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• (1530)

[English]

The Chair (Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.)): Colleagues, welcome to meeting number 26 of the Standing Committee on Foreign Affairs and International Development.

[Translation]

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Thursday, October 29, 2020, the committee is resuming its study of the granting of arms export permits, with a particular focus on permits granted for exports to Turkey.

[English]

We will begin the first hour with officials from Global Affairs Canada.

I would encourage all participants to mute their microphones when they're not speaking and address comments through the chair.

When you have 30 seconds left in your questioning or [Technical difficulty—Editor] I'll signal you with this piece of paper.

Interpretation is available through the globe icon on the bottom of your screens.

[Translation]

I would now like to welcome our witnesses. We have Bruce Christie, Associate Assistant Deputy Minister...

[English]

Mr. Jack Harris (St. John's East, NDP): Chair, if I may, I have a motion I'd like to move.

The Chair: Mr. Harris, we can give you the floor now. Do you anticipate a lengthy discussion? You have a time slot available to you in a few minutes.

Mr. Jack Harris: I have a motion related to committee business. It's not related specifically to the testimony today. It is a motion following up on a previous motion with respect to the publication of documents.

I'd like to move that the—

Mr. Robert Oliphant (Don Valley West, Lib.): On a point of order, Mr. Chair, I am wondering how Mr. Harris got the floor, when that is not on the agenda. We're not in a business meeting.

I would like advice from the chair and also from the clerk. I know that Mr. Harris can present a motion when he has the floor. We've had an incident in this committee not that many months ago

when the chair gave someone the floor when it was not their turn in the speaking order. I just want to confirm that this is indeed in order.

The Chair: Thank you very much for the point of order, Mr. Oliphant.

Is there discussion on the point of order?

I was trying to nudge Mr. Harris to his time slot, which will emerge shortly. He indicated that his motion is not directly relevant to the testimony of the witnesses. I'm a bit concerned about that, because it's not properly on the agenda, in that sense.

Mr. Harris, why don't we give you the floor when it's your time to speak? If you could make the motion as relevant as you possibly can to the testimony and material before us today, then I would encourage you to bring your motion at that time.

Mr. Jack Harris: I am speaking to the point of order, if that's the point.

The motion is related to the topic at hand and has to do with the study at hand. Under those circumstances, this motion is relevant and may be given without notice.

It has to do with the order for production of documents that we have already dealt with, since the last motion, to make public the previous documents that were presented to the committee. This is simply to reiterate that motion with respect to further documents that we've received since that time. I would like to be able to have a motion for the committee to render those documents public as well.

• (1535)

The Chair: Mr. Harris, I was trying to encourage you to use your allocated time slot for that. I was in the process of introducing our witnesses.

Again on the point of order, Dr. Fry, please.

Hon. Hedy Fry (Vancouver Centre, Lib.): I agree with Mr. Oliphant. I think that when Mr. Harris's turn comes up, he can then—if it is related to what the business is at hand that we're dealing with today—bring up his motion. Right now, however, I think we are introducing witnesses, and that is what the order of the meeting should be following.

The Chair: Thank you, Dr. Fry.

Is there any other discussion on the point of order?

Mr. Oliphant, go ahead.

Mr. Robert Oliphant: I really need clarification. I think it is unusual to accept a motion when someone doesn't have the floor. I am worried that someone has taken the floor, and that is not characteristic of Mr. Harris. I would say that it is not something I have noticed before.

I am concerned. I may be misinterpreting the rules. I would like to understand. Maybe the clerk could advise on this. I think it is unusual.

The Chair: Mr. Oliphant, thank you for that point of order.

I was still in the process of determining whether Mr. Harris properly has the floor or whether we should give him the floor. I was trying to encourage him, again, to use his time allocation, which I think is six minutes in the first round. Then, if he would like to bring a motion, he most certainly is welcome to do so.

If there are no other points on this, then maybe Madam Clerk could just briefly clarify, in response to Mr. Oliphant's question, whether that is indeed the correct way to proceed. I'm inclined to conclude that Mr. Harris did not properly have the floor, because I was in the process of introducing the witnesses we have for the first hour of our time this afternoon.

The Clerk of the Committee (Ms. Erica Pereira): Thank you, Mr. Chair.

If it is your ruling that Mr. Harris did not properly have the floor, he would be unable to move the motion at this time. However, with regard to Mr. Oliphant's other part of the question, the substantive motion, if it relates directly to the business under consideration, it does not require a notice period, so Mr. Harris would be able to move it during his six-minute time slot today.

The Chair: Thank you very much, Madam Clerk, and Mr. Oliphant. That's helpful.

I'm trying to be as consensus based as possible. I would encourage the committee to adopt the view that the proper way to go forward is to have Mr. Harris speak during his allocated time slot. I'm prepared to make that a ruling of the chair if that's required. Again, I encourage Mr. Harris to be as closely connected to the subject matter at hand in his motion as he says it is, and if that's the case, he's absolutely able to speak in a few minutes' time.

If that's agreeable to the committee, we would proceed with the introduction of our witnesses.

Thank you, colleagues.

[*Translation*]

I would like to welcome our first group of witnesses from Global Affairs Canada.

First, we have Bruce Christie, Associate Assistant Deputy Minister, Trade Policy and Negotiations.

Then, we have Sandra McCardell, Assistant Deputy Minister, Europe, Arctic, Middle East and Maghreb.

Joining us also is Colleen Calvert, Acting Corporate Secretary and Director General, Cabinet and Parliamentary Affairs Division.

Finally, we have Andrew Turner, Acting Director, Eastern Europe and Eurasia Division, and Shalini Anand, Acting Director General, Trade and Export Controls.

Mr. Christie, as I understand it, you are going to make the presentation. You have five minutes. Please go ahead.

[*English*]

Mr. Bruce Christie (Associate Assistant Deputy Minister, Trade Policy and Negotiations, Department of Foreign Affairs, Trade and Development): Thank you, Mr. Chair and members of the committee, for the invitation to appear today to discuss Canada's export control regime.

As you're aware, the former minister of Foreign Affairs and the directors general of trade and export controls bureau as well as the European affairs bureau at Global Affairs appeared before this committee to address the issue of the suspension of certain export permits to Turkey back in October of last year. As Minister Champagne mentioned during his appearance before the committee last November, the government will take appropriate action should credible evidence be found regarding the misuse of any controlled Canadian goods or technology.

Following allegations about controlled Canadian exports being deployed in the recent conflict in Nagorno-Karabakh, a review of the allegations was conducted by Global Affairs Canada in collaboration with the Department of National Defence. The review found that Canadian technology was [*Technical difficulty—Editor*] in Nagorno-Karabakh and other regional conflicts and that the alleged transfer of Canadian technology to a third party may have been inconsistent with the end-use assurances provided by the Government of Turkey. Therefore, the Minister of Foreign Affairs decided yesterday to cancel the suspended permits and has directed departmental officials to initiate a dialogue with Turkey to build mutual confidence and greater co-operation on export permits to ensure consistency with end-use assurances before any further permits for military goods and technologies are issued.

Canada's export controls policy with respect to Turkey will remain in place. As indicated in Minister Garneau's statement yesterday, Turkey is an important NATO ally, and permit applications related to NATO co-operation programs will be assessed on a case-by-case basis.

While the team and I will be happy to answer any questions on the review of export permits to Turkey following my presentation, I'll focus my brief remarks today on describing the process through which we assess applications for export permits, as I understand the committee had requested insight on this topic.

Canada has one of the strongest export control systems in the world, and over the last few years we have taken steps to increase the rigour and transparency of what was already a very robust system. Foremost among these steps was Canada's accession to the UN Arms Trade Treaty back in September 2019, and prior to joining the Arms Trade Treaty, or the ATT, amendments were made to Canada's Export and Import Permits Act to ensure our full compliance with the treaty.

The most significant of these amendments was the creation of a requirement to assess all permit applications for military items against their criteria outlined in the ATT. These criteria require officials to determine the risk that a proposed export can be used to commit or facilitate a serious violation of international, humanitarian or human rights law or be used to commit acts of terrorism, transnational organized crime or gender-based violence.

Under the law, the minister of Foreign Affairs must deny export permit applications for military items if, after considering available mitigating measures, he determines that there is a substantial risk that the export would result in any of the negative consequences referred in the ATT criteria.

Canadians rightfully expect that our military and strategic exports will not be used to commit human rights violations abroad, and at the same time we must be cognizant of the importance of the defence industry to the Canadian economy, particularly in a time of such difficult economic hardship. In fact, our non-U.S. exports of military goods alone amounted to approximately \$3.7 billion in 2019. Our export controls are not meant to unnecessarily hinder international trade but rather to ensure that controlled items are exported in a manner that is consistent with our values and interests.

I'd just like to discuss very briefly the process through which the department assesses the approximately 6,000 export permit applications [*Technical difficulty—Editor*]. After the export permit applications are received in our system, our engineers confirm that the items are indeed controlled for export. Thereafter, the export permit applications for military and strategic items are reviewed on a case-by-case basis against the ATT criteria and the substantial risk test. For proposed exports to low-risk destinations such as like-minded allies that are party to the same multilateral export controls regimes as Canada, a permit officer will assess the application through an analysis of the destination country against the ATT criteria. If this assessment identifies no concern, the permit will be issued at the officials level.

