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Tuesday, April 13, 2010

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Chair

Mr. Dean Allison

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•(1110)

[English]

The Chair (Mr. Dean Allison (Niagara West—Glanbrook, CPC)): Pursuant to Standing Order 108(2), we are studying the situation at Rights and Democracy, the International Centre for Human Rights and Democratic Development.

I want to start by thanking our witnesses for being here today.

Madame Trépanier, you're going to go first and then I believe Mr. Akhavan will go afterwards.

Could you try to keep your comments to ten minutes, or around that? I'm not going to cut you off at ten minutes, but if you could do your best, then we will do the same for Mr. Akhavan. Then we will go around the room with a seven-minute question round and a five-minute round.

We'll do the best we can. We got started a little late, so we'll try to go to 12 o'clock, or maybe 12:05, and then we'll have our second panel.

Once again, welcome. Thank you for being here. The floor is yours, and I will give you ten minutes to give your opening statement.

[Translation]

Mrs. Suzanne R. Trépanier (As an Individual): Thank you, Mr. Chair, members of the committee.

[English]

I want to express my thanks to all members of the committee for inviting me today and giving me this opportunity to testify on the events that took place in the months preceding and following my husband's sudden death.

Let me start by saying that it is not easy for me to come before you today. I am not a person who seeks publicity, but the wrongs that were committed against my husband are so serious that I feel I have no choice but to share what I know.

I hope you will understand that, my first language being French, I will testify in French today.

[Translation]

My name is Suzanne Trépanier. I was the wife of Rémy Beaugard who, until he passed away on January 8, was president of Rights and Democracy. I asked to appear before you in order to have an opportunity to set the record straight. There were allegations made against Rémy by some board members, including

evaluation committee members, which are false. I no longer want my husband's reputation to be tarnished by people who, in my opinion, as a result of their irrational determination, their obvious bad faith, and the harassment they subjected him to over several months ended up really affecting his health.

Today, my main goal is to clear Rémy's reputation and ensure that there are consequences for the board members responsible for the missteps I shall testify to. Out of everyone, I knew Rémy the best. Over our 29-year partnership, I became his best friend and confidant. Our love for each other is great. All of that ended dramatically on the night of January 8.

I think it's important for you to know who Rémy Beaugard was. Rémy was a staunch human rights advocate. On a more personal level, he was particularly interested in the rights of the child, women, and seniors. With a master's in public administration from ENAP, Rémy, throughout his career, always promoted language rights and defended the rights of those least fortunate in his capacity as director general of the Ontario Human Rights Commission and as an advocate for the human rights of child soldiers and women in Uganda, first at the Ugandan Human Rights Commission and then War Child Canada.

Rémy was a career public servant. He worked for the David Peterson, Bob Rae, Mike Harris and Dalton McGuinty Ontario governments. Rémy was non-partisan, something he valued enormously in himself. Rémy was both frank and open. My observation was that he always respected authority, and he expected the same in return. Respect was very important to him be it at home or at the office. Rémy was a mediator, and probably one of the best in Canada. He shied away from conflict and always sought to find a compromise in arriving at an acceptable solution. Rémy was a simple and fundamentally good man. His most cherished desire was to be able to say, before dying, that he had done all he could in his power to make a difference in the world. And unfortunately, he spent the final hours of his life trying to save his reputation.

Now let me retrace the sequence of events. I think this is important, because the administrators have had no qualms about continuing to make accusations against Rémy even though he's no longer here to defend himself. Chronologically, one of the first complaints from the Deputy Chairman of the Board, Jacques Gauthier, appeared in a strictly confidential memorandum attached to Rémy's evaluation. He accuses Rémy of having organized a dinner after the screening of the film *Burma VJ* and for failing to invite both him and the chairman of the board. The dinner was organized at the last minute after the movie screening and was friendly and informal. I was with Micheline Lévesque and I asked her to come to dinner. The event organizer, the film producer, and the two Burmese guests joined us. To my knowledge, the chair and deputy chair had already left for the day. Now you might tell me that that incident was not at all important, but the chairman and deputy chairman saw that as evidence of a lack of loyalty on Rémy's part and they became increasingly vindictive toward him thereafter.

In that particular memorandum and in Rémy's performance appraisal, he was accused of unlawful activities, such as meeting with and financing terrorists. Those accusations are completely fabricated. And Rémy considered that to be an assault on his reputation. In my opinion, any reference to that in the documents is in bad faith. It was ridiculous how determined the chairman and deputy chairman were in trying to make their point. Categorizing Rémy's speech for an audience of over 150 people, including government delegations, as a meeting with terrorists is absurd.

And as for Rémy's vote on the repudiation of three \$10,000 grants each to alleged terrorist organizations and his response "We should have done our homework better", I'd like to stress that Rémy confided to me that he never questioned the legitimacy of those grants, but that in one of his typical attempts to be conciliatory, he wanted to avoid unhelpful debate. His comment was not an admission, but rather an observation that demonstrated that he was a mediator who always looked for a compromise. In fact, I was very shocked to read David Matas' article on the 24th of January, which was an attempt to guess at what Rémy may have felt on the eve of his death. And I quote:

• (1115)

[English]

Beaugard went to bed the night he died with the realization that those three grants, which he had spent so much time and effort defending, which, within the confines of the management and the Board he had staked his personal reputation, were wrongly made

[Translation]

What makes Mr. Matas think he can read the mind of a now deceased person whom he only met briefly on two occasions prior to January 7? Was he in bed with Rémy that night? In my opinion, that kind of commentary, in the current context, is insane.

Rémy has been accused of never being available for a meeting with the members of the evaluation committee—

[English]

The Chair: Madame Trépanier, I know that we're asking you to fit a lot in a short period of time. The interpreters are trying to keep up and they're having a hard time. If you could slow down just a bit, that would be great.

[Translation]

Mrs. Suzanne R. Trépanier: Rémy was accused of never being available for a meeting with the members of the evaluation committee, the purpose of which was to review the report. Here's an account of the number of days where the committee members involved were available out of the 50 dates proposed by the committee secretary from July 20 to October 10, 2009: Rémy 44, Aurel Braun 17, Jacques Gauthier 12, Jean Guilbeault 50, Donica Pottie 9.5 and Elliott Tepper 0.5. I'm sure you'll agree that saying Rémy went to great lengths to avoid the meeting is quite simply untrue.

I'd now like to address a number of facts to do with the meeting on January 6. I went with Rémy, and I heard everything through the door. I can assure you that Rémy made an impassioned plea as he sought to defend his rights and professional reputation. Neither Mr. Guilbeault, who was mandated by the board of directors to sit on the evaluation committee, nor Rémy saw or received a copy of the revised report prior to the meeting.

The deputy chairman refused to give Rémy a copy on the pretext that his hands were tied and that any changes would be made known to him verbally. After Rémy insisted, he was finally given a copy on the expressed condition that he hand it back at the end of the meeting, which he had no choice but to accept. It should be noted that the report was in English only.

The deputy chairman was furious when he saw that Rémy was in possession of the strictly confidential memo in which reference was made to employees' ethnic origins. When the deputy chairman insisted on knowing how Rémy had got a copy of the memo, he repeated several times that it was an integral part of his performance appraisal submitted to the Privy Council Office. Rémy questioned the chairman of the board regarding the written report's inaccurate and negative content when a verbal report singing his praises had been given by board members at their meeting in March 2009.

The chairman of the board reminded Rémy that as an extremely well paid, experienced, senior official—those are his words—he could defend himself without the help of committee members. Rémy proposed changes to the report, but the deputy chairman indicated that he was not prepared to make changes to the content of his report. A motion to that effect was voted on and the result was three against one. Rémy insisted that the minutes state that he had no choice in the matter.

Over the course of the meeting, which lasted over two hours, I could sense Rémy's distress and his stress levels rising, especially given the fact that the chairman of the board would not give Rémy a chance to speak. When he came out of the meeting, he told me that he definitely intended to contest the performance appraisal and to file a complaint regarding the three directors in question for their lack of professional ethics and for obstructing good governance. That night, I told Mr. Guilbeault and the three directors that I was concerned about Rémy and that his stress levels were higher than ever. Rémy did not sleep that night. He told me that it was very hard for him to face the entire situation. After fighting for almost his entire life and career to defend the rights of others, he wasn't able to defend his own rights.

Jacques Gauthier's insinuations in the memo attached to Rémy's performance appraisal were particularly upsetting to him. Rémy also said that it was very difficult for him to come to terms with Aurel Braun's aggressive attitude towards not only him but also certain members of the board and his staff. How was Mr. Matas able to speak on April 1 about Rémy's performance appraisal for the period July 2008 to March 2009 when he was only appointed to the board in November 2009? On January 6, Rémy asked a similar question of the chairman of the board and more specifically concerning the relevance of the memo he attached to the performance appraisal given that he had only held his position for three weeks out of the period covered by the performance appraisal.

I should say that that kind of behaviour, both in terms of tone and content, is quite unworthy, shocking, inappropriate and downright incompetent coming from the mouths of members of the board including, and especially, from the chairman and deputy chairman of a paragovernmental human rights and democracy advocacy organization.

I'd like now to refer to other events that I think it important to mention. On January 7, 2010, Rémy was very upset to learn when a board meeting was called to order that the chairman had decided to change the agenda and have discussion on the chairman's report, that Rémy was suppose to present, and the item regarding his performance appraisal pushed back a day, to January 8. I would point out that Rémy had worked tirelessly on his report over the holidays as the report covered the period from June through December 2009. It was important to Rémy that that progress report be presented at the beginning of the meeting because it would shed light on other items to be raised later in the meeting for which decisions had to be made.

• (1120)

Rémy's sudden death on January 8, 2010, marked the start of an extremely stressful period for me, and I'm just as affected now as I was then. I received a condolence call from an official at the Privy Council Office, which was a tad shocking given that, in his quest for justice in the matter of his performance appraisal, Rémy had had multiple meetings and exchanges in the fall of 2009, notably with Eileen Boyd, assistant cabinet secretary at the PCO, on five occasions, with Keith Christie, assistant deputy minister for the Global Issues Sector at Foreign Affairs, on at least three occasions, with Jean-Maurice Duplessis, operations director at the Office of the Minister of Foreign Affairs, and on two occasions, with Claude Carrière, foreign policy and defence advisor at the Privy Council Office, in order to find an acceptable solution to a situation that was degenerating. He never received any response to his requests however.

