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Chair

Mr. David Tilson

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• (0850)

[English]

The Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Ladies and gentlemen, it is Tuesday, March 19, and this is meeting 72 of the Standing Committee on Citizenship and Immigration.

We are meeting today to review Bill C-425, An Act to amend the Citizenship Act (honouring the Canadian Armed Forces). It's a private member's bill of Mr. Shory, who is here as our guest.

First of all, I would like to introduce you to another person at the table, who is sitting for today only, Ms. Caroline Bosc, who is a clerk observing us. So she may report you if you get out of hand.

We are welcoming Mr. Shory, who is a former member of this committee. Welcome back, Mr. Shory, and we're pleased to review your bill with us. We have your notes in front of us. The floor is yours for 10 minutes.

Mr. Devinder Shory (Calgary Northeast, CPC): Good morning, Chair, members, colleagues, and of course special guests here.

I am honoured to be with you to discuss my private member's bill, Bill C-425, An Act to amend the Citizenship Act (honouring the Canadian Armed Forces).

It was also a great honour to see that only three MPs voted against the bill at second reading. I note, perhaps ironically, that two of them are up front about the fact that they want Canada to fail as a nation, and the third one would surely see Canada brought to its knees if her policies were implemented. For the rest of us, we sided with the incredible majority, the many stakeholders, Canadians of all backgrounds, Conservatives, Liberals, NDPers, my hard-working constituents in Calgary Northeast, and the Canadian people from coast to coast to coast who want the bill to become law.

Three key beliefs of mine inspired this bill. Number one, new Canadians need more pathways to integration. Number two, our heroic men and women in uniform are worthy of the highest respect. Number three, Canada is the best country in the world. We should not force anyone to hang on to or hide behind Canadian citizenship, with its clear rights and responsibilities, if they want to destroy everything good this amazing country stands for.

These are beliefs held by Canadians from all walks of life who, like most of us in this room, want to reward those willing to put their lives on the line for Canada and our Canadian values. They also want to ensure that those who would attack the men and women who put their lives on the line to defend our freedom and our values feel the full weight of justice as a consequence.

I would like to tell you a little-known story of a war hero named Buckam Singh. Mr. Singh moved to Canada in 1907 at the age of 14, and in 1915, he enlisted in the Canadian Overseas Expeditionary Force. Buckam served in the Canadian Armed Forces during World War I. He served with the 20th Canadian Infantry Battalion in Flanders, where he was wounded twice in battle. It is interesting to note that Buckam was initially treated in a hospital administered by Doctor Lieutenant-Colonel John McCrae, known for his famous poem "*In Flanders Fields*".

Mr. Singh died in 1919 in a military hospital in Kitchener, Ontario. He received the victory medal in recognition of his service to his adopted country, and his wife and mother were also given a memorial cross in recognition of his sacrifice. He gave his life to defend Canada and the cause of freedom abroad, and while he received recognition for his service, he never became a Canadian citizen. He was not even eligible.

It is heroes like Mr. Singh, Mr. Chair, that this bill in part seeks to honour. If this bill could help even one individual like Mr. Singh, it would surely be to Canada's benefit.

While we examine history, let's take a look at the precedent for the second part of this bill. Numerous western democracies including but not limited to Australia and the United Kingdom have long had similar laws allowing for the renunciation of citizenship in the interest of the public interest, a much lower and vaguer standard than what this bill seeks.

Furthermore, this bill is simply a necessary step in widening Canada's existing legislation. Section 10 of the Canadian Citizenship Act already provides for the deprivation of citizenship, and section 46 of the Criminal Code clearly identifies treason as a crime.

Until 1977 the people who committed acts of treason would be punished by the removal of their Canadian citizenship. Canadians want to see this returned to law. My bill would expand existing laws to see that those who commit acts of treason meet proper justice, with all due oversight and rights to appeal outlined in the Criminal Code and the Citizenship Act. Canadians simply want to see these measures brought back into law.

I believe this committee has an overwhelming mandate from Canadians who want to see this bill succeed.

●(0855)

For any of those on the fringes who might hint at prejudice, I note that I sent a householder survey to my riding, and the bill was supported by 87% of the respondents. More than 50% of my constituents are from visible minority groups; my riding has the highest percentage of new Canadians in Alberta. This demonstrates vast support by new Canadians for this bill.

On October 30, 2012, the *National Post* reported on the results of an NRG poll of 1,001 Canadians from coast to coast. The poll showed that eight in ten Canadians are in favour of Canadians losing their citizenship for committing acts that by their nature are an assault on the very values Canadian citizenship stands for.

Furthermore, the *Calgary Herald* editorial board, along with the Ahmadiyya Muslim Jama'at Canada, the Somali Canadian Education and Rural Development Organization, Immigrants for Canada, the Centre for Immigration Policy Reform, the Muslim Canadian Congress, and B'nai Brith Canada have endorsed my bill.

As an immigrant myself, Mr. Chair, and as member of Parliament for Calgary Northeast, I have spoken to new Canadians as well as old Canadians from my riding and elsewhere. It is clear to me that Canadians from all walks of life understand the value and privilege of Canadian citizenship. They chose this country for a reason. They certainly don't want to see the reward they worked so hard for, Canadian citizenship, corrupted by a handful who would choose to abuse it.

Despite all this, Mr. Chair, I understand that our job as MPs requires all of us to take a critical look at all proposed legislation. With the same spirit of cooperation and openness that I have demonstrated since introducing this bill, I continue to look forward to humbly working with each of you to address any questions or concerns you may have. More importantly, I look forward to hearing any suggestions you may have to strengthen this bill.

In that spirit, Mr. Chair, I want to reiterate that I am open to amendments that are in line with the aims and intent of this legislation.

Thank you again. I look forward to answering any questions you may have.

The Chair: Thank you, Mr. Shory, for your presentation. It's an excellent rationale of your proposed bill, and as you know, members of the committee will now have some questions for you and perhaps comments.

Mr. Opitz.

Mr. Ted Opitz (Etobicoke Centre, CPC): Thank you, Mr. Chair.

Mr. Shory, thank you for being here today, and thank you for presenting this bill before Parliament and of course for bringing it here for examination before committee today. I think it's an important bill.

I thank you, from my former life as a Canadian soldier, for your concern about Canadian soldiers abroad and some of the huge risks that they already face. They don't need to be facing additional risks from people who should be on their side as Canadian citizens, people who act against them and against the best interests of Canada.

Sir, what do you say to critics who claim that Canadian citizenship is an inalienable right and that, no matter whether they commit acts that are obvious expressions of disloyalty to Canada and Canadian values, people should be able to retain their Canadian citizenship? Critics may say, for example, that people who fight against the Canadian Forces or commit terrorist acts against Canadians on Canadian soil, or on the soil of our allies, I might add, should be able to keep their citizenship.

Can you comment on that?

Mr. Devinder Shory: Thank you, Mr. Opitz.

I have to say that it is my strong belief that Canadian citizenship is a privilege. No one who basically attacks Canadian values, no one who attacks those who actually protect Canadian values, should have the right to be called a Canadian citizen, because anyone who goes out and attacks those men and women in uniform basically does not care about Canada or Canadian values or Canadian citizenship. Basically that individual takes himself to be an enemy of Canada. I don't believe that those individuals should have any right of Canadian citizenship.

Mr. Ted Opitz: You make a good distinction about those who defend our values as a vocation, and I would submit that these would include police officers and law enforcement of various types as well.

You mentioned in your opening statement some of the polling and outreach you have done not only in your riding but in other places.

Could you describe in a little more detail some of the polling and the results and overall reactions from many of those varied groups?

●(0900)

Mr. Devinder Shory: Absolutely I will, Mr. Opitz.

Before I even tabled this bill, I had a survey done in my riding of Calgary Northeast. We got from 87% of the respondents positive support. Once again, 50% of my constituents are new immigrants, and 87% of my constituents supported it.

After that, the *National Post* reported an NRG poll. It was a coast to coast to coast poll that showed that eight out of ten Canadians supported the idea of a renunciation of citizenship for those who attack our men and women of the armed forces.

After that, the *Calgary Herald's* editorial board ran an online survey. After the survey they endorsed my bill, along with other organizations, as I said: Ahmadiyya Muslim Jama'at Canada, the Somali Canadian Education and Rural Development Organization, Immigrants for Canada, Muslim Canadian Congress, and B'nai Brith.

As I said, I have spoken to a lot of people, not only in Calgary Northeast but I would say wherever I get a chance, whether it is in an airport or at any other event. To date, I would say I have found very few people who have any criticism about this bill.

Mr. Ted Opitz: That's great.

Does your bill only apply to crimes committed on Canadian soil? I think we've discussed crimes committed abroad as well. Can you describe how some of those actions can affect somebody in this position?

Mr. Devinder Shory: As it stands, my bill basically does not say that it is on Canadian soil or out of Canada. The second part of my bill says that any individual who becomes involved in armed conflict with our Canadian men and women is deemed to have made an application to renounce their citizenship. In my opinion, as the bill is tabled, it does not matter whether this occurred in Canada or out of Canada.

Mr. Ted Opitz: I'm going to turn over some of my time to Mr. Menegakis.

Mr. Costas Menegakis (Richmond Hill, CPC): Thank you.

Welcome, Mr. Shory.

Mr. Shory, whenever our government introduces measures that strengthen the value of Canadian citizenship or improve the integrity of our immigration system, we hear some criticism from some opposition members and others. In an attempt to justify their position, they claim that the measures are somehow against the interests of immigrants and newcomers, but most immigrants I've spoken to, and I represent a pretty diverse riding, say that we don't go far enough, that we could go even further. One of the main reasons is that a few bad apples can certainly taint the whole bushel, and people are getting tired of criminals, terrorists and fraudsters tarnishing the reputation of law-abiding Canadian citizens and immigrants.

