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Chair

The Honourable Robert Nault

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● (1100)

[English]

The Chair (Hon. Robert Nault (Kenora, Lib.)): Colleagues, I want to bring this meeting to order.

Pursuant to Standing Order 108(2), this is a briefing with the chair of the foreign affairs committee of the Latvian parliament.

Before us is the chair of the committee, Mr. Kalniņš.

I'm going to ask the chair to introduce himself officially for the record, and then we're going to turn the floor over to him for some remarks and then go into questions.

Before I do that, again, for those who are following this, the foreign affairs committee here in Canada has been inviting our colleagues from foreign affairs committees in other countries to make presentations. It gives us an opportunity to better understand the issues other countries are dealing with that are priorities, and to let Canadians know how that's all evolving and how it relates to us as Canadians.

On behalf of the committee, I want to welcome you here. As I said, start with your full title and name, and then we're going to turn the floor over to you.

Mr. Ojars Eriks Kalniņš (Chairman, Foreign Affairs Committee, Parliament of the Republic of Latvia (Saiema)): Thank you very much, Mr. Chairman.

My name is Ojars Eriks Kalniņš. I am a member of the Latvian parliament and chairman of the foreign affairs committee of the Latvian parliament. I also head our delegation to the NATO Parliamentary Assembly, where I am chairman of the political committee.

It is a great honour to be back in Canada. I had the pleasure of being here a year ago with our Speaker. In particular, it's a pleasure—perhaps almost a belated one—for me to be able to congratulate Canada on its 150th anniversary.

As you may know, Latvia will celebrate the 100th anniversary of our republic next year. It's a very big event, although when we look back at our history, unfortunately, for 50 of those 100 years, we were under foreign occupation. Yet, if we look back, I think we'll see that the last 27 years, since we restored independence in 1991, have been remarkably successful. People within the country are always unhappy. They always think things should be better, but I think that if we look at what we've achieved in the last 27 years since

rejoining the world community, there's a great deal that we can be pleased with and proud of. It's very good to be back.

When I look at the last 27 years, I divide it into three periods. I served as ambassador in Washington, D.C. for Latvia, and during the 1990s, our basic preoccupation was returning to the world community, re-establishing our diplomatic ties, joining organizations like the United Nations, and basically making our presence known.

By the late 1990s and early 2000s, we became actively a candidate country, and our two priorities were to join NATO and to join the European Union. Everything we did in terms of foreign policy and even domestic policy was geared towards fulfilling all the requirements to be part of those two organizations. In 2004, we achieved that, to the surprise of many, including Moscow and others who doubted our ability to move that quickly to join both organizations.

Basically, after 2004, our third phase was being an active member of both of those organizations, understanding what it required, how this would affect our policies, and how we could be a contributing, loyal member of both groups.

For the most part, it has been very successful, except that 10 years later—in 2014, I guess—there came the first big shock to our sense of security. That was the Russian illegal annexation of Ukraine and basically the Russian-supported invasion of eastern Ukraine in Donbass. I think it was the first time since the restoration of independence that people actually feared for their safety. Our older generation had lived through World War II. Many had lived to see the first Soviet occupation, then the Nazi German occupation, followed by another Soviet occupation. Many of us had hoped that would never return again after this restoration.

In 2014, there were many questions about how far Moscow would go, whether they would move into Ukraine, and whether they would go further, to Odessa. There was talk of Moldova, and to our consternation, for the media and for the analysts, the most popular thing to talk about was the Baltic states being next on the hit list.

We went through that year with a great deal of consternation, and for me, as a politician, the one question I got most often from voters was “Are we safe?” It was not “Will we be invaded?” but “Are we safe?” and “Will NATO come through? Will they really come to defend us?”

I would say that since 2014, that answer has been received loud and clear. Both the Wales and the Warsaw summits gave us exactly what we had anticipated, and perhaps even more, because what we needed was reassurance and deterrence, and both have been achieved by concrete actions that NATO took.