I also received a letter of condolence from Minister Cannon, which was very complimentary to Rémy. I saw this as a bit of an affront, as I knew that the minister never responded to Rémy's request on November 3 to meet, a request that was also made of Jean-Maurice Duplessis, in the minister's office. To my knowledge, the very positive appraisal of Rémy's work for the same period, made by the minister and by Foreign Affairs, was not reflected in this performance appraisal report. In my opinion, the government failed in its duty to act as a good parent would, and that's what led to the ongoing governance issues.

In addition to the stress as a result of Rémy's death, I was faced with what could be called a double affront in the days that followed. First, there was the press release from the chairman of the board offering his condolences, which I consider was hypocritical, and then the leaking to the media of the email I had sent to the chairman on the issue. The fact that the staff responsible was suspended ended up delaying and complicating the administrative steps that had to be taken upon Rémy's death, and I am the one who suffered as a result.

Contrary to what Jacques Gauthier said on April 1, the staff never gave me Rémy's computer because he had taken his equipment with him when he travelled from Montreal to Toronto to go to the board meeting. After Rémy's death, I brought all his things back to our home in Montreal. On March 1, Mr. Gauthier demanded that I return the possessions before 5:00 p.m. on March 3. I assured him that it was my intention to return everything, indicated that I was in Toronto for medical care and that the deadline he had set was impossible to meet. On March 3, I received a second notice setting a new deadline of midday, March 5, and in which Mr. Gauthier indicated that a failure to comply may lead to legal action.

Contrary to what Mr. Matas suggested on April 1, exchanges between Rémy and Eileen Boyd at the Privy Council Office confirmed that the office was truly informed as to the situation at the board, and of the fact that it had been going on for several months. Rémy was not a board member at the time specified in the allegations published on two or three occasions in the *National Post*, in 2002, and in fact not until several weeks later, contrary to what Mr. Gauthier implied on April 1. It is sad that Rémy was surrounded by a good team and that he trusted his staff, but that he was not afforded the same courtesy by certain members of his board.

You'll agree that Rights and Democracy would never had been talked about as much. It is ironic that the visibility that the centre is currently experiencing right across Canada fulfills one of the Privy Council Office's expectations, as defined in Rights and Democracy's mandate. Moreover, the crisis is now the subject of attention elsewhere in the world, as you can see from the newspaper articles from FIDH, by Gerald Steinberg, William Schabas, etc.

I want you to know that I will, for my entire life, regret having supported Rémy, as I always have in my life, in his decision to accept the mandate at Rights and Democracy. Not because of the organization per se or because of the staff who work there, but rather because of the harassment he was subjected to for several months, which had a major hand in pushing up his stress levels until they became unsustainable. I will never forgive myself for not managing, despite all my efforts over the last months of his life, to convince him to finally drop the matter. He told me again and again that he would never accept having his reputation attacked, that he would fight to the bitter end and that he would not resign because he had a duty to his employees at Rights and Democracy. That was the great Rémy Beaugard.

For all the reasons I have outlined here today, I would call on the Office of the Privy Council to proceed with the withdrawal of the performance appraisal report and the accompanying notes and appendices in my husband's file. I am asking for a public apology from the seven board members who denigrated Rémy's skill as a manager, among other things, in the media.

•(1125)

I am calling for the immediate replacement of the four board members who made slanderous remarks about Rémy in public, and I am referring to Aurel Braun, Jacques Gauthier, Elliot Tepper and David Matas. In my view, those directors do not understand their role and are acting against the interests of Rights and Democracy by trying to impose their personal ideologies.

I ask that copies of my testimony be attached to the personal files of those four directors in the Privy Council Office. I also call on the government to order an independent public inquiry in order to shed light on all that has transpired and the events that occurred within Rights and Democracy's board over the past year.

Members of the committee, I would like to thank you for the time you have afforded me today. I hope that my testimony will have informed you of the situation and that I was not too emotional, as some of you thought I might be. Thank you.

[English]

The Chair: Thank you very much, Madame Trépanier.

We're now going to move over to Mr. Akhavan, for ten minutes.

[Translation]

Dr. Payam Akhavan (Professor of International Law at McGill University, and Former Member of the Board of Directors at Rights & Democracy, As an Individual): Mr. Chair and honourable members of the committee, I would like to thank you for giving me the opportunity to share with you my views on the events that led to the crisis within Rights and Democracy.

[English]

I appear before you today because of my belief that justice should prevail over political expedience. It was very much to my advantage to remain silent, but faced with the abuse of power in an organization committed to human rights, I could not in good conscience remain silent.

I was honoured to be appointed by this government as a director on February 29, 2008. I was aware then that in December 2002 the Inspector General had issued recommendations to improve financial oversight and management and staff relations. The board immediately began to implement these under Janice Stein, who was then the chair, and then under the presidency of Jean-Paul Hubert. With his appointment as president by the government on June 26, 2008, Rémy Beaugard successfully continued this process.

In August 2008 the five-year review of Rights and Democracy by Foreign Affairs concluded that "The overall results of this review... are positive" and have "confirmed the effectiveness and relevance" of the organization's activities in the field. The Auditor General's June 9, 2009 report was also positive. In short, contrary to what the current chair Aurel Braun asserted before this committee on April 1, upon his appointment on March 11, Rights and Democracy was not dysfunctional, but in the months that followed the organization disintegrated as a minority of directors engaged in a hostile takeover.

The conflict began within the board after Mr. Braun's first meeting as chair on March 26. The board majority was highly satisfied with Mr. Beaugard's performance, but the chair instructed the secretary

not to record this in the minutes. Messrs. Braun and Gauthier were concerned about small grants to three organizations. As a compromise, the president agreed not to provide further funds. Mr. Braun also insisted that he should have a veto over all future grants. Again, we accepted a review procedure as a compromise. Messrs. Braun and Gauthier opposed participation in the UN Durban Review Conference, but Mr. Beaugard had already decided to boycott this event, with the unanimous support of the board.

Instead of praising the president, these directors submitted a secret evaluation to the Privy Council, with baseless accusations, half-truths, and distortions that disregarded or minimized his successful leadership. It attempted to portray him as anti-Israel on the very issues that had already been resolved to everybody's satisfaction. The chair's harsh note to the report called it "constructive criticism"; to us it looked more like character assassination.

Earlier demands by the president and board majority to see the evaluation report were rebuffed and a law firm was retained at a cost of \$17,298 to justify the decision. When it was disclosed under the Privacy Act at the June 18 board meeting, the majority considered repudiating it. Again, as a compromise, we gave them an opportunity to amend it, and they agreed.

Our trust was betrayed. There was no intention to honour this agreement. Instead there was a plan to change the board to the liking of the chair and his allies. On September 4, Ms. Donica Pottie, the government representative on the board, suddenly resigned just seven months into her three-year term. She had earlier submitted a positive report on Mr. Beaugard on behalf of the government. With her removal, the chair was poised to get a seven-to-six majority with two new appointments.

On October 19, Mr. Braun and his allies suddenly postponed a board meeting on just two days' notice. The board majority was excluded from this decision, which cost \$15,000 in cancellation fees. Still short of a majority, they wanted to avoid consideration of the report, which they had failed to amend four months earlier. They also wanted to block reappointment of Guidos Riveras Franck, a respected Bolivian democracy expert who Minister Fletcher and Minister Kent had regularly consulted.

On November 8 I wrote to Mr. Gauthier, asking him whether there was an intention to gain, and I quote, "a decisive majority of board members that will once and for all silence the dissenting board members and probably also set the stage for removal of the president and his senior staff". That is what I wrote to Mr. Gauthier on November 8.

•(1130)

Once the two new appointments were made on November 13, Mr. Braun immediately called a meeting of the board for January 7. Having secured a one-vote majority, the performance committee met with Mr. Beaugard on January 6 at an acrimonious meeting in which they dishonoured their promise to correct the report.

At the board meeting, it became clear that this one-vote majority intended to completely exclude the other half, having already decided everything in advance. For directors like Sima Samar, who had travelled all the way from Kabul to participate, this was greatly insulting. Some days earlier, in e-mail exchanges relating to our concerns, Mr. Navarro-Genie, one of the directors, had referred to us as “third worldists”, comparing us to Robert Mugabe, and contrasting us to “Her Majesty's British North American subjects”.

As we had predicted, this had become a hostile one-party board, and the stage was set to remove Mr. Beauregard and management. When Mr. Riveras Franck was kicked off the board, it was the last straw. Dr. Samar and I decided to walk out in protest. It was a moment of utter shame, the resignation of an Afghan human rights champion from a Canadian human rights agency. That day Mr. Beauregard was visibly distressed, knowing he would probably have to resign with a stain on his reputation. Little did we know that this great friend and colleague would leave us for good shortly afterwards.

After his tragic passing, before his funeral could even be held, we were shocked that internal documents were leaked to Ezra Levant and Gerald Steinberg to continue smearing his reputation. The opinion editorials by the seven board members against him were simply shameful. The call by 45 courageous staff for the resignation of the chair and two vice-chairs was an expression of respect for an admired leader, and of loyalty to the integrity of the institution. In order to exact revenge, the same board has now hired expensive lawyers and private investigators to persecute the staff. This has already cost an estimated half a million dollars of taxpayers' money.

In the new era of accountability the board proclaims, it has amended a bylaw to retroactively justify awarding these lucrative contracts without tender. This only adds to other financial irregularities concerning the board's budget. We can only be thankful for your committee's oversight of Rights and Democracy.

In closing, I would note that the honourable members of this committee may have competing political agendas, but I'm confident they all agree that unethical conduct cannot go without consequences. The smearing of Mr. Beauregard's reputation is a manifest abuse of power, and probably also a violation of the provincial occupational health and safety act. The Canadian Centre for Occupational Health and Safety recognizes that making false accusations against an employee is a prime example of workplace bullying and that such psychological harassment can have serious health consequences.