● (1540)

For exports to all other destinations, or if concerns are identified for a permit to a low-risk destination, the application is sent for wide-ranging consultations. Consultation partners include geographic, human rights, international security and defence industry experts such as Global Affairs Canada, as well as our missions abroad and also the Department of National Defence and, as necessary, other government departments and agencies.

If no concerns are raised during the consultation process, the application is subject to additional management approvals to validate compliance with the review process. Thereafter, the permit application is provided to the Minister of Foreign Affairs in a weekly report for his review and consideration.

If, however, concerns are raised by consultation partners, the application will be sent to an interdepartmental committee of senior officials for review. If the committee recommends issuing the permit, the application is sent to the minister for his final review and approval. If there is no consensus, or if the committee of experts recommends denial of the permit, the application is submitted to the minister for his final decision.

As you are aware, the minister of foreign affairs also has the power under the act to suspend, amend or cancel any issued permits in light of any evidence that the items exported are being or will be used in a manner that is not aligned with Canada's foreign policy, defence and security interests.

It should also be noted that the introduction of a more rigorous assessment framework has led to delays in the processing of applications. These delays have been noticed by industry, which has been very vocal in expressing its desire for a more transparent, timely and predictable system. We are now considering how we can streamline our assessment process while maintaining the level of rigour that is required under the law and that Canadians have come to expect.

With that, Mr. Chair, I will conclude my remarks. We are happy to take your questions today.

Thank you.

● (1545)

The Chair: Mr. Christie, thank you very much for your opening remarks. I thank you and your team as well for being with us.

We will now go to our first round of structured questions, of six minutes to each.

The first series goes to Mr. Diotte.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Hello. Thanks for being here, folks.

It's been alleged that the Canadian equipment used in the Armenia-Azerbaijan conflict is the optical equipment for the TB2 drone. That is what we're talking about.

I'd like to find out what role the TB2 drones have played in the conflict. Also, are the Wescam sensors an essential component of the drone, or can they be readily replaced by other components?

Mr. Bruce Christie: Mr. Chair, the review of export permits to Turkey over the period of October to December of last year determined that the Turkish UAVs, or unmanned aerial vehicles, were used in the Nagorno-Karabakh region in this part of that conflict.

Through the review of the Turkish permits that were used, there has been credible evidence brought forward that Canadian technologies were used in that conflict. Whether there are other suitable or appropriate technologies that can be fitted on Turkish drones is a question beyond my technical expertise, but I assume there are capabilities for other technologies to be used in those cases.

Mr. Kerry Diotte: Thanks.

What restrictions, if any, were placed on Turkey when we granted the export of the Wescam sensors?

Mr. Bruce Christie: Mr. Chair, as part of the export permit application process, the Canadian company, working in this case with the Turkish consignee, was required as part of the export permit application to provide end-user and end use statements concerning who would receive the technology in Turkey and what the ultimate end use of the technology would be.

Throughout that process, we have been engaged with our Turkish counterparts to confirm that the Canadian sensors or cameras that were being exported to Turkey were being used for defensive and humanitarian purposes, but were not being used in the Nagorno-Karabakh conflict.

Mr. Kerry Diotte: Now we know that exceptional circumstances can be granted to allow the export of military items to Turkey so how does Global Affairs Canada determine when there are exceptional circumstances that justify the issuance of an export permit?

• (1550)

Mr. Bruce Christie: To take a quick step back in terms of the timeline, in October 2019 the Minister of Foreign Affairs, after Turkey's incursion into northeastern Syria, suspended the issuance of new permits to Turkey until such time that we, the department, working with our like-minded partners, could determine whether our concerns that the exports of Canadian technology being used in northeastern Syria could further destabilize the region.

Further to that review, during which time no new export permits were permitted, in April of last year the Minister of Foreign Affairs resumed the export of military items to Turkey but under new criteria under which all permit applications would be reviewed on a case-by-case basis. Essentially, what came into effect in April 2020 was a presumptive denial policy. We advised Canadian exporters of military items and technology that they should assume that their permit application would be denied unless they could present exceptional circumstances, which were not limited to, but mostly based on, NATO co-operation programs. Those would be the exceptional circumstances.

Mr. Kerry Diotte: Just *[Technical difficulty—Editor]* how many and what items have been approved for export based on exceptional circumstances in that clause? Can you shed any light on that?

Mr. Bruce Christie: Mr. Chair, since April 2020, a small number of export permits to the region have been approved under those exceptional circumstances—certainly fewer than 20, and the vast majority of those permit applications that were approved by the minister fall into the category of permit amendment requests. In other words, a valid permit needs to be revised because the date of the permit has expired, the amount of money attached to the permit has changed or the company name has changed, or whatnot. Very

few permit applications were approved during that time period. As I said, the majority of them were what we deem as permit amendment requests.

Thank you.

Mr. Kerry Diotte: I have a really quick question. Can you provide any update on the allegations that Canadian equipment has been used by actors supplied by the Turkish government?

The Chair: Provide a brief answer, please, Mr. Christie.

Mr. Bruce Christie: Through the review of export permits to Turkey that was released by the minister yesterday, we found credible evidence that Canadian military technologies were used in the Nagorno-Karabakh region.

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

The next round goes to Mr. Fonseca for six minutes, please.

Mr. Peter Fonseca (Mississauga East—Cooksville, Lib.): Thank you, Mr. Chair.

Mr. Christie, it's good to see you again.

In your opening remarks, you mentioned that Minister Garneau announced yesterday the cancellation of the export permits to Turkey that were suspended in the fall of 2020 following concerns related to the conflict in Nagorno-Karabakh. Can you provide this committee with more background on this announcement? Explain what elements guided that decision *[Technical difficulty—Editor]* went through that process.

Mr. Bruce Christie: Mr. Chair, over the duration of four months during which the department conducted the review of export permits to Turkey.... I should start by saying that we didn't only review the permits that were suspended in October of last year by Minister Champagne. Those were the permits that were suspended because they were relevant to the conflict that started in the fall of last year in Nagorno-Karabakh. All permit applications during the review were looked at.

First of all, we held consultations across the range of federal government departments, as I mentioned in my opening remarks. The Turkish permit review was conducted in collaboration with the Department of National Defence, but we also collaborated with other federal government departments and agencies, for example, the Communications Security Establishment when required. We looked at the final report of the panel of experts on Libya. We looked at some of the media reporting that had come out during the conflict, including the video footage that was produced that showed one of the Turkish UAVs, or drones, was downed in the region and video footage was taken. We analyzed that video footage as well.

We spoke to the Canadian companies who were responsible for the export of those technologies. We also assessed all of that information against the Arms Trade Treaty criteria that I mentioned earlier. We also talked to our like-minded partners. We also reached out to the Turkish government and the Armenian government to help us conduct a review. Unfortunately, they did not provide information that helped us in the minister's final determination. Of course, we also looked at the reports provided by Project Ploughshares in making a final recommendation to the minister.

• (1555)

Mr. Peter Fonseca: Thank you for that. It sounds like the review was very thorough and comprehensive.

Can you now explain Canada's evolving policy with regard to these controlled exports to Turkey over the last number of years? It sounds like there has been quite an evolution to where we are today.

Mr. Bruce Christie: Mr. Chair, yes, there has been an evolution since.... As I mentioned earlier, the Minister of Foreign Affairs suspended permits to Turkey back in October 2019, following Turkey's military incursion into Syria.

In April 2020, our export permit policy to Turkey evolved further. We only approved permit applications for military or strategic goods on a case-by-case basis and only if they fit into the exceptions essentially related to NATO co-operation programs.

As I mentioned, in October of last year, the Minister of Foreign Affairs then suspended permits to Turkey relevant to the Nagorno-Karabakh region that flared up in September of last year. During that time, no export permits to Turkey were issued. Further to an assessment of the situation in Nagorno-Karabakh as a result, the suspended permits were cancelled by Minister Garneau yesterday. Those permits are no longer valid. The companies have been advised, and the export permits have been cancelled in our system.

Mr. Peter Fonseca: My next question is somewhat perplexing for many people.

How can Global Affairs Canada be objective when you're responsible for promoting business opportunities—as you said, some \$3 billion plus—for Canadian defence companies while ensuring the protection of human rights? Can you explain how you manage that difficult situation?

Mr. Bruce Christie: It has become increasingly challenging for us to balance Canadian export interests in military goods and technologies, as well as continuing to apply a rigorous risk-assessment framework using the criteria laid out in the Arms Trade Treaty to determine if a potential export of a Canadian military or strategic good could lead to any of the negative consequences in the Arms Trade Treaty that I referred to earlier, i.e., a risk that it would result in a violation of human rights, including serious acts of gender-based violence.

What we do to try to manage those two components of Canada's interests, both as an exporting nation and to ensure that we can continue to approach these export permits with a consistent, rigorous risk-assessment approach, if you will, is that we have regular dialogues through our various industry working groups. We speak to the companies themselves on a regular basis. We speak to the in-

dustry associations. We're in constant communication with companies to determine any additional information that we need to help make a determination as to whether that export permit should be approved.