Do you hear the same thing from various immigrant communities?

Mr. Devinder Shory: Absolutely. I myself am an immigrant, by the way. But I'll tell you how I came to this idea.

One reason is my belief a new Canadian or any individual chooses Canada for a reason, and we must keep that reason alive.

However, I have to share this. When I came to Canada in the late 1980s, I still remember there were a lot of times when we did not lock our doors before we went out. Nowadays, we actually put the alarm on while sleeping in the house. That is the difference; there's a fear of all these activities around us.

As I mentioned, in my riding 87% of the respondents—a majority of immigrants—support this. I agree with you that among new Canadians or old Canadians, I haven't found too many critics. The good news on this bill is that I'm thankful to the opposition as well who have supported it.

• (0905)

The Chair: Thank you, Mr. Shory.

[*Translation*]

Ms. Groguhé, you have the floor.

Mrs. Sadia Groguhé (Saint-Lambert, NDP): Thank you, Mr. Chair.

First of all, I would like to thank our witness for being here this morning.

I would still like to recall that, clearly, the official opposition recognizes the extent of the sacrifices made by our soldiers and our military, as well as the importance of being able to recognize that commitment and that bravery. We support our Canadian armed forces, as well as the objectives of this bill. However, as we have

mentioned previously, some aspects of the bill seem to contain some gaps and some ambiguities. Hence the questions we have for you this morning.

To begin, I would like to remind you that, during the debate that took place at second reading, you were not able to tell us the number of people that this bill might affect. Are you able today to tell us the number of permanent residents who enlist in the Canadian armed forces each year and who would benefit from this bill?

[*English*]

Mr. Devinder Shory: First of all, let me thank you for your support of the armed men and women of our great nation. Thank you for your support of this bill as well, in principle, as you said. I highly appreciate it. It's not only me, but Canadians appreciate the support. Canadians are watching this bill closely, I can tell you that I have heard from the communities, I have heard from the individuals who come home. I have never heard.... This bill has actually got some appreciation from the opposition parties as well to work together on a non-partisan basis for a bill like this.

To answer your question, I have to say I do not have the specific numbers, but definitely there are provisions. Maybe later in this committee when the DND officials come, it would be appropriate to ask them to add some more information.

[*Translation*]

Mrs. Sadia Groguhé: So you think it is possible to get that number. That is good.

My second question deals with the notions of an “act of war” and of a “legal resident”. They are not defined in Canadian law. So could you tell me what the legal basis of that part of the act will be?

[*English*]

Mr. Devinder Shory: “Act of war” has different definitions, I guess, nationally or internationally, but my main intention when I tabled this bill, with “act of war”, was to address those individuals who are either members of some armed forces or armed group who attack our men and women in uniform. Again, I am here at this committee to answer questions, but at the same time I'm looking forward to any amendments or any suggestions that would strengthen the spirit of this bill. Again, to answer, on the definition of “act of war”, my intention was to address those people who attack armed forces.

[*Translation*]

Mrs. Sadia Groguhé: In your presentation, you also mentioned of the great need new Canadians have for pathways towards their future integration. That being the case, why did you not consider other professions that might also deserve significant gratitude from us, such as doctors or nurses? Why did you not open up your bill?

[English]

Mr. Devinder Shory: I have to say this. I have had a little personal experience. In 2009 I joined the armed forces for a week or so, and I worked alongside them in Vegreville, Alberta, during the training. After that, in 2010, I had a chance to join the naval forces for a few days. I have to say this is a very, very unique service. This is not 9-to-5 work. This is not shift work. This is 24/7. I have seen the passion and love in those individuals for this country, and the sacrifices they make. That is absolutely unique. If I had to pick one profession that deserves that real respect, I would pick the armed forces of our country.

● (0910)

The Chair: Thank you.

Mr. Toone, welcome to the committee. You have a couple of minutes.

Mr. Philip Toone (Gaspésie—Îles-de-la-Madeleine, NDP): In fact, my presence here might be short-lived to a couple of meetings.

The Chair: Well, I hope you enjoy your stay.

Mr. Philip Toone: Thank you, sir.

Mr. Shory, thank you for your presentation.

[Translation]

I see weaknesses and some ambiguities in the bill. I am just trying to understand. I would like clarification on some matters. I am still hesitating about supporting the bill because of those ambiguities.

I would like to quote your words. At second reading, you said this:

[English]

My bill would expand existing laws to see that those who commit acts of treason meet proper justice, with all due oversight and rights of appeal outlined in the Criminal Code and the Canadian Citizenship Act.

[Translation]

Are you proposing that acts of treason be synonymous with acts of war? At that point and in that regard, your bill lacks precision. I just want to understand. Do you feel that your bill would be better with a definition of an “act of war”? What is an act of war, in your view?

[English]

Mr. Devinder Shory: As I responded earlier, when I tabled this bill, I intended it to address those individuals who go out and attack other armed forces. That was the intention. Again, if a change in wording is suggested and it will be in the same line as intended in my legislation, I'll look into it. There is no issue about that.

The Chair: Thank you, Mr. Shory.

Mr. Lamoureux.

Mr. Kevin Lamoureux (Winnipeg North, Lib.): I'd like to pick up on that specific issue. When you talk about acts of treason, acts of war, ultimately you're implying that they've automatically made a decision to renounce their citizenship. I'm trying to come up with an example, and the first thing that comes to my mind would be Afghanistan, where you might have some Canadian citizens protesting very aggressively against the Canadian Forces being physically present in Afghanistan. Would that be considered an act of treason?

Mr. Devinder Shory: Thank you, Mr. Lamoureux.

I don't think a protest is an act of war or treason. My bill specifically says, “if they engage in an act of war against the Canadian Armed Forces”. There are many definitions of “act of war”, nationally or internationally. My intention was with respect to when individuals engage in specific actions which express disloyalty in an offensive way; they pick up arms, etc.

Mr. Kevin Lamoureux: Many might, and I would ask your opinion.... If you have an aggressive citizen from Canada in Afghanistan yelling and screaming, possibly even throwing rocks at Canadian Forces, in your opinion, is that an act of disloyalty?

Mr. Devinder Shory: Mr. Lamoureux, my intention is and was, that it would apply to a member of an armed force of a country or as a member of an armed group engaged in an armed conflict.

Mr. Kevin Lamoureux: There is a great deal of concern in regard to that whole component in terms of the renunciation of citizenship. To what degree are you open to deleting that component of the legislation, or do you feel that is something that has to be in the legislation itself?

Mr. Devinder Shory: I don't think I have any intention to delete the clause of renunciation for those who attack our armed forces. If my bill can be strengthened, if you can come up with some suggestion that would be in line with the spirit and intention of my bill, I am open to looking at it.

● (0915)

Mr. Kevin Lamoureux: To pick up on the idea of the singling out of the Canadian Forces, one of the thoughts that came across my mind was that of the RCMP, which is a very noteworthy organization, maybe even extending it to police services. Had you given that any thought?

Mr. Devinder Shory: As I mentioned before, to me the military service is a very unique service, but again, if you can come up with some suggestions that would strengthen the intention of my bill, I'm open to looking into it.

Mr. Kevin Lamoureux: The minister of immigration is talking about possible changes to your legislation. Do you have a position in terms of what it is the minister of immigration might be referring to, or have you had any discussions as to what it is he might want to amend in your legislation?

Mr. Devinder Shory: I believe you are talking about the comments made by the minister on the inclusion of terrorism. Is that correct?

Mr. Kevin Lamoureux: Yes.

Mr. Devinder Shory: I have heard about it as you have heard about it. It seems like an attractive one. It seems it is in line with the intention of my bill, but I have to look at it and see the details.

Mr. Kevin Lamoureux: Right. A concern would be that the minister should possibly bring in his own legislation because it would allow for a more thorough diligence, whether it's at second reading, committee stage, hearing different witnesses, and so forth.

Would you prefer to keep your bill stand-alone if it meant you had the support of opposition members, or would you rather see your bill go through with one party supporting it?

Mr. Devinder Shory: I don't think we should play politics with this bill. If we can strengthen this bill rather than bring in another bill, I would suggest we should all work together and make it stronger than it is, if there is anything required to make it stronger.

Mr. Kevin Lamoureux: Last, there are many who would argue that we shouldn't establish two-tier citizenship, and that's in fact in part what we are doing here. We're saying in some situations you only have two years versus three years.

How would you address that? Obviously, you would be opening a can saying that for the forces, it's good enough for two years, but no doubt, as the NDP just made references to nurses and doctors, and I just made reference to the RCMP, there could be many volunteer organizations that could be—

The Chair: Mr. Lamoureux, we're over our time. If you could please wind up the question.

Mr. Kevin Lamoureux: Just your general comment.

Mr. Devinder Shory: Again, Mr. Lamoureux, the answer is the same. It is a very unique service that the men and women in uniform provide to our great nation. I would stick to the respect I want to give to this specific group for the sacrifices they make to keep Canada and Canadian values high.

The Chair: Thank you.

Mr. Leung.

Mr. Chungsen Leung (Willowdale, CPC): Thank you, Mr. Chair.

Mr. Shory, you and I are both immigrants to this country. I'm sure that for us as naturalized Canadian citizens the process was to go from a landed immigrant to a citizen. We made some very deliberate choices to adopt Canada as our country, and probably a lot of sacrifice to cut the ties of our home country to become Canadian citizens.