• (1105)

The reassurance was important for our population because I would say within a year or two after they saw what NATO was doing, people started to believe that perhaps article 5 was actually sacrosanct and that the rest of Europe and our NATO allies also here in North America would come through. The Warsaw summit accelerated that and brought us the enhanced forward presence, which brought Canada's presence into Latvia, which for us means a great deal. It goes way beyond just security, and that I'd like to talk about.

For us, both NATO and the EU symbolize what I'd say our national strategy is all about, and that is, we believe in multi-lateralism. We learned, prior to World War II, that small countries cannot survive alone or in isolation. You have to be part of larger groups, but also it's larger groups, organizations that can solve global problems. What we've learned more and more is that many of the problems our countries face today are global, and while we have to deal with them locally, we can deal with them much better if we work together as groups.

I'd say that if we feel fairly secure about NATO today, that NATO has delivered, then our greater concern is the European Union.

I have just one more word on NATO. I was there at a military base, Adazi, in the springtime when we formally opened this enhanced forward presence battalion under Canada's leadership. I remember standing there, and I had three reactions, looking at soldiers from six other countries—Spain, Bulgaria, Slovenia, Canada, Italy.... I saw them marching and my first reaction was a great sense of pride that people from all over Europe and North America were in Latvia to help us, to protect us. It was a great feeling, knowing our history and what we went through.

My second reaction, when I looked at these soldiers, was that I hoped they would never have to fire a bullet. I hoped that their presence alone would be enough to deter any future conflict. I'm pretty confident that's working. I think the signal has been very clear.

If, in 2014, anyone doubted whether NATO would come to the defence of a few Latvians in case there was some kind of a cross-border incursion, I think now, knowing that there are several thousand troops from six countries—and I think next year two more countries will join. Between the three Baltic states and Poland, there are 22 NATO countries that have either sent troops or provided their planes for Baltic air policing. I think the signal is clear that any attempt to attack a Baltic state is an attack on NATO and all the NATO countries. I think this is what has worked as a deterrent. That was my third feeling, that this was a case where an organization like NATO has come through and our friends and allies have come through.

We do have greater concerns about Europe. Latvia is very committed to the European Union. Again, if NATO provides the hard security, then it's the EU that provides the soft security, the

diplomacy. We look at the combination of the two as complementary. Where NATO can do one job, the EU has to do another.

I think a clear example of that is the reaction to the Russian incursion in Ukraine, because while NATO is protecting our countries from that spreading any further, it's the European Union, together with other countries, that enacted the sanctions. That would be much more difficult, to have sanctions and try to prevent Russia from going further, if these 27 or so additional countries, such as Canada, had to each negotiate separately. But through the EU we were able to have a joint voice, and this continues. It's not always easy to get 28 EU countries to agree on something, and that's the long-term challenge, but I believe it's possible on big issues, and we face a lot of bigger issues that are collective issues.

• (1110)

We face internal challenges. Radicalism and extremism have risen within many of the EU countries, separatism or at least anti-EU feelings. While some of these tendencies are genuine, there are always voices in a country that see things differently.

I think the evidence is fairly clear that one country that's very interested in seeing a weakening, if not a collapse, of the European Union is Russia. If Russia is not a direct military threat at the moment to our countries for the reasons I mentioned such as NATO, I think they are using a large number of other methods to try to undermine democracy because, if you look at Mr. Putin and his motivation, I think the greatest thing that he fears is not a military invasion, but an invasion of democratic spirit in Russia. If Russia ever witnessed true democracy, clearly Mr. Putin would no longer be where he is today. So it's the spread of democracy and this unity of the European Union that they see as a threat, and now they've used all the weapons that are available. Today we talk about hybrid warfare, cyberwarfare. It's not new. In Latvia, we've experienced this hybrid warfare for the last 27 years.

