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Chair

Mr. Dean Allison

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• (1530)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to Standing Order 81(5), we are considering the supplementary estimates (B) 2013-14. We are going to welcome our ministers here today.

Minister Baird, thank you for taking the time to be here. We've also got Minister Paradis and Minister Yelich here.

We'll start shortly with Minister Baird's testimony, but I also want to welcome our other witnesses from the Department of Foreign Affairs, Trade and Development.

We've got Daniel Jean, the deputy minister of Foreign Affairs. Welcome today. I'm glad to have you here as well.

We've also got Paul Rochon, the deputy minister of International Development. Welcome, sir. I'm glad to have you here.

We also have Nadir Patel, who has been with us before. He is the assistant deputy minister and chief financial officer. Welcome back. Thank you for also being here.

Minister Baird, I am going to turn the floor over to you. I know that each of you has an opening statement. You've been here before and know how it works, so we'll start with your testimony. Then we'll move over to Minister Paradis and Minister Yelich, and then we'll start with questions.

We'll turn the floor over to you, sir.

Hon. John Baird (Minister of Foreign Affairs): Thank you very much, Mr. Chair, and committee members.

[Translation]

The new Department of Foreign Affairs, Trade and Development has been set up at a time of rapid change on the world stage in terms of economic and political powers. Canadian interests are truly global in nature and our government is actively standing up for them on an ongoing basis on every continent.

I welcome your questions today, but first I would like to point out a few of the challenges facing us and our approach to dealing with them.

[English]

One of the most urgent challenges, of course, is the terrible violence that we are seeing in Syria. The people of Canada have been very generous in helping those most in need, and we join other nations around the world in seeking a political solution to this

conflict. I continue to be in close contact with our allies on the issue, and I note recent progress, however small, on getting both sides to the table under the Geneva II process. Both the political solution and, more importantly, the humanitarian effort will continue to be a focus of our department moving forward.

Neighbouring Syria, we also see some progress in the Israeli-Palestinian conflict. I have been in close contact with my Israeli and Palestinian counterparts, as well as with U.S. Secretary of State, John Kerry, on this issue. I've also had dealings in recent days with Martin Indyk, his ambassador and special representative for the negotiations.

Canada has been generous in our support of a future Palestinian state. We want to see a secure, prosperous, and future Palestinian state, one that lives side by side with its Jewish neighbour. Just a few months back we announced \$5 million in support for increased economic opportunities in the West Bank. This came out of an initiative that John Kerry had launched with \$100 million in a short-term stimulus for the West Bank economy. In my talks with my colleague, Tony Blair, the Quartet Representative, he made clear that Canada's contributions were appreciated and Canada's voice in the region remained respected and strong.

Elsewhere in the region, Iran elected a new president this year, Hassan Rouhani. We note his change in tone, especially when it comes to Iran's nuclear ambitions. All of us who have long despaired about the Iranian regime want to believe that Iran is genuinely committed to positive change at home and in its foreign relations, but kind words, a smile, and a charm offensive are not a substitute for real action. Canada is determined to shed light on the human rights abuses in Iran and remind Iran of its international obligations.

[Translation]

We condemn abuses because doing so is a Canadian value. That is why we also denounce the forced marriage of young girls. Every year, 9.5 million girls, some of whom are only 8 or 9 years old, are forced into marriage. Forced marriage is essentially a form of violence against women.

[English]

The practice of early and forced marriage is abhorrent and indefensible. That's why Canada introduced the first ever stand-alone legislation on child, early, and forced marriage at the United Nations General Assembly. That is something that I think all Canadians can be proud of.

Some may wish to stir up old debates that have divided our country in the past, but this is not a partisan issue, it is a human issue. Our government wants Canada's voice to be heard, for it to be clear and for it to be unambiguously free of moral relativism, from the rights of women and girls to religious freedom, for which the Prime Minister was proud to launch the Office of Religious Freedom last year, to the decriminalization of homosexuality abroad. These aren't the values of conservatives, of social democrats, of liberals, of one province or another, but Canadian values that have been shaped by our national experience.

I spoke at the outset about the amalgamation of our department. It is taking place at a time of rapid change in the world. Canada must, more than ever, deploy its resources smartly and in common purpose. I am confident that the new department will bring a more integrated and effective approach to advancing Canadian values and Canadian interests. We must be ready to embrace change, to recognize these opportunities and to seize them as they arise.

All Canadians have a role to play, as do our parliamentarians. You will have an opportunity to make an invaluable contribution to this national effort, to this global fight.

For that, and the work of the committee, I want to thank all of you, in all parties. I look forward to hearing your comments and to taking your questions.

• (1535)

The Chair: Thank you very much, Mr. Baird.

We are now going to turn it over to Mr. Paradis.

[Translation]

Hon. Christian Paradis (Minister of International Development): Mr. Chair, I am pleased to be here today to discuss with committee members the proposed appropriations through Supplementary Estimates (B).

Before beginning however, I want to take a few moments to acknowledge the recent devastation seen in the Philippines and portions of Vietnam due to Typhoon Haiyan. We were all shocked and saddened by the tragedy. Like you, I am moved by the enormity of the devastation, and by the tragic loss of life. Our thoughts and prayers are with those affected.

This recent tragedy serves as an important reminder that our international assistance is a tangible expression of the best of Canadian values and Canadians themselves. Canada is a compassionate neighbour, and we stand ready to do more to help deal with this crisis.

[English]

The tragedy also serves to highlight the importance of the changes we are making at DFATD towards the increased coherence of our development, foreign affairs, and trade activities under one department. The legislation passed earlier this year has enshrined in law Canada's commitment to poverty reduction and humanitarian assistance.

[Translation]

First, however, I would like to talk about our main items under the supplementary estimates.

Funding of \$100 million is being sought to allow for the permanent creation of a quick release mechanism to respond to major international natural disasters, humanitarian crises, and conflicts, so that Canada has the ability to respond quickly, and effectively to international crises, such as we just witnessed in the Philippines and Vietnam.

In addition, the department is seeking additional funding of \$90 million for humanitarian assistance in response to the Syrian crisis. Canada's support will be used by experienced humanitarian organizations to provide life-saving humanitarian assistance. This builds on the more than \$200 million Canada has committed to the crisis.

Canada continues to carefully monitor the situation in Syria.

[English]

The new amalgamated department is better placed than ever to ensure the effectiveness of Canada's international humanitarian assistance and development activities, and to ensure that our contributions are in line with Canadian values and priorities. In addition to the immediate impact of Canada's humanitarian assistance, our long-term development programming is improving the lives of poor people around the world. We are doing so by ensuring that our aid is focused, effective, and accountable.

As you already know, Canada has taken a leadership role in addressing the health challenges faced by women, newborns, and children in the world's poorest countries. Canada has been at the forefront of international efforts to improve accountability in maternal, newborn, and child health programming. Canada is prepared to do more in this area and will fulfill all of its commitment made under the 2010 Muskoka initiative.

[Translation]

Education is critical to achieving many other development goals. Educated girls marry later and have fewer children. They are also more likely to participate in the labour force, which has huge benefits for their families and communities.

With support from Canada and other donor countries, the Global Partnership for Education helped enrol 19 million more children in schools, supported the construction of more than 30,000 classrooms, and trained more than 337,000 teachers.

[English]

Health and education, while of critical importance, are only part of the equation. We support creation of the enabling environment that helps small and medium enterprises in the developing world become stronger and more competitive through better functioning government, less red tape, and more access to markets.

[Translation]

A great example of how the private sector can help in finding creative solutions to development challenges can be found in Mozambique. There, we are supporting an initiative to strengthen the vaccine supply chains by using Coca-Cola's refrigerated trucks. As the thinking goes, if Coca-Cola can be available in every corner of the world, medicine can too.

The department is also supporting the launch of a 15-year investment fund that leverages private equity investment of up to \$400 million to help approximately 250 promising small and medium enterprises grow. This program will create at least 15,000 new jobs in developing countries and is being managed by the Mennonite Economic Development Associates and Saron Asset Management.

Let me conclude. Our government is committed to reducing poverty and hardship in the developing world. Through our humanitarian assistance, we are responding to crises and achieving real results by saving lives and alleviating suffering.

Under an amalgamated department, we are ensuring that development plays a more important role than ever in achieving our foreign policy objectives, including security and economic prosperity, around the world.

I am proud of the work of our development officials—and especially want to congratulate them for their efforts during the most recent crisis brought upon by Typhoon Haiyan. I would also like to take a moment of the committee's time to thank the individual Canadian citizens, Canadian NGOs, and Canadian companies who donated so selflessly to help.

• (1540)

Thank you again for this opportunity to appear before the committee, and I welcome your questions.

[English]

Thank you, Mr. Chair.

The Chair: Thank you, Minister Paradis.

I'm now going to turn it over to Minister Yelich.

Hon. Lynne Yelich (Minister of State (Foreign Affairs and Consular)): Thank you, Mr. Chair, and members of the committee. I'm delighted to speak here at committee today for the first time as my role of Minister of State, Foreign Affairs, with specific responsibility for consular affairs. It's been a busy several months and fascinating experience to help to advance Canada's values and interests in the world, and I am proud to support the work of my colleagues, John Baird, Christian Paradis, and Ed Fast.

My interest and engagement in Canada's international relations are longstanding and I represent a riding where farming and mining are important economic activities and from which we supply our products to foreign markets. Saskatchewan's output, not just as potash, is integrated with the global economy.

I will start with a few words about the consular assistance provided by DFATD. Strengthening services to Canadians, including consular services, is one of this government's priorities. Canadians are travelling now more than ever, and how and where they're travelling is changing. This has caused an increase in the complexity of consular cases. An estimated 2.8 million Canadians reside outside of Canada.

In 2011, Canadians made nearly 60 million visits abroad and these numbers are getting higher every year. While most of these visits are incident free, we are here to help when problems do arise. Canada's consular services operate around the clock through a network of

more than 260 offices in over 150 countries. In addition, the 24/7 emergency watch and response centre here in Ottawa responds to a high number of telephone calls and emails from Canadians every day.

Last year, approximately 235,800 of our cases involved routine services such as replacement of stolen or lost passports, citizenship applications, and travel advice. There were 6,000 more serious cases, such as arrests or detentions, death, assault, family distress, or natural disasters. Some of the most complex cases involved children, such as their abduction or welfare. In all of these situations, we have to work with foreign jurisdictions and sometimes within international accords, which add more layers of complexity to our consular services.