What I'd like you to share with us is how your experience as an immigrant and having been through the process of Canadian citizenship has shaped your views and reasons. Why do you choose to put such a high value on, and how do you want to strengthen, Canadian citizenship?

Mr. Devinder Shory: I have been in Canada now for almost 24 years. I came to Canada as an immigrant. As I said in my presentation, there was a reason for me to choose Canada. I could have gone somewhere else, to some other country. There was a reason I chose Canada, and I want to make sure that the reason stays alive.

For my experiences, as I said, in 2009 I spent several days with the armed forces. In 2010 I spent some days with the naval forces. This gave me a chance to look into and have a first-hand experience of these forces. Also in my family back home, my sister was married to an army officer. He retired as lieutenant-general in the army. So I have had a taste of the armed forces.

At the same time, I also realize we should create more and more pathways of integration as well. That was one of the reasons. Also, as I mentioned, I have the highest respect for the armed forces. Definitely I have no sympathy with those who would go out and attack the armed forces.

Those are the beliefs that brought me to introduce this bill. I strongly believe we should not play any politics with this bill. I appreciate that to date we have been working together. I reiterate that I'm open to looking at any suggestion by either side to strengthen this bill.

• (0920)

Mr. Chungsen Leung: As members of Parliament we have a wide-ranging choice of how we present a private member's bill. Certainly, in your riding in Calgary, you can deal with the environment, with trade, with how to handle the integration of immigrants, but why specifically did you choose this one that addresses citizenship? Perhaps what I'd like you to share with us is what is the importance of Canadian citizenship, and how can we strengthen it?

As immigrants, we acquire that, but for people who are born here, there's a different sense of entitlement. I just want you to share that with us.

Mr. Devinder Shory: Absolutely.

As I mentioned in my presentation, I have a majority of visible minorities in my riding. Most of the immigrants do realize and do value their Canadian citizenship and they want to keep the value of Canadian citizenship high. This is my belief, and also the strong support from my constituents as well, before I tabled this bill.

As I mentioned, 87% of my constituents supported it. Canadian citizenship has a high value not only in my mind and the minds of Canadians. Canadian citizenship has a high value around the world. I'd like to keep that value high.

Mr. Chungsen Leung: I also wish to share with you a personal experience.

In 1968 I came to Canada because when I applied for a U.S. student visa, which was at the height of the Vietnam war, as a condition of issuing that visa to me they wanted me to sign the draft. I could be drafted to serve in Vietnam. At that time, in the United States military, if you served three years in active combat duty, you were granted citizenship automatically, as well as all the benefits of the G.I. bill for education.

At the time I chose not to do that because I didn't think I wanted to be drafted into a war that I opposed, coming from Asia. That was the reason I came to Canada. I appreciate the fact that that changed the entire course of my life. After having been in Canada for 40-plus years, we're now in a position where we're here to give back to Canada our shared experience from the transition of an immigrant to our current position as members of Parliament.

Unfortunately, I haven't had the chance to serve with the Canadian military, but I have served in a number of United Nations peacekeeping duties as a civilian adviser. I certainly have seen the sacrifices made by our men and women in uniform.

Having opened this pathway, and having shortened this period for immigration, how does that enhance people's, say, sacrifices or devotion, or the value of Canadian citizenship?

● (0925)

Mr. Devinder Shory: First off, you mentioned the United States has a similar kind of opportunity. I believe if you serve two years in the armed forces, you automatically become a citizen of America. What I'm proposing is that an individual who signs an agreement to complete basic training, signs an agreement of at least three years, will get a one-year credit toward his residency requirement, which today, for example, is three years.

The Chair: You have to wind up, Mr. Shory.

Mr. Devinder Shory: Definitely, this is a unique service, and the people who put their lives on the line—

The Chair: We're over, and we're going to have to move on to Ms. Sitsabaiesan.

Sorry, Mr. Shory.

Ms. Rathika Sitsabaiesan (Scarborough—Rouge River, NDP): Thank you, Mr. Chair.

Mr. Shory, I wanted to continue in the same vein as my colleague, Mr. Toone. At the bill's second reading debate, in the same quote that Mr. Toone stated, you mentioned that a person who commits an as yet undefined act of war would “meet proper justice, with all due oversight”. Can you explain from whom or where the due oversight would come?

Mr. Devinder Shory: That's a good question and I want to address it.

Under the provisions of the Canadian Citizenship Act as it stands today, it's my understanding there is a process of oversight. Anyone whose citizenship is revoked presently is given a notice by the department. Then there are federal appeals, and then there is a ministerial appeal. Of course, the oversight for renunciation would be the same.

At the same time, I would also suggest that to elaborate on the procedural process of how it works, maybe it would be proper to ask some questions of the CIC officials as well.

Ms. Rathika Sitsabaiesan: So we don't really know yet exactly how the oversight will be done. Is it giving more discretionary—

Mr. Devinder Shory: Absolutely, I do know there is a process as it stands today. I believe, if I'm correct, it is section 48 of the immigration act that sets up the process of oversight, but, again, it would be good to have clarification from the CIC officials when they are here.

Ms. Rathika Sitsabaiesan: It seems we need to look into a lot. I just wanted to make sure it's not just another bill that puts more discretionary power in the hands of one minister. I'll move on.

In February, Minister Kenney suggested—and to quote him—that we should broaden the scope of the bill to include those who commit acts of terrorism.

Mr. Shory, the minister's comments only underscore the necessity of definition within this bill, but also allude to amendments he plans to bring to it. Can you tell us, Mr. Shory, if the minister will table those amendments in time for all sides of this committee to evaluate them?

Mr. Devinder Shory: To be concise, I can tell you I don't know. I have heard as much as you have heard about what the minister proposed. When I heard about it, it seemed like it's in the same line of talks.

To me, those individuals who basically attack those who fight or who give their lives to protect those values do not deserve to be Canadian citizens, whether they're terrorists or not. I have to see the details of the proposal of the minister, so—

Ms. Rathika Sitsabaiesan: Have you seen the minister's proposal?

Mr. Devinder Shory: I said that I have to see it. I have not seen any proposal yet. I believe if there will be a proposal, it would come from the committee.

Ms. Rathika Sitsabaiesan: Okay.

In this bill we have not defined “act of war”, and possibly coming from the minister, acts of terrorism. What we're seeing is the creation of a two-tier citizenship. I haven't seen in the bill what would happen for born citizens if they committed the not yet defined act of war, or if the minister brings in acts of terrorism towards a person who is serving in our forces.

A naturalized citizen would lose their citizenship. What would happen to somebody who's a born Canadian, who has Canadian citizenship, if they commit a not yet defined act of war towards service personnel?

● (0930)

Mr. Devinder Shory: Let me share with the committee that my intention is very simple. It's simply to reward those who basically put their lives on the line and—

Ms. Rathika Sitsabaiesan: My question is exactly the opposite. It's not about the person serving in the force; it's about a person who's committing a not yet defined act of war toward a person who's serving.

Mr. Devinder Shory: Yes, you are talking about clause 2 of my bill.

Ms. Rathika Sitsabaiesan: Right.

Mr. Devinder Shory: As I mentioned in my opening remarks, 80% of Canadians who responded indicated they are in favour of revoking Canadian citizenship from those who commit acts of treason or acts of war or—

Ms. Rathika Sitsabaiesan: Is that for born Canadian citizens also?

Mr. Devinder Shory: Again, Canadians understand that citizenship is a privilege, basically, and we must do everything to protect its value. At the same time, as you know, we have all these international agreements, the Geneva Conventions. We have in place the Convention on the Reduction of Statelessness, which means, as it stands now, it will apply to those people who have another place to live, or who have citizenship from another place.

Ms. Rathika Sitsabaiesan: So in effect there are two tiers of citizenship—

The Chair: I'm sorry, Ms. Sitsabaiesan, your time has expired.

Ms. James.

Ms. Roxanne James (Scarborough Centre, CPC): Thank you, Mr. Chair.

Welcome, Mr. Shory, and also congratulations on having your private member's bill come this far. From personal experience, I know that it is an honour to be able to present to committee.

Some of my colleagues across the way have talked about the definition of "acts of war" and also adding other things to the bill, such as the inclusion of terrorism and so on. I know that you've answered those questions, but I want to give you a bit of background on what I found in my own riding of Scarborough Centre. You've indicated you did some polling as well.

I actually sent out a letter to my constituents regarding the revocation of citizenship for residency or citizenship fraud. There was an announcement last year about CIC investigating 11,000 individuals. I asked for responses from my constituency. I bring this up now because there was a common thread in those responses that I received. Overwhelmingly in the responses that I received, my constituents were asking us to also renounce the citizenship of those who commit acts of terrorism, or those who commit treason against Canada. I just want to bring that to light, because it's not just in your area. I'm in Toronto, so it's a very diverse ethnic area, the community that I live in, and there is overwhelming support for those two things.

I've heard you say today that you are open to adding terrorism as grounds for deemed renunciation, but I have to ask, on behalf of my constituents of Scarborough Centre, are you also open to adding in the term "treason"?

Mr. Devinder Shory: I have been saying from the day I tabled my bill that I am open to any suggestion or recommendation that would strengthen the intention of my bill. I am still open, and I'll keep myself open, for anything that would strengthen the bill. For terrorism, as I said, I have heard the similar view of my constituents and other constituents whom I met that Canadians like to have a peaceful life. Canadians like to keep the high value of Canadian citizenship. That's what I see in Canadians. I believe that's what all of you see from your constituents in each of your ridings. Again I suggest that we should keep Canadian citizenship's value high, as it is.

Ms. Roxanne James: Thank you.