If I were a strategist in Moscow, my goal, let's say, in the Baltic states, would not be to invade and occupy these three countries. My goal would be to have them as members of NATO and the EU but have their governments totally under the control of Moscow. Then you have countries within this alliance. I think that's been their goal all along, but it hasn't succeeded in taking over the governments from the inside.

We see information warfare, cyberwarfare. This continues, and that's why I'm very proud of Latvia and very thankful to Canada for being a strong supporter of the NATO StratCom Centre of Excellence in Riga. I think that's been one of our biggest success stories. It's drawing experts from around the world, and not always NATO countries. This is the leading edge, along with cybersecurity, of what we all have to deal with. It's something we're very pleased about. I know that Canada was one of our early supporters. You provided, a few years ago, I think it was a \$1 million, to each of the centres of excellence in the Baltic states, and that meant a great deal to us.

As I mentioned, Latvia is very grateful to have Canadian troops there, if for no other reason than it will improve our hockey skills. I think the ice-skating rink is being completed at the military base, although I recall when, I think it was the World Hockey Championships were in Riga, and Canada beat us 11-1. However, at the last Olympics, I think we frightened Canada for two periods because we were leading 1-0 going into the third. That may have put Latvia on the map even before you sent the troops there.

The troops have been very welcome. They've been greeted by the people. They're very well received, and we appreciate their presence, but for me as a diplomat and a politician, I see beyond just the military presence.

We're very happy that we were able to be the first EU country to ratify CETA. We want to see Canada even more engaged in Europe, because we look at history, and you're a European country. The Americans were once, too. I think sometimes they tend to forget that. Also, in terms of NATO, in the past when they talked about the transatlantic alliance, all the focus was on the U.S. I think now Canada has again demonstrated that it has a strong interest in Europe. When I gave a speech in our parliament for the ratification of CETA, one of the things I pointed out was that Canada has defended Europe in two world wars. You've been there for over 100 years, so what you're doing now is nothing new.

We want to see other ties grow, trade ties between Latvia, between Europe and Canada. We want to buy more Bombardier planes. We want more investment. We want to invest here, and I think there's a growing interest, I hope in Canada about Latvia, but in Latvia definitely about Canada. I think in the long term this is a win-win situation for us.

• (1115)

Just to finish, because I'm very eager to answer your questions, when I look back at the whole idea of multilateralism, I'm reminded that we in a small country like Latvia have our domestic regional issues. This month we're debating our budget for next year, a budget in which we will formally achieve 2% of GDP for defence, but we are faced with the same global problems that everyone else is: terrorism, uncontrolled migration, extremism. While we can deal with these as a country, we realize that the real solutions can only come collectively, if the EU, NATO, even the UN, can work together. That's why it's a pleasure to have deepened our relationship with Canada and to work with you.

Again, thank you for the invitation and the opportunity to be here, and thank you for your great interest in and support for our country.

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

Colleagues, we're here for a good 40 minutes of questions, so we have quite a bit of time.

Mr. Aboultaif will start, and we'll go from there to Mr. Levitt.

Mr. Ziad Aboultaif (Edmonton Manning, CPC): Thank you very much for all this information and very good insight. I listened to you express your concerns over Europe. Geographically, you sit in the northeast part of it by the Baltic, together with Lithuania and Estonia. I know that western Europeans have their own problems, their own issues with Russia and with the rest of the world. I'd like to

know how much you think the Baltic states matter to the rest of Europe.

• (1120)

Mr. Ojars Eriks Kalniņš: I think it's interesting, when you look at the EU and NATO, that 22 countries are in both organizations. There are a few in just one or the other. The issue of the north and the south has come up a lot lately, but I think we've realized in the last couple of years that we have to share concerns. Yes, when it comes to our region and Russia and the security threat, it's important that Italy and Spain and Portugal recognize it. At the same time, however, when Italy receives tens of thousands of migrants and refugees from Africa, they turn to us and ask for help. It becomes a debate, especially in some parts of Europe, about whether we have an obligation.