Let us consider the allegation in Mr. Gauthier's famous memorandum that “While attending a conference in Cairo in the fall of 2008, Mr. Beauregard met with representatives of Hamas and Hezbollah.” Mr. Gauthier stated further that the legality of those meetings was obviously questionable. He clarified during the June board meeting that he was referring to the Criminal Code of Canada. In particular, section 83.18 provides that contributing directly or indirectly to the activity of a terrorist group is punishable by ten years of imprisonment. In his response to the board, Mr. Beauregard had said that accusation was patently false and considered it an attack on his reputation.

So without a shred of evidence—without a shred of evidence—a distinguished bureaucrat with a spotless record was accused of being a criminal. Which members of this committee would tolerate such behaviour if they were the victim?

In its great wisdom, this government appointed Mr. Beauregard as president. This committee must now unanimously ensure that justice prevails and that this great Canadian agency is salvaged. To that end, I would urge the committee to consider the following recommendations.

First, that the evaluation report, including the chair's note and all other relevant documents, be removed from Mr. Beauregard's record, so that Mr. Beauregard's name and honour can be redeemed once and for all.

Second, call on the board of directors of Rights and Democracy to issue an apology to Mr. Beauregard's family.

● (1135)

Third, call on the chair, Mr. Braun, and the vice-chairs, Mr. Gauthier and Mr. Tepper, to resign because of their misconduct.

Fourth, consider reconstituting the entire board of directors in view of the tremendous damage to Rights and Democracy's international reputation and the loss of confidence by the Canadian public.

That concludes my submission, Mr. Chair. I thank you and the committee for your kind attention.

The Chair: Thank you, Mr. Akhavan.

We're going to start with Mr. Rae, for seven minutes.

Hon. Bob Rae (Toronto Centre, Lib.): Thank you very much.

[Translation]

I have a very brief comment I would like to make. I have never clearly told the committee that, as former leader of the official opposition in Ontario and provincial premier, I knew Rémy Beauregard quite well and worked closely with him. I always found that he was a highly intelligent man with great integrity. Knowing him as I did over the years, I was frankly astonished by the comments that I read and heard, as were many others.

I would first like to thank Ms. Trépanier for the courage she has shown in testifying here today and for presenting a key perspective on the conflict experienced within the board of directors. I do not think that her remarks can be brushed off. The many problems that existed within the board, and that have been created since, must be dealt with.

My first question is mainly for Mr. Akhavan.

● (1140)

[English]

Mr. Akhavan, I was reading an article by Mr. Cooper in the April 7 *Calgary Herald*. Mr. Cooper is a professor at the University of Calgary. I'm sure you're familiar with him. He claims to have received information from a member of the board, Mr. Marco Navarro-Genie. Mr. Cooper states in his article that Mr. Navarro-Genie told him that

...between May 2009 and January 2010, Beaugard managed to turn several "international" members of the board against the performance review committee by granting them favours, including travel perks, interns, and funding for projects in their home countries....

These are serious allegations again. There seems to be a pattern on the part of board members of making very consequential allegations against Mr. Beaugard, which he's not in a position to respond to, which I find deplorable, I must say.

Since you were a member of the board, could you comment on this? Could you also comment on any allegation with respect to any conflicts you may have been under, or allegedly under, during your time as a member of the board?

Dr. Payam Akhavan: Thank you, Mr. Rae.

Rights and Democracy had three very distinguished international members. Mr. Riveras Franck of Bolivia, as I mentioned, was consulted by Minister Kent and Minister Fletcher on democracy promotion in the Americas. Ms Sima Samar is a recipient of the Order of Canada, one of the only people, other than Nelson Mandela... Ms Soyata Maïga is the African human rights commissioner on womens' issues. To make these kinds of defamatory accusations against them I think speaks to the attitudes, frankly speaking, of the board and exactly what they did to Rémy Beaugard and anyone who stood in their way.

What's interesting is the idea that because a student intern was sent to Bamako, Mali, to assist Ms Soyata Maïga, that was the way Rémy bought her vote. That's just astonishing, to suggest that Sima Samar, who received \$8 million for the Afghan Independent Human Rights Commission from CIDA over the years, was being bought by Mr. Beaugard. The same accusation appeared strategically yesterday in Canwest, where I'm accused of having requested a nomination to a UN position, which is absolutely baseless. I have the e-mail right before you where I asked for the advice of Mr. Beaugard in relation to a commission of inquiry for war crimes in Sri Lanka, which was not established by the UN, which this government promoted, and which members of this government wanted me to participate in. I asked for his advice about a possible nomination. But if the greatest accusation they can come up with against me is that I wanted to help the victims of mass murder in Sri Lanka, well, I stand guilty as charged.

We have to remember that they have hired a private investigative firm and spent tens of thousands of dollars to go through thousands of Rémy Beaugard's e-mails, and this is the best accusation they can come up with. I think they're not getting good value for their money.

Hon. Bob Rae: Do you have any idea how Canwest would have received that e-mail? Presumably it's proprietary to the board and to the organization, as well as to the investigative firm that was doing the work of going through the e-mails, is that right?

Dr. Payam Akhavan: Well, of course it's the same way as Ezra Levant and Gerald Steinberg and others were given internal documents. But if I may just add, what I find astonishing is that Mr. Navarro-Genie is making these accusations. Before Mr. Beaugard's death, I was exercising my duty of care as a board member looking at the books of the board, and I noticed, for example, that Mr. Navarro-Genie had been in Haiti on a mission of Rights and Democracy, and this was the same mission that Mr.

Riveras Franck had gone on earlier with the accusations of travel perks. Mr. Navarro-Genie stayed four extra days for personal purposes and he charged Rights and Democracy and received \$1,300 for four days in which he stayed beyond the mandate entrusted to him by Rights and Democracy.

I was astonished to learn as well that Mr. Jacques Gauthier, who had gone on a six-day trip to China, received 11 days of fees from Rights and Democracy totalling \$3,575, whereas the other members of the delegation received \$500 honorariums.

If I may just add, the budget of the board, which was \$130,000 for the previous fiscal year, was already approaching \$300,000 when I left the board. A big part of that was honoraria that were paid to board members who come here and speak as if they're volunteers. The honoraria, which were budgeted at \$40,000, were approaching \$80,000 by the time I left the board. It's very unfortunate, really, that they need to now start smearing international members.

• (1145)

Hon. Bob Rae: What is the practice with respect to board...? Board members are paid by an order of council? Can you make me familiar with what the pattern is?

The Chair: Mr. Akhavan, I'll just get you to finish with that answer and we'll move on, but go ahead.

Dr. Payam Akhavan: Board members are paid an honorarium for every full day of work that they do and not for full days of work that they don't do.

Hon. Bob Rae: Under what conditions do board members travel? Do they get the permission of the chairman of the board to go on a mission or something and then they get paid for that and their expenses are also covered?

Dr. Payam Akhavan: Yes, expenses are covered.

Getting back to Mr. Gauthier, if you're on a six-day trip to China, why are you getting 11 days' honorarium? I'm afraid that there will be further revelations that will have to be made about some of the payments that were made.

If I may just conclude, one of the issues we have to consider is that Mr. Navarro-Genie, who has been leaking this information to the press, was for a week at the office of Rights and Democracy in a position as a senior adviser. We don't know what his mandate was, how much he was paid. The contract was given to him by fellow board member acting president Jacques Gauthier. Was Mr. Navarro-Genie perhaps receiving a very generous salary to go through the thousands of e-mails the private investigators had discovered in order to find some dirt against me and international board members to leak to the media? Is this a good use of taxpayers' money? We have projects in Haiti and Afghanistan, we have victims of sexual violence in the Congo, and people are trying to go on a witch hunt against me and Dr. Samar. It's just astonishing.

The Chair: Thank you very much, Mr. Rae and Mr. Akhavan.

We're going to now move to Madame Lalonde, for seven minutes, please.

[Translation]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Thank you, I will be sharing my time with Ms. Deschamps.

First of all, Ms. Trépanier, thank you for your appearance. I understand your emotion. I had the opportunity to get to know Mr. Beauregard, to appreciate him and to hold him in high esteem. Rest assured that your requests will guide our work going forward.

Mr. Akhavan, you gave us a very clear report. You are calling for a complete overhaul of the board so that Rights and Democracy can once again become the organization it used to be. You spoke of three small grants to two Palestinian organizations and one Israeli organization, which were in part responsible for the crisis. On the week-end, there was a broadcast on Radio-Canada about an organization called NGO Monitor and its influence in Quebec and Canada. To your knowledge, is there any link between NGO Monitor and the members of the board, as well as the positions that were taken with respect to the three small grants made to the two Palestinian organizations and the third Israeli one, which is favourable to the Palestinian cause?

• (1150)

Dr. Payam Akhavan: Thank you, Ms. Lalonde.

[English]

I want to begin by saying that there are legitimate concerns about the demonization of Israel at the United Nations. I've worked with the United Nations for ten years, and 80% of the resolutions are against Israel. Sudan, Iran, Myanmar, Zimbabwe—they all escape scrutiny. But I think organizations like NGO Monitor have gone too far. They have gone too far because they are suppressing all dissent. The chair, Mr. Braun, had unsuccessfully attempted, against the opposition of board members, to invite Mr. Steinberg to address the board. We know that one of the first articles that came out after the death of Mr. Beauregard was that of Mr. Steinberg, published in *The Jerusalem Post* and in the *National Post*. He had access to internal documents of the board. The repudiation of these grants by Mr. Matas, in his 15-page memorandum, is based entirely on reports of NGO Monitor, so the link is clearly there.

I want to share with you what Yossi Alpher, who's a former adviser to the present defence minister of Israel, Ehud Barak, and a former director of the Jaffee Center for Strategic Studies at Tel Aviv University, said. This is what he has to say about NGO Monitor. He says that NGO Monitor "seems dead set on eliminating human rights monitoring of Israel entirely and smearing anyone who supports this vital activity." This is a former adviser to Ehud Barak saying this.