At the same time, we've been trying to work with Canadian companies over the past two years to get them to be more compliant with the Arms Trade Treaty criteria and to work with us in more of a partnership to ensure that we can process export permit applications in a more timely and predictable manner. We also—

• (1600)

The Chair: Mr. Christie, I'm sorry to interrupt. We'll have to leave it there in the interests of time.

[*Translation*]

Thank you very much, Mr. Fonseca.

The floor now goes to Mr. Bergeron for six minutes.

Mr. Stéphane Bergeron (Montarville, BQ): Thank you, Mr. Chair.

Thank you for joining us, Mr. Christie. My thanks to all your colleagues who are also here to help us with the work of our committee.

It is no secret that a number of people are hailing the decision announced yesterday by the Minister of Foreign Affairs. Nevertheless, it must be said that many human lives were likely lost in coming to that decision. Alarm bells were certainly ringing. There is an Arabic proverb, I am told, saying that when something happens to us once, it's not our fault, when it happens to us twice, it may be a coincidence, but when it happens three times, it is our fault.

In the case before us, you yourself pointed out that, in 2019, questions had been raised following Turkey's incursion into northern Syria. In December 2019, the United Nations panel of experts on Libya submitted a report to the UN Security Council. The report indicated that Turkey and others had routinely supplied arms to the parties to the conflict in Libya, sometimes blatantly and with little effort to disguise the source.

Then came the conflict in Nagorno-Karabakh. Meanwhile, Canada had approved the export of equipment, some of which, as we know, was used to manufacture drones. They were used not only in Libya but also in the conflict in Nagorno-Karabakh and possibly in northern Syria. After at least two alarm bells, we approved, a little casually, I would say, the export of that equipment to Turkey.

Is that not a high price to pay?

[English]

Mr. Bruce Christie: Let me start by addressing the situation in Syria. As I mentioned, in October of 2019, as you say, we suspended permit applications following Turkey's military incursion into southeastern Syria. Further to our review of the situation, a determination was made in concert with our partners and our allies that the Turkish incursion into Syria did not destabilize the region. In fact, they went in with a view to protecting Turkish interests and not create human rights violations.

However, when we assessed the permit applications and whether they had contributed, we didn't look at whether human rights violations had been impacted in the region. We looked at whether the Canadian technology contributed to any human rights violations, or any violations of international humanitarian law. In the Export and Import Permits Act and the Arms Trade Treaty criteria that are now enshrined in the act, we do not have the legal right to look into human rights violations writ large. We look at whether human rights violations were caused as a result of the Canadian export of military technologies.

In the case of Libya, first of all, recognizing Turkey as a NATO partner, we were aware that Turkey was dealing with some very serious defence and security issues in that entire region, including in Libya and Syria. At the time, we determined through this review that was released yesterday that there may have been credible evidence as well that the Canadian technology that you're referring to—the sensors, the cameras—were used in that region as well, but prior to that we had no evidence that any Canadian military exports, or any technology exports, were being used for offensive purposes in Libya or in violation of our Arms Trade Treaty criteria.

• (1605)

[Translation]

Mr. Stéphane Bergeron: Thank you.

As Mr. Fonseca mentioned, you emphasized in your presentation that you have to look out for Canadian commercial interests above all. But at a meeting with Canadian parliamentarians, a Turkish diplomat posted to Ottawa freely admitted that Turkey no longer really needed that equipment, meaning the WESCAM technology made by L3Harris in Burlington, Ontario, because it was manufacturing its own products at home, probably by copying Canadian technology.

By trying to look out for Canadian commercial interests, have we not actually damaged them, in the sense that a country has simply copied the technology and assembled its own weapons using it?

[English]

Mr. Bruce Christie: Mr. Chair, the member raises a very interesting point, in that in October last year, when former minister Champagne instructed us to suspend the export permits relative to the Nagorno-Karabakh region, the vast majority of those permits were related to the sensors or cameras that were being exported to be affixed to the Turkish drones. At the time, through our deliberations with Turkey, we tried to reach out to help the Turkish government provide additional information to the Canadian government to determine whether or not Canadian technologies were being used in that region against the end use and end-user assurances that the

government had been provided by the government of Turkey, but unfortunately, as I mentioned, the Turkish government did not provide us with any additional information.

[Translation]

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

Thank you very much, Mr. Bergeron.

[English]

We'll have to leave it there.

The floor now goes to Mr. Harris for six minutes.

Mr. Jack Harris: Thank you, Chair.

I'm very interested, Mr. Christie, in your comments about the department's apparent lack of knowledge that these Wescam sensors were being used in the Bayraktar TB2s, because it seems to be common, open-source knowledge that these drones were built and designed around the Wescam sensors. Can you tell us more about that?

Mr. Bruce Christie: When these allegations came forward from various sources—the media, the Project Ploughshares report and through other information sources—Minister Champagne instructed us to suspend those permits while we did a review of the allegations.

I'd have to say, looking back at the conflict, the Nagorno-Karabakh conflict has been ongoing for a number of years, but was dormant for several of those years. It wasn't until September 25 of last year when the fighting resumed in the Nagorno-Karabakh region.... Literally days later, we met with Minister Champagne, who instructed us to suspend those relevant permits, so I would say it was a question of days before the minister took action.

In fairness, as I said, the conflict and the fighting in that region had been dormant for several years. It erupted rather quickly, so there was no evidence prior to that that our technologies being exported to Turkey were being used.

Mr. Jack Harris: That's not consistent, sir, with the memorandum for action approved and signed on behalf of the deputy minister of Foreign Affairs on September 2, which recommends approval of a blacked-out number of applications for permits and which talks about the various precedents referred to in the May 2 memorandum, noting that the Turkish-built drones using L3Harris Wescam optical systems were the key to the Turkish air campaign in the Syrian region.

There is also a reference to how, since that approval was granted back in 2013, we have included the L3Harris export permits application, which are listed in annex A. Since that approval was granted, Turkey has continued its military engagement in Syria, Iraq and Libya, and it took a strong stance in favour of Azerbaijan during recent fighting. It also suggests other activities in the Mediterranean, all of which could increase the risk of the drones being used in conflict, so I'm a little concerned about your saying that you had no knowledge, (a) that there were Wescam sensors in these drones, and (b) that this activity was likely to lead to the use of these drones in conflict.

• (1610)

Mr. Bruce Christie: Mr. Chair, I might turn to my colleague Ms. Anand for any clarification on this point.

At the time we were making our determinations and recommendations to the minister based on the intelligence we had at our disposal then and on the end-use assurances provided to us by the Turkish government. In other words, the Turkish government assured us that it would not be using these Canadian sensors, those technologies, for offensive purposes. We knew they were being used in the drones being built in Turkey, but we had no evidence that their use contravened our commitment under the Arms Trade Treaty.

Ms. Anand, do you have anything else to add to my answer?

Mr. Jack Harris: Perhaps we could leave it there for now, because I do have a number of other questions.

You mentioned that the only exception seemed to be for NATO-based operations—this was after April 2—and you were not notifying the public of the full exceptions that the NATO operations were part of. We see, in the same memorandum I'm referring to, that there are at least six exceptions noted, five more in addition to the NATO operations, so I don't think you're giving us the complete story here, Mr. Christie, if you're limiting your exception to the NATO operations. Is that correct?

Mr. Bruce Christie: At the time, Mr. Chair, the approval for use of Canadian technologies, as I said earlier, was being assessed on a case-by-case basis. The exceptions we looked at were if they were used for exceptional circumstances and not limited to NATO co-operation programs. The permit application could also have been approved to promote Canada's humanitarian interests in the region, but also in co-operation with allies in the region. Since those permits have been cancelled by Minister Garneau, the exceptional circumstances had been further refined to refer only to NATO co-operation.

The Chair: Thank you very much, Mr. Christie, and Mr. Harris.

We'll go into our second round of questions now. These are five-minute allotments, for the first two anyway.

Leading us off will be Mr. Chong.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Mr. Chair.

Thank you to our witnesses for appearing.

Mr. Christie, you said something to Mr. Harris that I found surprising. You said that the conflict had been dormant for many years

and it wasn't until September 25 of last year that the conflict re-erupted after years of dormancy.

However, last summer, in July, there were clashes taking place between Armenia and Azerbaijan. In fact, if you do a simple Google search, there were literally hundreds of news articles reporting these clashes. The conflict made its way into mainstream western publications such as Forbes and The New York Times, so I'm surprised that the department wouldn't be aware of these clashes that were taking place last July in the Caucasus.

The other thing I'm surprised about is that the reports on the clashes also included lots of reporting on the use of drone technology in these clashes. In fact, for example—just one example of many articles—in Forbes magazine, David Hambling reported on July 17 that Turkish Bayraktar drones were being used in the clashes between Armenia and Azerbaijan that summer, last summer. Therefore, I'm surprised that the department wasn't aware of these clashes.