Canadians must realize that when they are in a foreign country, that country's laws apply to them, that our consular services cannot simply exempt them from the local legal system. This is why we are providing tools to help travellers learn as much as possible about their destinations and to make safe decisions before they leave Canada. The travel.gc.ca website provides country-specific advice and other travel resources. My colleague, Diane Ablonczy, the former minister of state responsible for consular affairs, worked hard to make this a better resource for Canadians.

The site has been expanded and relaunched to enhance online services and assure accessibility. The site's content is regularly updated and is fed into by 11 other departments and agencies and supported by social media. I am proud that last month our website received the Government Technology Exhibition and Conference Award for excellence in public service delivery. I meet with stakeholders in the travel industry, including airlines, tour companies, travel associations, to get their input and advice on how best to serve Canadians abroad. These stakeholders are helpful and appreciative of the improvements that we have made.

In addition to my consular role, I have helped advance and defend Canada's broader interests on the world stage. I represented Canada at the Bled strategic forum in Slovenia, and in Croatia I promoted deeper energy ties between Canada and Europe and marked the 20th anniversary of diplomatic relations between our two countries.

It was a pleasure to promote closer engagement with Europe when we were strengthening ties through the Canada-Europe trade agreement. The agreement will generate prosperity and growth for Canadians in a wide range of sectors in every region of our country.

In Indonesia, I attended an APEC meeting of small and medium enterprise ministers and the Women and the Economy Forum.

I also had the opportunity to highlight Canada's support for women's empowerment at the United Nations General Assembly in New York. We advanced Canada's objectives related to nuclear disarmament, countering violent extremism, and the post-2015 international development agenda at the UN.

•(1545)

Finally, it's been a pleasure to support the Minister of International Trade. By consulting with industry representatives from the extractive sector, our government is determined to help that sector do well in the global economy. We are conscious that its benefits flow to every part of the country.

I am delighted to have the opportunity to help ensure that Canada provides first-class consular services and to play my part in advancing Canada's values and interests internationally.

Thank you. Merci beaucoup.

The Chair: Thank you, Minister Yelich

We'll start our first round of questions, which will be seven minutes, beginning with Mr. Dewar.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you, Chair, and thank you ministers for being here today. I'm going to focus my questions to you, Minister Baird. Of course, welcome to the committee. It's good to see you again.

I'd like to focus on the estimates. I am wanting to get from you, from this past year, how much of the funds that were allocated to DFAIT went unspent in 2012-2013.

Hon. John Baird: These are on supplementary estimates (B), but I'm happy to—

Mr. Paul Dewar: If I may, I think they're the public accounts. Maybe I should have—

Hon. John Baird: I'd be more than happy to answer the question. But maybe I'll just ask Nadir Patel—

Mr. Paul Dewar: I was going to preface my question by saying maybe it should be to someone else.

Mr. Nadir Patel (Assistant Deputy Minister and Chief Financial Officer, Corporate Finance and Operations, Department of Foreign Affairs, Trade and Development): I'd be delighted to.

For the operating vote, Vote 1, the department in 2012-13 lapsed at \$123.4 million, and that was reported in the public accounts. That's broken down. Simply to provide some additional context, \$21 million of that was what we refer to as "special purpose allotments". These were specific purpose funds that were fenced only for those purposes, and they would typically move into a multi-year spending profile.

There was \$16.8 million in frozen allotments. That means money that we can't touch; for example, currency gains around the world. You'll also see in these supplementary estimates, I think, some \$9 million approximately in frozen allotments for currency gain. We don't benefit as a department for that, but it's frozen in our estimates so it's used as an offset for other funding down the road. We don't benefit, nor are we penalized for foreign currency fluctuations.

Mr. Paul Dewar: Thank you. Could you give me an aggregate? It's reported that it's about \$350 million. Would that be a correct number for the unallocated funds for the department?

Mr. Nadir Patel: Not quite.

Mr. Paul Dewar: What would your number be? Give me an estimate.

Mr. Nadir Patel: I've got it broken down here.

Mr. Paul Dewar: Well, I only want the aggregate, if you could. I'm sure you can.

Mr. Nadir Patel: Well, the net lapse on the operating expenditures, which include a carry-forward of \$67 million, was \$85 million. Of that, \$67 million is the carry-forward into the current fiscal year from last year. So the net amount after that is actually \$20 million, and then that \$20 million includes \$12 million that was set aside for transitional support measures, money we only use to fund one-time costs related to implementing—

Mr. Paul Dewar: That's in addition to the \$124 million that you mentioned?

Mr. Nadir Patel: Right. So essentially there was no lapse in the operating expenditures, when you break it down along the lines—

Mr. Paul Dewar: Sorry, wait a minute. Sorry.

You said there's \$124 million that wasn't allocated at the beginning.

Mr. Nadir Patel: Right.

Mr. Paul Dewar: So that's not allocated.

Mr. Nadir Patel: No, so the—

Mr. Paul Dewar: Unallocated is unallocated.

Mr. Nadir Patel: The \$123.4 million was the total lapse.

Mr. Paul Dewar: Yes, sorry, it's a lapse, not spent. We'll call it that for sure. Okay.

Mr. Nadir Patel: Unspent. Of which...we break it down to the various buckets—

Mr. Paul Dewar: Fine. So for the purposes of the discussion with the Minister, we'll say \$320 million lapsed. Is that fair?

Mr. Nadir Patel: No, it was \$123.4 million in vote 1, then in the grants and contributions it was \$150 million, and the majority of that or a good chunk was assessed contributions to international organizations where the assessments came in a lot lower than we had expected.

Mr. Paul Dewar: Right. If I could cut through so people might actually understand this, there's about \$300 million you could have spent that wasn't spent.

Mr. Nadir Patel: The way I would characterize it, it's \$300 million that we actually—

Mr. Paul Dewar: That you had available to you to spend.

Mr. Nadir Patel: Well, we couldn't in fact spend it.

Mr. Paul Dewar: This is beautiful.

Mr. Nadir Patel: Assessments, as an example, for international organizations was less than—

Mr. Paul Dewar: No, I get that.

Mr. Nadir Patel: We wouldn't have given them more than what we were assessed. So there's an example of money—

Mr. Paul Dewar: But you had access to that money to spend.

• (1550)

Mr. Nadir Patel: We had it in our reference levels, yes.

Mr. Paul Dewar: Yes, thank you.

That is really what we're talking about here, that in this past year, Minister, you had a good sum of money that you could have accessed but went unallocated.

You might need help with this, Minister, but I don't think so because I actually have the numbers from your department. In the first quarter of last year, 2012-13, you had 33 projects of over \$25,000 that were approved. In this first quarter of 2013-14, you only have approved six projects over that amount. What's going on here? There seems to be a real slowing down of approvals.

Hon. John Baird: We're doing smaller ones.

Mr. Paul Dewar: Okay. How many?

Hon. John Baird: We'd certainly be happy to get you that information.

Mr. Paul Dewar: Okay, are you going to follow up with me on that? I'm sure you'll appreciate from what we just heard that there seems to be a real slowing down in approvals of that size, but you're contending here that there are many more smaller projects that are being approved—

Hon. John Baird: I said that could be the case. I have to look at each of the numbers.

Mr. Paul Dewar: So you don't know? You don't know, but you're going to get back to me on that?

Hon. John Baird: That's what I said.

Mr. Paul Dewar: We're concerned that the money that actually is there and available to be allocated for all the good things Canada should be doing is not being allocated.

If you look at the department's main estimates this year, I'll give you an example of something we're very concerned about. It indicated that the funds for the Global Peace and Security Fund were going to be sunsetted. You'll recall that conversation we had the last time you were at committee.

It's interesting and I'll go back to what you said in April. In reference to the Global Peace and Security Fund, you said:

We'll be coming forward with a new initiative in this regard that I think will get widespread support.

The supplementary estimates suggest that the program is back, but with a 30% budget cut. I guess what I'm asking is what happened to —

Hon. John Baird: If you check, there is an asterisk there.

Mr. Paul Dewar: What is the new initiative?

Hon. John Baird: We'll be coming forward with it in short order. If you notice there is an asterisk. We have been given the \$85.7 million. We can go back in supplementary estimates (C) to go to the \$130-odd million amount.

Mr. Paul Dewar: You're saying that would make up the 30% that we're not seeing in the estimates?

Hon. John Baird: There's a specific asterisk.

Mr. Paul Dewar: Right. But I'm asking you whether that what would make up the 30%.

Hon. John Baird: Yes.

Mr. Paul Dewar: Okay. Because you did say last April, "I've got a great new idea," which is what I thought was coming forward. That was last April and we're now in November and going into December and you're saying it's coming?

Hon. John Baird: Yes.

Mr. Paul Dewar: We're waiting and we'll be happy to hear about it.

Hon. John Baird: Mr. Dewar, we appreciate your enthusiasm and your anticipation for this new initiative.

Mr. Paul Dewar: I'm concerned, Minister. There's a pattern here. We're seeing a lot of people who are wanting us to do more. And even with the cuts to your department, the money that has been allocated hasn't been actually allocated. In other words, we're seeing a lapse in the funding. If I may, it seems like people are doing their job, but it gets to you and it stops. I'm wondering why we're not seeing approval for that money that's allocated?

Hon. John Baird: We don't approve every dollar that's recommended to spend. We try to act in a fiscally conservative way.

The Chair: That's all the time we have. We're going to move over to the Conservative side.

Ms. Brown.

Ms. Lois Brown (Newmarket—Aurora, CPC): Thank you very much, Mr. Chair.

Welcome to the committee, ministers. Thank you very much for being here. I have two questions for Minister Paradis and one for Minister Yelich.

Minister Paradis, we have seen in the last week a horrific situation in the Philippines and Canada has been there. Would you update the committee on the situation there and what Canada's doing?

I had to write my second question out so I made sure I got my French grammar correct.

[*Translation*]

Last week, you were in Paris and Senegal. The countries of the Francophonie are very important for Canada.

Can you tell us what your Francophonie-related projects are and what they mean for Canada?

Hon. Christian Paradis: Thank you for your question.

