I think they can tell you from their experiences, in their report, what they've been able to ascertain in regard to the human rights situation in Colombia since the free trade agreement has been implemented.

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

Mr. Cannan, the floor is yours.

**Mr. Ron Cannan (Kelowna—Lake Country, CPC):** Thank you, Mr. Chair.

Thank you, gentlemen, for being here today, and thank you for your passion for human rights around the world. I've had a chance to meet with Mr. Neve a few times.

Mr. Yussuff, I want to pick on what Mr. Davies mentioned about the trade unionists.

We were there about three years ago, as a committee. One death is too many, but over the last five years has that number been going down?

**Mr. Hassan Yussuff:** To be factual, the numbers have come down. But they vary from year to year. We can see numbers drop in one particular year and then go up the following year. We're hoping, if this is any indication, that the number of colleagues getting killed is going to be less and less.

The reality is that the actual numbers have come down. We don't know if that is permanent or if it's a circumstance of that particular moment.

**Mr. Ron Cannan:** Human rights have been at the heart of CIDA's bilateral programming for years. The previous witnesses from the department alluded, with regard to DFAIT's global peace and security fund, that over \$41 million has been allocated to a variety of projects.

I'm wondering if you've seen some benefits from those dollars. Have there been some results over the last few years from the \$41 million that's been invested to date, from your experience?

**Mr. Hassan Yussuff:** Well, I'll speak on two fronts. One, in terms of the number of people who have been displaced in Colombia, I think that situation remains probably the worst, other than in Sudan. There are more displaced people in Colombia—which doesn't get the attention it requires. In that context, Alex can speak more definitively about that.

In regard to the work the government has to do in dealing with the violation of trade unionists' human rights, the government has a long way to go. Long before we entered a free trade agreement with Colombia, the ILO had been sending special missions to Colombia. They have a permanent office now in Colombia to try to get them to do that.

I would simply say that the money Canada is spending obviously is going to provide for greater mechanisms to monitor the situation. But as a recommendation to the committee, the short answer is that the Colombian government has to be more forthright in its commitment to deal with the violent situation in that country. To date, they have not demonstrated.... It is not for me to come before this committee to grind an axe with Colombia, but they have to be more forthright in their commitment to promoting human rights in their country and to hold those institutions to account, including the military, about what has been going on in that country in regard to their violations. In regard to other paramilitary groups, of course, the government has no control, but certainly with their own security forces, they have to take greater responsibility.

● (1240)

**Mr. Ron Cannan:** When I was there, I had a chance to visit a UN school with Mr. Julian, who was the trade critic of the day. It was a school house—a couple of rooms with different classes. I've got a different sense from Mr. Davies, but Mr. Julian was a bit over the top. Sometimes he would say we do not believe in endorsing murder and that we need to isolate these countries, that in working with developing nations, they have to have the human rights impact assessment and a flawless human rights situation before we can trade with them.

I wonder if you gentlemen could expand a bit on whether the opposition should be a bit more accommodating about promoting trade with developing countries. Or do you believe in the isolationist position that the opposition has taken in the past?

**Mr. Alex Neve:** I won't comment on what other members of Parliament may or may not have said. What I will highlight is that Amnesty International takes the stance—and I think the human rights community largely takes this stance—that we are not at all opposed to trade. We're not opposed to freer trade. What we insist is that trade—

**Mr. Ron Cannan:** Which trade agreements have you supported to date?

**Mr. Alex Neve:** We did not oppose the Canada-Colombia free trade deal. We never said that this trade deal should be axed. What we said was that this trade deal raises very significant, troubling human rights challenges, and this is what needs to happen to ensure that this trade deal goes forward in a way that will both avoid contributing to a worsening of human rights violations, and beyond that, hopefully, promote and encourage human rights change and improvement in Colombia.