I was particularly surprised, when I was reviewing the documents from the department, that in the briefing note to the Minister of Foreign Affairs about his meeting with his Turkish counterpart on September 17, there is zero mention of the clashes in the Caucasus that involved Turkey. It was widely reported that Turkey and Azerbaijan had been participating and co-operating in these clashes. There had been large-scale joint military exercises between Turkey and Azerbaijan, yet in this briefing note, again, there is zero mention of the clashes in the Caucasus.

The bottom of the document is dated September 14, and it was for a meeting that was to take place on September 17 between Minister Champagne and his Turkish counterpart. There are references to the conflict in the eastern Mediterranean between Turkey and Greece. There's mention of many other issues in the region, but no mention of the clashes in the Caucasus.

Was the department aware in September of the July clashes in Nagorno-Karabakh between Armenia and Azerbaijan?

• (1615)

Mr. Bruce Christie: I'm going to refer the question to my geographic colleagues. Maybe they can provide more of an explanation of the nuances between what I said about the battles or conflict resuming on September 25 versus the clashes that took place, as you point out, during the previous summer.

Hon. Michael Chong: Yes, I'd be interested to hear. Was the department aware of the clashes in July?

Mr. Bruce Christie: Sandra, can I turn it to you, or Andrew?

Ms. Sandra McCardell (Assistant Deputy Minister, Europe, Arctic, Middle East and Maghreb, Department of Foreign Affairs, Trade and Development): Sure. I'd be happy to add my view on that.

Mr. Chair, the member of the committee is right to raise the issue of the border skirmishes in July. The department was aware of those skirmishes that took place and, tragically, resulted in the death of 16 people.

Hon. Michael Chong: Thank you for that.

Why didn't that make it into the briefing note to the Minister of Foreign Affairs for his meeting on September 17?

To me, it seems like a glaring omission from this briefing note that there was zero mention of the clashes in the Caucasus.

Ms. Sandra McCardell: Mr. Chair, the clashes that took place in July 2020 did take place against a backdrop of rising and falling tensions between Armenia and Azerbaijan over the Nagorno-Karabakh region, which have lasted for many years. This particular flare-up in July, while of concern, did not at that time appear to be taking on what we would see down the road, a few months later, as a very significant outbreak of violence and conflict between the two sides.

Hon. Michael Chong: With respect, my view is that it's an astounding omission. I will just leave it at that.

Thank you.

The Chair: Mr. Chong, thank you very much.

The next round of questions goes to Mr. Oliphant again.

You have five minutes, please.

Mr. Robert Oliphant: Thank you very much, Mr. Chair.

I want to begin by thanking the analysts, Ms. Goody and Mr. Sikierski, for their briefing notes for today's meeting.

The notes were really exceptional. I think the work you put into them helped me understand. I have been following arms permits for a couple of years now, and your work was really good. I am going to send it to officials to read, because I really do think it's a fine outline of the history.

My first question is this: Is Turkey an ally of Canada?

• (1620)

Mr. Bruce Christie: Yes. Turkey is an important bilateral and strategic partner of Canada and, as I mentioned earlier, a valued NATO partner.

Mr. Robert Oliphant: As such, we are engaged with them in the fight against Daesh. We're engaged with them in other areas. We raise concerns, say, about Russian aggression in Ukraine, with them as an ally. Am I correct on that?

Mr. Bruce Christie: Yes, that is correct.

Mr. Robert Oliphant: It would not be unusual to have arms export permits for an ally that we would have strong concerns about...with any ally, to make sure that the end use was consistent with what it was meant to be. That would be a normal procedure that Canada would engage in with companies in Canada that do this sort of business.

Mr. Bruce Christie: Yes, that's exactly how we would engage in those types of discussions.

As I mentioned earlier, and maybe I will reiterate it as it relates to your particular question, as part of the export permit application process we seek assurances on the end-user and the end use. The end-user is the consignee in the other country, in this case Turkey. What's very challenging to do, and beyond the legal extent of our

Export and Import Permits Act, is that there's a time lag between when technology or a good is exported from a Canadian company to Turkey and when it's actually used. They could be stored in warehouses for years, for example. It would be very challenging for us down the road to make a determination as to, in this case, the technologies that were...for which we found credible evidence that were used, to determine how that relates back to a particular export permit application.

Mr. Robert Oliphant: We attempt to be vigilant on that. We work with other allies. We get information from NGOs. We do our own intelligence-gathering to attempt to keep as current as possible.

I see you're nodding, so I will accept that as "yes".

With respect to Turkey, however, we began to perceive a problem. Minister Freeland, when she was minister of foreign affairs, opened the door to that problem. We now see in our briefing notes that since that time in October 2019, we have had concerns about Turkey even as an ally. We have put them on notice, in layperson's terminology, in a number of ways, including finally Minister Champagne acting very urgently upon evidence in October and November of last year with respect to these particular pieces of equipment. Is that a fair characterization of it?

Mr. Bruce Christie: Yes, it is.

Mr. Robert Oliphant: Right now the minister had several options with respect to the suspension of the permits. It's a five-year period, I understand, for a permit. They were suspended. He could have reinstated them. He could have amended them. He chose to cancel them. That is a fairly strong action, I would understand.

Mr. Bruce Christie: That is correct. After we conducted the review of Turkish export permits over the last four months of 2020, we provided a series of options to Minister Garneau for his consideration. He could have cancelled the permits, as he did. He could have continued the suspension of those permits while we continued our due diligence to determine the validity of the end-use assurances, or he could have cancelled them and reinstated them under separate conditions.

Mr. Robert Oliphant: However, he chose to cancel them. He did something else as well, and I understand that he also has signalled to Turkey, as an ally and NATO partner, that we wanted to engage with it in a discussion to rebuild the confidence we needed to have before we could go back to a presumption of good faith. Right now, we have a presumption of denial, and we've asked Turkey to engage in a dialogue to re-prove that it will act in good faith.

Am I correct on that?

Mr. Bruce Christie: Yes, that is correct.

Minister Garneau, in his discussion with his Turkish counterpart yesterday morning, before the announcement was made, expressed his intention to instruct his officials to initiate a dialogue with Turkey to build some kind of a dialogue mechanism to increase our level of assurance that there's more validity, or a higher degree of assurance, in the end-use and end-user statements.

Mr. Robert Oliphant: I want to thank Mr. Christie for his ongoing work. This is tough work, so thank you for doing what you do.

• (1625)

The Chair: Thank you very much.

[*Translation*]

Mr. Bergeron, you now have the floor for the next two and a half minutes.

Mr. Stéphane Bergeron: In the same spirit, and if I follow the logic you have just suggested, it is even more important to demand more solid assurances from our ally Turkey. Previously, when we asked them for specifics, we were provided with none. Furthermore, to follow Mr. Oliphant's line of questioning, I believe that we can say that our ally Turkey has turned its weapons, possibly designed using Canadian technology, against another ally that was helping us to fight against Daesh. Of course, I am talking about the Kurds in northwestern Syria.

In that context, Mr. Chair, when the former Minister of Foreign Affairs, with the advice of his officials, decided to suspend arms export permits to Saudi Arabia, he told us about the establishment of an expert committee. However, last October, when officials from Global Affairs Canada appeared before the committee, we were told that the make-up of the group of experts still had to be defined.

In his presentation, Mr. Christie told us that external people were often consulted. I assume that this committee of experts should also be consulted. That said, who can we be consulting when there has been so much delay in establishing a committee of experts set up precisely to advise the department in this regard?

[*English*]

Mr. Bruce Christie: In terms of whom we consult with in relation to the relevant permits in the Nagorno-Karabakh region that were suspended by Minister Champagne last October, through our own deliberations, we consult with Canadian companies. We consult with our other like-minded partners.

Since we signed-on to the Arms Trade Treaty, we do a regular benchmarking of how Canada implements the criteria or our obligations under the Arms Trade Treaty against other countries. We find, through those deliberations, that we're very closely aligned with the majority of our European counterparts, for example. They're all slightly different.

In terms of your reference to the creation of an Arms Trade Treaty advisory panel, yes, Minister Champagne announced the creation of this panel last April. We have been working, in consultations with others, to determine the terms of reference, the mandate and the composition of the membership of the panel. The panel, as recommended, would be composed of academia and private sector representatives, as well as non-governmental organizations. Their role would be to advise Canada, not just on how we're implementing the Arms Trade Treaty but also on how to continue to benchmark that. As for when that will be announced, hopefully it will be soon.

The Chair: Mr. Christie, I'm sorry, but we'll have to leave it there.

[*Translation*]

I am sorry, Mr. Bergeron, but your time is up.

[*English*]

We'll now begin the final round of questions.

Mr. Harris, please go ahead, for two and a half minutes.

Mr. Jack Harris: Thank you, Chair.

I would like to add to what Mr. Chong had to say earlier about of Global Affairs' knowledge of what was going on in Nagorno-Karabakh in relation to what was already available or known, and first of all, to point out that the knowledge of the sensors.... In the government's own report, released yesterday, it does indicate that Baykar's product catalogue lists the Canadian sensors as the exclusive sensor technology for Baykar's UAV. This leads to the conclusion that Canadian sensors have most likely been deployed on Baykar's TB2 UAV. That was sort of there on the public record for some time, so I don't know why the confusion would exist in the government's mind about that.