Recently we discovered a Canadian citizen, a dual national who hadn't actually lived in Canada since being a child.... They had immigrated to Canada, had dual national citizenship here in Canada and in another country, had left Canada as a young child, and were suspected of a terrorist attack, a bombing in Bulgaria that left several people dead. That's one incident.

Actually, not too long ago in the news, we heard about a possibility of another Canadian being involved in a terrorist attack, a horrific bombing. We heard more about it yesterday. An Algerian, I think, has been confirmed through fingerprints as a Canadian citizen. I hear of these two recent cases, and not too long ago, we heard of the Toronto 18 terror group.

Being from Toronto, I have to tell you there's something happening. I'm very concerned about it. My constituents talk to me on a regular basis about these types of issues. They're concerned

about it. I'm just wondering, from your viewpoint, do you think that radicalization here in Canada is a growing problem?

● (0935)

Mr. Devinder Shory: I don't know if it is a continually growing problem, but definitely in my experience I have seen it from a very low level to a little above that level. I think it is not only time for this bill, but we are a little late as well. If I had a chance, I should have brought this kind of bill in earlier.

Ms. Roxanne James: Thank you.

When I think of Canada and of people who have Canadian citizenship and they travel around the world, in most parts of the world Canada is one of the best countries, most welcoming countries. We have the greatest people. In fact, there is even a commercial about some sort of a sale, and people in Canada weren't fighting to get in the door for the red-hot sales. They actually open the door and say, "You go first." That's kind of what Canada is, what people think of Canadians.

When I think of someone who holds a Canadian passport being able to go into other countries more freely than perhaps coming from another country that has greater scrutiny, I'm just wondering whether you think that Canadian passports actually allow people to travel more freely with less scrutiny around the world. Do you think holding a Canadian passport is more lucrative for people who perhaps might want to pursue acts of terrorism in other countries?

Mr. Devinder Shory: Absolutely. Before the chair cuts me off, I will finish by saying that a Canadian passport has the highest value, in my view, and it opens a lot of doors, respectfully, and we should keep that respect.

The Chair: Thank you.

Mr. Menegakis.

Mr. Costas Menegakis: Thank you, Mr. Chair.

Mr. Shory, in regard to the process of deemed renunciation, why did you choose "deemed renunciation" instead of "revocation"? Is it because these individuals through their own actions and choices have committed these acts?

Mr. Devinder Shory: That is correct. In taking the actions mentioned in my bill, basically taking armed action against our armed forces, these individuals basically don't care about Canada, don't care about Canadian values, and don't care about Canadian citizenship as well. These have no value to them.

Rather than go through all the paper trail to send them notice, etc., they basically must be deemed to have made an application.

Of course, once someone makes an application or the process has commenced, there would be due process, as mentioned earlier. At the end, there would be a certificate of renunciation issued.

Before that, there would be an appeal process available. Even before the decision, I guess an individual would be able to make his or her case in front of a citizenship judge. Once the renunciation was finalized, there would be an appeal to the Federal Court. I'm not suggesting that due process should be taken away in any manner whatsoever.

Mr. Costas Menegakis: I think that answers my next question. Definitely, under your bill individuals would still have access to due process. For example, they would be notified and they would have access to the Federal Court.

Mr. Devinder Shory: Absolutely they would.

Mr. Costas Menegakis: I'm encouraged by the fact that you're very open to accepting amendments that are in the spirit of the bill. Since you introduced it, have you considered any amendments? If so, could you share some of those with us?

Mr. Devinder Shory: When I tabled this bill, I had no political intention to play with it, because it's my strong belief that new Canadians should be rewarded for the great service one can provide to our country. At the same time, those who basically hold no value to our citizenship do not need to have citizenship.

Again, I'm looking forward to any suggestions from the committee to look into. So far I haven't received any suggestions.

Mr. Costas Menegakis: I appreciate that.

I have a question about born Canadians. There are many people who were born here and raised here, but because of where their parents came from—a lot of us are from a multicultural community, and I'm one of them—some people have dual citizenship, because of the country their parents came from.

Would this bill apply to them as well?

● (0940)

Mr. Devinder Shory: The bill says that any individual....

We have to remember that we have our international obligations. We have signed the Geneva Convention and the Convention on the Reduction of Statelessness, so we have to comply with all those obligations that Canada has. Of course, that is why, to avoid making someone stateless, this bill's requirement is to apply as it stands now. It's to apply to those individuals who have citizenship or permanent residence from some other place as well.

Mr. Costas Menegakis: Permanent residence, did you say?

Mr. Devinder Shory: I said citizenship or permanent residence.

Mr. Costas Menegakis: So a born Canadian who has dual citizenship, who commits a crime against our armed forces, can have the privilege of Canadian citizenship renounced.

Mr. Devinder Shory: Absolutely.

Mr. Costas Menegakis: Thank you.

The Chair: Ms. Freeman.

Ms. Mylène Freeman (Argenteuil—Papineau—Mirabel, NDP): I'm sorry. I wasn't sure we were going to have extra time; I'm sorry about that.

I'm going to pass it over to Sadia, if that's okay, because I'm not quite sure where we were.

[*Translation*]

Mrs. Sadia Groguhé: I would like to come back to the notion of dual citizenship. Certainly, for children who arrived in Canada with foreign parents, the likelihood that they may be stateless is quite high, after all. I would just like that area to be clarified. That is, what are the clear consequences for people who arrive here and have two

nationalities? There is a significant risk of their becoming stateless. How do you see your bill dealing with that?

[*English*]

Mr. Devinder Shory: My bill simply states that an individual is deemed to have made an application for renunciation of their Canadian citizenship, or if an individual is a permanent resident is deemed to have withdrawn their application for Canadian citizenship, if they engage in an act of war or treason or whatever against Canadians.

This bill complies with the Convention on the Reduction of Statelessness. Again, these individuals would not automatically be deported. There would be a due process always. We have to comply with the Geneva Convention. Also this bill makes no exception to existing laws to comply with our international obligation.

Keeping all that in mind, this bill would only affect people who have citizenship in some other country as well or have some permanent residence in another country.

[*Translation*]

Mrs. Sadia Groguhé: Do you want to ask a question?

[*English*]

Mr. Philip Toone: This is a follow-up question. You were quoted earlier as saying “meet proper justice, with all due oversight”, and we asked you where that oversight would come from. You cited section 48 of the immigration act. Section 48 speaks of removal orders and of how they're enforced and how people must leave the country immediately when one is executable.

Are you suggesting, then, that your bill is saying that people should be expelled from the country?

Mr. Devinder Shory: Thank you for giving me the opportunity to clarify. I believe it is section 18, not section 48. Section 18 of the Citizenship Act provides a good procedure for this.

Section 18 states that the minister needs to notify the applicant whose citizenship is in question prior to its being revoked. The applicant also sees that I said a certificate of renunciation would be issued after the process is completed. Of course, an individual could seek leave to appeal to the Federal Court as well.

Mr. Philip Toone: Thank you for the clarification. We'll get back to a follow-up on that in a moment.

The Chair: I think our time has expired, Mr. Shory. You've done well in putting up with all the questions. Thank you for your appearance. You're welcome to stay for the rest of our deliberations.

We will suspend.

● (0945)

_____ (Pause) _____

● (0945)

The Chair: We will reconvene the meeting.

For the final hour of this morning's proceedings we have two representatives from the Department of National Defence.

We have Colonel Michael R. Gibson, who is the deputy judge advocate general. Good morning to you.

We also have Colonel François Bariteau, who is the director of personnel generation requirements. Good morning to you, too, sir. I gather you are going to be the spokesperson for a few moments. You have up to 10 minutes to make a presentation to the committee, sir.

Thank you both for coming to the committee.

[Translation]

Colonel François Bariteau (Director, Personnel Generation Requirements, Department of National Defence): Mr. Chair, members of the committee, good morning.

I am Colonel François Bariteau, the Director of Personnel Generation Requirements for the Chief of Military Personnel. In my role I am responsible for determining what our annual intake of personnel should be, both in terms of overall numbers, and in terms of specific sub-categories.

[English]

I'm accompanied by my colleague, Colonel Michael Gibson, who is the deputy judge advocate general for military justice. He is responsible for advising the Judge Advocate General on matters related to military justice. This includes reviewing proposed amendments to the National Defence Act or amendments to other laws that could impact the military justice system, as well as developing legal policy related to military justice.

As we are appearing as technical experts in the fields of military law and military personnel policy, our comments are limited to our respective fields of expertise in regard to this private member's bill. We have carefully reviewed the bill from our respective points of view.

I would like to point out that at present, the Canadian armed forces already have the ability to recruit permanent residents when there is a shortage of Canadian armed forces members in specific occupations and the applicant has a recorded skill set that satisfies a special need. This bill would reduce the citizenship requirement by one year for these members of the Canadian armed forces.

• (0950)

[Translation]

Moving to the clause related to the deemed renunciation of citizenship, Colonel Gibson would point out that the use of the term "war" has a very limited meaning in international law. Therefore, an "act of war" is generally interpreted to mean only those actions that take place when a formal state of war exists between two countries.

Mr. Chair, we thank you for this opportunity to discuss this private member's bill with the committee.

We now welcome your questions.

[English]

The Chair: Thank you, Colonel Bariteau. We do have some questions.

Mr. Menegakis.

Mr. Costas Menegakis: Thank you, Mr. Chair.

I want to take this opportunity to thank our witnesses for appearing before us today. More importantly, I want to thank you for

your service to our country. It's always an honour to have folks from our Canadian Forces, and it's a privilege to have you here with us today.

The Canadian Forces have been criticized for not doing enough to attract Canadians from diverse cultural backgrounds. Can you give us an update on what actions have been taken to address this issue, and if so, what results you are seeing?

