



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

## **Standing Committee on International Trade**

---

CIIT • NUMBER 052 • 1st SESSION • 42nd PARLIAMENT

---

**EVIDENCE**

**Tuesday, January 31, 2017**

—  
**Chair**

**The Honourable Mark Eyking**



## Standing Committee on International Trade

Tuesday, January 31, 2017

• (1535)

[English]

**The Chair (Hon. Mark Eyking (Sydney—Victoria, Lib.)):** Welcome back, everybody. Happy New Year.

Members, I hope you had a good break in your ridings with your families and all that good stuff.

The last time we had a meeting, we were very successful finishing Bill C-30. I'll just let the committee know that I presented it in the House yesterday without any trip-ups, so it's in front of Parliament as we speak.

As was stated before the Christmas break, we'll get right to Bill C-31, the Canada-Ukraine trade agreement.

Ms. Ramsey has a motion here.

Do you want to speak on it, Ms. Ramsey?

**Ms. Tracey Ramsey (Essex, NDP):** Sure.

I would like to move my motion from Friday, January 27:

That with regard to the Committee's study of Bill C-31, An Act to implement the Free Trade Agreement between Canada and Ukraine, the Committee invite witnesses to appear to discuss the state of human rights in Ukraine.

I think if we pause for a meeting or two, take our time and do our due diligence around the real issue of human rights in Ukraine, and have some witnesses come forward, it would open up a platform for anyone who wants to do that. I think, in contrast to the work we've done around other trade agreements, it would provide that space.

**The Chair:** Thank you, Ms. Ramsey.

Are there any comments on this motion?

**Mr. Randy Hoback (Prince Albert, CPC):** Are we in camera?

**The Chair:** We're in public right now.

**Mr. Randy Hoback:** We are in public, but we usually do motions in camera.

**The Chair:** If you wish this one to go in camera, it's up to you.

**Ms. Tracey Ramsey:** I don't think there's any need.

**An hon. member:** In camera? Sure.

**The Chair:** You want to go in camera?

**Ms. Tracey Ramsey:** Can we get a recorded vote, then?

**The Chair:** Okay. If we go in camera, it will take just take a minute.

**The Clerk of the Committee (Mr. Rémi Bourgault):** Somebody's moving to go in camera?

**The Chair:** Yes.

Is that what the wish was? Is that what I heard from the floor, that you want a recorded vote if we go in camera?

**Ms. Tracey Ramsey:** Yes, a recorded vote to go in camera.

**The Chair:** Is that what I heard?

**Ms. Tracey Ramsey:** Yes.

**The Chair:** Okay.

Mr. Dhaliwal.

**Mr. Sukh Dhaliwal (Surrey—Newton, Lib.):** Mr. Chair, we already had a debate in the House on this bill. Did the honourable member not have enough time there to deal with any issues with this agreement?

**Mr. Randy Hoback:** On a point of order, Chair, before we start the debate or discussion on the motion and to solve the issue at hand, normally the committee deals with motions in camera. It's assumed, when we start a motion, that it automatically goes in camera, so there should be no vote required. It's in our Standing Orders for the committee.

Unless we want to have a motion saying that we want to stay out of camera, I would just assume that we should be going in camera.

**The Chair:** Yes, I think you're right, Mr. Hoback.

In practice, I don't think we usually have a vote to go in camera. If somebody wants to go in camera, let's just go in camera.

**Ms. Tracey Ramsey:** I think it's within my rights to ask for a recorded vote to go in camera.

**Mr. Sukh Dhaliwal:** You want to go in camera, then?

**Mr. Randy Hoback:** What I'm saying is that it's already in our Standing Orders, so there is no vote to be had.

**Mr. Sukh Dhaliwal:** There is no vote required to go in camera, right? So it is an in camera meeting. Then we have to clear the floor.

**Ms. Tracey Ramsey:** I think it's a simple vote to say that you want to go in camera or not.

**The Chair:** I'm getting clarification from Rémi here.

Go ahead.