When Typhoon Haiyan hit the Philippines, the government initially announced an amount of \$5 million. Two days later, it announced a matching relief fund for the typhoon victims. Yesterday, the Prime Minister announced an amount of \$15 million to match the relief fund set up by Canadians. Canada's contribution is \$20 million from the government and \$19.6 million from Canadians for a total of just under \$40 million.

[English]

Let me tell you of this amount now from the \$20 million committed by the government. There is \$12 million that has been allocated: the United Nations World Food Programme \$4 million; the United Nations Children's Fund will receive \$3 million; the International Federation of Red Cross and Red Crescent, \$2 million; the International Organization for Migration will receive \$2 million; the World Health Organization will receive \$800,000 and the United Nations Office for the Coordination of Humanitarian Affairs will receive \$200,000.

Then after that, Canadian organizations will receive \$8 million and here's the breakdown: \$1 million will go to CARE Canada; \$1 million will go to Médecins sans Frontières Canada; \$1.5 million is going to Oxfam Canada, \$1.5 million is going to Plan Canada; \$1 million is going to Save the Children Canada and \$2 million is going to World Vision Canada.

The capacity and the access to communities is taken into account. As we speak, these organizations are already working on the ground.

•(1555)

[Translation]

In terms of the Francophonie, I went to Senegal last week. Two issues were discussed. The Sommet de la Francophonie will be held in Dakar in 2014 and an economic strategy will be discussed. Canada is looking forward to that. The development and involvement of the private sector to generate revenue and break the cycle of poverty will be discussed at the summit.

We signed two major agreements with Senegal. First, we signed the New Alliance for Food Security and Nutrition, a product of the G-8 Summit that took place at Camp David. It is the first time that an initiative like that has been launched in Africa. We know that 10 African countries have joined, but the first major event took place in Senegal, when the agreement was signed. We also signed the mutual accountability framework between Canada and Senegal, which stems from the Paris declaration on the effectiveness of aid to development. The fifth principle of the declaration deals with mutual accountability. This is the first time Canada has signed a mutual accountability framework on development assistance with a member country.

Both from the perspective of the Francophonie and the engagement of francophone Africa and others, the summit in Dakar is very promising in terms of the principles of governance and development. Just last week, the experience in Senegal became a tangible success story.

Thank you very much.

[English]

Ms. Lois Brown: Thank you very much.

I have three minutes.

Minister Yelich, as you know, my office has worked considerably with your office over the last number of years on several cases from my constituency of children who have been taken abroad by estranged parents. Thank you; the work your office has done has been quite remarkable.

Tomorrow is Universal Children's Day. I know you talked a little about that earlier. Can you tell us how the Government of Canada is moving forward to try to work better with the kinds of cases that we've seen out of my constituency?

Hon. Lynne Yelich: Thank you and thank you for that question. It allows me to emphasize that Canada already is a leader on children's issues, and we're working closely with provincial partners and stakeholders to assist children and parents abroad. Examples of the cases that we work on include child welfare, abduction, medical assistance, international surrogacy, forced marriage, and family distress. The total number of children's cases opened in 2012 was 561, and of these, 71 were of child abduction out of Canada.

Due to the growing demand and complexity of these cases, this afternoon I did make an announcement about revising the unit that we had created, the vulnerable children's consular unit. It includes an increased number of specialized officers and policy advisers, who will improve the level of support, including for the left-behind parent. This will resolve cases more quickly or it will help prevent cases and improve interdepartmental and federal-provincial collaboration. This is to maintain Canada's leadership status on the world stage. Finally, with the vulnerable children's consular unit we will be focusing on promoting Canada as a leader in tackling this issue. It will work to modernize existing international tools and policies like the Malta Process and the Hague Convention. It's important to note that the Hague Convention does not force foreign courts to return a child to Canada, but it gives those foreign courts the tools to decide where the child is best placed to live. I invite you to visit travel.gc.ca to learn more about what to do if your constituents are facing international child issues and to order the free publications for your offices. They are a handy item and very well put together.

Thank you.

•(1600)

The Chair: Thank you, Minister.

Now we're going to turn to Mr. Garneau for seven minutes, please.

[Translation]

Mr. Marc Garneau (Westmount—Ville-Marie, Lib.): Thank you, Mr. Chair.

My first question is for Minister Paradis.

The 2012-2013 public accounts seem to indicate that CIDA's budget has been cut. It dropped from \$3.9 billion to \$3.4 billion between 2011 and 2012, before the amalgamation. That is 13% of the budget. Could you tell us which programs have been cut?

Hon. Christian Paradis: There is a gap of \$561 million in the figures you are referring to. First, not all the money was used for the Pakistan debt relief. That money will be available for next year. There is also an unused portion of the crisis pool quick release mechanism. That amount will be placed in the crisis portion of the international assistance envelope in the next few years.

The operating budget hasn't been used fully. An amount of \$8 million will be carried over to the 2013-2014 fiscal year, which leaves \$190.5 million unused in contributions. The following order has been established: Haiti, Mali, the Diamond Jubilee and Mozambique. Given some of the challenges with those issues, an amount of \$190.5 million was unused.

Mr. Marc Garneau: Does that mean that this is a temporary situation, not recurrent, because of the various circumstances and that the budget will go back to its previous level?

Hon. Christian Paradis: That is the goal. However, I would like to point out that an amount of \$190.5 million of the budget has been added back to the consolidated revenue fund. I could provide you with more information on the reasons for that for each of those issues, if you wish.

Mr. Marc Garneau: No, that's enough.

Hon. Christian Paradis: In terms of the balance, that is \$561 million minus \$190 million, it has already been carried over to subsequent years for various reasons.

Mr. Marc Garneau: Thank you, Mr. Minister

[*English*]

Minister Baird, may I ask how close we are to ratifying the UN Arms Trade Treaty?

Hon. John Baird: We have committed to consult with Canadians before we make a final decision with respect to that. We're looking at what sort of consultation mechanism might take place and whether to hear from the broader arms control community, from industry, or from sport and hunters. We haven't set a timeline on that.

I do notice that the first few countries have begun to sign it. For example, the United States signed it, but it has not been submitted to Congress, and I would be quite surprised if the Democratic-controlled Senate were to ratify that. We'll look at it in terms of a process before we make any final conclusions.

I am confident, though, that the Canadian law is fairly strong on the export of armaments outside of Canada, and that it's among the very best in the world, so the effect for Canada, practically, will be quite small.

Mr. Marc Garneau: It seems to have become a standard practice in recent years that at any international conference where small arms are involved or discussed, the only civil society representative allowed to take part in the Canadian delegation is the president of the Canadian Shooting Sports Association, Steven Torino. For example, he was added to the delegation at the UN meetings on the Arms Trade Treaty on the recommendation, I believe, of your office, and he was also at the UN Conference on the Convention Against Transnational Organized Crime in October in Vienna in 2012.

Can you tell me why Steven Torino seems to be the only representative from civil society invited on Canadian delegations to the UN where small arms are discussed?

Hon. John Baird: Obviously, there is a significant amount of concern across the country, going back many years, with respect to the consequence of previous government's legislation affecting duck hunters, sportsmen, and sportswomen, so this has been a particular concern for our government.

Obviously, we think there's legitimate use, and by repealing the long-gun registry we have obviously honoured that request, and there was a heightened concern in that community, which we certainly worked with.

● (1605)

Mr. Marc Garneau: Were members of other organizations in civil society also invited as part of the Canadian delegation to these discussions related to the UN Arms Trade Treaty?

Hon. John Baird: They were not.

Mr. Marc Garneau: They were not. Okay.

Recently, with the CETA agreement in principle, Czechoslovakia has had the visa requirements on its nationals lifted. That happens to coincide with the CETA deal, and we're going to be looking to see if the same thing happens with Romania and Bulgaria.

I'd like to ask you about Mexico. It is a significantly greater trading partner of Canada within NAFTA and the situation with respect to visa requirements still prevails for Mexican nationals. Is there any plan to review that situation, given the very strong links we have with Mexico?

Hon. John Baird: It's not part of my department, but I'm very pleased to respond to the question.

With respect to CETA, the decision with respect to the Czech Republic is self-evident. Obviously, we have to get all of the 28 members of the European Union to ratify the deal. And this has been an irritant. I wouldn't say it's a significant or a major irritant, but this has been an irritant, both for those two or three countries and for the folks in Brussels. So we're seeking to resolve that.

In the list—I believe it was in February or March—of the first 10 countries under the first piece of reform to refugee determination, we listed Mexico. Once the two pieces of legislation are fully implemented, the first of which passed before 2011 and is currently being implemented, and the second of which passed after 2011 in this Parliament, we would hope that there would be space to be able to review the visa requirements.

The concern I have is any thought by the Mexican public or Mexican leaders as to our motivations for putting in the visa requirement—that it has anything to do with Mexico or that it was something the United States requested us to do, or we did it because of concerns with respect to crime. It was just the volume of refugee claimants that we were getting and there was such a small percentage that were deemed to be valid, or the high percentage that were deemed to be...and just abandoned. The costs in that regard were exorbitant.

I know that my counterpart, Secretary Meade, and I, as well the Prime Minister and President Peña, had good conversations with Mexico, and I look forward to the day when we can eliminate that requirement. I don't have a particular day that I can offer, but I can say it's a priority.

Mexico is a huge economy, not just as part of NAFTA but also independently. I think in our lifetime it will be a G-10 economy and maybe even better than that. We have substantial interest.... It's our third biggest trading partner, it's an important political relationship for us, as well as in trade and commerce.

The Chair: Thank you.

Thanks, Mr. Garneau.

We're now going to start our second round, which will be five minutes for questions and answers.

We're going to start with Mr. Anderson.

Sir.

Mr. David Anderson (Cypress Hills—Grasslands, CPC): Thank you, Mr. Chair.

I'm going to share my time with Mr. Goldring. He has a couple of questions he'd like to ask as well.

But this is to Minister Baird. I notice in the supplementaries that we have a \$7 million request for funding to combat human trafficking, and you—or perhaps it was Minister Yelich who said this—had mentioned the issue of forced marriage. Over the last few months, we've heard this issue coming to the forefront a little bit more. Girls are being trafficked into forced marriage and are often forced to forfeit their education, their health, and their lives.