[Translation]

Col François Bariteau: Unfortunately, that is not one of my responsibilities, sir. Figures on the recruitment of visible minorities, women and first nations is the responsibility of the commander of the Canadian Forces Recruiting Group. Unfortunately, I cannot comment on the figures in any precise way.

[English]

Mr. Costas Menegakis: Do you think that this bill would help at all in recruiting more diverse Canadian Forces members?

[Translation]

Col François Bariteau: In my opinion, the impact would be minimal, given the number of permanent residents who enlist in the Canadian Forces each year. You have to understand that we are talking about specific needs. We consider permanent residents who want to join the Canadian Forces when there is a specific need in a given military job. Take pilots, for example. The training can take more than two years, actually. People are recruited, their files are studied by the commander of the Canadian Forces Recruiting Group, who then decides whether employing such a person would or would not be prejudicial to national security.

[English]

Mr. Costas Menegakis: Thank you. That sort of begs the next question.

What constitutes basic training? Generally, what is the time period for basic training?

Col François Bariteau: For basic military qualifications there are two courses. The first one is basic military qualifications for non-commissioned members, which is a 14-week course that is given at the Canadian Forces Leadership and Recruit School in St-Jean. There is a 15-week course that is called the basic military officer qualification for officer candidates who want to become an officer. Basically the course is geared towards giving the core skills and knowledge for a newly enrolled Canadian armed forces member to be effective in a military environment.

The basic skills are weapons handling, first aid, working within a small team, doing all kinds of tasking, and obviously a lot of physical training because it is a key factor for us to meet what we call the universality of service. It can be summed up in three words: be fit, employable, and deployable.

Mr. Costas Menegakis: Thank you.

Is it the opinion of the Department of National Defence that this bill, as it's been written and proposed, provides sufficient time and service with the Canadian Forces to show loyalty and long-term commitment to justify expedited Canadian citizenship?

● (0955)

[Translation]

Col François Bariteau: Unfortunately, I cannot comment on that.

[English]

Mr. Costas Menegakis: We heard from Mr. Shory just prior to your testifying here today that he is open to amendments to the bill. As members of the forces, is there anything else that you would like to see that perhaps would strengthen the bill and make it a little bit more amenable to the Canadian Forces?

Would you care to comment on that?

Colonel Michael R. Gibson (Deputy Judge Advocate General of Military Justice, Office of the Judge Advocate General, Department of National Defence): Mr. Chair, Colonel Bariteau and I are here today essentially as technical witnesses to assist members of the committee with understanding certain aspects of the bill, both from the matter of military law and military personnel policy. However, I think we would consider this outside the ambit of what we could properly comment on today to make policy statements in respect of the department. That would be the function of the minister.

Thank you.

Mr. Costas Menegakis: I want to thank you very much for responding, and I understand your responses completely.

Mr. Chair, I think I'm going to pass on the rest of my time. If I still have a couple of minutes, I think my colleague Ms. James has more questions.

Ms. Roxanne James: Thank you.

I want to get back to your definitions. In your opening remarks you talked about the term "war" as having a very limited meaning in international law, and therefore an "act of war" would be this. Is there a current definition of an act of war against the Canadian armed forces? Does that appear anywhere?

Col Michael R. Gibson: Thank you for the question. Thank you for raising it.

I'd like to take a few moments to address this issue because utilization of the term "act of war" in clause 2 of the bill could be potentially problematic. I'd like to offer a few technical comments on that.

The term "war", or "declaration of war", really has gone out of fashion in international law since the Second World War. There hasn't actually been a declaration of war per se since the Second World War. International law has really shied away from using that concept, and instead inclines towards the use of the term "armed conflict". That's preferable in this case because the existence of an armed conflict is essentially determined as a matter of fact and doesn't depend on a formal declaration of war.

Similarly, the expression "act of war" is not found, really, in any of the key treaties currently forming part of international law. The expression "act of war" actually is used to a limited extent in Canadian legislation, but really only in a very limited number of provisions, and strictly dealing with anything with liability, for example, in the Marine Liability Act and the Fisheries Act, but not really in contexts similar to this proposed legislation. So in general,

the concept "act of war" is not defined under Canadian legislation in the context that it would appear in this bill.

Ms. Roxanne James: Thank you.

Are there any legal precedents? You said "armed conflict" is a better term to use, but are there any legal precedents that have been set around that term, or what the term means?

Col Michael R. Gibson: Around "act of war" or "armed conflict"?

Ms. Roxanne James: For "act of war", you're saying a better term might be "armed conflict". Have any precedents been set with regard to past history or cases or anything around that particular issue?

Col Michael R. Gibson: I'm sorry, could you clarify whether you mean "act of war" or "armed conflict"?

Ms. Roxanne James: I'm referring to "act of war", but you've indicated—

The Chair: We're going to have to move on. I'm sorry.

Ms. Freeman.

[Translation]

Ms. Mylène Freeman: Thank you, Mr. Chair.

Colonel Gibson, Colonel Bariteau, thank you for being here. Thank you for your presentation.

You already answered one of my questions when you said that you recruit permanent residents when you have not recruited enough people with certain skills.

How many permanent residents are recruited each year?

Col François Bariteau: About fifteen or so. Since April 1, 2010, the Canadian Forces Recruiting Group has recruited 50 permanent residents in the regular forces and 15 or so in the reserve forces.

Ms. Mylène Freeman: In total, about how many of those people are currently serving in the Canadian Forces?

Col François Bariteau: If you combine the reserve force and the regular force, there are currently 61 people.

Ms. Mylène Freeman: Great.

I have another question about the figures. Do those figures represent an increase or are they more or less stable from year to year?

● (1000)

Col François Bariteau: They have been more or less stable for three years. We are talking about 15 to 17 people each year. It depends on the occupations for which we are looking for highly skilled people.

Let me go back to my example of pilots. We need two to two and a half years to train a fighter pilot. That is the kind of permanent resident that we are trying to recruit. At the very least, we will seriously consider people like that if they show up at one of the country's recruiting centres.

Ms. Mylène Freeman: You gave me figures for the last three years, approximately. Do you have figures beyond that time?

Col François Bariteau: On average, over the years, we are talking about 15 or so each year.

Ms. Mylène Freeman: Do you have any other examples of skills? You mentioned pilots, where a lot of training is required. Are there any others?

Col François Bariteau: As I mentioned earlier, we are talking about specific needs. In addition, it must not be detrimental to the national interest.

For enlistment in the Canadian Forces, we consider Canadian citizens first and foremost. The Canadian military is a complex organization, with more than 95 different occupations. When we have a shortage of staff in some of those occupations, one of the ways the Canadian Forces react is to look for those skills among permanent residents, especially England, Australia and New Zealand. If people like that have permanent resident status, they can be considered, depending on their qualifications.

I can give you an example. There was an English individual who had been tasked with repatriating equipment from Afghanistan to England. That is a qualification that was very important for us because we were also about to go through the same process of repatriating equipment. An organization in the Canadian Forces was looking for the expertise of a person like that, but we have not obtained it yet, unfortunately. That is one example.

Social workers are another example. Currently that occupation is at 75% of its authorized strength.

So there are people whom we can consider if ever we are unable to recruit them from Canadians, by which I mean Canadian citizens.

Ms. Mylène Freeman: I am going to stop you there, because I have other questions.

The countries you named are part of the Commonwealth.

Col François Bariteau: That need not always be the case.

Ms. Mylène Freeman: Are we looking for permanent residents from all over the world?

Col François Bariteau: Exactly.

Ms. Mylène Freeman: Great.

I have another question about that. How does a permanent resident make known a desire to join the Canadian Forces? On the website, we can read very clearly that you must be a Canadian citizen in order to enlist in the Canadian Forces. How do permanent residents who want to enlist and who have the skills to do so find out that they are able to?

Col François Bariteau: The same process applies. In other words, someone interested in joining the Canadian Forces goes to one of the country's recruiting centres and applies. As I told you, if there is a particular need and if it is not prejudicial to the national interest, that individual's file will be considered. If there is a particular need, it is possible for that person to enlist. However, our priority remains always to enlist Canadian citizens.

Ms. Mylène Freeman: I have a final question.

So we are talking about 60 or so permanent residents who, if they are serving with our armed forces, we can imagine that they want to become Canadian citizens. But at the moment, there is a tremendous backlog in citizenship applications.

Do you think that this measure will have a real effect on the people it is targeting, given the backlog that currently exists?

Col François Bariteau: That is not really my area of expertise. However, I can tell you that, in my experience, we provide these particular people we are employing, whether in the reserve or the regular forces, with a three-year engagement period. This is an administrative measure that we use as a method of control. In the second year, we confirm with the individuals whether or not they intend to submit an application for Canadian citizenship. If so, it is possible for us, through the Chief of Military Personnel, to extend the engagement period for an additional year, so that the process gets underway and is resolved to the individual's satisfaction. If, for example, it takes more than a year to get it, it is possible for us to continue to employ the individual in the Canadian Forces.

• (1005)

[English]

The Chair: Thank you, Ms. Freeman.

Mr. Lamoureux.

Mr. Kevin Lamoureux: Mr. Chair, thank you.

In terms of some of the numbers, what would be the annual recruitment of individuals into our regular forces?

Col François Bariteau: We're talking right now, sir, roughly around 4,000.

Mr. Kevin Lamoureux: Four thousand a year into regular forces? What about reserves?

Col François Bariteau: Unfortunately, for the reserves, I do not have visibility for the reserve forces, because the reserve forces are managed by the navy, the army, and the air force. They're independent. From my best recollection, we're talking about roughly 1,500 to 2,000 a year, I would say.