Latvia accepted its obligation; we agreed to accept about 750 migrants, I think. We don't have experience, we don't have the infrastructure, but we agreed to do it. In the last two years, we have already processed about 300. Most of them don't stay. They end up going to Germany, to Sweden, to countries that are perhaps wealthier and can offer more in benefits.

We have some people in politics in Latvia who ask why we are we doing this and say that it's not our problem. What I try to point out, in the case of Italy, is that the Prime Minister of Italy who agrees to send planes and troops to Latvia is the same prime minister who is asking us whether we can help out with handling some of the refugees.

Even though they're two different organizations, then, the issues are the same. We do a lot in the north to remind our southern neighbours about concerns. We're very strong supporters of the eastern partnership in the European Union—Ukraine, Belarus, Moldova, Georgia. We try to draw in our southern neighbours, and at the same time they try to engage us more in the problems of northern Africa, the Middle East, and the Sahel.

It will always be an uphill struggle, because everyone has regional concerns at stake, but I'm generally pleased. I think there's a recognition that we have to help each other because we're in this boat together.

Mr. Ziad Aboultaif: Thank you.

I also was happy to hear that since 1991 your economies are doing remarkably better. I think it is a very important element for your country to continue to defend itself and have the strength needed, moving forward into the future.

Which are your best ties in western Europe? With which countries do you do best economically?

Mr. Ojars Eriks Kalniņš: Our natural allies are our Nordic neighbours. I always try to point out that if we had not been invaded in 1940, if we had remained independent, we would be no different from Sweden, Denmark, and Finland. In fact, prior to World War II, we had a much bigger economy than Finland or Norway. They were relatively poor countries compared to Latvia or Estonia. We have 50 years of catching up to do, but culturally and politically, we're very close.

One of our best venues for this co-operation is the Nordic-Baltic Eight. We meet at all levels. Our presidents, prime ministers, foreign ministers, and foreign affairs committee chairs meet every six months in one of the eight countries. We just compare notes. We work together.

I remember in 1991 when we restored independence and joined the UN, we did not have an ambassador yet at the UN, and I was in Washington. I was deputy chief of mission for our embassy. Our ambassador also had to go to the UN. The first week of being members, we had to vote on dozens of issues and we had no idea, so the Nordics immediately formed a working group. Every week, they got together and briefed the Baltic states on how they were looking at these issues, and it helped us a lot. Now, we make our own decisions.

I see this co-operation across the board. There are a lot of different formats of Nordic-Baltic co-operation, plus we share the Baltic Sea environmental concerns. Even though Finland and Sweden are not members of NATO, they probably—especially Sweden—are more actively supportive of NATO than maybe some NATO countries are. They're fully engaged. This fall, Sweden had military exercises in the Baltics, which included many of our countries.

So that's very close, but there's also a natural co-operation with the eastern European countries, although the politics sometimes differ there. I've noticed that, for example, Italy has become a very close friend. Then again, right now everybody's lobbying us to get the EU medical agency that's leaving London. About 20 countries are trying to get this huge agency. Suddenly, we're gaining a lot of friends from everybody who wants us to vote for them. I'd say the Nordics—the old Hanseatic League—is, for us, our natural regional alliance.

• (1125)

The Chair: Thank you.

Mr. Levitt, please.

Mr. Michael Levitt (York Centre, Lib.): Thank you, Mr. Chairman, for being here.

I want to focus on NATO a bit, given your active role on the NATO Parliamentary Assembly. As part of our NATO commitments, about 450 Canadian Forces members are deployed in Latvia as part of Operation Reassurance, working with their Latvian hosts and five fellow NATO allies as part of battle group Latvia. The purpose of this deployment is to reinforce NATO's collective defence and demonstrate the strength of our solidarity with our NATO allies. What value does the Canadian contribution provide, and how important do you think this deployment is to NATO's overall mandate in the region?