How important is this issue to you? Can you give us a little bit of information on what Canada is doing to deal with it? I'm willing to listen to the other ministers as well, if they've got some areas in their portfolio that touch on this.

Hon. John Baird: The issue of early and forced marriage is not exclusively a women's issue. It's a human rights issue. It's increasingly a development issue. I think it's something that frankly has gone on for many centuries without being brought up and discussed.

For the last two years I have made this an issue. There is an excellent group called Girls Not Brides, which operates in Europe out of the United Kingdom. Princess Mabel of the Netherlands is the chair. There is also a group of elders including Mary Robinson and Desmond Tutu, who have advocated against this.

Every week tens of thousands of these young girls are forced into early marriage and are never able to finish their education. By extension their children also never get an education. So it becomes a cycle of dependency. They are never able to fully realize their potential, and the huge challenge this presents to the economic development of their country is profound.

We are working with other countries to begin to have this conversation internationally. We are putting some resources into this. I raised this at the Commonwealth in 2011 in Perth and it was sort of suggested to me that as this is an uncomfortable issue for some countries, that perhaps Canada wouldn't mind not pressing it so hard. If a country like Canada doesn't raise these issues, who is going to? We have tried to reach out and bring other people into a leadership role. The foreign minister of Ghana has started to work with us as have the development minister of the Netherlands and the new

foreign minister of Italy. There is even some work being done in the United Arab Emirates by one of the sheikas.

This is an issue we want to introduce into the discussion at international fora. We had the first stand-alone resolution at the United Nations. We will never see Africa or South Asia reach their full potential until we grapple with this significant problem. We're in the early stages of putting it on the global map. We have put some financial resources into it, such as grants and contributions, and we're open to doing more work in this regard and encouraging other countries to join us.

This is along with the issue of rape as a weapon of war, on which Canada has worked with the United Kingdom, putting financial resources into that and joining the effort on that.

There is the early maternal health initiative that the Prime Minister has led, particularly with the accountability initiative on which he and the President of Tanzania have taken action. These are not women's issues; these are human rights issues. These are expressions of Canadian values, ones we would like to see.

It's interesting that when Minister Yelich took over her position as Minister of State for Foreign Affairs, in one of our first discussions I said we were not going to compartmentalize these types of issues as women's issues and put them on a different tier. These are fundamental priorities for Canada. They are not just human rights issues but development issues and economic issues, because if these young women don't reach their full potential, how are Ethiopia, Sudan, or India ever going to realize their full economic potential?

• (1610)

The Chair: Thank you. That's all the time we have.

We're going to turn it over to Madame Laverdière for five minutes.

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): It is Mr. Dewar.

The Chair: I believe Mr. Dewar is going to start the questioning.

Mr. Paul Dewar: I wanted just to finish up a question to Minister Baird.

Minister, maybe this is something you can get back to us on. It's about the allocation piece and the approval of projects. Could you just give us an idea of how long it takes to consider a proposal from the time it's passed through your office until it's approved? Could you give us an idea of the timing? It's important to note the speed at which things are being approved, because there is all this money that's been lapsed. Could you provide that information to us?

Hon. John Baird: Let me say this. Obviously I have responsibility for a smaller percentage of grants and contributions in terms of development, because we have a Minister of Development and he has—

Mr. Paul Dewar: I just mean in your portfolio.

Hon. John Baird: Within my portfolio?

Mr. Paul Dewar: Yes. I want to know how long it takes from when it comes to you to be approved.

Hon. John Baird: When they reach my desk I certainly try to make decisions as expeditiously as possible.

I looked at the numbers. You claimed \$300 million was under-spent. That's about 8.8% of the budget, so it's a rather small percentage of it. Some of that can be carried over. Some of that is money we don't have access to, for example, as it's the result of currency fluctuations.

Mr. Paul Dewar: I understand that part.

Hon. John Baird: We make a guess at what our international contribution will be before we get the actual invoices for things like the United Nations, etc. We get bailed out when we're too short and the money goes back when it's too much, which, frankly, I would prefer.

• (1615)

Mr. Paul Dewar: I'm curious about how long it takes for approval of projects. Perhaps you could get back to us.

I would finally submit, Minister, that it's not about the projects that come to you for approval directly from people who want money. It actually goes to your department. It's our constituents who approve them. That's what my contention is about. Why is it taking so long for the approvals from the department to get to you? Why aren't these being approved? The approval process from your bureaucrats seemingly gets stuck with you.

Hon. John Baird: I don't make any bones about that. I don't wake up every morning with a desire to spend every single dollar that I can possibly spend.

Mr. Paul Dewar: You know that's not what we're talking about here. It's about people who are working on the ground wanting to get support. It goes through our public service and they do a darn good job of prioritizing. It seems to stop with you.

Hon. John Baird: At the end of the day I'm responsible for how that money is spent and I approve it.

Mr. Paul Dewar: When people don't get it and help people on the ground it's because of you as well, Minister.

Hon. John Baird: Absolutely.

Mr. Paul Dewar: It works both ways.

The Chair: Ms. Laverdière, you have two and a half minutes.

[Translation]

Ms. Hélène Laverdière: Thank you, Mr. Chair.

Mr. Minister, welcome.

When will you announce Canada's new contribution to the global fund?

Hon. Christian Paradis: We are working on that. As you know, the conference will be held in December. Once the decision is made, we will announce it formally.

Ms. Hélène Laverdière: Okay, because it is taking too long. Almost all our partners have made their announcements. I wrote to you and your predecessor alike. The conference will be in a few weeks. The announcement is starting to be last minute and a number of people are concerned.

Do you intend to increase Canada's contribution significantly? You probably know that Great Britain has doubled its contribution, if you will, and we are at a turning point.

Hon. Christian Paradis: Some countries, including France and Germany, have kept their contribution the same. As you know, we pioneered this initiative. We took a lot of risks and the outcome was positive, I feel. Right now, we are weighing various options. In fact, we were asked the question at the general meeting in New York City. We clearly said that we are looking at the issue and we will make a decision in due course. That said, we are well aware, as you rightly pointed out, that the conference is fast approaching.

Ms. Hélène Laverdière: The conference is fast approaching and, as everyone recognizes, we are at a turning point, a point when it will finally be possible to control those diseases. That is why it is essential that Canada maintains its leadership for once by increasing its contribution significantly.

Hon. Christian Paradis: Other partnerships are being formed, including with the Bill and Melinda Gates Foundation and the Rotary Club. In terms of polio eradication, I feel that Canada's contribution has been substantial.

A whole range of tools are being studied and we are weighing all the options.

Ms. Hélène Laverdière: Let us go back to the Philippines. I would like to understand your figures a bit better.

An amount of \$5 million was announced first.

Hon. Christian Paradis: Yes.

Ms. Hélène Laverdière: Then an amount of \$15 million was announced.

Is that the government's contribution matching the donations of Canadians?

Hon. Christian Paradis: Yes, the contributions will be matched. We want to bring certainty to the organizations on the ground; they must act right away. Furthermore, Canadians can make donations until December 9 or 10. The more they contribute, the more the government will contribute.

Ms. Hélène Laverdière: However, it is not a new envelope with \$15 million, but a matching fund.

Hon. Christian Paradis: It is a matching fund because those funds must be available now. We want to get things moving right away.

[English]

The Chair: Thank you very much.

[Translation]

Hon. Christian Paradis: At the moment, charities are active on the ground.

[English]

The Chair: Thank you very much.

We're going to now finish off on the last side here.

Mr. Goldring, are you going to start?

Mr. Peter Goldring (Edmonton East, CPC): I'm sharing my time with Mr. Allen.

My comments are more congratulatory, ministers, on the wonderful efforts dealing with the typhoon in the Philippines. We always know we have the best of soldiers, the best of military, the best of intentions and people to do the job, but you also need the best of tools. I can remember back when I first came here, and we did not. We would have to borrow or rent aircraft from the Russians or borrow it from the Americans, and the difficulty with that is that when you have disasters like this, all of those resources and assets are engaged and it's very difficult to rent them or borrow them.

For the Canadian government to have the foresight and vision to plan ahead, to have these assets in place so that they're not only there for our military needs in Afghanistan, but also there for rapid deployment in circumstances like the typhoon, I certainly want to congratulate everybody for the magnificent effort that has been done and for the planning and foresight that made this possible to do and to deploy.

I'll pass it to you.

• (1620)

Hon. Lynne Yelich: Consular services have done a lot on the ground as well. We have provided extra resources, extra people on the ground, helping to locate missing Canadians and to make contact with Canadians. I think it's important to understand that we have a very strong team on the ground and in Ottawa as well.

I just want to make sure that Christian and John don't get all the credit.

Mr. Mike Allen (Tobique—Mactaquac, CPC): Thank you, Mr. Chair. I have just a few questions on the estimates, and I might get only a couple in.

I am comforted to know that just because we have a budget it doesn't necessarily mean we have to spend it all; we have to spend it on good projects. So I appreciate hearing that.

I'm looking at the crisis pool quick release mechanism, and being very new to the committee I'd like to understand what checks and balances are associated with the requests for these funds and how that process works.

[Translation]

Hon. John Baird: I can start and Christian can continue.

[English]

Just in terms of the estimates, there was \$120 million for the crisis pool quick release mechanism. If we took the \$90 million out of that, obviously we'd have only a small bit of it left, so that's why \$90 million in funding for humanitarian assistance in response to Syria came from the crisis pool directly. Obviously, in the crisis pool there's a tremendous amount of flexibility, because it all depends on...does there happen to be a typhoon, the crisis in Syria. There's not a set way of dealing with it. This is the least money that's budgeted in case there is a crisis or a disaster.

Obviously, the crisis in Syria is the worst crisis of this century from a humanitarian standpoint. And we see what's going on in the Philippines. A lot of people look at the death toll; it's not nearly as much as expected. I'll give you an example. I talked to one constituent who has 17 family members in the affected area and none of them died, which is fantastic, but these 17 people have lost

everything, and the crisis, whether it's public health, to education, to food, to shelter, is substantial.