Mr. Kevin Lamoureux: That's a guesstimate: 1,500 to 2,000 a year.

In regard to what really caught my ear, you said that the first choice is to go to a Canadian citizen. If you take a look at the recruiting office—I was going to point out the website, which I did in second reading—it's very clearly stated at the beginning. If I'm a landed immigrant or a permanent resident and I click in, it says that you have to be a Canadian citizen, and that might be as far as I go. Then, if I go into the details, I find out that I don't necessarily have to be a Canadian citizen.

I'm not necessarily looking for a comment. I just want to make sure you're aware of that fact. I think it's something that should be rectified. When you talk about how a landed immigrant is given a second look-over only if Canadian citizens don't fill the current gap...is that what you were saying?

Col François Bariteau: No.

Thank you for the question.

What I was saying is that when there is a special need and the enrolment of that person would not create a prejudice to the national interest.... In other words, we would not prevent a Canadian citizen from being enrolled in the Canadian Forces to the benefit of a permanent resident. That being said, if there is a special qualification we're looking for that we do not find within the Canadian population, with a Canadian citizen, this is where a permanent resident could have the possibility of being enrolled in the forces.

Mr. Kevin Lamoureux: In order to fill a gap, the recruiting officers will go out and recruit individuals who have certain expertise and are landed immigrants. When you talk about 15 a year, are those the 15 that you're really referring to?

Col François Bariteau: That's correct.

Mr. Kevin Lamoureux: So how many individuals who are just landed permanent residents and would put in a general application might actually get accepted?

Col François Bariteau: Unfortunately, I don't have those numbers. This is a responsibility of the commander of the Canadian Forces recruiting group. I don't have those details. What I can tell you, again based on my experience, is that for one Canadian citizen enrollee, there are normally 3 to 3.2 applicants for each enrolment.

Mr. Kevin Lamoureux: All right. So we don't have a problem in terms of filling the vacancies today in our Canadian Forces.

Col François Bariteau: At this time, no, sir.

Mr. Kevin Lamoureux: There's no problem. Given that this is the case, then the likelihood of a landed resident, unless they have a real special skill, is not good at all....

Col François Bariteau: That is correct.

Mr. Kevin Lamoureux: Is it a directive from the Minister of National Defence that this is the way in which the recruitment is supposed to work?

Col François Bariteau: This is part of the National Defence Act, part of the Queen's Regulations and Orders, and also part of our internal policy, which we call the Defence Administrative Orders and Directives on enrolment. It clearly states that Canadian citizens are being given the priority, and that permanent residents, those non-Canadian citizens with permanent resident status, can be enrolled if there is a special need, if they provide service that satisfies a special need, and whose enrolment, in the opinion of the commander of the Canadian Forces recruiting group, would not prejudice the national interest. This is only when those two factors are met.

• (1010)

Mr. Kevin Lamoureux: Okay. The legislation, for all intents and purposes, is fairly restrictive, in the sense that even if I'm a landed immigrant, my chances of being recruited are negligible at best, unless of course there's a specific skill that I bring or there's a fairly high demand.

Col François Bariteau: This is where we're saying that 15 per year is a good average of enrolling permanent residents.

The Chair: Thank you, Mr. Lamoureux.

Mr. Opitz, please.

Mr. Ted Opitz: Thank you, Mr. Chairman.

Colonel Bariteau, what trades, for example, will a PR never be admitted to? What would be prejudicial to Canada? Would it be something like intelligence, sensitive jobs like that?

Col François Bariteau: I don't have specific examples, but I can tell you that there are some occupations within the Canadian Forces right now that are not meeting their preferred manning number. The pilot is one of them. The social worker is one of them. The pharmacist is one of them. We're competing, very much so, with the civilian community and the private sector.

Those are some of the occupations for which we've traditionally had difficulty filling positions and vacancies. Those are the occupations, if you wish, that would be given some sort of consideration for permanent residents to join the forces if we are unable to recruit within the Canadian population.

Mr. Ted Opitz: Now, social workers I can see as well.

Col François Bariteau: Yes.

Mr. Ted Opitz: That's a high-demand area for a lot of reasons in society, but of course also to help our Canadian soldiers who are suffering from some post-traumatic stress issues and some other social issues themselves. That's a very important position to fill—that I understand—as is the position of pharmacist and the others that you mentioned.

I know that back in the day, permanent residents were at one point allowed to join the Canadian Forces, but clearly we don't have a big issue in recruiting right now, based on some of the numbers you've said already.

Can you talk about CF-18 pilots, for example? I know we do recruit them from Commonwealth countries. At CFC, when I worked there, there were a couple of examples of CF-18 pilots who were recruited by Canada. Now you're saying that we have a manning shortage for pilots for that kind of aircraft.

How would we go about recruiting that kind of an individual from Australia, let's say?

Col François Bariteau: It's a very good question, but we're not short of people who want to join and become a pilot. It seems that in the Canadian population everybody wants to fly. There's no shortage in the number of applicants to join the pilot trade.

That said, there are some very severe selection criteria that prevent many from joining the forces in this specific occupation. Because the training is so long and so demanding, it's another factor that we have to take into consideration. We have many right now on the basic training list who are undergoing the training to become a pilot, but because the training takes over two years, obviously there is a gap that we need to fill at a specific rank with individuals who have highly developed skills.

This is where we will consider, for instance, the U.K. pilots who have permanent residency here in Canada. We would consider them because the training we have is very similar to what they do. There are some qualifications in fact that are the same. I'm thinking about the instructor qualification. It's basically the same as for our Canadian pilots who are giving the training.

It's an added value for us to employ them. We can fill specific vacancies at a specific rank. We can continue to train the new enrollees in the Canadian armed forces, and they can become pilots. They're not put on the side to wait until such time as we have sufficient instructors to conduct a course.

• (1015)

Mr. Ted Opitz: Would you agree, then, that this plugs an important security hole, where we may find a gap at the particular point where guys are going through the system in training but are just not qualified yet, and it's in the nation's best interest to have people filling those positions where there are no gaps in, say, air defence?

Col François Bariteau: Well, we consider permanent residents, but we also consider those who left the forces, went into the private sector, and decided to come back for different reasons. We are also considering what we call the component transfer, which is basically individuals from the reserve force who now want to join the regular force and who have some skills. They will be given priority over permanent residents to enrol in the forces.

Mr. Ted Opitz: Okay.

Colonel Gibson, we were talking about armed conflict and the definition of that and a declaration of war and so forth. From a military law perspective in relation to Mr. Shory's bill, how would the Canadian Forces respond in military law to anyone who was caught in an armed conflict against Canadian Forces on foreign soil?

Col Michael R. Gibson: Mr. Chair, could I ask Mr. Opitz just to clarify slightly, please?

Is it how we would respond in terms of a military justice response, do you mean, or a criminal response?

Mr. Ted Opitz: Military justice or a criminal response. For example, if Canadian Forces are overseas conducting operations and an individual turns on the Canadian Forces, whether that individual is a civilian or even from within our own ranks, how is that dealt with? Or you could take both scenarios, one with the civilian and one within our own system.

Col Michael R. Gibson: Mr. Chair, clearly, if a member of the Canadian Forces were to engage in hostilities against the Canadian Forces, that would be an act of treason. They could potentially be charged with the offence of treason, or mutiny, or a variety of other offences, and they would be dealt with under the military justice system.

In respect of other people who weren't members, if they were a spy, Parliament has created an offence of being a spy, under section 78 of the National Defence Act. We would have jurisdiction under paragraph 60(1)(h) to try that person.

Otherwise, it would depend on whether or not the person was a lawful combatant. If they were not a lawful combatant, they might be detained pending the conclusion of hostilities. If they were a lawful combatant, they would be taken as a prisoner of war.

The Chair: That's it, Mr. Opitz.

All of those definitions are different. In other words, the bill talks about an "act of war". Is that different from an act of treason, from an act of terrorism, from an act of something else?

Col Michael R. Gibson: Mr. Chair, I think it might be of some assistance to members of the committee for me to amplify a little bit what I was saying earlier about an act of war. "Act of war" is problematic because of its imprecision. That's why one would suggest that the term "armed conflict" would be far preferable, because it has much more rigour and much more content, both domestically and internationally. In terms of what might be preferable to consider for the bill, it might be substituting the term "armed conflict" for "act of war".

In terms of the other acts you're describing, treason is an offence under the Criminal Code, and spying is an offence under the National Defence Act, so they're in a sort of different category. In terms of action against the Canadian Forces, what we're really looking at there is somebody who, in an armed conflict, acted in such a manner as to injure the Canadian Forces.

The Chair: Is "conflict" defined anywhere?

Col Michael R. Gibson: "Conflict" is essentially a question of fact. It really relates to the level of violence.

In terms of whether Canada considers that it's actually engaged in an armed conflict, sometimes the Government of Canada will issue a statement to that effect. But if that were a question of fact or of doubt, then in this context CSEC officials would consult with the Department of National Defence and the Department of Foreign Affairs, essentially for an opinion as to whether or not Canada considered itself to be in an armed conflict. The bottom line is that it would be a question of fact, which really turns on the level of violence that's involved.

The Chair: Thank you.

Madam Groguhé, it's your turn.

[Translation]

Mrs. Sadia Groguhé: That was very interesting, in all aspects.

Thank you for joining us this morning.

I would like to go back to the figures. We are interested in getting the figures for permanent residents who are currently serving and who wish to submit citizenship applications. Is it possible to send those figures to us?

• (1020)

Col François Bariteau: We can send you what we know. The figures that I mentioned, 46 people in the regular forces and 15 in the reserve, are those currently in our database.