**The Clerk:** I just want to make sure: if you have a motion on the floor to go in camera, it's not a debatable motion, and if there's a recorded vote requested, then we proceed with a recorded vote.

**Mr. Randy Hoback:** I have a point of order again.

I understand, Rémi, that in our Standing Orders we automatically go in camera when we're dealing with motions, do we not?

**The Chair:** That's what I always understood.

That's the understanding, so let's—

**Mr. Randy Hoback:** I mean, that's unless you take it out of camera, if you want to do it out of camera.

**Mr. Sukh Dhaliwal:** Then there shouldn't be any vote to go in camera.

**The Chair:** I think we're just going to go in camera right now, and then we'll talk about the vote.

We're going in camera.

*[Proceedings continue in camera]*

• (1535) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1545)

*[Public proceedings resume]*

**The Chair:** Welcome back. We're going to get at this. Everybody understands what we're doing here. Of course, everybody has read this bill, this trade agreement.

I see only one amendment, so is it the will of the committee that I do all the clauses up until the amendment?

**Some hon. members:** Agreed.

**The Chair:** I have to mention that pursuant to Standing Order 75 (1), consideration of clause 1, the short title, is postponed.

The chair calls clause 2.

We've had a little bit of discussion, so if everybody agrees, we're going to group everything until clause 14.

(Clauses 2 to 14 inclusive agreed to)

(On clause 15)

Does everybody understand clause 15? I understand there is an amendment.

Ms. Ramsey, do you want to speak to your amendment?

**Ms. Tracey Ramsey:** Thank you, Mr. Chair.

This amendment seeks essentially to entrench a report, a review of human rights, looking at the impact on human rights in Canada and Ukraine of actions under the act.

I think, given the ongoing human rights concerns in Ukraine and the possibility of more conflict in this country—this country has been very torn between its ties to the west and to Russia—it only seems prudent that we monitor the human rights situation and have an independent annual report looking at any consequences on human rights of greater trade.

Since 2014 Ukraine has made some progress implementing reforms, but according to a BBC report, it “teeters a few steps from chaos”. According to Human Rights Watch, hostilities in eastern Ukraine continue to simmer after leaving 9,000 dead and 1.4 million people internally displaced. While there have been some positive recent developments, there are still outstanding concerns. We still don't know if Canada will add Ukraine to the automatic firearms country control list, which is something that we had questions about during our department review.

I'm asking the committee to seriously consider this amendment to entrench this inside the agreement so that we can ensure that ongoing human rights are protected both here and in Ukraine.

**The Chair:** Thank you, Ms. Ramsey.

Mr. Ritz.

• (1550)

**Hon. Gerry Ritz (Battlefords—Lloydminster, CPC):** Just as a point of clarification—and I'd ask this of Ms. Hillman—is this possible? We have an agreement in principle that's been signed by both parties. Logistically is this even possible to do? We're inserting something after the fact. Do we not have to have agreement from Ukraine to do this?

**Ms. Kirsten Hillman (Assistant Deputy Minister, Trade Agreements and Negotiations, Department of Foreign Affairs, Trade and Development):** As I understand the amendment, it is proposing that the obligation for reporting would be on Canada alone and there wouldn't be any obligation on Ukraine. So—

**Hon. Gerry Ritz:** But that's not the purpose of the amendment.

**Ms. Tracey Ramsey:** It is.

**Hon. Gerry Ritz:** You want Canada to do an assessment of its human rights, and not Ukraine to do an assessment of its own?

**Ms. Tracey Ramsey:** I'll read it out. It's calling for an independent review:

15.1(1) The Minister must cause an independent review to be undertaken of all actions taken under the authority of this Act and of the impact of these actions on human rights in Canada and Ukraine.

**Hon. Gerry Ritz:** Right, so you have included Ukraine?

**Ms. Tracey Ramsey:** Yes. It continues:

(2) The Minister must cause a report of the review to be laid before each House of Parliament by May 15 of each year or, if that House is not sitting, on any of the first 30 days next thereafter that the House is sitting.