Hon. Christian Paradis: I was looking for the criteria for the benefit of the committee. The funding will be made available when the following criteria are met: first, if the crisis involves a multilateral response, for example, with UN agencies or the World Health Organization involved, the Government of Canada will treat the event as a major crisis requiring an extraordinary contribution from it; second, if existing crises response programs, such as DFATD's international humanitarian assistance programs or the Stabilization and Reconstruction Task Force, have sufficient resources to provide an adequate Canadian response without adversely affecting responses to ongoing emergency or stabilization work; and third, if DFATD, PCO, Finance, and TBS agree that a crisis pool draw is required.

You can see that there are a lot of checks and balances. The example that was just brought by Minister Baird is the perfect example illustrating that.

Hon. John Baird: I just met with Valerie Amos, who returned from the Philippines. She's the UN's head of humanitarian response. Canada has a great reputation, as it's had for many years, with respect to humanitarianism. Our officials and the minister do a phenomenal job, and this is something that we've enjoyed a very solid reputation in for many years.

Mr. Mike Allen: Does a request when you do an allocation like this go into those frozen funds you were talking about as this extra, because we had taken money out for Syria as well as the other efforts that we're actually taking? Does that go into a frozen pool when you request that? Or is that how that works?

Mr. Nadir Patel: If I may, no, this is money that's not necessarily in our reference levels, but it's available to us for exactly that reason, so it doesn't create challenges for our other ongoing programs or an undue burden.

There could be some money available in our frozen allotments, but the allotments that are frozen vary year over year depending on what we can't touch. So in these supplementary estimates, for example, the full amount of the quick-release mechanism amount is in there because we didn't in fact have that in our reference levels.

• (1625)

Hon. Christian Paradis: So it depends on the money that's on the ground, given what we're doing here in supplementary estimates. If the money wasn't there, nothing would be on the ground. So this is exactly the mechanism, but there are a lot of checks and balances.

The Chair: Thank you very much.

To our ministers, I want to thank you very much for taking the time to be here today. We're going to take a quick break for about five minutes just to get new witnesses in, and then we'll reconvene.

Thank you very much.

•(1625) _____ (Pause) _____

•(1630)

The Chair: Perhaps we can get started on our second meeting here.

Pursuant to the order of reference of Friday, October 25, 2013, we are considering Bill C-6, An Act to implement the Convention on Cluster Munitions.

I want to welcome Minister Baird back to the table. As well, I want to welcome his department here. We have Sabine Nolke, the director general of the non-proliferation and security threat reduction bureau. Welcome back to the committee.

From the Department of National Defence, we have Brigadier-General Charles Lamarre, the director general of operations of the joint staff. Welcome, sir.

We have from the Department of Justice, Christopher Ram, the legal counsel. Welcome back to you as well.

Minister Baird, I'll just turn the floor over to you. You have 10 minutes for your opening statement. I understand that you have a PowerPoint presentation to go through, and then we'll go back and forth with questions like we did in the last hour.

The floor is yours, sir.

[*Translation*]

Hon. John Baird: Thank you, Mr. Chair and members of the committee.

I am pleased to have the opportunity to talk to you about Bill C-6 today. As you know, the Oslo convention prohibits the use of cluster munitions. Canada was one of the first countries to sign the convention in 2008. The convention also prohibits the development, production, acquisition, stockpiling, retention and transfer of cluster weapons.

[*English*]

Let me state clearly and unequivocally at the outset: the Government of Canada is committed to ridding the world of cluster munitions. Bill C-6 is an important step in that direction, but it is just the beginning of our work. Extending the relevant elements of the Oslo convention into domestic law will allow Canada to join the growing list of countries that share the same goal. It is worth spending a few minutes on making sure that we are very clear on what we are talking about and just what is at stake.

By definition, cluster bombs involve the scattering of many small submunitions or bomblets over a wide area from a singular container. I have some examples. These are obviously mock-ups, which I can show around the room on how problematic these are. The challenge is that when these bombs rain down on an area, they all don't explode. That is problematic after the cessation of hostilities.

I have some examples here. I will ask my office staff to pass them around so that members can get a clear idea of what we are talking about.

Extending the relevant elements of the Oslo convention into domestic law will allow Canada to join the growing number of

countries in this regard. It is worth spending a few minutes on making sure we are very clear on what we're talking about and what's at stake. I have brought a few replicas with me, and we're passing them around the room.

Unexploded bomblets can pose a continuing threat to civilians long after the military action in which they are used. It is difficult to find these bomblets and it is dangerous to remove them. The unintended human toll exacted by these weapons is significant, and it is a human tragedy.

I urge committee members to look closely at these images and these replicas. There is little difference in the eyes of a child between these round bomblets and a schoolyard ball. A child sees what looks like a harmless ribbon, or a can to collect stones or to use in any other way that their young imaginations can think of.

•(1635)

[*Translation*]

Anyone who has ever met with victims of cluster bombs or who has heard their tragic stories cannot remain indifferent to their plight. I am sure that many of you around this table have had the opportunity to see how grave their situation is when you have travelled abroad.

My own experiences have deeply moved me. For instance, last month, I went to Laos in response to the country's call for international assistance. Laos has to disarm a staggering 80 million unexploded bomblets that were dropped during the Vietnam War. The war ended four decades ago, but its deadly aftermath continues to be felt. Without our assistance, there would still be deadly consequences. Words are not enough to describe the extent of human costs caused by cluster bombs.

[*English*]

Cluster munitions like this have been used in nearly two dozen armed conflicts around the world since the Second World War. Tragically, they are still being used today. This map shows the status of stockpiles around the world.

Almost 90% of the victims of cluster munitions last year were killed or maimed in the war in Syria. Despite this, there are encouraging signs that global momentum is growing to stop their production, use, and transfer.

The Oslo convention, which was negotiated in 2008, reflects widespread concerns about the impact of these weapons and provides a framework for putting an end to them. Canada was among the 108 countries that proudly signed the convention in Oslo.

Enacting the bill before you would allow Canada to legally ratify the convention and to become a state party. I think we're clear about the reality of these weapons, and I hope I can say that all of us are committed to working towards a world where they will no longer exist.

Now let's look at the reality of making this happen. The fact is, not all states are ready to ratify the Oslo convention, as we are. Interestingly, Laos, where I visited, is one of the countries that is not ready, despite being one of the first countries to sign the landmines convention.

Among those parties is the United States, Canada's closest ally and the country with which we have the closest defence and security relationship of any two states on earth. That cooperation is of central importance to Canada's national security. In this uncertain world, to walk away from generations of a unique and privileged partnership would undermine the safety of Canadians within our own continent, and it would weaken our ability to contribute to peace and security internationally.

A lot has been said about article 21 of the convention. This article permits the armed forces of states parties to conduct operations or serve in exchanges with the armed forces of non-states parties.

Not having this would have significantly undermined Canada's ability to operate in coalitions and to maintain alliance relationships. Canada and a number of our close allies would not have been in a position to sign the convention. The United Kingdom and Australia, for example, have adopted similar measures in their legislation, and for similar reasons.

Of course, I wish that article 21 were not necessary, and maybe one day it will not be. I would prefer a world in which all of our allies had signed and ratified this convention, but the reality is that we're not there yet.

Canada's unique defence collaboration with the United States takes many forms: information sharing, logistics support, joint exercises, and combined operations, to name just a few. There is no doubt that it is absolutely crucial in meeting our broader defence needs.

This close cooperation could lead to members of our armed forces finding themselves in a situation whereby the provisions of Bill C-6 might apply to them while they're simply doing the job that they are trained to do and that we ask them to do. For example, Bill C-6, because of its scope, could apply to situations where Canadian Armed Forces members call in air support when under attack, or refuel an aircraft, or even just engage in military planning or the sharing of intelligence.

Remember: this is a criminal law bill. And it is a criminal law bill that is ambitious in the scope of what it will criminalize. Without these exceptions, which are permitted by the convention itself—and I want to underline this: which are permitted by the convention itself—our servicemen and -women could be held criminally responsible for doing the tough and often incredibly risky jobs they have volunteered for.

We do not want that, and I'm sure you don't want that either, so out of concern for our soldiers, I believe that this carefully balanced approach we have taken is something that we can all support.

Let me be clear that Bill C-6 enshrines the prohibitions outlined within the convention and the permitted exceptions to those prohibitions as set out in article 21—nothing more, nothing less.

Let me make something else perfectly clear. No Canadian soldier will use cluster munitions, ever. I want to repeat that: no Canadian soldier will use cluster munitions, ever. A directive from the Chief of the Defence Staff will see to that. When this bill is passed, we can task that directive.

Let's have a look at the reality of our defence relationship with the United States and the extent to which these exclusions might apply in practice.

There are over 67,000 members of Canada's regular forces and more than 28,000 in the reserves. Each day, hundreds of these members are taking advantage of our friendship with the United States through training, exchanges, or secondment within the U.S. military. These secondments improve the security and safety of all Canadians. Within these secondments, it would be a very, very rare scenario in which a Canadian Armed Forces member might—might—be directly implicated in the use of cluster munitions by U.S. forces.

For example, at this time, there are fewer than five Canadians in command positions in multilateral operations, fewer than five single members of the Canadian Forces. The slide here gives you a sense of what we're talking about; the little red Canadian stick man is actually disproportionately large, but we couldn't make it any smaller.

As you can see, the principal offences in the bill would affect only a tiny, tiny number of personnel and operations, but the bill also has to include aiding, abetting, counselling, and other forms of indirect involvement. It is these interpretations that could potentially extend to many more personnel if we don't protect them.

• (1640)

I am proud to be able to say that Canada has never produced cluster munitions and we've never used them in Canadian-led operations.

I can also say that even though we're not yet a state party to the convention, the Department of National Defence has already begun the process of destroying Canada's remaining cluster munitions.

These munitions were acquired many, many years ago, dating back to the seventies. Given that they're older, they're probably the ones we should be most worried about. Obviously the failure rate of the explosion of the droplets would be even higher than the ones they make today. These munitions were withdrawn from service several years ago. They are secure, and they will be destroyed with Canadian oversight as soon as possible.

So as weapons of war, cluster munitions in Canada are a thing of the past. It is actions like these that will make a real difference to the horrific impact of cluster munitions.

Our actions are by no means limited to this bill. During my visit to Laos, I announced a further donation by Canada of \$1 million to help Laos deal with this horrendous remnant of a long-lost past war.