Within Israel itself, where I have many friends and colleagues, NGO Monitor is seen as a blatantly political far-right organization. I'm baffled as to how this organization can have so much influence over an institution like Rights and Democracy.

I also want to add that some of the representations that have been made... Never mind the example of B'Tselem, which is an Israeli organization, but the chair says it's Israeli in name only. This is the language of the far right in Israel, which is basically saying that unless you're blindly obedient, you're a traitor to Israel.

Even if we look at Al Mezan, the organization in Gaza, which incidentally has also issued reports condemning the Palestinian Authority, condemning Hamas, calling for an investigation of Hamas rocket attacks against southern Israel as well, which is not mentioned at all, it's interesting that on February 13, 2007, because of the lawsuit that was brought against NGO Monitor before the Israeli courts by the Applied Research Institute in Jerusalem, a defamation and libel lawsuit, Mr. Steinberg issued the following retraction. He said, "I regret having called Al Mezan an organization that 'justifies violence.'" This is Mr. Steinberg, as a result of an Israeli court proceeding, admitting that Al Mezan does not justify violence.

Now, Al-Haq is also interesting. The Israeli courts have never convicted Mr. Shawan Jabarin of terrorism. What they have said is that there is a travel ban against him, and this is what the U.S. State Department country report recently said about this Israeli court decision. This is the United States State Department human rights report for 2009:

On March 11, the Israeli High Court barred human rights defender Shawan Jabarin, director of Al-Haq, a Palestinian Human Rights NGO, from traveling outside the West Bank without holding a hearing.

This was an *ex parte* hearing. There was no chance to contest the evidence.

It goes on:

Based on evidence that Jabarin and his lawyer were not allowed to see, the court refused to lift the travel ban imposed on him by military order in 2006.

I just want to end by saying that in a conflict zone one will always encounter people who have had all sorts of different pasts. Mr. Ariel Sharon was accused by the Kahan commission in Israel of war crimes in Lebanon, and he became Prime Minister.

The accusation of Shawan Jabarin, who was until 1987 a member of the PFLP, is interesting, because our own foreign minister, Maxime Bernier, met with Riyad al-Maliki, the foreign minister of the Palestinian Authority, in December 2008, I believe. Mr. al-Maliki was a senior member of the PFLP for many years, yet this government pledged to give \$300 million to the Palestinian Authority.

So the problem here is that there is a legitimate concern about the demonization of Israel, one-sided attacks, but I think that NGO Monitor and other organizations have gone too far. We are more extreme in Canada than people are in Israel.

I have a student who's an Israeli air force pilot who flew bombing runs over Lebanon. He seems to be more reasonable about these issues.

• (1155)

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

We're now going to move back over to this side, to Mr. Abbott for seven minutes.

Hon. Jim Abbott (Kootenay—Columbia, CPC): Thank you.

Madame Trépanier, it's very, very difficult for you to have come. I wish to express my sincere condolences for your loss. At a human level, it is far beyond anything that we can be discussing at this table. I thank you for coming.

Mrs. Suzanne R. Trépanier: Thank you.

Hon. Jim Abbott: Mr. Akhavan, I want to get to some common ground with you, so perhaps we could begin with legislation that sets out Rights and Democracy. You'd be familiar with subsection 31.(1). It reads:

31. (1) The Chairman shall, within four months after the end of each fiscal year, transmit to the Minister a report of the activities of the Centre for that fiscal year, including the financial statements of the Centre and the Auditor General's report thereon.

You're familiar with that clause, I'm sure.

The other clause that I wanted to draw to your attention was from bylaw number 1, paragraph 3. It reads:

The board of directors appointed in accordance with the act shall establish the policies which determine the activities of the centre, and shall approve the annual budget of the centre.

So we're on the same page.

Dr. Payam Akhavan: Yes, of course.

Hon. Jim Abbott: There is one more—clause 20: as provided by the act, the president is the chief executive officer of the centre and shall supervise and direct the work of the centre—and this is the important part—in accord with the policies established by the board.

Are you and I in agreement that the board is in charge or should be in charge of the policies of the centre?

Dr. Payam Akhavan: Absolutely, sir, yes. The entire board, yes.

Hon. Jim Abbott: Yes, I understand that.

If the board has the responsibility for establishing the policies and direction of Rights and Democracy, it seems to me that a lot of your testimony and the testimony of others has stipulated that in fact the president, past and present, and the staff should be telling the board which direction to be going in, should be establishing the policies. Am I misunderstanding?

Dr. Payam Akhavan: No, sir, you're not misunderstanding anything. The staff never told us how to run the organization. We had very vigorous debates in the board. I certainly never felt that the staff were dictating to me. We had a collegial relationship. When we were the majority we had critical discussions. I had many disagreements with Mr. Beauregard, and they were always respectful. I don't think anyone is questioning that.

I began by saying the problem began in the board. It was not a staff and board problem. It was a problem of a minority of a board trying to dominate and eliminate the majority. That was the real problem, which then spilled over into relations with the staff.

I must also add to this suggestion of staff rebellion. When I was at Rémy Beauregard's funeral, one of the staff members came up to me, after this letter was signed by 45 of the 47 staff members calling for the resignation. She told me, "You know, we deal with people in Afghanistan and Congo who risk their lives for what they believe in. We are willing to risk our livelihood for what we believe in." They knew exactly what the consequences would be of their actions. This means that this isn't just, as Mr. Matas says, "people from the street" who think they own the organization. These are people who put their livelihood at risk. One must consider how extreme the circumstances would have been for them to do that.

If I may also add, on the suggestion that there was some conspiracy to achieve a sort of collective agreement in exchange for 45 of the 47 staff members to sign that letter, well, it's a remarkably creative theory. It's very disturbing, because the source of that accusation is one staff member, that same staff member who has made a complaint now to the syndicate saying he was pressured. What is disturbing is that on the day the director of communications, Charles Vallerand—one of the three managers who appeared before—was dismissed, Mr. Gauthier tried to promote that one staff member to the position of director of communications. If you like, we can discuss the evidence of that. Here we have people being promised a promotion for giving substance to conspiracy theories to smear the staff, to smear the international board members, to smear Mr. Beauregard. So it seems that everyone here is wrong, except those few board members, and I just don't think it adds up.

• (1200)

Hon. Jim Abbott: I'm sorry, I don't mean to be rude, but we have very limited time.

You would be familiar with the tabling of the annual report. The bylaws clearly stipulate that the annual report would be tabled under the name of the chairman. In fact the chairman, as I understand it from correspondence that I've seen, did not receive it, or certainly did not receive a copy of the annual report prior to it being tabled. Yet you're indicating to us, by your testimony, that there wasn't any conflict, there wasn't any difficulty, between the people who were on the staff going ahead and doing their own thing without reference even to the chairman of the board.

You were on the board at that time. You must have had an opinion about that.

Dr. Payam Akhavan: Well, yes, I think the chairman had a rather extravagant view of his powers. He thought, for example, that he would have veto powers. The majority of the board approved a grant for a project on indigenous rights in Colombia, and he claimed to have a veto power.

The point is that this report was discussed by the board. I think we have to be cautious about Mr. Braun's assertion that he never saw a copy of it. Maybe he didn't see a copy of the final draft, but we did discuss it, and he was involved in that decision.

Hon. Jim Abbott: But Mr. Akhavan, at the risk of getting into a debate with you, the point I'm trying to make is that the staff members went ahead and were doing things, and constantly did things.

You talk about debate. I agree that there should be a debate at the board level between board members. It strikes me that what you're confirming is that in fact there was a debate between the staff and the board. And the board is in charge.

Dr. Payam Akhavan: There wasn't a debate, there was a discussion. For example, we had a five-year strategic plan, which the board has now adopted. We would invite staff members to make a presentation, and we would have discussions with them.

I as a board member never felt that either Mr. Beauregard or the staff thought they could dictate anything to us. But I do think the majority of the board felt that a minority was trying to gain absolute power at the expense of the majority, at the expense of the legitimate powers of the chief executive officer, Mr. Beauregard.

I can give you many incidents of mistreatment of staff members. We had Madam Cynthia Gervais in our Geneva office, who was interrogated, in two conversations with Mr. Gauthier and Mr. Braun, and she resigned shortly thereafter. Everyone knew they wanted to close down the Geneva office irrespective of what the majority thought.

Two staff members were interrogated because of their Middle Eastern backgrounds.

There are many issues we could discuss here about why the staff were so upset.

Hon. Jim Abbott: I respect that this is your testimony, but you are fundamentally confirming that there was a conflict directly between the staff members and the board. I am suggesting that according to legislation and bylaw, the board has the responsibility, for the organization, to give direction to policy to the staff members.

Dr. Payam Akhavan: I'm not confirming that. I'm confirming that a minority of board members had a conflict with a majority of board members and the staff.

I would add that board members, under the act, must act in good faith in the best interests of the organization, which is why the majority at one point called for the resignation of the chair, Mr. Braun.

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

I'm going to move to Mr. Dewar, the last questioner. Seven minutes, sir.

Mr. Paul Dewar (Ottawa Centre, NDP): Thank you, Chair.

Thank you to our witnesses. In particular, I want to thank Madam Trépanier for being here today.

To be frank, to be brave enough to come forward is exemplary. You are here to share with us not only the experience of your husband but also some of the facts that we need to know about what happened. So thank you very much for being here.

I'm going to ask you a question around your comments with regard to his fight to have his reputation kept intact. Specifically, you mentioned that there had been an evaluation done without his consultation, and yet there was a verbal consultation with him about his conduct and his performance that was positive.

What did he say? Did he share with you...? Did he give you feedback about that positive verbal overview that was given to him by the board?

•(1205)

Mrs. Suzanne R. Trépanier: Not really. When he came back from that meeting that day, he said that apparently the board went...

[Translation]

May I speak in French?