We are asking for Canada, the minister, to call for an independent review to then be submitted.

**Hon. Gerry Ritz:** But you're enforcing this on Ukraine.

**Ms. Tracey Ramsey:** It's an independent review. We're not—

**Hon. Gerry Ritz:** It doesn't matter who's doing it. It's not part of the agreement now. My point is, logistically, how does this get inserted into an agreement that's been reached unless Ukraine says that, yes, it will do this?

**Ms. Tracey Ramsey:** Okay, it's similar to the Canada-Colombia agreement—

**Hon. Gerry Ritz:** I understand that, but—

**The Chair:** Excuse me, I shouldn't really allow you guys to debate back and forth. There seemed to be a good flow, but it's not really the procedure we should follow.

So, Ms. Ramsey, maybe you'll speak and then you'll go through the chair. Go ahead.

**Ms. Tracey Ramsey:** This is exactly the same procedure that took place around the agreement with Colombia. This is an established practice that's happened before, and that happened after the fact. I would like to ask Ms. Hillman to continue her thoughts on whether this is possible and reasonable at this point.

**The Chair:** Go ahead, Ms. Hillman, and then we'll go to Mr. Ritz.

**Ms. Kirsten Hillman:** This is actually different from what happened with Colombia. In the Colombia agreement, there was a Canada-Colombia international.... We agreed with Colombia to have bilateral human rights reporting. The obligation is on Colombia to do an assessment and report to its parliament, and for Canada to do an assessment and report to its parliament. That was enshrined in an international agreement with Colombia and implemented through the implementing legislation. As I understand this proposal, it's different.

**The Chair:** Mr. Ritz, do you have more comments?

**Hon. Gerry Ritz:** Yes, and you're getting to the point, Ms. Hillman, that this is coming after the fact. It's not part of the agreement. It would be an addendum to the agreement, and we would have to have consensus from Ukraine to actually do this as well. We couldn't enforce this on them.

**The Chair:** We have Mr. Peterson and then Ms. Ramsey.

**Mr. Kyle Peterson (Newmarket—Aurora, Lib.):** Thank you, Mr. Chair.

Ms. Hillman, so there's a stand-alone agreement with Colombia. Just for clarity, is this sort of clause found in that companion treaty and not in the agreement itself?

**Ms. Kirsten Hillman:** There is a stand-alone agreement that sets up the bilateral obligations to conduct these reviews and to report to Parliament. For Canada it is implemented in law through the implementing legislation, as every other aspect of the international commitments between us and Colombia is implemented. My understanding of the proposal here is that it is a stand-alone proposal without any hook within the treaty itself.

**Mr. Kyle Peterson:** Under that agreement, who undertakes these assessments? Ms. Ramsey's amendment proposes a third party or an independent review. Under the Colombia-Canada one, which body undertakes those assessments now?

**Ms. Kirsten Hillman:** The Colombian government does on its side, and the Canadian government does on our side.

**Mr. Kyle Peterson:** Okay, so that's another distinction then as well.

Thank you, Ms. Hillman.

**The Chair:** Mr. Hoback, we'll go to Ms. Ramsey for final comments, and then we'll go to you.

**Ms. Tracey Ramsey:** Again I ask you, Ms. Hillman, is this possible in this agreement? Is this something we could do in this agreement without changing the spirit of the agreement, with the understanding that we need to have an eye towards human rights,

and that an independent review would enable that perspective not potentially be influenced by the government? It would be something the minister would put out to report back to Parliament. Is it possible, and do you view this amendment as being something that could be implemented?

• (1555)

**Ms. Kirsten Hillman:** At this stage we could not impose any obligations on Ukraine without going back to Ukraine and negotiating that change. If this proposal is not suggesting any obligations on Ukraine per se, the legal advice we have says that if the obligations are solely on us without any Ukrainian government commitments, then it would be possible.