I want to put it in context. In Laos today there are 80 million of these droplets and land mines that are unexploded: 80 million. And Laos is a very geographically small country. The horrors of people scavenging for the metal to recycle and earn money, or children playing.... They had a mock-up at the Cope headquarters I visited of a typical home where many household lamps and other things used metal from these ordnances, most unexploded but some not. To think that these weapons were used in our lifetime is horrific.

Since 2006 Canada has contributed more than \$200 million worldwide to help remove such deadly legacies of conflict, but we can do more and we must do more. Looking forward, I will be allocating up to \$10 million in new support over the next 18 months.

The great benefit of this is that not only are we clearing areas, land masses, of these weapons, but when that land is cleared, people are safer and the land is now accessible for agricultural production. It's really a win-win proposition.

Canada will continue its proud tradition of support for demining efforts, victim assistance, and risk awareness programs. We will also be making contributions to support advocacy and outreach effort to non-state actors in support of the Oslo convention. Canada will continue to engage in outreach activities to promote the convention and its objectives at the diplomatic level.

We will make sure that Canada's voice is heard loudly and clearly on this issue, but we need to be a state party to have the credibility to do that. This bill is the right thing to do and the right way to do it. I call on the committee to work with us. Let us not allow our differences to stand in the way of advancing these important goals.

I want to say this: I have appreciated the opportunity to speak with a few government members and with critics from both the official opposition and the Liberal Party. I think we share the desire to tackle this problem. I look forward to your having the hearings, where you'll learn more about this. I will be ready, as always, to listen to the deliberations from all members and to your views on these issues.

I did want to come out and very clearly say two things. One, we take this issue incredibly seriously. Two, I have taken the time, that a number of you requested, to have quite a challenge function with members of the Canadian Forces to drill down on what is absolutely necessary for the article 21 exemption. I understand you'll be having some other witnesses, and I look forward to hearing a report on their testimony.

I'll be very pleased to take your questions and comments.

● (1645)

The Chair: Thank you, Minister.

We'll start with the opposition.

Mr. Dewar, seven minutes, please.

Mr. Paul Dewar: Thank you, Chair.

Thank you, Minister. I personally believe you are committed to the cause, so to speak.

I do appreciate your recent visit to Laos, too. There's nothing like seeing the effects of these horrific munitions. I'm glad you took the time to do that. It's one thing to have numbers in front of you, and theories, but seeing is believing, as they say. In this case, it's seeing something that is absolutely abhorrent.

As you mentioned, and as the key visuals you have here show, these munitions can really be horrific, and the effects—I can't imagine them on my kids or anyone else's. Essentially they're dropping land mines from the sky, and in some ways they're more devastating land mines in the way they appear.

Hon. John Baird: Much more....

Mr. Paul Dewar: Let's talk about where we're at. I appreciated that recently you commented in the press about the bill. Your quote was that there's one part of the bill that's contentious. And we've talked about that part. You mentioned it's in article 21, but in the legislation, it's clause 11, and you gave us an overview of that.

We've had some documents here comparing the legislation of other countries. Is there another state party or signatory to the agreement, the treaty, that would allow one of its officers in a multilateral force—and your support staff here can probably help—to authorize or to use the cluster munitions by armed forces from another state?

Hon. John Baird: These aren't support staff; these are the lawyers.

Mr. Paul Dewar: Sorry, these are technical experts.

Hon. John Baird: The experts.

Mr. Paul Dewar: I just want to know if there are other countries that have been signatories and implemented the legislation where one of their officers would be allowed, in a multilateral force, to authorize or be ordered to use cluster munitions. Can you identify any other countries?

Ms. Sabine Nolke (Director General, Non-Proliferation and Security Threat Reduction Bureau, Department of Foreign Affairs, Trade and Development): I may be a technical expert, but I'm certainly not claiming to be a technical expert in the legislation of other states. It is my understanding that no states would permit the use of cluster munitions, no.

Mr. Paul Dewar: That's certainly what the read and the analysis we've had says.

Just to follow-up, have Canadian Forces personnel serving as a part of a multilateral mission ever expressly requested the use of cluster munitions, ever been requested by—probably by the States, right?—another state to use cluster munitions?

● (1650)

Brigadier-General Charles Lamarre (Director General of Operations, Strategic Joint Staff, Department of National Defence): To the best of my knowledge, no, sir.

Mr. Paul Dewar: I get the two aspects to this because we know that in the case of the Ottawa treaty, the landmines treaty, there is a provision in the bill around interoperability so that we, in fact, can have Canadian forces with American forces under the treaty, wherein, it would be prohibited for Canadian forces to be commanded or in any way, shape, or form, to be asked to use landmines. The Ottawa landmines treaty is very different from what we're seeing here in clause 11.

My question is, why do we see the difference between what's in the Ottawa treaty, in the provisions of interoperability, versus what's in clause 11 of the bill, which essentially says that we can be in a situation where a Canadian Forces...? And I appreciate, Minister, your claims that no Canadian Forces member will ever be directed or will ever use cluster munitions. I take your word; I believe you're committed. But, of course, when we're talking about enactment of a treaty, and enacting a treaty, and putting into law, you're not going to be around forever, and I want guarantees—

Hon. John Baird: You're working hard on that.

Voices: Oh, oh!

Mr. Paul Dewar: I am, every day, trust me. Count on it.

Seriously, we want to have law. And you know regulation versus law; I'll take law any day.

My question is this. We have it in the Ottawa protocol, in the Ottawa treaty on landmines, where we are very much guaranteed that Canadian forces will never be in a situation where they are asked to, or in theatre with those who are using landmines. You admit that's different here, and you gave us the math on it and gave a guarantee that this would never happen. That's the essence of this. What we're looking for is an opening for an amendment on that piece. Then I think you'd find unanimity.

Hon. John Baird: I think we're just as prepared to consider a thoughtful amendment as I hope you would be—

Mr. Paul Dewar: Absolutely.

Hon. John Baird: —to our position.

I appreciate your bringing up the case of the Ottawa landmine treaty and the convention there. I'll ask Christopher Ram to comment in a moment, if I could. I'm not aware, today, that landmines are being laid. As I understand, even the United States was prepared to sign the landmine treaty if we excluded the demilitarized zone in Korea. Having said that, regrettably, a number of countries continue to use cluster munitions. The United States, even in recent years—it stunned me—have used them in conflicts like Iraq and Afghanistan. Obviously, it's a given that cluster munitions are still used.

Mr. Paul Dewar: This, if I may make a quick intervention, is exactly why we have to be careful here—

Hon. John Baird: What you said is fair.

Mr. Paul Dewar: —because of the guaranteed protection, that this treaty is not only something we support and sign on to, but something that assures us that when we act, we'll never have Canadian Forces in that position.

Hon. John Baird: Everything you've said is fair. You're doing your job well.

Can I ask Mr. Ram to comment on the Ottawa treaty? Then I want to come back.

Mr. Christopher Ram (Legal Counsel, Criminal Law Policy Section, Department of Justice): Thank you, Minister.

I think there are two stages, to answer the original question that you posed. There are reasons for one treaty being drafted differently from the other, and those have to do with international negotiations.

Mr. Paul Dewar: Of course; there's no question.

Mr. Christopher Ram: But in terms of implementing the Convention on Cluster Munitions, what we have attempted to do is to criminalize the specific actions the convention calls on us to criminalize in, I think, clauses 6(a) through 6(d) of the bill. Then the following paragraphs of the clause incorporate the elements of the Criminal Code on aiding, abetting, counselling, conspiracy, attempting, and being an accessory after the fact.

The bill itself was drafted, I may say, as a closed loop. Clause 6 creates a set of specific offences with specific *actus reus* elements, and then clauses 11 and 12 opt out certain people in certain situations from exactly the same offences. If you transpose something from another piece of legislation into this particular context, what you have is a codification of one offence—aiding and abetting in particular—and an exclusion from a different offence.

● (1655)

Mr. Paul Dewar: My time is up, and I don't want to waste your time on this, because I understand exactly what you're saying. We're just talking about how the spirit of what happened in the Ottawa treaty can be put in, in terms of clause 11 interoperability. But, alas, my time is up.

Thank you.

The Chair: Thank you, Mr. Dewar.

We're going to move over to Ms. Grewal for seven minutes, please.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Chair.

Thank you, minister, for your time and your presentation.

While some have made the criticism that the legislation before us does not go far enough in prohibiting cluster munitions, one area specifically that has come under criticism is article 21.

If article 21 had not been in the convention, would Canada have been able to ratify it? I understand that during the negotiations, countries such as Australia, the Czech Republic, Denmark, Finland, France, Germany, Italy, the Netherlands, Sweden, Switzerland, and the United Kingdom had expressed some kind of concern, if the convention were to include article 21.

Hon. John Baird: I agree with what you've said.

Obviously a number of countries want the interoperability and haven't used and won't use these type of munitions. I've expressed that the five people, out of the 80,000 or 90,000-odd members of the Canadian Forces, who might be in some exchange program in which they might be associated, wouldn't drop the bombs themselves.

But given the reason of the criminal power of law... Let me think of an example in Afghanistan. If Canadian Forces were under attack—maybe they were outside a school where girls were being educated and they came under attack and ordered air support—could they guarantee that the air support that was coming would not have or not use these weapons? If they were ordering that support in and had to seek that clarification, it would be an untenable position to say, “Don't come and give air support unless you can guarantee me that you don't possess these things”. That's why there's an exception.

If someone were refueling a U.S. airplane, for example, or a non-state party's airplane—we did refueling, for example, in Libya—would the person refueling be liable if there were cluster munitions involved? Or would air traffic control be liable, in the case of overflight? Would we have to make sure that there was no overflight over Canada of any U.S. or non-state parties to the convention, or that they wouldn't have these munitions? Transport is part of a logistical chain. Or take intelligence sharing. We do a lot of intelligence sharing, obviously, with the United States and the United Kingdom, as has come out in recent weeks.

Mr. Paul Dewar: I heard about that.

Hon. John Baird: The command... I think I understand that retired General Walt Natynczyk will come. He had an incredible experience in terms of his leadership training before he was CDS. It was quite convincing.

I guess we're, all in all, about 99.9% agreed. If this bill became law, I would be the happiest person ever that we could amend it and even amend the convention to get rid of section 21. But we're not there, and this tiny little exemption I think is necessary for national security and our interoperability with the United States.