The board met in camera, having asked all staff to leave. There was a positive evaluation, which Mr. Gauthier himself presented in March. The evaluation was very positive. Thereafter, Rémy learned that another evaluation had been added to his file. It was completely at odds with what he had been told in March 2009. He could not understand. On January 6, Mr. Gauthier gave an explanation, which I heard when I was on the other side of the door. The item was on the agenda. He said that the evaluation had then been redone because the one conducted in March had not been as comprehensive as required. So he completed it subsequently. That is what he said. It was afterwards, when the chair arrived in March, that everything changed.

Mr. Paul Dewar: Thank you.

[English]

I guess my next set of questions is to you, Mr. Akhavan.

You mentioned—am I getting this right?—that Marco Navarro-Genie had, according to you, actually been hired by the board to do work for the institute.

Dr. Payam Akhavan: While Mr. Gauthier was acting president, apparently Mr. Navarro-Genie was hired for a week as a senior adviser for an unspecified amount of money for an unspecified mandate.

Mr. Paul Dewar: So while he was a board member, he was hired, as far as you can tell, by Mr. Gauthier to do work.

Dr. Payam Akhavan: Yes, sir.

Mr. Paul Dewar: Chair, I think it's important for the committee to ask for that document. We've already asked for... I know Mr. Obhrai doesn't want transparency, but we've asked for contracts that had been engaged by the board while Mr. Gauthier was the president, and to date we have not received those.

Is that correct, as far as you know: that we have asked for the contracts for the law firm, for the private investigative firm, for the media firm, which we know was doing hard work when they came to the committee last, and we have not received those?

I would also like us to put a formal request to the board to have the contract of Marco Navarro-Genie, because I was not aware of it.

Mr. Akhavan, are you aware of any instance in which board members were hired to do contracts while they were board members?

Dr. Payam Akhavan: No, it would seem self-evidently a conflict of interest for any board member to give a contract to another board member, let alone in these very questionable circumstances.

As I said, I wonder, given the fact that Mr. Navarro-Genie has taken on the campaign of assault against me and international board members, whether this is what he was doing in Montreal that week: going through the thousands of e-mails that the private investigative firms had dug up from Mr. Beauregard's computer to see whether they could find any accusations against us. If my wish to help victims of mass murder in Sri Lanka is the best they can come up with, I'm afraid they're not getting value for their money.

Mr. Paul Dewar: I might add, Chair, that it was Mr. Navarro-Genie who, I believe, called this committee and this process a gong show. This is someone who has been hired at taxpayers' expense, as far as we can tell—and we don't know until we get evidence, hopefully soon, from this group that he was being hired at taxpayers' expense—to work for the president. This is highly disturbing and unprofessional and unethical.

I'd also like to know from you about Mr. Gauthier. You said he had been on a trip to China on which other members accompanied him, that it was for five days, and that there was an honorarium or per diem paid to other members for five days, and that this was the amount of work that was done—a five-day billing—but that he had actually stayed over for an extra five or six days and, correct me if I'm wrong, charged more for—

• (1210)

Dr. Payam Akhavan: No, that was Mr. Navarro-Genie. Mr. Navarro-Genie had been in Haiti, and he stayed an additional four days on what appears to be personal business, based on the information available to me—I wasn't there—and he charged the honorarium for those days for a total of \$1,300. I was looking through the books in December, in part because the board budget was twice what it had been. The board budget had never been twice over, ever.

With respect to Mr. Gauthier, he was on a six-day trip to China in December, together with Mr. Beauregard and others. The others received \$500 honoraria, but Mr. Gauthier, based on the records that I saw, charged \$3,575, including an additional five days for preparation. Now, Mr. Gauthier has a full-time law practice, and I'm not sure how he would have spent five full days to prepare for a meeting in China in which there were exchanges of pleasantries. I think one needs to look very carefully at all the contracts that have been offered, including the contract that he had given himself; for how many days did he receive payment during the 66 days that he was president?

We have contracts to Borden Ladner Gervais; Deloitte and Touche; Ogilvy Renault; Woods, which is a big law firm in Montreal; Serco Security Systems; Prima Communication; Mr. Auger, who quit after one week as director general, a position that never existed; and Mr. Navarro-Genie.

I've estimated. I used to work in a law firm. Law firm partners Deloitte and Touche charge \$500 to \$600 an hour. If you add it all up, if you have an average of 1,000 or 1,500 hours, we have half a million dollars spent in just a one-month or two-month period. In times of austerity, when everyone is speaking about wise use of taxpayers' money, for a human rights organization to do that is unthinkable.

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

I want to once again thank the witnesses for being here today. We're going to change witnesses because we have a couple of others who are coming. Once again, thank you very much.

We're going to take one minute to do that so that we can get right back to the next round. Thanks.

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_____ (Pause) _____

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• (1215)

The Chair: I'm hoping we can get started. We're running short on time. I don't want to reduce the time for questions and testimony, so we'll give a second for the cameras to leave and then we'll get started.

I want to welcome Mr. Broadbent and Mr. Allmand, both no strangers to this place.

Mr. Broadbent, we'll start with you. You have ten minutes, and then we'll move to Mr. Allmand. Then we'll have a round or two of questions and answers.

Mr. Broadbent, welcome. The floor is yours, sir.

The Honourable Ed Broadbent (Former Member of Parliament and Former President of Rights & Democracy (1990-1996), As an Individual): Thank you very much. It's good to be back.

I'm pleased to come before you today, and particularly pleased in that context to see some former colleagues from all parties with whom I enjoyed working when I was a member of the House of Commons.

Unfortunately, the occasion for my appearance is extremely troubling. A unique Canadian institution, Rights and Democracy, is now dysfunctional. According to voices I respect at home and abroad—and I have spent the last three months in London and heard lots about it—it is quickly losing its reputation for integrity and independence.

In my brief comments, I want to say something about the nature and mandate of Rights and Democracy, the roles of the chair and the president, and finally, about the disastrous consequences for the late president, the staff, and the international reputation of the institution that resulted from the actions of a handful of incapable, intolerant, and mean-spirited individuals. In doing this I will be elaborating on the letter that I and three other former presidents of Rights and Democracy sent to the Prime Minister on January 13. Although all four former presidents were Privy Council appointees, the Prime Minister has not yet replied to that letter.

As members know, Rights and Democracy, while created by an act of Parliament, by law functions at arm's length from the government of the day. In its mandate for encouraging human rights and democratic development abroad, there are two points that I want to stress today.

The first point is the emphasis that is found in subsection 4(1) of the act on, first, human rights; and second, the International Bill of Human Rights. This clause makes clear that the agenda for the centre is not to promote our particular form of parliamentary democracy or our charter of human rights and freedoms. This is not a “Canadian imperialism light” mandate.

I would also draw your attention to the crucially important subsection 4(2), identifying what it calls the “major object” of the organization, which focuses not on the political processes of democracy as such but on a crucial objective of the centre; that is, to help reduce the gap between what some states are formally committed to in human rights or in their own constitutions, on the one hand, and on the other hand, what actually takes place within these nation-states.

This wording was brilliantly constructed and became the foundation for so much of the centre's activity in countries such as Guatemala, Mexico, El Salvador, Peru, Kenya, Rwanda, Tanzania, Thailand, and Pakistan, all of which had committed in principle in varying degrees to a range of international human rights, but at the same time were failing, at the time of the adoption of the act for the centre, to meet the international standards.

I would emphasize two points here. First, the wisdom revealed in the act is that in broad terms human rights come first. Many states—for example, in Latin America—for a good part of the 20th century had so-called competitive elections, but what they lacked was freedom of speech, freedom of association, freedom of the press, and the rule of law. Thus, as the broad sweep of western European and North American history has, I believe, shown, the core foundation for a real democracy is a society that embodies universal rights, which now include social and economic rights. Without human rights, so-called elections are a sham; hence the centre, in most but not all of its activities, has supported human rights activists and programs in developing countries.

In partial recognition of this fact—and I suspect most members won't know this, and there's no reason they should—the words “democratic development” were added by amendment to the centre's title in the Senate, not to balance in any way human rights against democracy, but to make it clear that the emphasis on rights is precisely what is involved in democratic development.

I want now to emphasize the importance of Rights and Democracy's reputation for complete independence from the government of the day—an independence that has now been shattered, I believe.

● (1220)

Mr. Mulroney and Mr. Chrétien and their foreign ministers understood this very well. They revealed this understanding by appointing people to the board without a partisan agenda. As we all know, a government can impose a partisan agenda simply by making carefully selected appointments, without any need for explicitly partisan instructions going to the appointees. The previous prime ministers carefully avoided doing this with Rights and Democracy.

Second, they expected Rights and Democracy at times to be in open disagreement with them on international human rights issues.

And third, if I may say so, they appointed as presidents people they believed would act in this independent manner.

As president of Rights and Democracy, I openly advocated the inclusion of workers' rights clauses, as outlined in the covenant on economic and social and cultural rights, in all international trade agreements, and the speedy adoption of an international covenant on rights of indigenous peoples. Whether in substance or emphasis, such positions—and on a few other matters—were at variance with the government of the day. At no time did I receive criticism from the Prime Minister or the foreign minister. Indeed, during the 1990s and our activist work on the ground in many developing nations, my staff and I were frequently facilitated in our work by those fine public servants working on human rights issues in our embassies abroad.

In my view, it was because of Rights and Democracy's reputation for knowledge and independence of the government of the day that when I requested a meeting with President Clinton in the White House, or asked for a meeting with the King of Thailand, or with the presidents of Guatemala, Mexico, Rwanda, Eritrea, and Kenya, among others, these requests were granted and the meetings took place. The day Rights and Democracy becomes known not for its independence on rights matters from the government of the day but for supine acquiescence to the party political agendas of the day will be the day that foreign governments and NGOs alike will cease to be interested in the opinions of Rights and Democracy. If they want the Canadian government's view, they will simply call in the Canadian ambassador.

Regarding the roles of the chair and the president, according to the act, the prime purpose of the chair is to preside over meetings of the board as well as to take on other particular duties as might be assigned to him or her. The president, as its chief executive officer, “has supervision over and direction of the work and staff of the centre”.