Mr. Ojars Eriks Kalniņš: As I said at the beginning, the important thing is it's a reminder to Europe that Canada is a part of

NATO. You're there, physically, and maybe in the past it wasn't always noticed. Knowing how expensive that is, and what a commitment that is from your country and your people, I think it's highly valued throughout Europe, not just in the Baltic states.

We feel lucky in Latvia because we have Canada...for all kinds of reasons. Any Latvian who ever flies in here from above Canada will notice, apart from the mountains, that Canada looks like Latvia. Fifty per cent of our country is forest, and even the climate is the same.

It's very important, also, that it's this collective defence, and it shows that it's not just the European countries that are on the border that have an interest in trying to protect Europe. It's coming across the Atlantic. In the last year at least, with the presidential election in the U.S., there were some concerns raised about the future U.S. commitment, and that's made Canada even more important in Europe.

Oddly enough, some of the concern over what I'll openly call the almost chaos that we see in Washington on policy issues has forced Europe to pull together to realize that it can't always totally rely on the United States. It's also shown that a country like Canada is even more important to work with, because we share a lot of cultural ties and affinities. You speak a European language—although English is also a European language—so I think it's been very important, and we're very glad to see you there.

Mr. Michael Levitt: Thank you.

Latvia obviously has a large Russian population, at around 25% of the total population. What are the tensions inherent in this? With NATO's deployment near the Russian border, how is that playing out on a larger scale?

Mr. Ojars Eriks Kalniņš: In Latvia, we've never had ethnic tensions because, at least since the Soviet rule, we've always had a sizeable Russian population. I always say that there's not a problem between the Latvian people and the Russian people. The problem is between politicians in Moscow. It's policy that threatens us.

If you look at the population of Russians in Latvia today, those who were born in the last 27 years are European Russians. They were born in an EU country, at least since 2004, and they know full well what the advantages are of being in the EU. Those who have become citizens can travel; they gain all the benefits.

Even since 2014, with what happened in Donbass, in eastern Ukraine, we have always had questions from our western allies about whether there could be an uprising amongst Russians. We have no indications of that.

Yes, there are a few extreme voices, but they have no popular support. Yes, many of the Russians in Latvia watch Russian television and follow Russian news, but they also know what living conditions were like in eastern Ukraine, even before Russia came in. There's no comparison to Latvia. Even the poorest sections of Latvia are still vastly different.

We don't feel any threat there. We know that there's always the Russian pretense that could be used to say, "Well, we have to defend our countrymen," but it's not plausible to anyone who knows the situation there.

Our parliament has 100 members. The largest party is a so-called pro-Russia party. These are Russian citizens from Latvia. There are many Latvians. It's a social democratic party. They're the furthest left party in Latvia. They're in parliament. They haven't been in government. The mayor of Riga is a Latvian-born Russian. He's very popular. Even Latvians vote for him. So they're part of the political process.

Probably the only reason that the pro-Russia party has never gotten into government is that there are two positions that they refuse to change. One is that they have never recognized officially that the Soviet Union occupied Latvia, because Moscow doesn't recognize that. The other is that they have always tried to insist that Russian should be made the second state language of Latvia. For us that's a sacred issue. We're a small country, with a population of under two million. The Latvian language is one of the reasons we wanted an independent country, to preserve that. We don't discriminate against other languages. You could speak Russian, English, whatever you want in Latvia, but as a state language, it has to remain.

If they were ever to change these two policies, there could be a switch in attitude. They haven't been openly aggressive, but even in cases like Ukraine, they will not condemn Russia. What they will say is that Ukraine is a very corrupt country and that it caused these problems, or they'll say that NATO or the U.S. forced Russia to intervene. Otherwise, no, we don't see tensions.