I'm stunned that President Obama doesn't want to sign on the Oslo convention. I'm stunned that it isn't unanimous—that Russia, that China, that everyone might not want to.

Mrs. Nina Grewal: Mr. Ram, Canada has a common law system, while such countries as the Netherlands, which has ratified the convention, have a civil law system. What effect does this have on the ratification process and on the domestic interpretation of the cluster munitions legislation? Could you tell us something about that?

Mr. Christopher Ram: I'll defer to my colleague from Foreign Affairs in a second, but essentially, in its application in Canada, the convention applies to Canada in terms, for example, of the destruction of cluster munitions. In international law, as a state we are obliged to comply with those requirements as a country. The only elements of domestic law are those that are required by article 9 of the convention, which are the offences and the exclusions in this particular bill.

● (1700)

Ms. Sabine Nolke: Let me respond as well.

Many civil law jurisdictions do not require specific implementation of a treaty or a treaty's provision into domestic law. The treaty becomes part of domestic law through the act of ratification. In other words, you will not see any legislation from certain states on treaties.

In the common law systems, we're required to give it effect domestically. It's called a “dualist” system of international law, as

opposed to a “monist” system whereby essentially, once you ratify the treaty, it becomes law. That's the distinction.

Mrs. Nina Grewal: Bill C-6 has evoked comparison with the Ottawa convention that bans the use of land mines. Some have noted that Bill C-6 should adopt the exact same approach as the Ottawa convention.

I recognize that there are stark differences between the two, such as the nature of the two weapons in question. I was wondering whether you could kindly share with this committee the reason that the government has not adopted the Ottawa convention as the model for Bill C-6.

Hon. John Baird: I can answer that.

Obviously these are two different treaties for two different types of weapons. The difference largely lies in the way cluster munitions are used in different operational scenarios. Planting land mines is a delicate and infrequent... I'm not even sure whether it's employed any more, certainly by any of our allies. This weapon is used in a variety of planned and unplanned scenarios. It just differs from land mines.

As someone from the opposition said—it might have been Mr. Dewar—these are worse. The cluster munitions are worse, because at least land mines are planted strategically. These cluster munitions, these unexploded droplets, fall haphazardly everywhere. It could be just as easily in a forest, a child's playground, a schoolyard, or an agricultural field. They are everywhere.

The Chair: Thank you.

That's all the time we have for this round.

We're going to finish off the first round with Mr. Garneau, for seven minutes, please.

Mr. Marc Garneau: Thank you, Mr. Chair.

And please allow me to be blunt, Minister Baird. With all due respect, I believe that the position you have taken and that is embodied in Bill C-6 is a morally ambiguous position.

I found you to be very eloquent last Friday when you spoke in the House of Commons, when you were asked about these, and I found you to be eloquent in the first half of your speech today when you talked about the effects of cluster munitions and about why they're so horrific.

And why are they so horrific? Let me add my voice to this, because everybody has said it. It's because they kill innocent civilians for decades after they are deployed. You are clearly very aware of it.

The reason I am disappointed with your speech today—and I'm referring to the second part of the speech—is that you have provided a loophole. You have not shown Canada taking a position of leadership on this issue. You have invoked the fact that it is important for us to work with our allies and that Canada's safety would be jeopardized if we were to remove that interoperability clause.

I don't buy that for one second. Cluster munitions are one of an array of tactical weapons used in the battlefield. They are not the only weapon that is available for conflicts. As such, I don't believe the safety of Canada in joint operations that we might participate in offshore with our allies requires their use.

I would like to propose an amendment to you. That amendment would be that, although Canada continues, of course, to be a very strong ally of the United States and other countries, some of which may not have ratified the convention, if we are going to become involved in a conflict along with some of our allies who may still have arsenals of cluster weapons, we make our participation with them conditional by saying yes, we will participate, but only if you undertake not to use cluster weapons in those joint operations.

Is this something you would be prepared to consider?

• (1705)

Hon. John Baird: I appreciate the spirit in which we met and discussed this earlier, and I appreciate your comments today.

In government, we can't deal exclusively in what we'd like to see; we have to deal with the world the way it is.

In great fairness to you, sir, when your party was in government and when we went to war in Afghanistan, we did not make that request from the United States and from joint operations. If that was a good initiative and—

Mr. Marc Garneau: I'm ready to criticize—

Hon. John Baird: But that does demonstrate that you have to be realistic when you're in government.

I am not putting a loophole in this convention. This convention contemplated this exact issue.

There is no moral ambiguity in our position. We believe these weapons are wrong and we will not manufacture or use them. We will get rid of our stockpile of these weapons. Make no mistake about it.

It is not exclusive—

Mr. Marc Garneau: But Minister, you may be in a conflict—

Hon. John Baird: It is not exclusive—

Mr. Marc Garneau: —where you are doing joint operations—

Hon. John Baird: It is not—

Mr. Marc Garneau: —with another country and you are party to the use of those weapons, it does mean—

Hon. John Baird: Party...? Define—

Mr. Marc Garneau: —yes, you are ultimately.

Hon. John Baird: In fairness, define “party to the use of”.

Let me talk about one general who gained a lot of experience being the number two commander of a unit with 60,000 soldiers. If he is number two and those weapons are used in that conflict—he neither recommends their use, nor does he use them—but nonetheless, he is number two in that unit. If we're going to say that our senior military leaders could not attain that leadership development and practical first-hand experience, I think it would be a

disadvantage to realizing the full excellence that our military leadership currently holds.

Let me say another thing. These are not exclusively in conflict. If the United States, for example, were to.... If we were to follow your example—and in a perfect world it would be great if we could do so—would we have to say to the United States, “We will not allow overflights of Canada if you have these types of weapons in your possession”? Would we have to inspect, would we have requirements, would we refuse to refuel types of aircraft that might contain these types of things that may or may not ever be used in the future?

As far as Canada goes, we look at—yes, is it 100%? No. But it's 99.99999%, indefinite. If you look at this five years after this bill becomes law, I would be stunned if you see a single example where this has been used.

The Chief of the Defence Staff will come out with a very clear directive. I'm very happy to have that directive deposited with this committee. Having said that, I have looked at this aggressively. I have exercised a robust challenge function with both our lawyers and senior military leadership to ensure that this exemption, as contemplated specifically in the convention, is used as minimally as possible.

I would love nothing more than for our future Canadian government to be able to come back and say that we have negotiated the exclusion of Article 21 from this convention, and we can do it from Canadian law, but we must not let perfection be the obstacle of practical, forward-looking interventions.

When I was in Laos I very proudly congratulated Lloyd Axworthy on his leadership with respect to the Ottawa treaty to ban landmines. I'm told, though, that during those discussions that if we had been willing to make an exception for the demilitarized zone in Korea, the United States might have been able to sign on. But seeking perfection prevented getting the United States on board.

Well, you know, my job every day is to get up and try to move the ball forward and to do as much as we possibly can. If we were to wait for 100% perfection on every public policy file, precious little would move forward.

I'm always prepared to hear concerns. After this testimony, I hope you'll take time to listen to the other members of the Canadian Forces who will talk about their needs.

The Chair: Thank you, Minister Baird.

That completes our first round.

We'll start our second round, which will be five minutes for questions and answers.

Mr. Anderson, the floor is yours.

• (1710)

Mr. David Anderson: Thank you, Mr. Chair.

I actually want to follow up on that because I would like to question the experts at the table.

We haven't used these weapons and this ordnance in the past and we don't intend to use them. I wonder what would be the impact if we made it a condition, as Mr. Garneau has asked, that we won't participate in joint operations with non-signatories unless they give us some sort of guarantee that they won't be using them. What would be the impact on our ability to participate in those things?

My second question would be, how in the world would we ever guarantee such a thing?

I'm simply interested in what the impact on us would be in terms of our ability to participate with them.

Hon. John Baird: I'll take the first comment and then I'll ask General Lamarre.

We have some NATO allies that have refused to sign on to this. Turkey is one, and Poland is another. These are NATO allies. We are bound to come to their protection if they're invaded. When we say that we would basically have to pull out of NATO if some of the amendments that are contemplated by the committee.... If others coming to their aid would not swear off these munitions, it would be practically very difficult.

I think what we can do is exercise leadership and show that Canada will legally pledge not to use these armaments and will eradicate the stockpiles that were built up in the past decades. We can help lead the way.

As a matter of policy, Canada could develop nuclear weapons very easily. We have the technology. We have the know-how. We have the military delivery mechanisms. We have chosen not to do that. We still work with other countries: France, the United Kingdom, the United States.

Could I ask the General to maybe—

Mr. David Anderson: I'll just interrupt for a second and then let him answer.

Do you see our position, then, as a platform towards encouraging non-signatories to sign?

Hon. John Baird: That was part of my opening statement. We want to advocate and actively encourage other non-state parties to become state parties.

I mentioned Laos. They can't sign on to this because they can't rid their country of these unexploded ordnances. We want to help them. I've committed \$10 million over the next 18 months to help them become a signatory to the convention. DND is prepared to spend the money to get rid of our stockpiles.

BGen Charles Lamarre: I could also add on the issue of how we deal with allies and coalitions in joint operations. I made the point of looking up the participation in the NATO-sanctioned mission, ISAF, in Afghanistan. We had 51 different countries that participated in that specific operation, 21 of which were NSPs, non-signatory parties. Similarly, when we did the operation in Libya, we had 17 countries participating and 7 NSPs. Many of the names, the minister just mentioned.

From a practical aspect as well, the defence of North America is governed under NORAD. We have had that agreement for 55 years

now to participate with our American colleagues to make sure we have secure defence in North America.

Everywhere we go we participate in coalition operations. As we're providing assistance in the Philippines right now, it's a similar thing. As nations arrive, coordination centres pop up and we work together with allies, exchange liaison officers, and exchange capabilities for coordination.

All of that, of course, does not exclude us from having to respect the law of armed conflict. In no way can we participate in any sort of indiscriminate attack. We must respect the law of armed conflict. That's exactly what the CDS mandates us to do, but we do that as a matter of course in our operations.

Mr. David Anderson: Thank you.

You don't see this as a loophole, then; you see it as reasonable protection for our troops.