One thing I would add, not directly in answer to the question, however, is that this has obviously not been discussed with Ukraine, and this kind of reporting requirement was never raised with Ukraine. So I think that is something that's important to flag.

**The Chair:** Mr. Hoback.

**Mr. Randy Hoback:** Thank you, Chair.

Thank you, Ms. Hillman.

Actually, that raises another question and a comment. Because it has not been discussed previously with Ukraine, something like this would possibly be viewed as diplomatically problematic; yet there's nothing in any committee in the future asking to look at human rights in Ukraine without that being tied to the actual trade agreement. So in theory, a year from now, the foreign affairs subcommittee on human rights could go ahead and do this type of work. There's no requirement to actually have it in this legislation for that to happen, so why would we go through the diplomatic row that could possibly happen if we were to submit this in there? Why wouldn't we just look at it on a year-by-year basis? Maybe sometimes we might want to do a review two or three times a year depending on what we see going on in Ukraine. Plus I don't see any enforcement factors, so if we do a review and we don't like the results, what does it do to have impact on the agreement? Or if we do a review with Colombia and it has results we don't like, because it's part of the agreement, there are actually implications. There's no way we can add this to this legislation and give it teeth to actually do anything with it, so other than providing window dressing, you're doing nothing. In fact, you'd have more teeth if you took it to the appropriate committee and reviewed it there.

You haven't gotten agreement from the Ukrainians to be part of this review process, so you have no ability, if you don't like what you see from the review process, to take action. Is that fair to say?

**The Chair:** Go ahead, Ms. Hillman.

**Mr. Randy Hoback:** In 30 seconds or less.

**Voices:** Oh, oh!

**Ms. Kirsten Hillman:** I guess I would go back to my comments. It's never been raised with Ukraine. There are no commitments that have ever been discussed with them for their participation in this, so this would be, as drafted, and I think as proposed, a unilateral action on the part of the government in relation to human rights effects of this agreement—whether or not there are effects on human rights flowing directly from this trade agreement.

This isn't directly in response to your question, but I do think it is important to recognize that Canada has very deep and multi-faceted co-operation with Ukraine in the area of human rights. That includes monitoring of the programs we have in place. The foreign affairs committee was recently in Ukraine and received information on the human rights programming that the government undertakes. We participate through the UN, for example. We're about to participate in the review of Ukraine on the multilateral front in the area of human rights.

So that kind of work with the Ukraine is happening as well.

**The Chair:** Thanks, Ms. Hillman.

I'm going to try to wrap this up. I'll go to Mr. Peterson, and then we'll have the final comments from Ms. Ramsey.

Go ahead, Mr. Peterson.

**Mr. Kyle Peterson:** Thank you, Mr. Chair.

Just to follow up on what my colleague Mr. Hoback was alluding to, my fear of doing this now is that it may be seen as unnecessary criticism of Ukraine at this stage. Presumably the negotiations took place. They did; we know they took place. Presumably all the issues that we wanted to consider and contemplate were addressed and, at the end of the day, the agreement was reached.

My understanding is that this is the entire agreement that the parties agreed to. To insert something like this at the last hour—after the fact, to be perfectly frank—I think sends the wrong message from a diplomatic standpoint and from a relationship standpoint between Canada and Ukraine. I don't think it would go over well, in my humble opinion.

That said, I also think some parts of the agreement do deal with anti-corruption legislation and things of that nature and do hold Ukrainian and government players to the same standards we're held to here in Canada. It wasn't as if the parties didn't already think about this. Presumably they did, and this is the agreement they arrived at. To insert something after the fact, that may already have been considered, I don't think is appropriate. Frankly, I don't think it sends a good message.

This agreement, as we heard at the committee, is not only a trade agreement. It also clearly demonstrates the friendship between the two countries, and I don't think we should risk any aspect of that component of the agreement.

That said, I just don't see how I can support the amendment at this time.

• (1600)

**The Chair:** Thank you, Mr. Peterson.

For some final comments before we go to a vote, go ahead, Ms. Ramsey.