We were disappointed that the recommendations we and this committee had made as to some key steps to make sure that would happen—the independent expert human rights impact assessment before the trade deal came into effect, and then regular ongoing independent human rights assessments thereafter—weren't accepted. In particular I refer to the opportunity to carry out the assessment before the trade deal came into effect, because that would have given, first, the opportunity to gather some baseline data; but second, it would also have given an opportunity to identify some of the key and obvious areas of concern and, quite possibly, some areas where law reform or other kinds of institutional action were needed in Colombia to address areas of concern before the trade relationship came into effect. That didn't happen, and that was disappointing.

**Mr. Ron Cannan:** That's a fair comment.

So you generally support the notion of giving developing countries like Jordan and Panama and Colombia the opportunity to expand their trade on those conditions?

**Mr. Alex Neve:** I think the conditions are absolutely crucial, though, because trade done poorly can be bad news for human rights protection. Trade done well can at least be neutral and perhaps, in some circumstances, can absolutely help promote and safeguard and improve human rights protection.

But it's absolutely vital that these sorts of measures, like a strong independent human rights impact assessment before and after trade deals come into effect, be central to that kind of approach.

**Mr. Ron Cannan:** Mr. Yussuff, do you have any comments?

**Mr. Hassan Yussuff:** Contrary to what may be believed on this committee, and on your side of the aisle, we actually don't oppose trade. The congress has never opposed trade. We've always been concerned about the nature of free trade agreements and the priority given in those agreements to the commercial side of the agreement and no priority being given to the labour side.

I'll give you one example. Many trade agreements have been negotiated with side agreements. When has there been a report to Parliament on the impact and the implementation of a side agreement in many of those agreements? We don't know. I don't expect developing countries to achieve overnight the same standards that Canada has. The reality is that quite often the agreement is signed and very little is done to implement their commitment to ensure that their labour laws are in force just as we enforce our laws, and more importantly, that they meet their obligations as we would expect of them.

The reality most of the time is that nobody shines a light on that. If there is a violation of the commercial side of the agreement, a huge amount of effort is made to rectify that. When there is a violation of the labour side of the agreement, very little commitment is made to try to implement it. That's not a criticism of your government; that situation was there with previous governments.

More importantly, I wish that the human rights situation in Colombia would improve—

● (1245)

**Mr. Ron Cannan:** So do I.

**Mr. Hassan Yussuff:** —for the benefit of the workers in that country.

The reality is that I know that unless Canada keeps the pressure on, it will not come about because this country, I think, is very sophisticated and, more importantly, has some institutions that are deeply rooted in their society. The reality is that the political leadership has to say the violence is unacceptable and, more importantly, that it has to take steps to address it. Of course, some of this violence is directly related to the commercial development of the country. People are being displaced because they want to clear them off the land to get access to the resources.

**The Chair:** Thank you very much. We may have more opportunity to respond to that.

Mr. Easter, the floor is yours.

**Hon. Wayne Easter:** Thank you, Mr. Chair.

I congratulate you both as well on your work on human rights around the world.

Judging by your comments, I think you agree that the government didn't live up to its obligations under the legislation passed in Canada. I think you alluded to it, Hassan. This is troublesome because it really doesn't set a good example for Colombia, going forward.

I think last year we felt we had a small victory of sorts, that the message would go to Colombia that they were being closely monitored and that the government would report on it. This cuts the legs out from under that position, and now we will wait until next year, I guess.

But we're asking Colombia to do certain things and we didn't do things within our own country that Parliament demanded the government do. It's a very bad example.

Mr. Chair, I have a question to you first. Do we intend to draft a letter of sorts as a committee, making recommendations to government based on what we heard?

**The Chair:** There is a motion by the committee to have two days of hearings. We'll fulfill those two days of hearings and there's nothing further in that motion.

**Hon. Wayne Easter:** But we could, if we so decided as a committee—and I think we should—have two days of hearings based on what we've heard. I think it would be very useful for the committee to draft a letter—it doesn't have to be an extensive report—to make it very clear to the government, based on what we've heard, that we think they should be living up to their obligations, and also to note, as Mr. Neve said, that his organization has been trying to communicate with the government, not very successfully, and is making some recommendations on what should be done in terms of a baseline. That would I think be helpful to the department and government. So I think we should. In any event, we can consider that at another time, I guess.