Also, in June and July—this is from the government's own report, on page 5—there were media reports in Turkey that Azerbaijan was buying these drones from Turkey and also that the Turkish defence industry's president said that Turkey “will always back Azerbaijan with its UAVs, ammunition, missiles and electronic warfare systems”. Now, I note that this is in the government report, which is fine, and I'm glad that they made that available, but this and other information as well would have been available to the government in July.

I don't have very much time, Chair, for a further question-and-answer at this point because of the two and a half minutes, but I will take some of my time to move a motion:

That the committee render public the documents provided to date by Global Affairs Canada, pursuant to the order for the production of papers adopted on October 29, 2020; and reserves the right to be granted unfettered access to the unredacted documents upon request to officials at Global Affairs Canada in accordance with the motion.

• (1630)

The Chair: Mr. Harris, thank you very much.

The motion is in order, in that it matches the subject matter currently under discussion.

I invite colleagues for a discussion and debate on the motion using the virtual “raise hand” feature, please. I believe that all of us are virtually connected today, so if colleagues wish to speak to the motion, please signal that by using the virtual “raise hand” feature.

Ms. Sahota, I see your hand raised. You are first in line. Go ahead, please.

Ms. Ruby Sahota (Brampton North, Lib.): I'm not so much speaking to it. I just wanted to ask whether an emailed copy could be sent to us.

The Chair: Okay.

The motion has been read.

I'm not sure, Mr. Harris, if would you be in a position to circulate it by email or even through the clerk's office.

Mr. Jack Harris: I think we could ensure that the clerk has one. I don't know if we have all of the addresses in a gang's email list. The clerk may.

The Chair: Madam Clerk, is that something we could accommodate, just to support the discussion? The motion was read into the transcript, so it's officially before the committee for discussion, and interpretation was provided—at least, I have no points of order that suggest otherwise. If we could get it to members, that would probably be helpful.

Thank you, Ms. Sahota.

I have Mr. Harris and then Mr. Oliphant.

Mr. Jack Harris: I just wanted to add to the motion itself. I think it speaks for itself, and the committee passed a similar motion recently upon delivery of the previous documents. We were concerned, of course, that the only exception to our motion made on October 29 was related to cabinet confidentiality.

Instead, we got documents which were redacted beyond that purposely by Global Affairs Canada, which spelled out what forms of redaction they used there, which seemed to be, by the advice given to the committee, similar to the ATIP kinds of exclusions that would be made. The documents essentially were clearly available to the public, and the committee agreed to release them before. I think we can confirm—perhaps the clerk can help us on that—that these particular sets of documents were also following the same mechanism to ensure that the documents were expected to be made public.

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

Mr. Oliphant.

Mr. Robert Oliphant: In principle, I'm supportive of this. I think it's similar.

I have two questions. One is for clarification, and I may ask the chair to suspend the meeting until we can get a copy of the motion. I'd like a comparison of this motion with the previous motion to see if it's the same or different. If it's the same, obviously we'll support it. I'll support it and I assume my colleagues will.

For my second question, I wanted clarity. I don't have the blues—the record of proceedings—in front of me. Did the last motion only apply to the documents that we had received to date? I'm seeing the clerk nodding. It was a limited motion, so this is a necessary motion to extend the same activity to the new documents, which we have now received.

I just want to clarify, secondly, whether it is exactly the same wording as the first motion. If it is, we can move on and get right into our witnesses, which is quite important. If it is different, I need to look at any difference that it might entail. I need to see that.

• (1635)

The Chair: Thank you, Mr. Oliphant.

Mr. Harris, are you in a position to confirm that? We could suspend for a few minutes if that's necessary to get the text of the original motion, if committee members wish to look at it. If you're able to clarify this to Mr. Oliphant's satisfaction, then maybe we can just do this verbally.

Mr. Harris.

Mr. Jack Harris: I think the motion was based on the previous motion. The question of reserving the right to be granted unfettered access to the unredacted documents was not in the motion itself, but it was a condition recorded by the clerk as part of the decision that was made at the time. Instead of doing it that way, I've included that in the motion.

If the members of the committee wish to see the motion before voting on it, perhaps we could table it and bring it up later on in the meeting if there's a way of doing that in the procedure without me having to regain the floor and use my time to do that.

If it's agreeable by consensus with the committee that we'll get everybody copies of the exact motion and the previous one to compare it with, we can vote on it later on in the meeting.

The Chair: Thank you, Mr. Harris.

Does it seem agreeable to colleagues that we'll carve out 10 minutes at the end of the second panel to briefly revert to and review the text? I don't see any objection. Are there any discussion points on that?

Mr. Oliphant, would you be okay with that?

Why don't we do it this way? We will come to a landing at 5:20 with our second panel of witnesses. By that time, we'll have received the text of the original motion. We'll take 10 minutes to vote on Mr. Harris's motion as presented.

Mr. Jack Harris: Thank you, Chair, and thank you, colleagues.

The Chair: Thank you very much.

I thank our witnesses on the first panel for their testimony, their service and the information they provided today. We will let them disembark our virtual ship. We will suspend briefly to empanel our second panel and then resume with our discussion on the exports permits in relation to Turkey.

We will suspend.

• (1635)

(Pause)

• (1635)

The Chair: Welcome back, everyone. We're now ready to proceed with our study on the granting of arms export permits with particular attention to Turkey, and with our second panel this afternoon.

[*Translation*]

For the guidance of our new witnesses, I encourage everyone to set their microphones to mute when they are not talking and to address their comments through the chair.

When you have 30 seconds left in your time for questions, I will signal you with a piece of paper. Interpretation is available using the globe icon on the bottom of your screen.

I would now like to welcome our witnesses.

[English]

They are Dr. Bessma Momani, professor at the University of Waterloo; Dr. Chris Kilford, writer on Turkish and Middle Eastern issues; and Dr. Christian Leuprecht, professor in the Department of Political Science at the Royal Military College of Canada.

Dr. Momani, we will ask you to lead off. The floor is yours for five minutes of opening remarks.

• (1640)

Dr. Bessma Momani (Professor, University of Waterloo, As an Individual): Thank you, everyone. I'm very happy to answer questions, more so about Turkish foreign policy and certainly about the regional context. I'll give a little bit of background to some of the issues we're speaking to today, specifically the export permits to Turkey. My friend Christian is going to add to the context in terms of the utilization of the particular systems in question, but I thought I'd give a little background to some things I think are important to note.

Of course, Armenia and Azerbaijan had a very short conflict very recently, and we've talked a lot about the fact that Turkey had given the Azerbaijanis an advanced arsenal. I think it's important to point out that by virtue of its relative economic situation, Armenia hasn't really had a chance to update much of its arsenal. It has been composed almost entirely of very old systems, mostly Russian rockets. The Azeris, because they've had a lot of oil wealth, have been able to invest over the past 20 years, not only in a very diverse arsenal of weapons, but more importantly, in modern ones, including missiles, rockets and drones.

I think the attention that's been brought to the use of drones is certainly very important, but I think it's also important to point out that it's partly because the Armenians didn't have very good air defence systems that really made the drones so effective. Certainly these particular drones were really helpful, because they were able to give the Azeris a big advantage on the battlefield.

The other point we're going to talk about at some point is that the cameras put on these particular drones were also being used for other purposes. In fact, many Armenians have pointed out that they were used to make very explicit propaganda videos, so this is something else that we must consider. It's not just about their tactical advantage; they also had a very interesting messaging advantage.

One thing I'd like to point out that would be important in the conversation about where we're going is that this particular war is a shift and change in modern warfare. Drone technology is really going to change the battlefield, partly because drones are low-cost, they're cheap, and we're going to see more countries using drones, particularly those that don't have a strong air force. If you don't want to invest a lot of money in having an air force, you can use drones to effectively mimic what air power can do at a fraction of the cost. We're going to see a lot of smaller countries get access to these very cheap tactical aviation tools, which also sometimes have

precision-guided weapons. They can be very effective because they destroy much costlier equipment, such as tanks, vehicles, artillery units and so forth. Some say these drones were able to effectively wipe out approximately a third of the Armenian tanks, so they really did have a big impact on the battlefield.

Similarly, this technology is pretty widespread. The Turks, the Chinese and the Israelis are all in the business of exporting drones. It should be pointed out, though, that in Turkey, which has been manufacturing drones for the past decade in an effort to up its game in terms of its indigenous armaments industry, most of the software for these particular drones has to be imported. Having to import parts means it's not in a space to say it's completely indigenous and able to stand on its own. Hopefully, that is a helpful point to folks here.

Last, while these particular drones have been used in the Azeri and Armenian conflict, the technology has also been used, as others pointed out, in the Libyan civil war. As well, we know it's been used to support the Syrian rebels and also to target Kurdish insurgents, both inside Turkey with the PKK, and inside Iraq.

I'll leave it there. I'm very happy to answer any questions.

The Chair: Thank you very much, Professor Momani.

We'll now to turn Dr. Kilford for five minutes of opening remarks, please.