**Ms. Tracey Ramsey:** I'd just like to say that I think this amendment is really in that spirit of partnership, and it's meant to strengthen our relationship. I think when we have relationships with other countries, there are sometimes difficult things that have to be addressed, and this is certainly one of them. We have worked very hard with Ukraine to establish the relationship with the west and have a strong friendship with them. I think that's not in question.

I also believe strongly that with the excellent diplomatic and negotiating skills of our Canadian team here, they would be able to broach the subject respectfully, in a manner that would not be in any way offensive to Ukraine.

I also want to say that in trade agreements going forward, we have to have an eye toward human rights. We have to entrench them in the agreements, and not just in side agreements anymore. For the countries that we're looking at trading with, it's incredibly important that we keep the standards we have in our own country and potentially elevate other countries to those standards. That's the goal. That's what we're reaching for, off in the distance, I think, trying to elevate countries to these standards. We have examples where that hasn't happened. With NAFTA, Mexico has not been able to raise its standards.

I think we set an example to the world, and we can do so in a respectful way with all partners.

**The Chair:** Thank you, Ms. Ramsey. You've brought good conversation on this topic.

I think we'll bring NDP-1 to a vote now. Everybody understands the amendment.

(Amendment negated)

(Clause 15 agreed to)

**The Chair:** I will group the rest.

(Clauses 16 to 44 inclusive agreed to)

(Schedules 1 to 3 inclusive agreed to)

**The Chair:** Shall the short title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the title carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the bill as is carry?

**Some hon. members:** Agreed.

**The Chair:** Shall the chair report the bill to the House?

**Some hon. members:** Agreed.

**The Chair:** That's it. It's ready to go to the House. My understanding from the legislative clerk is that we can have this ready in the next couple of days, or tomorrow, so I'll try to get this to the House.

They're pretty impressed with our committee and how we're getting these agreements.

As you know, committee members, after this we had intended to go into some future business. Do you want to go in camera with that?

**The Chair:** We will suspend and go in camera.

**Some hon. members:** Agreed.

*[Proceedings continue in camera]*

---







Published under the authority of the Speaker of  
the House of Commons

---

### SPEAKER'S PERMISSION

---

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

---

Also available on the Parliament of Canada Web Site at the following address: <http://www.parl.gc.ca>

Publié en conformité de l'autorité  
du Président de la Chambre des communes

---

### PERMISSION DU PRÉSIDENT

---

Il est permis de reproduire les délibérations de la Chambre et de ses comités, en tout ou en partie, sur n'importe quel support, pourvu que la reproduction soit exacte et qu'elle ne soit pas présentée comme version officielle. Il n'est toutefois pas permis de reproduire, de distribuer ou d'utiliser les délibérations à des fins commerciales visant la réalisation d'un profit financier. Toute reproduction ou utilisation non permise ou non formellement autorisée peut être considérée comme une violation du droit d'auteur aux termes de la *Loi sur le droit d'auteur*. Une autorisation formelle peut être obtenue sur présentation d'une demande écrite au Bureau du Président de la Chambre.

La reproduction conforme à la présente permission ne constitue pas une publication sous l'autorité de la Chambre. Le privilège absolu qui s'applique aux délibérations de la Chambre ne s'étend pas aux reproductions permises. Lorsqu'une reproduction comprend des mémoires présentés à un comité de la Chambre, il peut être nécessaire d'obtenir de leurs auteurs l'autorisation de les reproduire, conformément à la *Loi sur le droit d'auteur*.

La présente permission ne porte pas atteinte aux privilèges, pouvoirs, immunités et droits de la Chambre et de ses comités. Il est entendu que cette permission ne touche pas l'interdiction de contester ou de mettre en cause les délibérations de la Chambre devant les tribunaux ou autrement. La Chambre conserve le droit et le privilège de déclarer l'utilisateur coupable d'outrage au Parlement lorsque la reproduction ou l'utilisation n'est pas conforme à la présente permission.

---

Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante : <http://www.parl.gc.ca>