Mrs. Sadia Groguhé: My question was rather about permanent residents who are currently serving and who want to extend their service in order to obtain Canadian citizenship. Can we have that specific figure?

Col François Bariteau: Unfortunately, that is impossible. The administrative measure in place provides for a three-year engagement period. It is not a contract, but a three-year engagement period. It gives us the possibility to follow these individuals, but, since some of them enlisted at different times over the years, it becomes difficult to tell you who wants to obtain Canadian citizenship and who does not, who has been discharged and who is on the point of being discharged, whether as the result of a physical incident, because the individual did not meet basic military requirements, or for any other reason. It might be because the individual did not like his work, or that he did not know that he would be posted to Cold Lake, for example. As there are a number of reasons, it is difficult for us to give that kind of detail.

Mrs. Sadia Groguhé: That is a pity, but we are going to have to do without the information.

I would like to go back to the idea of an “act of war”. You mentioned that it has been replaced by “armed conflict”. You say that it is an act committed when an official state of war exists between two countries. Does that apply to people as individuals? How is it viewed when an individual commits an act against armed forces? Is that an armed conflict or not? What are those limits, if there are any?

[English]

Col Michael R. Gibson: Mr. Chair, I think the question illustrates why the utilization of the term “act of war” in the bill is problematic. The way it would be framed right now in the proposed bill, an individual who's a Canadian citizen and engages in hostile acts against the Canadian Forces in the context of a war would then be caught by the bill, but that is extremely imprecise, and the likelihood of there being a declared war is low.

Our suggestion is that it would be preferable to substitute the term “armed conflict” because it would cover a broad spectrum of activity. Whether as a member of an armed force of a foreign state, or of an organized armed group such as the Taliban, or as an individual, the key point is that it would have to occur in a context in which Canada considered that there was an armed conflict.

[Translation]

Mrs. Sadia Groguhé: So it really is limited to a very specific context, one that does not at all fall within the meaning of this bill, in my opinion. We cannot frame it in that way. Thank you, that is clear.

You shed a little light on the issue for us in the sense that the term acts of treason could be applied in the case of someone in the army committing an act of terrorism against the Canadian Forces.

But can that same principle apply when an individual is not a member of the regular forces and is just an ordinary citizen? Can a military tribunal intervene in situations like that, in the case of actions committed by individuals who are not in the army?

[English]

Col Michael R. Gibson: Mr. Chair, I think it's important to differentiate for the members of the committee between two different contexts.

The bill is dealing essentially with an administrative law concept of impacting on the person's citizenship if, as a member of an armed

group or a member of armed forces of another state and they're a Canadian citizen, they engaged in acts of hostility against Canada.

In a criminal law context, or a military justice context, it's a different issue. If they committed specific acts such as treason, spying, assault, or murder, then yes, we would have jurisdiction to try them.

I think it's important conceptually to differentiate between criminal law and essentially an administrative law concept that this bill is discussing.

I hope that's of assistance.

• (1025)

The Chair: Thank you, Madam Groguhé. I'd like you to go on, but we're going to hear from Ms. James.

Ms. Roxanne James: Thank you, Mr. Chair.

I'm sorry, but I have to go back to these definitions one more time. It's interesting that you keep referring to “act of war” and how it would be better described as “armed conflict”. I actually searched to see if I could find an internationally acceptable definition of “act of war”, and I couldn't. I found other things: armed conflict, nations normally at peace, aggressive acts, provoking a war, and so on.

I think the consensus from you, if you would agree, is that we need to clearly define what we mean by “act of war”, whether it's an alternative definition or something clearly spelled out. Is that what you're stating?

Col Michael R. Gibson: Yes, Mr. Chair. The “act of war” language would be a challenge to apply because of its imprecision and the potential for it to be misconstrued. I would suggest that it would be far preferable for the committee and for Parliament to consider using the “armed conflict” language instead.

Ms. Roxanne James: Thank you. I just wanted to make sure we got that as the final conclusion from all the discussions.

We've also talked about terrorism and treason. I'm going to ask a question after this, but I heard you say that treason is an offence under the Criminal Code, which we know, and that spying is defined in the National Defence Act.

I'm just wondering if the terms “treason” and “terrorism” are also defined in the National Defence Act. The reason I ask is that you've also mentioned that for treason it would go through the military justice system as well. I'm thinking there has to be a definition somewhere.

Col Michael R. Gibson: Mr. Chair, there are two prongs to the response.

First of all, with respect to terrorism, there are really four places that are relevant for our consideration in which terrorism is defined. It's defined in section 2 and section 83.01 of the Criminal Code. There are largely parallel definitions of terrorism and terrorist activity in the National Defence Act. Section 2 of the National Defence Act essentially adopts the language by reference to the Criminal Code. To make a long story short, the Criminal Code definitions of terrorism are adopted in the National Defence Act, although there are specific provisions.

With respect to treason, that's an offence under the Criminal Code. It would be triable within the military justice system under section 130 of the National Defence Act, which provides service tribunals with jurisdiction to try any offence created by an act of Parliament. A service tribunal, for example, a court martial, can try the most serious offences. It can try the specific offences that are created by Parliament in the National Defence Act itself, which tend to be particularly military-type offences like mutiny, insubordination, disobedience of lawful command, as well as any Criminal Code offence. In the hypothetical context where a Canadian citizen was charged with the offence of treason, that could be triable by court martial. It would be charged under section 130 of the National Defence Act as the offence of treason under section 46 or 47 of the Criminal Code.

Ms. Roxanne James: You said "hypothetical". I just honed in on that word. You talked about possible court martial, and so on. I'm just wondering what the other legal consequences are. What are the precedents? Have there been any cases related to treason or terrorism here in Canada from which there have been outcomes? I'm wondering if you could tell me what those have been.

Col Michael R. Gibson: Mr. Chair, in respect of treason, no one's been charged with that particular offence and tried before a court martial in recent memory, certainly going back to the Second World War.

There have not been any cases tried in the military justice system in a terrorism context. Those cases have all arisen and been tried in the civilian justice system to this point. In terms of speculation about how common that would be, it would be just speculation. Certainly the track record would suggest that it's pretty infrequent.

Ms. Roxanne James: Earlier I heard someone from the opposition mention that the website said that to enrol in the military and so on you had to be a Canadian citizen. I just wanted to say that I've actually been to the National Defence and Canadian armed forces website. It clearly states that you can be a Canadian citizen or a citizen of another country who has permanent resident status here. It lists some of the reasons you talked about. I wanted to thank you for bringing to this committee all of the different variances for applying so that we're all aware these are not something new we're suggesting in this bill.

Do I have much time left?

The Chair: You have about 14 seconds.

Ms. Roxanne James: At this point, then, I would just like to thank the chair for doing an awesome job today and to thank our guests for being here as well. The information they've provided this committee is very helpful to us.

The Chair: Ms. James, unless members of the committee object, I'm going to ask the analysts something. We seem to have a certain amount of confusion about the terms "act of war", "terrorism", "armed conflict", and there's another term being bandied around.

Would anyone object if I were to ask the analysts to prepare a paper on these topics for the committee to review the source of those terms? Are they defined legally? I'm sorry to go on like this. If you look at clause 2 of the bill, which talks about an act of war, someone's going to have to be convicted of committing an act of war

for this clause to apply. Already we've had a suggestion that the term be changed.

Mr. Dykstra.

• (1030)

Mr. Rick Dykstra (St. Catharines, CPC): Chair, I think there is some relevance to your suggestion. However, you went on a bit about defining a number of different terms. If we're going to do that, we should take a little bit of time to actually suggest or submit what we should be putting in the report. I don't want to just leave it wide open and then get a report back that has pieces that I like and pieces that we didn't even think of. I don't have a problem with it, but I think we need to define, through you to the analysts, what we actually want to find and what the scope will be.

The Chair: All right. How about I let all of you think about it and we'll talk about it another time?

Mr. Rick Dykstra: Okay.

Col Michael R. Gibson: Mr. Chair, if I could just....

The Chair: Yes, Colonel.

Col Michael R. Gibson: It might be of some assistance to the committee to inform the committee that the term "armed conflict" actually appears in a number of places already in the federal statute base, including: the Geneva Conventions Act; the Crimes Against Humanity and War Crimes Act; the National Defence Act; the Foreign Missions and International Organizations Act; the Foreign Enlistment Act; the Security of Information Act; the Emergencies Act; the Royal Canadian Mounted Police Superannuation Act; the Canada Shipping Act; and the Criminal Code.

It's a term that is very much part of Canadian law already in terms of being incorporated in the federal statute base created by acts of Parliament.

The Chair: Thank you, sir.

I still think we'll let members think about what I've suggested. We can deal with that at another time.

Mr. Calkins, you have up to five minutes, sir. Welcome to the committee.

Mr. Blaine Calkins (Wetaskiwin, CPC): Thank you, Chair, and thank you for your kind welcome. I'm going to be seized with thinking about what I'm going to do in the event that I do come back to this committee on the scope of this.

I have questions for the witnesses who are appearing here today. I know that you're here to answer very technical questions, but I'm going to ask you questions in the broader scope of your role as members of the Canadian armed forces, and simply try to make my point that way. I'm not going to lead you down some path where you're going to get into trouble, so don't worry about that.

I'll put this in the context of where I'm coming from and where my constituents, the good folks of the riding of Wetaskiwin, Alberta, are when it comes to this particular piece of legislation. I've had Mr. Shory come to my riding and meet with my constituents on this particular matter. The intent and spirit of this bill were met with very positive feedback from my constituents.

Just in the broader sense, when you first joined the Canadian armed forces, did you have to take an oath of any kind?