Dr. Chris Kilford (Writer on Turkish and Middle Eastern issues, As an Individual): Thank you very much, Mr. Chair, and members of the committee, for the kind invitation to speak today. I'm speaking to you from the unceded Coast Salish territories here in Victoria.

I hope I can be of assistance today in answering any questions you may have. By way of background, besides writing and providing commentary on Turkish and Middle Eastern issues, I also served in the Canadian Armed Forces for 36 years, including time as commanding officer of 4th Air Defence Regiment, so I have a fairly good understanding of air defence, air warfare and the use of drones. I also served in Afghanistan for one year, and between July 2011 and July 2014, in the rank of colonel, I was Canadian defence attaché to Turkey with cross-accreditation to Azerbaijan. I retired from the Canadian Armed Forces in September 2014. I was last in Turkey in November 2019.

To prepare for today, I had a chance to look at all the documentation that you had, especially as it relates to the Wescam surveillance and target acquisition pods that are used on the Bayraktar TB2 drones.

There's no question that after decades of on-again, off-again arms embargoes placed on Turkey by many of its NATO allies, the country has built up a significant indigenous arms industry. Much of it is overseen by the government's Turkish Armed Forces Foundation and the Presidency of Defense Industries, which are both—and this is really important, I think—directly controlled by Turkey's president, Recep Tayyip Erdoğan.

Turkey's recent military assistance to Azerbaijan, in the recapture of Armenian-held Azeri territory, is just one example of how far their indigenous arms industry has come. I would argue that use of the Bayraktar drones arguably contributed to Azerbaijan's success more than any other capability in their inventory.

When it comes to Turkey, I can't think of any armed forces anywhere in the world that is currently involved in so many armed conflicts, either directly or indirectly, other than Russia. Russia, for example, has recently warned Turkey to stop selling drones to Ukraine, no doubt worried they might tip the military balance in Ukraine's favour.

Returning to Turkey, it does have a well-trained and capable military, but it's military is beset with many internal issues, with the extensive and ongoing purges following a failed military coup attempt in July 2016. I would also add that the entire country—politically, economically and from a human rights perspective—is also facing numerous challenges. Nevertheless, the Turkish government would undoubtedly point out, if it were not for their intervention in Libya, the United Nations-recognized government would have fallen to General Haftar's forces. This is not to downplay or to suggest we excuse Turkey's regional activities that have brought on our arms embargo, but it is quite often a perspective missing in the wider picture. Based on reports from last year, I understand that Aselsan has developed its own targeting pod and may no longer need the Wescam pods in the future.

In closing, as deadly as they can be, drones do come equipped with these advanced electro-optical systems and if they're flown by well-trained operators following lawful rules of engagement, their use should arguably prevent or at least reduce civilian casualties in conflict zones.

Thank you very much.

I look forward to your questions.

• (1645)

The Chair: Thank you very much, Dr. Kilford.

Finally, Professor Leuprecht, you have five minutes, please.

[*Translation*]

Dr. Christian Leuprecht (Professor, Department of Political Science, Royal Military College of Canada, As an Individual): Ladies and gentlemen, thank you for your invitation.

I will speak in English, but you may ask questions in the official language of your choice.

[*English*]

The aim of our discussion here today, as far as I can tell, is to have a constructive conversation about the robustness of our export control system and whether there's opportunity to provide more certainty in the future with respect to the system we have.

In regard to the conversation from the previous panel, it's also important to understand that the system we have was really built during the Cold War, in which we had a fairly predictable type of conflict. Today, by contrast, we're engaged in anti-terrorism missions, counter-insurgency missions, conflict below the threshold of

war, and with countries such as Turkey that are engaged in revisionist and hegemonic foreign policies, and so the system is obviously struggling to cope with this much greater diversity of conflict.

What's at stake is inherently a controversy over defence exports. It's important to understand that defence exports are ultimately an instrument of foreign policy, and that's why the ECL ultimately belongs to the Minister of Foreign Affairs. It's also the reason the Minister of Foreign Affairs has considerable discretion to issue, suspend, revoke or reinstate permits. The minister's decision yesterday to revoke permits is quite unusual. Usually you see a suspension, but you don't see them being revoked altogether.

I would say that Canada has a very robust export control system. The system has been improved significantly since 2019 with Canada's accession to the Arms Trade Treaty. It is among the most robust in the world. I'm sure there are things we can do to improve it, but I think we're about as good as you can get. The system works because it's multilateral. We decide with other countries what is to be controlled and how we're going to control it.

The question, then, is whether this was a failure of the export control system. Well, Canada would have never allowed this type of equipment to be exported to the third party in question, that is to say to Azerbaijan. It is thus ultimately a question about end use and the authorization that came with the end use. It would appear that Turkey gave assurances with regard to end use and that the Canadian government, by my reading, was misled by Turkey in this regard.

In the previous panel we had some discussion about what the interdepartmental risk assessment showed. My reading, also based on the comments that both Chris and Bessma made, is that there was a high risk of this technology's being used for purposes that might not align with the assurances given, and that also might not align with Canadian interests over those of NATO and its partners, and we have the evidence already cited from northern Syria and from Iraq. If the ECL worked, then this is ultimately a question about the minister's discretion.

The reason this conversation is so important—yes it's about technology and drones and human rights—is that ultimately, Canadian technology here fundamentally changed the geostrategic status quo, and it changed it in a way that was not in Canada's interest and not aligned with NATO interests. Canada thus inadvertently aided and abetted a change in the geostrategic status quo.

We thus need to ask ourselves harder questions about the export of technology that might have those sorts of implications and that run counter to Canadian and NATO interests. I think the risk assessment should have shown this.

The problem, of course, as the ADM pointed out, is that it's hard to foretell the onset of this type of conflict. It could be weeks, months, or even years away from when the permit is granted. Of course, we know that Turkey was openly egging on Azerbaijan and that there was already extensive military co-operation.

What, then, could have been done to avert this?

One option is post-shipment verification. In my longer submission to this committee I lay out four options of what could have been done. I'm not sure that any of those four options would have made a big difference.

What would have made a difference, however, is if we had embassies in the region. We are selling this technology to a region where we neither have embassies in Yerevan nor Baku. That meant that we had to rely on our embassies in Moscow and Ankara to provide us with the intelligence for the strategic assessment. I would say that if we're going to engage in these types of exports into high-risk areas and regions, we need to make sure that we also have our own representation on the ground.

I would say that it is embarrassing for the Government of Canada that The Globe and Mail sent a journalist to investigate, but we didn't have diplomats on the ground to investigate. That's why we need to ask ourselves some hard questions.

Here are two points to finish on.

There was concern about the redactions to the documents provided. I think if there are concerns, you can always refer the matter to the NSICOP, which could then look at these documents in greater detail. That said, I do that the documents complied with the need for redactions of third party information.

I would just like to close by reminding ourselves that we live in a very challenging, very competitive and hostile global geostrategic environment in which defence exports matter. They matter in instrumental foreign policy, but they matter also as an instrument in providing for a stable world. They allow us to have influence that otherwise we would not have.

People who claim that somehow defence exports make us less safe and that we shouldn't be engaged in this are just fundamentally wrong. They fundamentally misunderstand the world in which we live, where it is key for Canada to make its contributions of high technology. We also, however, have a responsibility to ensure that they are used responsibly and in line with the assurances that all partner countries give us in this regard.

Merci.

• (1650)

The Chair: Thank you very much, Professor Leuprecht.

We will now go to our first round of six-minute interventions. Leading us off will be Mr. Chong.

Hon. Michael Chong: Thank you, Mr. Chair.

Thank you to our three witnesses for appearing in front of us today. I appreciate your taking the time to talk to us.

I don't know if they've had the opportunity to review the government's most recent report, the final report on the review of export permits to Turkey, but there are a number of conclusions in it by the department that I wanted to ask our three witnesses about.

The first conclusion is in answer to a question. The question posed in the report is, "Is the continued export of Canadian military goods and technology to Turkey consistent with Canada's obligations under the Export and Import Permits Act and the Arms Trade Treaty?" The department concluded that "The department assesses that there is no substantial risk that Canadian military goods and technology exported to Turkey would be used to undermine peace and security".

Do our three witnesses share that conclusion?

• (1655)

Dr. Christian Leuprecht: Mr. Chong, I'm happy to weigh in.

I would suggest that it's a conclusion that was reached based on the criteria Mr. Christie laid out, but I think what I'm trying to put forward in my submission is whether or not we are assessing this against the right criteria. We actually need to have a broader geostrategic understanding as to the implications of technology, and perhaps our criteria are framed too narrowly in arriving at the conclusions that we did.

I do not question the conclusions by our colleagues in Global Affairs Canada. I think theirs is a tough job, and I believe in their professionalism and competency.

Hon. Michael Chong: Following up on your answer, are the criteria too narrowly defined because of the framework legislation, the EIPA, or has the department too narrowly defined the criteria?

Dr. Christian Leuprecht: Good civil servants will always try to work within the authority provided by the legislation, so I think there's perhaps an opportunity to revisit either the legislation or the interpretation of the legislation as it is provided to the departments when making their assessments.