In plain language, the chair of the board is not the CEO of the organization. It's the president who has and exercises the power of the CEO. When the board of the centre makes its decision on broad policy directions and major grants, it is then up to the president, in his responsibility for the day-to-day operations of the centre, to hire and supervise the staff and to make other decisions required to implement those objectives. The staff, notably the management team, are responsible to him and to no one else. Neither the chair nor any other member of the board has a right to impinge or encroach upon the president's authority to deal directly with the staff.

Early in 2009, when Mr. Braun became chair of the board, he came to an organization in a very good state of morale. Within the previous year it had not only received an excellent annual report on efficiency from the Auditor General, but in addition passed with commendation a five-year review conducted by the Department of Foreign Affairs. Its recent program on women's rights in Afghanistan had been singled out for praise by CIDA. In short, it's a matter of public record, not opinion, that under Mr. Beauregard's presidency, the management and staff were operating efficiently, transparently, and responsibly.

In contrast, after the arrival of Mr. Braun as chairman, to use the word he wrongly applied to the staff, it is the board itself that has become dysfunctional, has embraced a culture of dogmatism, and that lacks transparency.

• (1225)

I would add that it has also been since the arrival of Mr. Braun that the board of Rights and Democracy has lost two of its distinguished foreign members, one by resignation and the other failing to get reappointment; has been criticized by the International Federation for Human Rights; was criticized by William Schabas, the distinguished Canadian head of the Irish Centre for Human Rights; and, to complete the ignominious list, has had its judgments contradicted for the first time ever by Human Rights Watch and Amnesty International.

In responding to questions about these matters, I will be very happy to elaborate.

In the course of all these developments, and following the tragic death of the president, Mr. Braun is probably the first chair of a public institution in Canadian history to have inherited a highly praised management team, as well as an exceptionally educated and dedicated staff, and then, by extraordinary mismanagement, united them in virtual unanimity in a vote demanding his resignation. If ever there was a cause for the dismissal of a public appointee on the grounds of gross incompetence, this is it, and I hope this committee will recommend it. I have never, to my knowledge, ever before called for the public dismissal of a public official. I am doing so today.

If I may, on a personal note, I'd like to conclude by saying something about a key member of the management team who has been singled out for particular criticism by some members of the board. Marie-France Cloutier has worked over 19 years for the centre, the first six for me, in a senior position, throughout my term as president. In all my years of public life, I never met a more competent or more loyal subordinate. She was a loyal employee, but she never hesitated to speak truth to power. That such a fine person and public servant was so arbitrarily dismissed says more about those who now run the centre than it does about her.

Thank you, Mr. Chairman.

The Chair: Thank you, Mr. Broadbent.

We're now going to move over to Mr. Allmand for ten minutes.

The Honourable Warren Allmand (Former Member of Parliament and Former President of Rights & Democracy (1997-2002), As an Individual): Mr. Chair, members of the committee, I want to first thank you for the opportunity to appear before you today, respecting this important issue.

As you know, I served as president of Rights and Democracy from 1997 to 2002. Furthermore, I was a member of Parliament in 1988, when the centre was established by an act of Parliament. Today I want to speak about the mandate of the centre, its independence, how that independence was exercised during my mandate, its accountability and transparency, the relationship between the president and the board, and the relationship between the centre and the government. I will also comment on how much of this has changed

since March 2009, with the appointment of several directors, including Aurel Braun as the chair of the board.

The mandate of the centre is set out in section 4 of the law. In a nutshell, it is to defend and promote democracy and human rights, and in particular those rights set out in the International Bill of Human Rights. In other words, the governing imperative for the centre is the International Bill of Human Rights. The governing imperative is not the foreign policy of Canada, it is not the foreign policy of the United States, and it certainly is not the foreign policy of Israel. The centre is directed by law to be totally independent in pursuing that mandate and pursuing that governance imperative.

Rights and Democracy therefore carries the flag of human rights. It doesn't carry the flag of Canada, the United States, or Israel. It has the mandate to monitor and condemn human rights violations as it sees them anywhere in the world, including Canada. In this respect, the centre is to act independently, at arm's length with respect to all governments and all political parties. This is set out in various ways in the Rights and Democracy statute and bylaws.

According to section 22, the centre is not an agency of Her Majesty. That's the government. Section 23 states that the chair or the president or the directors are not part of the Public Service of Canada. Section 19 indicates that the head office shall be in Montreal, not in Ottawa, where you have the head of government. Section 28 states that the centre was to receive committed five-year funding to ensure its independence. Furthermore, in appointing the Canadian directors, the minister must consult with the leader of the opposition and the leader of every other recognized party in the House of Commons. In addition, in appointing the chair and the president, the minister must also consult with the existing board of directors, once again to ensure the centre's independence and the pre-eminence of its mandate.

When Joe Clark, a Conservative minister, appointed Ed Broadbent, a New Democrat, as the first president in 1990, he set an example for this principle of independence. He appointed a person not of his party whom he knew as a champion of human rights. Once appointed, Ed's governance imperative was the International Bill of Human Rights, not the policies of the Government of Canada, not the policies of the NDP.

Of course, the purpose of this independence is that it gives credibility to the centre, credibility in dealing with other governments, credibility in dealing with international bodies, and credibility in dealing with other human rights organizations. The principle of independence, in turn, is reinforced by the UN Paris Principles, by the UN Declaration on Human Rights Defenders, and by the Vienna Declaration on Human Rights of 1993, which states: "The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis." In other words, you don't pick and choose, supporting some rights here and other rights there, or varying the enforcement of human rights from country to country.

How was this independence exercised during my mandate as president? Of course we had people on the board who came from different professional, social, ethnic, religious, and political backgrounds. But when they came to the board, they were committed to the mandate of the centre and acted as such in their decision-making. There were times when we differed with the government of the day and we criticized their policies, as we did with respect to the WTO, the Inter-American free trade zone, the ratification of the American Convention on Human Rights, and the implementation of economic, social, and cultural rights, including the right to water and the right to food.

● (1230)

However, despite these public differences and criticism, there was no attempt to silence us, to pack our board with other points of view or to threaten funding cuts. We did consult with each other on issues, but when there was a disagreement, the government accepted that as part of the game that results when you have independent human rights organizations.

On the other hand, there were times when governments, including Canada's, backed the same policies as we did. And then we worked together to have these policies implemented. This was the case with the International Criminal Court, the optional protocol on the involvement of children in armed conflict, the Declaration on the Rights of Indigenous Peoples, the Inter-American Democratic Charter, and others.

It is absolutely clear, Mr. Chairman, gentlemen, and ladies, that what has been happening since March 2009 is totally inconsistent with the traditions I have referred to, totally inconsistent with the statute and bylaws of Rights and Democracy, with its stated mandate and its requirement of independence. It is evident that since a certain date in 2009, the government has been packing the board with individuals whose principal concern is to shield Israel from all criticism, whether deserved or not, which is also the policy of the Harper government and the Netanyahu government.

These individuals—now seven, including the chair—come to the board with biases against the UN, against the UN Human Rights Council, and against human rights NGOs, and a bias with respect to the Middle East conflict. The evidence for these biases is found in their own written articles and statements, in their associations and partnerships, and in their actions and history. If you read the long statement by David Matas in Ezra Levant's blog of January 24, it confirms exactly what I am saying.

When we speak of partnership, we are not talking about Conservative Party membership. We are talking about political biases that are similar to the Harper government's and that are contrary to the centre's mandate, contrary to the International Bill of Human Rights, and contrary to the Vienna Declaration. While it is normal in a free society for political parties to have such biases, it is not acceptable for Rights and Democracy, which has a legislated mandate to monitor and advocate for human rights wherever it is necessary to do so.

In this case, the three grants to Middle East NGOs were authorized under the urgent action fund. Mr. Braun and his colleagues have said, contrary to substantial evidence, that the issue at Rights and

Democracy is not with policy, not with the Middle East, but with respect to accountability and transparency.

But the urgent action fund and its budget, and all programs and budgets of Rights and Democracy, are approved each year by the board of directors. They are audited each year by the Auditor General's department. The audited reports are printed in the annual reports, which are tabled in Parliament, posted on the website, and distributed widely. In turn, the president and officers of Rights and Democracy are subject to oversight by this parliamentary committee regarding the annual report and the audited financial statements, which has been done on many occasions.

In addition, the Rights and Democracy statute requires that every five years there must be an independent, in-depth evaluation of Rights and Democracy. These have been done in 1993, 1998, and 2003. None of these five-year evaluations and none of the annual Auditor General audits has ever indicated that the centre was operating contrary to or outside its mandate, or that the urgent action fund, the office in Geneva, or even the attendance at the Durban conference in 2000 were out of order.

According to the Rights and Democracy statute and bylaws, the role of the board is to provide general policy direction, to approve the annual budget and work plan, and to oversee their implementation. It is not the role of the board to micromanage the centre. According to the statute and bylaws, the president has the responsibility to administer and run the centre, including the hiring and management of the staff. The president is full-time, the board is part-time.

● (1235)

The recent actions of the chair and the board of directors to repudiate grants, close the Geneva office, freeze the urgent action program, fire employees, gag and manage staff, and question religious affiliations were all prompted by their political biases, and not by their obligation under the statute to govern in accordance with the International Bill of Human Rights. This can also be said of the attempt in 2009 by Messrs. Gauthier, Tepper, and Braun to rewrite and change Mr. Beauregard's evaluation.

In conclusion, in order to strengthen the centre's independence, I want to make the following recommendations.

First, there should be an outside, independent inquiry into the situation at Rights and Democracy. I appreciate the hearings this committee is conducting; they are worth while, but they are too short and incomplete to really get to the bottom of things.

Secondly, I think you should consider amending the act to strengthen the nomination process.

Third, you should reintroduce the policy of multi-year funding, which was there in the first place but was forgotten about afterwards. The multi-year funding gave more independence to the centre.

Mr. Chairman, Rights and Democracy plays an important role for both Canada and the world. What has happened to it recently is totally unacceptable. Since Rights and Democracy is the creation of Parliament, it's Parliament's responsibility to correct the damage as quickly as possible.