I'm a Latvian who was born in Europe after the war. I was a refugee. I was born in a refugee camp in Munich, but I grew up in the United States. I learned that in Latvia, even under Soviet rule, we never had ethnic gangs. We never had Russian and Latvian gangs. It just never divided up that way. Finally, one-third of all marriages in Latvia are mixed marriages, Russians and Latvians, so love conquers all.

Voices: Oh, oh!

•(1130)

Mr. Michael Levitt: And on that we shall conclude. Thank you.

The Chair: We'll keep that in mind as we carry on here.

[*Translation*]

Ms. Laverdière, you have the floor.

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): Thank you, Mr. Chair.

I thank you very much for this presentation, which was really very interesting. I paid close attention to long parts of it, including the part on multilateralism. We share your conviction that we have to bring a

collective approach to bear on the major issues we are facing. I believe in this completely. Finally, as I listened to you speak, I was telling myself that Latvia is really very similar to us. I have not had the opportunity to travel there, but this gave me a desire to do so at some point.

I will digress for a moment to urge you to send us a few of your well-trained hockey players. We will be very pleased to welcome them. Our Montreal team could really use some help.

As you may know, all parties worked closely with people like Mr. Bill Browder, in order to adopt a Magnitski law which allows us to apply targeted sanctions. Of course this caused some very negative reactions in Russia. Since your country is much closer to Russia than we are, I would like to know if you have any advice to give us concerning our relationship with that country, and what we could do to try to improve the situation. Thank you.

•(1135)

[*English*]

Mr. Ojars Eriks Kalniņš: Thank you. In our region, from the people who are familiar with dealing with Russia the usual response is that you have to have a firm hand. You have to show that you believe in your convictions and will stand up for them, because history has shown in recent years that Russia will back off.

I recall that when we were candidates for NATO in the 1990s, the biggest objection we got, even from well-meaning people in the U.S. and elsewhere, was that Russia would object, that they couldn't tolerate it. Our response was that the reason they were objecting was that they were hoping they could stop you from letting us join. Some people thought that if the Baltics joined, it would launch World War III. It's just the opposite; that's what prevents it.

We saw in that case that Russia did back off. I think you have to be firm on principles here.

As to sanctions, nobody likes to use sanctions, because they're not intended to punish but are intended to coerce the other side to change their policies. I think even though it hasn't totally worked with Ukraine, it's the only weapon we have: nobody is going to actually invade to try to solve this militarily.

Concerning the Magnitsky Act, I'm meeting with Bill Browder later today. This issue has come up in Latvia before. Part of the reason it wasn't addressed a few years ago is that we have a large Russian community. While we take a strong stand on Ukraine and Crimea, there's always the problem of trying to find a balance. We have trade with Russia—80% of our rail and port business comes through Russia. We want normal relations, but we will take a stand on principle when they're violating somebody's territorial integrity.

I think after this visit, now that Canada has passed this law, some of my colleagues in parliament may want to raise this again. I'm therefore going to talk to Bill Browder today. We'll look at the details, and I suspect I will raise this issue in my committee in the coming month to see whether we could address it again and see that this is useful.

Will Russia react to it? Probably it will, but it was interesting, with the sanctions on Ukraine, that there were reverse sanctions in the case of Latvia, but we noticed that they were very selective. Two Latvian exports to Russia that were not touched were alcohol and sardines, or what we call *šprotas*—our Latvian sardines—because they're too popular in Russia, so they weren't sanctioned. Also, most of the rail traffic wasn't sanctioned.

Russia, then, can be selective. It may be a symbolic response, but I think you have to stand firm on it, because again, it's not to punish and not because people hate Russia, but because they're behaving badly. If they want to rejoin the world community, there are certain civilized rules that we all need to abide by, and we need to remind them of that.

[Translation]

Ms. Hélène Laverdière: You spoke of the challenges Europe is facing, cyberattacks particularly, but also the issues that are internal to Europe. I am referring here to social challenges involving increasingly extreme groups. Of course there are also other challenges like Brexit.

In your opinion, how can you face these numerous challenges?