Hon. John Baird: It's contemplated in the convention, and my forecast would be that we're dealing with, in terms of Canadian forces, potentially zero. The worst-case scenario would be that an infinitesimal percentage of Canadian Forces might be involved in a leadership development initiative with a non-signatory party. Hopefully we can get lots of the countries that have committed to ratify the treaty to become state parties to it. We can encourage others.

We made a decision many years ago not to have nuclear weapons. I was in Kazakhstan, and they got rid of their nuclear weapons 20 years ago. We've helped to get rid of a lot of the nuclear weapons from the former Soviet Union in terms of the nuclear components being transferred from military to civilian use. I think the last shipment happened this week, in St. Petersburg.

I think there is a value in moral leadership.

● (1715)

The Chair: Thank you very much, Mr. Anderson and Mr. Baird.

We're going to turn it back over to Mr. Dewar, for five minutes.

Mr. Paul Dewar: I'm going to share what time I have left with my colleagues.

I want to correct something. Laos has signed and ratified, and that's important.

Hon. John Baird: They told me they hadn't.

Mr. Paul Dewar: They have. Whatever.

Hon. John Baird: I was there, and they told me they hadn't.

Mr. Paul Dewar: Well, they've been busy. You convinced them.

Let's get back to the issue...

Hon. John Baird: Give, give, give Dewar.

Mr. Paul Dewar: Yes, I try.

Article 21 on interoperability, we have it there. I understand why. What we're getting at though is the legislation and clause 11. I think you're opening up to amendments. I want to pause at the following. If in fact we've had the Ottawa protocol in the case of Afghanistan, in the case even of the general who will be in front of us soon, who was, I think, in Iraq. It proves the point that this has been tried and true, and so if we have that legislation, that works. I guess what we're trying to say is why not here?

Let me finish with this and I'll turn it over to my colleague. We're not talking about a situation that I believe you're putting on the table, wherein someone under the command of someone calls in an air strike, and if you're not saying air strike with clusters, you're okay. We've seen that with the landmines. I think that's an important piece. In other words—I know someone is nodding otherwise—the fact is that we have lived under that regime under the Ottawa treaty, and I believe you will find that our allies have done the same. They have put in safety measures so that interoperability is not going to be an impediment. They made it very clear that they are able to do this. I think we're just asking to have the same done. I think you're there. We just have to figure out what the language is.

Hon. John Baird: I appreciate where you're coming from and I don't mean this to be a political—

Mr. Paul Dewar: It shouldn't be.

Hon. John Baird: —retort. I'm saying which country is planting landmines in 2013?

Mr. Paul Dewar: But, it's....

Hon. John Baird: We're signing. We have the different exclusion clauses. Do you know a country that we have military operations with that has planted landmines in the last 10 years? Can you name one?

Mr. Paul Dewar: We know of ones that have used cluster munitions.

Hon. John Baird: Absolutely.

Mr. Paul Dewar: But, that's the point.

Hon. John Baird: Because we have allies that use them.

Mr. Paul Dewar: That's right.

Hon. John Baird: I don't know if we have any allies that....

Mr. Paul Dewar: I think you're arguing in favour of making sure we have provisions to exclude—

Hon. John Baird: But, I'm saying it's easy to exclude landmines if we don't have any allies using those landmines. I don't know. I'm not saying—

Mr. Paul Dewar: We could use them. They exist. Let's not get into these—

Hon. John Baird: No—

Mr. Paul Dewar: It's not.

Hon. John Baird: —but do you know of any time in the last 25 years of a country who is an ally of Canada and who has used landmines? I can't think of one.

Mr. Paul Dewar: It's not the point in treaties and implementation of treaties. It's not whether or not they were just used. If they can be used, the technology is there to use them. We want to rid the world

of them. We want to make sure there are ironclad guarantees for our forces.

Hon. John Baird: But it's easy to have an ironclad guarantee if the practice isn't used anymore.

Mr. Paul Dewar: But we have been in theatre where the protocol has been in place and it's been tried and true. What I'm saying to you, Minister, at the end of the day...you started off by saying let's look at this clause 11, if we want to get the job done. You're saying that in 99.9% of the cases it's not an issue so, I'd flip it around to you and say then why not have this provision in place?

Hon. John Baird: But, I want to—

Mr. Paul Dewar: It's not going to interoperability.

Hon. John Baird: I want to come back to your issue with the Ottawa landmines treaty—

Mr. Paul Dewar: I don't....

Hon. John Baird: —because you brought this to me, and I challenged our officials on it. I notice that when the government doesn't agree with our officials on a political level, we're slapping the face of the professionals who know what they're doing. When we support the officials, we shouldn't.

Mr. Paul Dewar: I wasn't talking about the officials at all.

Hon. John Baird: I want to come back to the landmines. Can you name any ally of Canada in the last 25 years who has planted landmines?

Mr. Paul Dewar: It's about the protocol and integrity of the treaty and how that's protecting our Canadian Forces. That's what we're getting at. I heard that you were open to look at that and that's all we're asking.

Hon. John Baird: I'm just as open to agreeing with you as you are to agreeing with me. I mean that sincerely.

Mr. Paul Dewar: That's changed because that wasn't the case when we had the bill in front of the Senate. I'm glad to see the change

Hon. John Baird: If you....

Mr. Paul Dewar: I'll take you up on it.

Hon. John Baird: Thank you.

[Translation]

Ms. Laurin Liu (Rivière-des-Mille-Îles, NDP): Thank you. I think we have 30 seconds left.

My colleague has adequately shown that the government's position is quite ambiguous. This bill does not have enough teeth. It does not provide for enough constraints. I raised this issue at our last committee meeting saying that stakeholders had pointed out that Bill S-10 does not indicate that the prohibition of assistance applies to direct and indirect investments in the production of cluster weapons and their parts. That worries me, especially since more than 25 countries already agree that the investment would be a form of assistance prohibited by conventions.

At our last meeting, the witness from the Department of Justice said that the act of helping or encouraging someone to commit a crime is automatically handled through the Criminal Code. Why do you refuse to clearly mention in Bill C-6 that the direct or indirect funding for the production of weapons is prohibited when 25 countries in the world have already done so?

• (1720)

[English]

The Chair: I'm sorry, that's all the time we have. We're over time. We're going to have to go back to the next round here.

We're going to finish off with Mr. Allen.

Mr. Mike Allen: Thank you, Mr. Chair.

Ms. Nolke, I'd like to start with you on the comments you made on the civil and the common law, and what different countries have to do in their legislation or, perhaps more important, what they don't have to do in their legislation.

You indicated that, for the ones who have signed on to the convention in article 21, by definition the exceptions in article 21 are in their civil code. Basically, if we don't see them in their law, by definition they don't have to be there, because civil law already includes that. Is that correct? In common law we have to codify it? Do I understand that correctly?

Ms. Sabine Nolke: Generally, that would be correct. I'm not speaking for all civil law jurisdictions. But for those that take the monist approach to international treaties, that would be correct. The entire treaty, including article 21, would become part of domestic law in such systems. Germany, for example, has a provision in its constitution that any time Germany ratifies a treaty, that treaty immediately becomes binding law domestically.

Mr. Mike Allen: So the effect is the same thing that we accomplish by putting the exclusion provision in clause 11 of this bill?

Ms. Sabine Nolke: That would be correct, yes.

Mr. Mike Allen: Okay.

General, I'm going to ask you the question, and maybe the minister can answer this too.

If we amended clause 11 or did something to take it out of the bill, we have five people potentially who would be affected. Let's say we have a 2IC who is commanding a force in a development activity, and cluster munitions were used by some forces within that country, what does that mean? What would that mean to one of those five people? Does that mean they could potentially be brought up on criminal charges in Canada if that happened?

BGen Charles Lamarre: Because of the legal aspect of this thing, I will defer to my colleagues.

Mr. Mike Allen: Okay.

BGen Charles Lamarre: But, if I can, as a covering statement on that, the concern is always whether, should there be a coalition, our soldiers might be exposed to criminal prosecution as we turn this bill into law.

That's my understanding, but I would defer to my legal colleagues.

Ms. Sabine Nolke: The basic answer is yes, there could be a prosecution. The provisions in Bill C-6 on the prohibitions are very wide and they include the entire range of Canadian law on aiding and abetting. For example, if you have a military expert who recommends the use of an airstrike, that could be considered counselling if one of the states in the military coalition is armed with cluster munitions. So that would be a potential exposure. The minister mentioned earlier that, if a soldier called in close air support, that could be considered actual use under Canadian law.

So, yes, there is a potential exposure. This is a criminal law bill. It creates criminal offences. These are potentially very wide-ranging because the bill is very ambitious, just as the treaty is very ambitious in the types of conduct it seeks to outlaw. That is why the exemptions are needed: precisely to provide that necessary balance, so that you do not have Canadian soldiers inadvertently caught by those criminal offences.

• (1725)

Mr. Mike Allen: Following that up, Minister—and I understand all the sign-on before would be a tremendous challenge—you talked about moving the chains. I think it's important that we move the chains down the field, using the football analogy, at least in some way to make some first downs.

But on the diplomatic front with the non-signatories, what kinds of things are we doing behind the scenes, or even out in public, to make sure that we continue to push this and get the people on side?

Hon. John Baird: I don't think we'd have much credibility pushing it if we hadn't ratified the convention. That's step number one. I appreciate that the Canadian Forces are already beginning to make plans for the destruction of the stockpiles of these weapons that we have. Those are the first two things we can do to demonstrate moral leadership: one, to get rid of the stockpiles we have; and two, to ratify the treaty.

Mr. Mike Allen: Right.

General, you already have some operational things that you're putting in on top of this bill. Is that right?

BGen Charles Lamarre: Absolutely. On top of that, the Chief of the Defence Staff will issue an instruction once the bill gets ratified and gets passed. At that point, we will take that, in a sense operationalize it, and give the direction to the Canadian Armed Forces. This will describe what the bill contains and put the limits that must be observed according to the law to make sure that we don't contravene it.

The Chair: Thank you.

That's all the time we have today, Minister.

To the various departments, thank you very much for being here today.

Hon. John Baird: Can I just make a comment?

We've had a rare example where I think the committee's doing its job, and while we've had differences of opinion they have been focused and were not on a partisan basis, which I greatly appreciate.

The Chair: Thank you.

With that, the meeting's adjourned.

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