I think in light of my remarks about the changing nature of conflict, which my colleagues have echoed, there is perhaps the need to have a broader geostrategic understanding of the potential implications of Canadian technology as part of the assessment.

Dr. Bessma Momani: I'll quickly add to that, if that's okay.

Hon. Michael Chong: Yes, absolutely.

Dr. Bessma Momani: On that question, which I think is a really important one, you have to ask where the technology is being used. In Libya, in some way, I'd say yes, because it is supporting the internationally sanctioned government.

In Syria, as well, it's certainly being used to fight ISIS and to defend the Syrian people against Russian incursions.

I don't think so within Iraq, where the war against the PKK has come with a great deal of human rights abuses, despite the fact that the PKK are pretty terrible themselves. That said, Iraq has certainly been really helpful supporting the Kurdish government of Iraq and has very much been fighting ISIS as well there, supporting us.

I think in the recent conflict, Nagorno-Karabakh, I'd say no. It was a frozen conflict. I think peace and stability would have been best served by keeping that conflict frozen. Certainly there's lots to be said about the fact that most of the population were ethnic Armenian, even though, I think, by international law standards, perhaps the territory did belong to Azerbaijan; but for the people on the ground, I don't think you could measure that as keeping peace and security.

Hon. Michael Chong: Thank you, Dr. Momani, for that answer.

You mentioned human rights abuses in Iraq, particularly against the Kurdish minority. The Global Affairs report concludes on page 14 as follows:

Taking into account the considerations set out below and after a review of UN and other open-source reporting, the department assesses that there is no substantial risk that Canadian exports of military goods and technology to Turkey would be used to commit or facilitate serious violations of [international humanitarian law].

That would seem to be a different conclusion from the one you've just outlined with respect to the Kurdish minority.

The other interesting thing in the report is that the department also concludes that these military exports would not undermine peace and security. It concludes:

...overall, Canadian exports of military good and technology to Turkey contribute to regional peace and security, despite some recent instances that warrant some concerns.

Finally, it concludes that:

There is no evidence to suggest that the Canadian exports of military goods and technology to Turkey have had any significant impact towards destabilizing the region.

There seems to be a bit of a disconnect here between some of the conclusions in the report and what we know has been taking place over the last two years on the ground in the region.

I'll just put it out there that the entire process by which these permits are risk-assessed and approved seems to be broken within Global Affairs.

• (1700)

Dr. Christian Leuprecht: Mr. Chong, I think our emphasis—

The Chair: Give a very brief answer, please, because we're almost out of time.

Please go ahead, Professor Leuprecht.

Dr. Christian Leuprecht: Our emphasis needs to be on the track record that a particular country has with regard to our equipment and to the equipment provided by our multilateral partners in order to maintain the integrity of the multilateral export control system.

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

Mr. Fonseca, you have six minutes, please. The floor is yours.

Mr. Peter Fonseca: Thank you very much, Mr. Chair.

Thank you to our panellists.

We heard from the first panel in the first round that, through GAC, Canada reviews over 6,000 export permit applications per year. Then we heard that they do quite an extensive review. There's a policy and a process in place. It looks very thorough from we heard.

I want to ask the panellists—and this could be for any one of the panellists—how many other countries use independent oversight over sales and permits of military exports? How many countries do that in the world?

Dr. Christian Leuprecht: What do you understand by independent oversight?

Mr. Peter Fonseca: I mean independent oversight as we heard from Global Affairs.

Do the other countries put the human rights lens, as we do, on those permits?

Dr. Christian Leuprecht: As you're probably aware, there are four international regimes now with the ATT that added a fifth qualitative measure on the regimes that are currently in place. Those include things such as the Wassenaar agreement that lay baseline benchmarks against which all parties to the regimes assess export-control permits.

However, the interpretation of those benchmarks is then ultimately a function of sovereignty. Even within that legislation—that sovereignty—all of those countries still accord considerable discretion to the ministers or secretaries of state when it comes to foreign affairs. This is precisely because, for all of those countries, arms exports of defence technology is an instrument of foreign policy.

Mr. Peter Fonseca: We heard of course heard that the minister cancelled the export permits to Turkey. He took quite a measure there.

Are other countries taking these types of measures? Have you seen these types of measures by other countries?

Dr. Christian Leuprecht: We saw the aggressive measures by France, for instance, which also had political reasons, namely, their own particular geostrategic interests, the way they see Turkey as a regional actor and their understanding of Turkey's reliability as a NATO member country.

Different countries within the same benchmarks have very much arrived at different conclusions, and they have done so at different points in time with regard to export permits of defence materials to Turkey.

Mr. Peter Fonseca: Professor Momani, we did a study on Nagorno-Karabakh, and we heard during the study that Azerbaijan really overpowered the Armenians with the resources they had and the amount of money they were putting into this.

Can you give us a bit more insight into that in terms of Azerbaijan and the Armenians?

Dr. Bessma Momani: Yes, absolutely.

Mr. Peter Fonseca: You also mentioned it.

• (1705)

Dr. Bessma Momani: Yes. Thank you.

Azerbaijan has been acquiring a number of weapon systems for the past, I'd say, 10 to 15 years. In fact, many were wondering what the reason for the stockpile was. It seemed to be that.... Those who are watching the region thought that indeed they were going to try to take back this region.

They've been investing very heavily. They have of course been buying mostly Israeli technology. There is a bit of Turkish technology, but most of their weapon systems are Israeli.

I think Azerbaijan is a country that has a lot of wealth, and it is certainly increasingly trying to play up its nationalistic base. The president is very much a nationalist, and this was a very popular war by the standards of most Azeris.

Mr. Peter Fonseca: They would have brought in tens, hundreds or maybe thousands of weapons from many different places. You said Israel and other places around the world, but there were many places and thousands of weapons, and we're talking about a few cameras that came from Canada.

Dr. Kilford, could Turkey import similar sensor systems from other countries? Are they available for their drones?

Dr. Chris Kilford: Yes, they could. There are other manufacturers, but they prefer the Wescam. The Wescam has obviously grabbed huge market share around the world because it's a very, very high-quality product. I wouldn't put it past the Turks to also develop their own systems. I think they are on track to doing that.

It's one thing when they say they don't need us. The reality probably is that they still do. They may say they have their own capability, but I reckon they would love to have our Wescam cameras back on their drones and keep using them. They could search out other suppliers.

Mr. Peter Fonseca: As you heard, Dr. Kilford, there are many, many weapons around the world.

Could you provide us with some examples, with your insight from the region, on Canada-Turkey-NATO co-operation programs?

Dr. Chris Kilford: We don't have a tremendous amount of co-operation, but when you look at the NATO headquarters in Baghdad that's been training the Iraqi armed forces, over the last two years Canada has been in command and Turkey has been second in command. We are working very closely with the Turks. That gives you one example of where there is co-operation, so yes, there is, but I probably wouldn't say it is a large amount of co-operation.

The Chair: Mr. Fonseca, you have time for a very brief question and answer.

Mr. Peter Fonseca: Okay. I'll pass on the time, Mr. Chair. Thank you.

The Chair: Great. Thank you so much.

[*Translation*]

Mr. Bergeron, the floor is yours for six minutes.

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

I would like to thank our witnesses for their testimony; it is very helpful for the work of this committee. If I may say, they put into perspective the opinions expressed by officials from Global Affairs Canada a few moments ago.

Two points seem to emerge from their remarks. First, it is clear that the difficulty with our arms sales to a country like Turkey has to do with the fact that they are a member of NATO. If that were not the case, it would be much easier for Canada to take a position on arms sales to that country.

The other point is that we still are not very aware of the change that is taking place in that country. Contrary to what Ms. Momani told us, Mr. Leuprecht, you indicate in your document that the Turkish intervention in Libya is basically at odds with NATO policies. By that you mean that Turkey has in the past adopted a sovereign foreign policy whose objectives diverge from those of NATO. That is what we see. My reading tells me that this is also the case in Syria, where the Turks have famously turned against the Kurds, who were once our allies against Daesh.

Could you talk to us about the paradigm shift that seems to be in the process of taking place? I mean that Turkey, which has always been somewhat of an unruly ally within NATO, is becoming even more so with the change taking place inside the country.

Dr. Christian Leuprecht: Turkey is undertaking a revisionist and hegemonic foreign policy which, at some times, coincides with our interests and NATO's interests, but, at other times, does the opposite. Turkey does not ask NATO or Canada to tell it what policy to follow, as Libya does, for example. So our interests sometimes coincide and sometimes do not coincide, almost at random.

So that must be considered. Turkey often acts in a much more sovereign and unilateral fashion than most other NATO member countries. We see that in our Department of Foreign Affairs, since, for a number of years, Turkey has been the object of many more specific investigations about arms export permits than other NATO members.

The points you are raising, therefore, are already considered by the minister and his officials when it comes to issuing permits.

• (1710)

Mr. Stéphane Bergeron: I don't know whether...

[*English*]

Dr. Chris Kilford: Could I answer that too?

Mr. Stéphane Bergeron: Yes, please.

Dr. Chris Kilford: Thank you.