• (1140)

[English]

Mr. Ojars Eriks Kalniņš: I was very encouraged this year by the French election and also by the German election. Although an extreme party did get in, at least Angela Merkel is still there. Even in the Netherlands it seems like some of the extreme parties that everyone feared would suddenly get into prominence have subsided, and we're hoping that this trend toward moderation will continue elsewhere.

We don't have a problem with extremism in Latvia. In that sense, we're a very moderate country, but we do fear this kind of populism. Even in the U.K., one of the reasons for Brexit was this fear of immigration, of uncontrolled immigration. I think one way we have to battle this is by doing a better job on this information warfare and on dealing with our social media space because so much disinformation is being spread that way, even about the migration. Two years ago when there were thousands of African refugees coming into Europe, there were rumours spread about mass rapes and other actions that were later proven to be totally false.

I think when we talk about strategic communications and dealing with information warfare, we can't banish lies. We can only defeat them. We can't censor information, but we have to do a better job of educating our own public. I think that's one of our challenges. Russia Today is everywhere, but does everyone know what Russia Today is? It calls itself RT. Some people confuse it with *ET, Entertainment Tonight*, since it does such a good job in having local announcers and so on. I think part of the challenge on these issues to fight populism is to educate people that extreme solutions really don't solve anything, that people have to be more critical in their analysis of the information they're getting, and that reasonable responses are the only way to go because extremism is not going to solve anything. All that extremism on one side does is just accelerate it on the other side.

The Chair: Thank you, Madame Laverdière.

Mr. Saini, please.

Mr. Raj Saini (Kitchener Centre, Lib.): Welcome again, Mr. Kalniņš. I also want to thank you personally for your hospitality when we were in Latvia.

One of the things that we saw on that eastern European trip was the effect of the propaganda mechanism of certain countries, especially when, in many of those countries, the media was owned by certain actors. There's the opportunity of economic information propaganda. There's the linkage of the Orthodox churches and the Russian Orthodox church also.

We had the opportunity to be at StratCom, and we had a briefing there. We were shown fake news, commercials, Facebook posts, Twitter accounts, and things like that.

With regard to having Canada there and being warned that, obviously, there would be a deluge of messaging that would be negative, how has the local population reacted to that? What is the Latvian government doing specifically to counteract that kind of messaging that's coming through, especially because it's a small country and there are certain media companies that are aligned to certain groups, not only in Latvia, but in that region? How do you counter that?

Mr. Ojars Eriks Kalniņš: I'm one of the few Latvians who doesn't speak Russian, but most Latvians understand and speak Russian, and they can also watch Russian television. In a way, they're used to this; they've seen anti-Latvian propaganda in the Russian media for the last 26 years. In a sense, then, they're more sophisticated about this and know how to counter it.

I think the area in which we have to work is in doing a better job of communicating to the Russian-speaking population. It's the older generation. The younger generation of Russians speak English, and they speak French. They're more cosmopolitan. It's the former Soviets, the older folks who chose not to become citizens, who just speak Russian. They read and hear this propaganda and believe it, except that they're not in a position to act on it.

We also have to work with the political parties. Even our left-wing party, Harmony Centre, is aware of it. They acknowledge it, and we have to work with them to get this information out.

Our problem with the media is not so much that there's always Russian propaganda in the Latvian media. It's the fact that many of the media are owned by wealthy people who have political interests. That, however, is local politics. They may support one party over another. We have an ongoing struggle with transparency in media ownership.

Interestingly enough, now social media is overshadowing it more and more, even in Latvia, whether it's through Facebook or Twitter, or we have our own form of Facebook in Latvian. Many people are dealing with it, but it is here that we have to counter it, because you can deal with the traditional media and expose lies and misinformation, but it's a lot tougher with the stuff that goes viral. So far we haven't had a problem. I think in that sense people in Latvia have a pretty good idea of what is Russian propaganda and accept that.