Col François Bariteau: Could you repeat the question, please?

Mr. Blaine Calkins: Did you have to take an oath of any kind in joining the Canadian Forces?

Col François Bariteau: Yes.

Mr. Blaine Calkins: Do you remember that oath?

[*Translation*]

Col François Bariteau: Essentially, it is to bear true allegiance to Her Majesty the Queen, to show integrity and to be loyal to Canada and to the powers conferred on its government.

[*English*]

Mr. Blaine Calkins: That's actually very similar to the oath that people take when they become Canadian citizens. For those of us who are MPs at this table and have gone to citizenship ceremonies for the swearing-in of new citizens, of whom this bill would potentially affect a small number, if any, in the event that this bill would become law, we know that they too took a similar oath, swearing allegiance to Her Majesty The Queen and of course taking up all of the rights and responsibilities of that citizenship.

In your oath, I think you're also sworn to defend with your life, if you have to, those basic freedoms and principles that we have. I'm going to ask you this, and it's very simple: will you defend and will your colleagues defend, with your lives, if you're asked to, my right to peaceful assembly and protest?

It's not a trick question. This may be what you're asked to do. The names of my forebears are on the cenotaphs in my hometown. This is not a trick question. I'm not trying to lead you down a garden path here. This is a serious question.

•(1035)

Col Michael R. Gibson: Mr. Chair, pursuant to the National Defence Act, the enrolment of a member of the Canadian Forces binds them to serve in obedience to any lawful command. If one were commanded to defend a particular person or a particular interest, then one would do that.

Mr. Blaine Calkins: You're here to defend the Charter of Rights and Freedoms that we have in Canada. These are the basic freedoms and principles that we have. I'm just going through these.

You would defend with your life, if you were asked to, my right to have a free conscience and my choice of religion, right? If that's what it came down to, that's part of our Canadian core values, right?

Col Michael R. Gibson: Essentially, yes.

Mr. Blaine Calkins: My freedom to associate and choose my friends and organizations in my community; you would defend that, right?

Col Michael R. Gibson: Yes, as part of the instructions given to us by the Government of Canada in pursuance of a mission.

Mr. Blaine Calkins: My right to life, liberty, and the security of my person, my fellow persons—

The Chair: Mr. Calkins, you know, it's—

Mr. Blaine Calkins: Mr. Chair, I do have a point to make here.

The Chair: Well, I have a point to make too. My concern is whether or not these issues are relevant to the bill.

Mr. Blaine Calkins: Oh, I think they are. I'll get to it if you will allow me, Chair. I need just a couple more minutes, if you don't mind. I'm not trying to put you in an awkward position because I think from my perspective, and whether it's the security of my person, my thoughts, my beliefs, my freedom of expression, and even my ability to vote, it's my constitutional right. It's a constitutional right of every Canadian citizen, and through that peaceful assembly, through that ability to protest, and through that ability to choose my government, or to choose to vote against my government, that is a decision I make at the ballot box. The question we're talking about here is a choice that's made on a battlefield, and we can talk about the terms and conditions of defining that, but I think it behooves all of us here to take that into consideration.

When you're willing to put your life on the line to defend those very rights and freedoms I have here, I think it's incumbent upon me as a parliamentarian to protect you from any enemy within who might be creating a situation where you cannot safely do your job to protect my liberties and the freedoms I have here.

That's the point I was trying to make, Mr. Chair. We have every opportunity in Canada to work for a government that we want and to work against a government that we don't want, but we limit that capacity in some way through the laws and the statutes we have in this country. The proposed law that is currently before us is one that I think all parliamentarians should take very seriously in the matter of making sure that the men and women who do serve at our request and on our behalf to keep us free have the protection. This piece of legislation, I think, affords that protection.

The Chair: Thank you, Mr. Calkins.

Go ahead, Ms. Sitsabaiesan.

Ms. Rathika Sitsabaiesan: Thank you, Mr. Chair.

I thank both of you for your expertise.

I know we may have our analyst look into the definitions. I had a passing question about armed conflict. When somebody has a gun and robs my house, it's called armed robbery. If I have a gun and she has a gun and we're fighting each other, is that considered armed conflict? Where do we go in establishing fact? How is that done?

Col Michael R. Gibson: Chair, generally the question, I think, invokes the difference between criminal law in a domestic context and armed conflict in international law. In essence, armed conflict involves states or organized armed groups, whereas the action of armed robbery or assault is an individual criminal offence under criminal law.

Ms. Rathika Sitsabaiesan: Thank you.

In clause 2 of the bill the term “legal resident” is mentioned, and as far as I know, it's also not defined in Canadian law. Critics have warned that this risks creating stateless people, which is of course a contravention of international law.

What is the definition of a legal resident and how will this term be interpreted in Bill C-425 as you understand it, as an expert?

Col Michael R. Gibson: Mr. Chair, I believe that question might be better addressed by the legal counsel who will accompany the Minister of Citizenship and Immigration. That's really not a question of military law, so I think it's outside the ambit of my expertise to respond.

Ms. Rathika Sitsabaiesan: Sure. Thank you.

This bill also mentions that due process will be had.... This legislation would ensure due process under the law for anybody who was...I don't remember the exact wording other than that due process would be ensured under the law.

Which courts would actually hear the case? Does legislation make clear the burden of evidence to establish that a person is engaged in, of course, an act of war against the Canadian armed forces?

Col Michael R. Gibson: Again, Mr. Chair, I think that question really partakes of the field of citizenship and immigration law and that would be better responded to by CIC counsel. With respect to the question of act of war, then that concept, which I suggested is better articulated as armed conflict, would have to be precise if one were to take legal action with any substantive consequence for a citizen.

• (1040)

Ms. Rathika Sitsabaiesan: Maybe I wasn't clear in my question.

You are a legal expert, I understand, on military law. I'm just wondering if the burden of evidence is clear in the legislation as it is written right now.

Col Michael R. Gibson: Again, I think that given that this really partakes of citizenship and immigration, it would be better addressed by CIC counsel.

Ms. Rathika Sitsabaiesan: Okay.

I'll pass my time to Mr. Toone.

The Chair: Sure, go ahead.

Mr. Philip Toone: How much time is left?

The Chair: You have two minutes.

Mr. Philip Toone: Thank you. Two minutes is better than last time.

Thank you for your testimony. To get back to questions on act of war, because that is what's in the bill at the moment, Mr. Shory did say during his presentation at second reading in the House that this would also have to do with people who commit acts of treason.

Is there an ambiguity in the definition of "act of war" that it also unnecessarily includes the act of treason, or are they really two distinct subjects that have different jurisprudence in international law?

Col Michael R. Gibson: Mr. Chair, treason is an offence under the Criminal Code, so Parliament has created a criminal offence of treason with defined essential elements of that offence. What this bill is talking about in a general context, or a legal context, where this issue will play out, is a state of armed conflict. I would strongly suggest that "act of war" is too imprecise to be used in this context. It would be preferable to use the term "armed conflict". This term sets the context that all this is playing out in. With treason, there's no ambiguity. It's a defined offence under the Criminal Code, so it has

rigour. It's the difference between an offence and a legal state of matters, a state of being, or a state of context.

Mr. Philip Toone: Are there any elements of *mens rea* in treason or in an act of war? Does there have to be proof of *actus reus*?

Col Michael R. Gibson: Treason is an offence under the Criminal Code, so it sets out the essential elements of the offence. There would be *actus reus* and *mens rea* involved in that, and I suspect that to convict somebody of treason, there would need to be a pretty rigorous application of *mens rea*.

Mr. Philip Toone: With the bill the way it's drafted right now, would there be any ambiguity about acts of treason being read into the text of the bill?

Col Michael R. Gibson: I'm not trying to be difficult, but it really is a little bit of an apples and oranges thing. Treason is an offence, whereas act of war is a legal state of being. If the question is whether I suggest that the bill could be improved by changing "act of war", then the answer is yes.

The Chair: Thank you.

Mr. Leung.

Mr. Chungsen Leung: Thank you, Mr. Chair.

I want to address a particular situation. Then perhaps you would help clarify some of the other points we've been discussing.

I've served as a civilian subcontractor to the military in a couple of United Nations missions, in UNTAC, UNOSOM, and East Timor. In those cases, although I am attached to a military unit, I'm not actually in a military unit. Perhaps you could distinguish, in a particular act of war or in a peacekeeping mission, whether that same definition applies when there's an act committed to the detriment of the serving military.

Col Michael R. Gibson: There are two prongs to that question.

First of all, in respect of the jurisdiction of a service tribunal, a court martial, to try somebody who was alleged to have committed an offence against the Canadian Forces, Parliament has provided at paragraph 60(1)(h) of the National Defence Act that a person who is accompanying the forces—and that's defined in section 61—is somebody over whom we would have jurisdiction. It boils down to whether they're accommodated with us, whether we provide them rations. If they're on one of our ships or one of our aircraft and they commit an act that's criminalized under either the National Defence Act or Criminal Code, we would have jurisdiction and we could prosecute them. In respect of the broader question that's relevant to the application of "armed conflict" in this bill, if there were a situation that Canada considered to be an armed conflict, and an individual was alleged to have committed an act hostile to Canada as a member of another armed forces or a member of an armed group, then he would be caught by the provisions of this bill. These are two slightly different concepts.

• (1045)

Mr. Chungsen Leung: Thank you for that clarification.

Mr. Chair, I'd like to share the rest of my time with Mr. Dykstra.

The Chair: Your time's up, I'm afraid.

Gentlemen, I want to thank you for coming. You've made members of Parliament think on these important issues. I thank you for your contribution to the committee.

This meeting is adjourned.

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