Thank you.

• (1240)

The Chair: Thank you, Mr. Allmand.

We're now going to move to the first round.

Dr. Patry and Mr. Pearson, for seven minutes each.

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair. I will be sharing my time with my colleague, Mr. Pearson.

Mr. Broadbent, Mr. Allmand, I would like to thank you for appearing this morning. I have one very simple question.

As former presidents of Rights and Democracy, you have no doubt followed the current situation very closely. In your view, do the events of the past few months constitute political interference?

[*English*]

Hon. Ed Broadbent: I don't hesitate in saying yes, but I want to be clear on how that can be expressed. You can have political interference in an agency that's supposed to be independent on human rights, such as the centre, in one of two ways. In one, a minister or a prime minister says that before you are appointed, you must put an emphasis on P, Q, and R policies. It's direct. The other way, which is more subtle but can be equally effective, is to appoint people who you know in advance are going to pursue that agenda. You know it from looking at their dossiers. You look at what they've said publicly in the past about certain issues. You then appoint them to the board.

In my view, it's the latter. The Prime Minister of Canada is directly responsible for the appointees to the board. They come from the Privy Council. I cannot believe he did not know about the reputations of Mr. Braun and Mr. Gauthier before he appointed them. I cannot believe he didn't think they would pursue a particular political agenda that was sympathetic to his government.

Mr. Bernard Patry: Merci.

Mr. Glen Pearson (London North Centre, Lib.): Thank you for coming.

This is a dog's breakfast. I think of four different things.

First, I think of the organization. It's now obviously in a state of crisis. I think it's our job to try to figure out how to right that ship again.

Secondly, if what we have heard today is true and we discover it's true, Mr. Beauregard's reputation has been maligned perhaps beyond repair, unless we as a committee seriously take responsibility for his reputation.

Third, I'm very worried about what's happening on the ground. I'm not asking about that today. But how are our partners overseas perceiving this difficulty we're in at the moment and what we're doing with it?

Finally, for this committee, I think in any language, in any political language, this is a dog's breakfast. It is something we have to deal with.

You have both had experience in coming to committees before in the capacities you had within Rights and Democracy. We have a responsibility as a committee to get it right and try to not make politics as much a part of it as they might be.

Could you offer advice to us as a committee? I'm not saying you're telling us what to do. But as somebody who's worked with this committee in times past, how should we approach this problem? What action do you think we should take to remedy what has happened and to get this organization back on its feet?

Hon. Warren Allmand: In the statute right now it says that the minister is supposed to consult with the opposition parties with respect to all appointments to the board. That's been done over the years. I doubt whether the opposition parties—and I say this with respect—often paid as much attention to that as they maybe are now.

One of my recommendations is that you reconsider how these nominations or appointments are made to the board. I would even go so far as to say that they shouldn't be just consulted on, but receive the support of at least one of the opposition parties—some sort of situation where it's not just the government.

I pointed to the good example that Joe Clark made in the first place. When he set up the centre, he as a Conservative appointed a New Democrat to show a model.

I was also looking at the foreign policy statement of the government in 1995, which was a Liberal government. In that foreign policy statement they praised the International Centre for Human Rights as being an outstanding player in international human rights affairs. Here you had a Liberal government praising an institution set up by a Conservative and run by the former leader of the New Democrats. In my view, that is a non-partisan approach to human rights and the institution of Rights and Democracy.

So I urge you, Mr. Pearson, to look at a new way, a better way, of making these nominations. I understand that there was supposed to be a new honing process for order-in-council appointments by the Harper government, but it's never really come to fruition. That's for all appointments, not just these.

• (1245)

Hon. Ed Broadbent: Can I add just one point to this?

I think the situation requires some immediate action. I deeply believe this. I believe the wrong person is president and the seriously wrong person is chair. You have a wonderful staff, who only did what they could do, I believe, in rebelling against it. To preserve the soul of the centre, as a matter of fact, they did what they did. I think Mr. Braun has to be removed.

I would like to make a suggestion. If the committee seizes itself of a number of suggestions it made—I'm just focusing on one here—Mr. Braun should go and the Prime Minister should undertake to speak to the leaders of each of the opposition parties and say let's agree now in the interim, for now, on some distinguished Canadian, man or woman, on whom we can all agree to put in on an interim basis to give some leadership to this organization. Then, as others have suggested, follow a different kind of an appointment process down the road. But I do want to stress that I think some immediate action is required to preserve that institution.

The Chair: Thank you.

Madame Lalonde, you have seven minutes, please.

[*Translation*]

Ms. Francine Lalonde: I will be sharing my time with my colleague.

Thank you, and allow me to say, in all sincerity, that Rémy Beaugard would have liked to be here and hear your forceful presentation of the reasons why he met such a tragic end. You spoke of the need to ensure the organization's independence through the means that you set out and that he wanted to maintain.

Without major changes, for which a number of approaches could be taken and which the committee, in its majority, must consider, Rights and Democracy will never again be the same institution. The institution might remain, but it would no longer be Rights and Democracy. Immediate changes must be made along the lines you have indicated, would you agree?

Hon. Ed Broadbent: Yes, I do agree, however—

[*English*]

I would add one additional thing on this appointment process that maybe the committee could consider. I think Mr. Harper had promised, consistent with the proposals made by a number of parties, when he first became Prime Minister to have a very different appointment process. There would be hearings and so on, and he hasn't proceeded with that.

One idea.... The first board of the centre came recommended to Mr. Clark and Mr. Mulroney by Mr. Gordon Fairweather, who had been the chief human rights commissioner of Canada. So Mr. Mulroney and Mr. Clark, to their credit, went to Mr. Fairweather—who'd been appointed by Pierre Trudeau, by the way, as human rights commissioner—and they had him prepare, in consultation, a list for the first board.

I can tell you that before I accepted the offer from Mr. Mulroney, one of the first things I did was to look at the proposed list of the board, you can be sure. There was a good cross-section of Canadians, representing as part of their past all the political parties. Most of the people on the board did not have political connections, but some did. There was a great range. They all had a common interest in human rights.

The process was impeccable: you had a human rights commissioner giving a proposed list to a government, and the government was prepared to act on that. Maybe something like that could be tried in the interim, to come back to the need for some immediate action at the centre.

[*Translation*]

Ms. Francine Lalonde: Mr. Allmand, do you have anything to add to that?

Hon. Warren Allmand: I have already made recommendations in that regard.

Ms. Francine Lalonde: Thank you.

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): I would like to add a few things to what was said by Mr. Beaugard's widow and yourselves today. Looking back at the past four years, I am a bit

concerned to see how the government's policies are taking form in all programs and at all levels. I used to sit on the Status of Women Committee before being a member here, and women were the first victims of the government's policy changes. I believe that all groups that work in the defence of or to promote people's rights are the first to feel a noose around their necks, if you will pardon the expression.

I am personally quite shocked by these current events because they do not reflect my culture and my values. I am being deprived of those values to which we have become accustomed here in Canada, values like fairness, justice and equality. I note that we are experiencing a shift, which we as citizens are not accustomed to. I do not recognize myself in what is currently going on.

The crisis is shaking the foundations of Rights and Democracy. This is an organization that has built up a strong reputation and become a highly credible voice internationally over the years. How is this crisis being perceived internationally?

• (1250)

[*English*]

Hon. Ed Broadbent: I think I mentioned that I've spent the last three months in London, England, and I came back just for this hearing and will be returning there. Coming from London, I can tell you from personal contacts, including with a number of international NGOs, that there are government and media people—and I'm not going to exaggerate the number—for whom the reputation of Canada and Rights and Democracy is going down. The latter is what hurts me. People who are concerned are aware of the centre internationally, though not everyone is. I don't want to distort this. However, those who are concerned about human rights abroad are very much aware of the history of the centre and its particular role. What's happening to it has literally spread throughout the globe now, among the NGO community and governments, including Scandinavian governments and others who are sensitive on human rights matters, and there is very real concern.

[*Translation*]

Hon. Warren Allmand: With regard to the first part of your question, there appears to be a similar pattern in a number of organizations, not only at Rights and Democracy. I myself am associated with Kairos with respect to aboriginal issues. That organization, along with Alternatives in Montreal, has more or less the same problem in terms of its Middle East policy.

[*English*]

There are other organizations that I'm aware of. There's a case regarding aboriginal peoples, with respect to aboriginal children, before the Canadian Human Rights Commission, and it is being delayed over and over. Your comments I find are ringing true that what's happening at Rights and Democracy is happening in other places as well with respect to women's organizations and so on.

With respect to international comment, it's interesting. David Matas, in his famous statement on Ezra Levant's blog, accused those who made the grants to these three groups in the Middle East of being ignorant—it was very condescending, his language—of what is going on in the Middle East. In other words, they didn't know what they were doing. Recently, about three or four weeks later, we had a statement made by the leader of B'Tselem saying that those at Rights and Democracy who have repudiated the grants were the ones who were ignorant of what was really going on in Israel and the Middle East.

There was also a statement signed by about six or seven more human rights organizations in Israel and the Palestinian territories criticizing the decision. There was a letter signed by over 100 lawyers and professors in Canada condemning the situation. There was Mr. Schabas, who is a Canadian but is now head of the human rights body in Ireland. There's already been a lot of comment internationally about this, and it's certainly not helping our reputation as a human rights organization.

•(1255)

The Chair: Thank you very much.

We'll now move back over to Mr. Abbott for seven minutes.

Hon. Jim Abbott: Mr. Allmand, I always like to try to find common ground with people, and I think you and I are in agreement on subsection 7(2), on the necessity to consult. I'll read it again:

All appointments to the Board shall be made after consultation by the Minister with the Leader of the Opposition and the leader of every other recognized party in the House of Commons.

So we should put on the record that Mr. Ignatieff, Mr. Duceppe, and Mr. Layton approved all of the directors who are on the board of directors. For them to be sitting there wiping their hands and saying they didn't have anything to do with it is really quite an amazing sight.