I think you also have to look at Libya in 2011. It was NATO that got involved in Libya. We had a Canadian general in charge of that NATO operation. Of course, the country fell apart and entered into a civil war. You now have the UN-recognized government in Tripoli being surrounded and almost taken over by General Haftar, who is considered to be a warlord. Turkey has stepped in. The drones, with Canadian technology, have turned the tide and now we have a ceasefire and elections, so maybe that should be seen as a positive—I think so.

When I listen to the Turkish perspective of their dealings in Syria against the Kurdish YPG, they just say that's an extension of the PKK, which is an organization that Canada recognizes as a terrorist group. For them it's a case of looking out for their own immediate interests. I understand why they would be using those drones, because it's providing security to them as a country.

Dr. Christian Leuprecht: I'm a bit concerned by the equivalence that Chris is drawing here because, clearly, the NATO intervention had an international umbrella of agreement that was not granted likewise to Turkey for its own intervention. To the contrary, there is strong disagreement between Turkey and the European Union, and countries such as Turkey and France, on everything from the Turkish intervention to Turkish arms exports to Libya.

I think there are limits to the equivalencies that can be drawn here.

Dr. Chris Kilford: I would just add, though, that France had its own interests in Libya as well. You saw that play out in the Mediterranean between naval ships.

I think the lesson here is that when we as a country sell weapons into the Middle East, it comes with all of this that we're speaking about, and we have to understand that.

[Translation]

Mr. Stéphane Bergeron: Turkey's foreign minister has stated that Canada has a double standard in terms of our policy, because we see no problem in exporting arms to countries that are militarily involved in the crisis in Yemen, where one of the century's greatest human tragedies is unfolding.

Is he right?

[English]

The Chair: Just give a brief answer, please.

[Translation]

Dr. Christian Leuprecht: Once again, I am afraid that the statement is not exactly an equivalent, because Saudi Arabia has given assurances, and means of verifying them, about the use of the arms. They have not lied about those assurances, as Turkey has done. To my knowledge, so far, Canadian arms exported to Saudi Arabia have been used according to the conditions under which the export permits were issued.

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

[English]

Our final intervention this afternoon goes to Mr. Harris.

Again, Mr. Harris, you have six minutes, please.

Mr. Jack Harris: Thank you, Chair, and thank you to the witnesses for being here today and helping us out.

I want to ask a question of Dr. Momani.

The use of drones you referred to as a feature of modern warfare, being cheap and easy to come by and maybe capable of being used by people who don't otherwise have access to full military equipment.

Do you fear that this will make for instability in the future, if someone can use money to buy drones and doesn't have to risk their own people to use them and inflict damage on someone else?

We know they've been used for targeted killings and can easily be used to target civilians, etc. Is there a human rights concern with that technology being proliferated in the world today? Is there anything we can do about it?

• (1715)

The Chair: Mr. Harris, if you'll excuse me for one second, for the next question that you ask, can you raise your mike slightly for interpretation? They're having trouble picking you up.

We'll turn it over to the witness. Thanks.

Dr. Bessma Momani: To your question, and it's a good one, it is a game-changer. However, it's nothing special about the technology. It's the fact that it's new. It's an emerging technology. We're going to see lots of questions about the use of drones in almost every aspect of our lives. It really is going to be a game-changer in so many things, from the way that Amazon delivers packages to certainly the way that wars are being fought.

They're getting better. It is one of those technologies that continues to get smaller and lighter, with a longer battery life, better camera, sensors—you name it. I think it is definitely going to be a game-changer. The point is that where there was a cost barrier to having a full-fledged air force, that is now being eroded, because this technology is very easily accessible. It's cheap.

Increasingly, again, to the point that was brought up earlier, the Chinese are in the game as well. I wouldn't say they've surpassed the west by any standard, but they're not far. I don't think the Chinese have any—certainly I'm pretty sure they don't—human rights controls or export controls on that technology, or any technology that they sell.

Mr. Jack Harris: It's important for us to keep our eyes on this feature of modern warfare all right. Thank you.

Dr. Kilford, thank you for your service.

I have a technical question for you about the drones used—and maybe you don't know the answer—in Nagorno-Karabakh. You referred to target acquisition as a feature of these drones. Is that the sense of identifying targets for other people to use, or are they target acquisition drones, in the sense that they are armed drones for executing armaments against targets?

Dr. Chris Kilford: The Bayraktar TB2 drones can loiter overhead for up to 25 hours. They have surveillance capabilities on board, but they also have four weapons hard points. That means that once they identify a target, they can also launch a rocket or a missile against that target. It's a total package.

Mr. Jack Harris: I have a question for Dr. Leuprecht, as well, in keeping with his pre-circulated speaking notes.

You made a reference to the public information available, based on Turkey's actual involvement and other activities that were going on:

Since this is public information, there is little doubt that the inter-departmental risk assessment provided to the Minister on this particular matter would have flagged that the granting of this particular permit was a high-risk proposition. At the time, Turkey was already conducting military exercises with Azerbaijan and encouraging Azerbaijan to change the status quo—by military means.

Then you said:

The Minister exercised his discretion in approving the permit anyway.

I gather from that, you feel the department was deficient in assessing the risk. Although, we see, based on the memorandum that was released with the documents—the memorandum of action, as it was referred to, from September 2—that in fact the department is saying it meets the requirements of the ATT but has some exceptions offered, and recommended that you approve the issuance of the applications in the attached annexes. That seems to me that they did approve them.

I conclude, then, that you must believe the assessment was inadequate by the department.

• (1720)

Dr. Christian Leuprecht: The assessment would have been based on the information the department had. I think the department could have perhaps had better information, perhaps about illicit technology transfer, had it had individuals—diplomats—on the ground. As the other witnesses raised, this technology is highly challenging because it can be dual use for surveillance and humanitarian purposes, or for conflict purposes.

That's why the maximum strategic assessment is absolutely essential. We also want to leverage this technology for stability in a highly unstable world, so simply not selling it to anyone ever again is also not a solution here.

Mr. Jack Harris: I understand there are a fair number of permits being issued and requested and all of that, but we do know—not everybody else, but it's common knowledge for those who pay attention to these things—that these sensors were being used by Bayraktar for their drone and that's what they were being sold to them for. The representative of the department talked about how they have intense discussions and relationships with the manufacturer, so they do know where they're going.

Would you recommend that greater due diligence be pursued by the department when assessing these things, particularly when it's obvious from public sources that drones were being sold to Azerbaijan in the summer of 2020?

The Chair: Give a quick answer on that, please.

Dr. Christian Leuprecht: These drones contain not just Canadian technology, but also German and American technology and they're then built under licence by Turkey, so there's probably opportunity for greater coordination. There is opportunity for us. The data points that we now have of Turkey's behaviour would certainly flow into a future risk assessment for future permits toward Turkey. I think the minister's decision indicates the inference that he has drawn from those data points.

The Chair: Thank you very much, Professor Leuprecht.

Thank you, Mr. Harris.

[*Translation*]

My dear colleagues, on behalf of the committee, I would like to thank our witnesses this afternoon for their expertise and their testimony.

[*English*]

Thank you so much for being with us. It's been a very productive discussion.

We will let you disconnect. We have a little bit more to discuss on Mr. Harris's motion. Thank you for your presence this afternoon. Stay safe and we'll see you again.

Madam Clerk, just to take up again the discussion that we left off from earlier, we have circulated through you to members the March 11 version of the motion, which we believe to be very closely related, if not identical to the motion that was moved by Mr. Harris. That's in your members' email inboxes. We circulated it because we do have it in both official languages.

Mr. Harris, I'm wondering if I could ask you to re-read your motion with interpretation being provided. Colleagues can follow along and form their view as to how similar the two motions are.

Mr. Jack Harris: Certainly. I do want to thank the clerk for her diligence in getting this translated so quickly. That is much appreciated and I'm glad that all members have both matters now before them in both official languages. Thank you for enabling that.

They are very similar. The first sentence is exactly the same:

That the committee render public the documents provided to date by Global Affairs Canada, pursuant to the order for the production of papers adopted on October 29, 2020;

The wording of the second sentence in the new motion second reads:

and reserves the right to be granted unfettered access to the unredacted documents upon request to officials at Global Affairs Canada in accordance with the motion.

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

Is there any further discussion on the motion? Colleagues, please use the “raise hand” feature as we did in the previous segment.

Mr. Oliphant.

Mr. Robert Oliphant: I like the wording of the original motion better, but this is fine, so that we don't extend our discussion a long time. I'm fine with this motion and I suspect the Liberals will vote for it.

• (1725)

The Chair: Colleagues, is there any other discussion or debate on the motion presented by Mr. Harris?

I don't see any hands raised at the moment. I just want to make sure that nobody is experiencing any technical challenges that would prevent that.

Seeing none, colleagues, is it the will of the committee by unanimous consent to adopt Mr. Harris's motion as presented? Are there any opposed?

(Motion agreed to)

The Chair: Colleagues, I thank you for the indulgence this afternoon. We're finishing a bit early, but we've had a fulsome discussion with our witnesses.

Please keep safe.

We stand adjourned until our next meeting.

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