Pardon?

**The Chair:** Go ahead.

**Hon. Wayne Easter:** I just want to see that the government doesn't stop the committee members; it certainly wouldn't stop progress to make some decent recommendations.

Mr. Neve, you had mentioned that you had difficulty getting your point of view to the department and finding out about the process. What from your point of view can you either table with the committee or tell the committee that would be useful in making that report more comprehensive and of more value?

•(1250)

**Mr. Alex Neve:** I think there are many sources to look at.

I think the guidelines that have been tabled now at the UN Human Rights Council by the Special Rapporteur on the Right to Food provide a very strong starting point and lay out the clear criteria that should guide this sort of assessment. I think central to that is the need for it truly, in a meaningful way, to be participatory and inclusive of

those communities and individuals whose rights are at stake. Sadly, in Colombia, that is quite a wide variety of sectors. But it's absolutely vital that there be a meaningful, transparent, accessible process that's going to ensure that indigenous communities, Afro-descendant communities, the trade union movement, women's equality organizations, human rights defenders—a whole variety of sectors that are impacted here—are going to have a meaningful opportunity to participate in the preparation of this report.

**Hon. Wayne Easter:** That's at the United Nations, I guess, but do you know if the government is looking at using those criteria? Are they part of their criteria for next year?

**Mr. Alex Neve:** That's unclear to us. As I say, throughout these past many months, we have repeatedly sought information about what framework, what criteria, what norms, what standards are going to guide this process, and we've not been able to get that information.

**Hon. Wayne Easter:** Maybe, Mr. Chair, too, and maybe, Mr. Neve, you could at least forward to the clerk as well the link to the criteria so that if we do decide as a committee to report, which I think we should, then we might be able to include them in a recommendation to the government.

Mr. Yussuff.

**Mr. Hassan Yussuff:** I think it would be very good for the department to consult with those of us who have an interest in what the baseline is going to be. Given that there's no report for this committee to really evaluate, if there's going to be a report next year, I think it would be critical that there be some collaboration as to what it would look like in terms of the measurement. And, more importantly we've got recommendations that we'd also provide to the government. I also think again that given this is the first trade agreement in which this particular amendment was made to the agreement, it is critical that this lead to a positive development as to how we could assess what situations are in a particular country and how they evolve, improve, or otherwise over time. I think that should be seen as a positive thing. I think it requires, of course, collaboration to make this meaningful. Also, the reports talk about the situation of human rights in Canada, and while we may not want to talk about that, specifically, I think the government also needs to make sure that the report is also inclusive of that.

In regard to Colombia, we are not aware of the Colombian government providing an—

**The Chair:** Be very quick.

**Mr. Hassan Yussuff:** The Colombian government is also required to submit a report in their legislative structure about the human rights situation. We are not aware the Colombian government has moved to ensure that any such report has been tabled in their legislature.

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

Mr. Shory, you will be the last questioner.

**Mr. Devinder Shory (Calgary Northeast, CPC):** Thank you, Mr. Chair. I know that I am always short of time. I won't waste time.

Thank you to the witnesses. By the way, we always like to hear the different views and visions. That helps us as we put our report together.

We all know that Canadians have no appetite whatsoever for human rights violations. We stand, and our federal government definitely stands, for human rights.

Before I ask a question, I want to share a story, a personal story. In 1991 or 1992, when I was in B.C., our family got in touch somehow with a very nice family. We're still friends—or more like brothers. The head of that family, my friend, had some alcohol abuse problems, which were bringing his business and everything else down. Somehow I took on that challenge, at the family level, and I got closer and closer to him. I was meeting with him more and more and working with him. Ultimately, we became so engaged that we were meeting virtually every evening, and slowly, slowly....

In short, the gentleman now, he drinks, he enjoys, he parties, and everything, but he is running the business now with 27 employees. What that tells me in my life is that isolation does not work; engagement is very important, whether it is on an individual and personal level or on a country level, a business level, or whatever.