However, I do have a question for you. You seem to have a bit of a fixation with Mr. Matas. What is it? I don't quite understand. You're suggesting that Mr. Matas is a lapdog of the Prime Minister, that he's parroting the kinds of things that this evil Conservative government might be trying to propagate. Is that what you're trying to say?

Hon. Warren Allmand: On your first point, the fact that the leaders of the opposition parties were consulted doesn't mean they approved. I don't know what their reaction was when they were consulted. I'm not sure how they responded to the Prime Minister when he approached each one of them. It's true that he has to consult, but I don't know what the response was, whether they approved or not. The appointment power is still left in the hands of the Prime Minister and the order in council. So whether they disapproved or approved, I don't know. Maybe you could ask them. We could find out how they responded to the consultation.

With respect to Mr. Matas, Mr. Matas was on the board previously, when I was the president, and at that time he was a constructive member of the board, although even at that time he on occasion seemed to be more interested in being an apologist for the state of Israel than in human rights in the world. But he was not as extreme as he is now.

When I read, Mr. Abbott—and he sent me a copy—the long statement he made that was on Ezra Levant's blog on the Internet, which is full of attacks on the UN Human Rights Council and on NGOs, I was surprised at his very strong attack on human rights NGOs and on many things. It would take me a whole meeting and maybe an hour to respond to all the points he has in there. That's the difference. I have no personal differences with Mr. Matas, but the statement he made shows that his main concern is protecting the state of Israel from any criticism, whether deserved or not, and I just can't agree with that. Also, he's more or less supporting this concept that if you criticize Israel you're anti-Semitic, which I find ridiculous.

Hon. Jim Abbott: If we could go politician to politician here for just half a second, I find it quite breathtaking that you would be attacking a person who by his own submission to this committee called himself a prairie Liberal, and we also know that he is a Nobel Peace Prize nominee. I find that really quite breathtaking.

Hon. Warren Allmand: You know, he was a Liberal candidate, but that says nothing about his bias with respect to the state of Israel. He has this extreme bias.

For example, in the Durban 1 conference, he walked out before the government conference even started, whereas Irwin Cotler stayed and fought the battle to make sure the government conference came out with a proper and correct declaration. The fact that he's a Liberal or not has nothing to do with it. It's his bias on this particular issue. And it's the same bias with all seven of these people, as far as I can see, that's causing the problem.

Hon. Jim Abbott: I suggest to you, gentlemen, that you are bringing partisan politics into this issue—

Hon. Ed Broadbent: No.

Hon. Jim Abbott: —and it is unbecoming, because after all, this is supposed to be a non-partisan organization.

Hon. Warren Allmand: Let me answer that.

You posed a question to the previous witnesses in which you asked, isn't the board supposed to make the policy for the organization? That's right, but the policy they make has to respect the governance imperative I referred to, which is total respect for the International Bill of Human Rights. You can't make policy or do things that are outside the mandate, which is in section 4 and following. So, yes, you can make policy, but it has to be policy that respects that mandate. What we have here are policies being done by the board that in my view are outside of the parliamentary mandate.

•(1300)

Hon. Ed Broadbent: You used plural there and referred to both of us.

I take a position, but I'm trying to be non-partisan about it, and I mean that. I had on my board a distinguished Conservative, a former MLA from Alberta. He was known for his human rights. He was on my board. Never once did he try to make a partisan issue, when we had a Conservative government, that we should ever follow a Conservative agenda. He stuck to the human rights mandate.

To get back to David Matas, I, as an NDP... We haven't exactly formed a government yet at the federal level, but if I were our Prime Minister, I'd love to appoint a Liberal to do my dirty work, instead of someone in my own party.

Never, to my memory, has Mr. Matas come to the defence of Palestinians. He has defended, very often, very offensive actions by the Government of Israel. Why wouldn't the government put Mr. Matas on and say, "Well, look, he's a Liberal"? My point earlier was, you put people on—it doesn't matter what party label they have—that you know will pursue their agenda.

Hon. Jim Abbott: What you two men are saying is that anybody who disagrees with you is a partisan and you're not.

Hon. Ed Broadbent: No.

Hon. Jim Abbott: That's an amazing position.

Hon. Warren Allmand: That's not correct. We're saying if you disagree with the mandate... We had Conservatives, we had NDP on the board. They respected the mandate of the organization, which is that you act in accordance with the International Bill of Human Rights. That's your governing imperative. You do not act with respect to protecting certain states from criticism or criticizing other states that don't deserve it. You use the International Bill of Human Rights as the standard.

By the way, when you appoint a Speaker in the House of Commons, once he becomes Speaker, he leaves his politics behind. It's the same with the people who should be on the board of Rights and Democracy—

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

Hon. Jim Abbott: Are you both saying that this is really all about Israel? Is that what you're saying?

Hon. Warren Allmand: I would say, yes, much of it is.

The Chair: Thank you, Mr. Abbott and Mr. Allmand.

We're going to move to Mr. Dewar. I won't say it's for the last word, but certainly the last round.

Mr. Paul Dewar: Yes. Thank you. Well, we could take longer.

Chair, I want to start off by saying that one of the things that need to be put on the table here—this was referenced but needs to be reinforced—is that Mr. Beauregard worked for NDP premiers, Liberals, and Conservatives. You know, I will never be accused of supporting Mr. Harris in any way, shape, or form, but I will certainly observe that Mr. Beauregard was able to work with Mr. Harris on the issue of human rights.

It is telling that when it comes to this affair, we have someone who was able to work with anyone not able to work with this particular board. I say that as an observation, because some would like to have this structured as, "Well, the board came in to deal with a crisis and a problem." I would make the observation that the crisis was created by these members. It's very evident here.

I mean, I go back to the testimony of the board members, and others, that they were not only micromanaging; they were having a hand in changing the minutes. I think of the Durban example, where it was never refuted by Mr. Braun that he actually asked to have the minutes changed, changing the record to reflect that it wasn't the president and the staff who had made the recommendation not to go to Durban II, that it was him. We now have examples this morning, from the previous witnesses, about contracts given to fellow board members.

Mr. Beauregard, according to this committee, according to the Attorney General, according to the Department of Foreign Affairs, was doing everything in concert with what his role and his mandate was.

I have to agree with the recommendations that have been made, that obviously we need to do something immediately. We can discuss as a committee what that is. I would use a medical analogy: we have to do triage first to save the patient, and then we have to make sure that the patient is whole and healthy. But clearly we have to do something. To do nothing is not an option.

I would ask you, Mr. Allmand, in your experience, when there were evaluations done by the board, evaluations of you, were you always made aware of the evaluations before they were finished and signed off? Did you participate in that process?

● (1305)

Hon. Warren Allmand: Well, they prepared the evaluations, but they would show them to me. I never tried to change them. I just let them go.

Mr. Paul Dewar: Right—but you were aware of what was in the evaluations.

Hon. Warren Allmand: They were discussed by the entire board. It wasn't done by a small committee of the board. The small committee might have prepared the initial documents.

I can remember very well that I was asked to leave the room when they discussed my evaluation. I left the room and I was later shown the evaluation. I had no problem with it. They were free to make whatever evaluation.

I might say, too, my evaluation was positive every year, so of course, having seen it, I didn't have too much to disagree with.

Mr. Paul Dewar: But there wasn't a separate process.

Hon. Warren Allmand: No, no.

Mr. Paul Dewar: And you were made aware of what the evaluation was.

Hon. Warren Allmand: As I pointed out, there was never an attempt by the chair... I had three chairs. One was Maureen O'Neil. The next one was Lois Wilson. The next one was Kathleen Mahoney. They were strong personalities, and each one of them brought the evaluation, when the time came, to the full board. The full board discussed it and approved it, then they sent it on.

Mr. Paul Dewar: Was it the same with you, Mr. Broadbent?

Hon. Ed Broadbent: Yes.

Mr. Paul Dewar: Chair, I say that because clearly there is a change in the way the evaluations were done in the past and what we have right now.

I think the appointments process... And I have to maybe disagree a little bit with my friend Mr. Abbott. We were consulted, for instance, on the appointment of Mr. Latulippe, and we're going to hear about him on Thursday. As far as I know, no one agreed to his appointment, and he was appointed.

Further to that, and I want to get our witnesses' opinion... You know, I'm someone who has a conflict of interest when it comes to the Public Appointments Commission because I was on the committee for Bill C-2, the Accountability Act, where we made amendments to have a Public Appointments Commission. It gets \$1 million a year, but alas it has no real process other than the PMO. So nothing has changed, other than there's \$1 million there for the government to dispense of appointments at their will.

I note that yesterday one of the appointments made to the IDRC has become a problem because a commission she sits on is a conflict of interest in the view of the Gates Foundation.

I think—at least in this period—we should have this committee be able to question appointees before they are appointed to the board and as president. You mentioned, Mr. Broadbent, that we could at least confer with the leaders, and I think Mr. Allmand said the same. We could do that, or we could also have this committee question the appointees as well, in light of the fact that we don't have a Public Appointments Commission. Would that be another way of doing it?

Hon. Ed Broadbent: I'd separate it out. As I said, I have a real concern about the staff and the continuing credibility of Rights and Democracy when you have Mr. Latulippe, that kind of man, as president and Mr. Braun as chairman. I think some immediate action

is needed to change the chairperson. I'm not sure you'll get a rapid agreement by a whole committee of the House on that person, but for other appointees going down or other steps, it would be good if across party lines you could do it.

That's why it seemed to me maybe it would be most efficacious if the committee recommended for a start that the chairperson who is responsible for all the other activity going on—ultimately and to this committee—be replaced. Then I would hope the Prime Minister would agree to sit down with Mr. Ignatieff, Mr. Duceppe, and Mr. Layton and say let's get a Canadian man or woman in there on an interim basis whose integrity no one is going to dispute. Let's get them in there to restore faith in the staff and to bring some order. It will be difficult, I think, for the existing board until longer-range decisions are made about changing board membership.

● (1310)

The Chair: Thank you, Mr. Dewar.

That's all the time we have. I want to thank our witnesses again. I apologize, we're working under some tight time constraints today, but thank you very much for taking the time to be here.

The meeting is adjourned.

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