Mr. Yussuff, in answer to Mr. Davies' question, you said that in the last 20 years, there were 2,000 murders or so. This last year, there were 29, basically. Some years, you said, there were more, and some years, there were less. We all hope that this trend continues, that there will be fewer and fewer murders and that all these issues are resolved to our satisfaction. That's what I would say.

First, is there any collaboration between the Colombian government and the trade unions that are basically under attack, according to the commentary hear today?

• (1255)

**Mr. Hassan Yussuff:** Yes, to be fair, there is constant dialogue between the trade union movement and the Colombian government. Steps are taken by the government to try to help prevent and stop the violence. For many of our colleagues who are threatened or whose lives are in danger, quite often the government does provide security to ensure that those workers and leaders are not killed in their country. In some cases, they're quite accommodating in trying to work with us to get them out of the country so that they won't be assassinated and their families won't be killed.

So there is some ongoing dialogue. The reality is that despite all of that, folks are still being killed in regard to doing their duties.

**Mr. Devinder Shory:** What is your view, Mr. Neve?

**Mr. Alex Neve:** Do you mean with respect to dialogue between the trade union movement and the Colombian government?

**Mr. Devinder Shory:** Are there any collaborative actions?

**Mr. Alex Neve:** Well, I would certainly defer to Mr. Yussuff with respect to the trade union movement. But more widely, there are a number of initiatives the government has taken to try to work with the human rights community, as well.

No one is suggesting that the Colombian government doesn't have initiatives that they've launched. And no one is suggesting that there haven't been some reforms on some fronts. I think what we're

highlighting, though, is that on all of those fronts, very real, serious, ongoing challenges remain.

On some issues, such as the number of indigenous nations facing possible extinction, for instance, there's a grave crisis.

**Mr. Devinder Shory:** Thank you.

Is it fair to say that the Colombian government, if not in compliance, is moving towards compliance or is attempting to comply with their obligations under this agreement, even though there are still huge challenges to face and to fix?

**Mr. Alex Neve:** I think we would say that there are perhaps some fronts where you could say that there is some effort, some movement.

There are other areas where the crisis remains very real, and we're not seeing action. I would again come back to the situation of indigenous peoples, because this is an area we've been following very closely. It is an area very much linked up with areas of trade and investment potential in the country. There are constitutional court recommendations. The country's own constitutional court has recommended what needs to happen to better protect indigenous peoples, and that hasn't been taken up.

**Mr. Hassan Yussuff:** I think the Colombian government has a long way to go. I think keeping the pressure on them will only ensure that they meet and comply with their responsibilities.

I just want to say for the record that we're not here asking for the isolation of Colombia. We're here asking that the Colombians meet their obligations and responsibilities as we expect them to—and as they expect us to, with our own laws. In that regard, I think we need to keep the pressure on, because I think we do have some influence. More importantly, as one of your colleagues said, one death is too many. Twenty-nine is far too many. And more importantly, to be at the top of the list year after year I think is simply—

**Mr. Devinder Shory:** Oh, yes. I agree, Mr. Yussuff.

The chair is going to stop me very soon. Quickly, when you say there's a long way to go, have they started walking?

**Mr. Hassan Yussuff:** It depends upon what day you ask me that question. The fact that we are having this discussion in this context here is a positive thing. We just need to ensure, when we do produce a report next year, that there is good collaboration as to how we can make that report meaningful so we can at least say that we're measuring the right things and we're seeing progress or we're not seeing progress.

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

**Mr. Alex Neve:** I just wanted to pick up on that, because I don't think the question of whether or not they have started walking is the full question that needs to be asked. What we need to ask is whether they have started walking and whether we have a full sense of the path they need to be walking on. It's a full, independent human rights impact assessment, the kind of thing that didn't happen in this latest report, that builds that understanding of the path that needs to be followed.



**The Chair:** Thank you very much, both of you, for being here. With that, we will adjourn the meeting.  
We appreciate that.

We'll pick this up again on Tuesday, all things being equal.

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