Just on a European level, one thing I'm very pleased about is that, apart from the NATO centre of excellence, StratCom, we had the presidency of the EU in 2015, and one thing we introduced—and Federica Mogherini, the high representative for foreign policy there, accepted it—was that they establish a centre for strategic communications. It's the East StratCom Task Force. They're starting to work on this, and it's providing more and more information through Facebook about false news, about disinformation. They're doing it on that level.

• (1145)

Mr. Raj Saini: The second question I have has come up through your remarks. It is about the EU. I want to discuss something that the foreign minister, Rinkevics, who was at a conference this year in Riga, mentioned. It is something that is very interesting to me. He said that NATO and EU membership should be complementary.

We have a certain situation right now in Europe in which you have four countries, as you know—parts of the Visegrad group—that are tilting rightward. You have Serbia, which wants to join the EU but wants to maintain military neutrality and does not want to join NATO. You have three other countries—Ukraine, Moldova, Georgia—that want to join the EU. You have Armenia, Azerbaijan, and Belarus that don't want to join the EU.

You mentioned that right now there are 22 countries that have NATO and EU joint membership. When you look at the totality of the continent itself, what do you think the future will hold? It seems to me that if you look at the aspirations of European countries, most of them wanted to join the EU, and I think Russia was not so concerned as long as they didn't join NATO. Somehow now they have joined the EU and now some of them want to join NATO. I think Montenegro is the last country, per se, that is going to join NATO.

How do you see the continent going forward when you have a disparity between some countries that want the economic union and the advantages of the economic union, but don't necessarily want the military options also, especially Serbia specifically, because they've said they want the economic benefits but want to maintain military neutrality?

How are you going to reconcile all of those factors to make sure that the “near abroad” especially, which were affected by Russia, will still maintain the ability to aspire to what they want to achieve?

Mr. Ojars Eriks Kalniņš: Here I agree with the foreign minister that they need to be complementary, such that each one fills a different role. I think Finland and Sweden are good examples of the way this can work well. Both are EU members but not NATO members, and yet there's very good co-operation. I think we have to be flexible. We have to allow for both.

Definitely, when it come to the Eastern Partnership countries or the Balkan countries, you can't force them into a mould. One thing we're pushing with the eastern partnership is this differentiation: working with each country and providing them as much support as they want. Belarus doesn't want to join the EU yet, but they want to maintain contacts; they want to be in touch with us. Georgia would love to join both, but it looks as though NATO is out of the question for a while. Even with Serbia, anything that would bring Serbia closer to the EU I think is in our interests, and maybe NATO isn't necessary for them in the future.

As far as I can see, further NATO expansion for the time being doesn't look like a reality. If you talk to the Swedes, if it were just up to the politicians, they would join. The public hasn't totally come around, although the polls show that it's moving in that direction. Maybe it isn't necessary, however, because it could be looked upon as a provocation to Russia.

I remember, over the Ukraine issue, that it always angered me when people said that Russia moved in on Ukraine because they were going to join NATO. That was nonsense. That wasn't the issue. It was the EU, but it wasn't NATO. I don't think anyone in NATO is looking at Ukraine in the near future as a possibility, long-term, perhaps, if a lot changes.

We're among the countries pushing for greater EU-NATO co-operation. We have to work out where we can co-operate. StratCom is a good example, in which co-operation works very well.

In terms of military purchases, perhaps Europe needs to work together. We're looking at more combined joint purchases. It's not easy. Even in the Baltic states it's been a 20-year project to try to get the three Baltic states to buy equipment together. I think it can work, and you don't have to be a NATO member to do it.

I think both organizations have to coexist, but their functions have to be clearly defined as to which does what, and they have to co-operate at the top level and also at lower levels.

• (1150)

The Chair: Thank you.

Mr. Sidhu, please.

Mr. Jati Sidhu (Mission—Matsqui—Fraser Canyon, Lib.): Thank you, Mr. Chair.

Thank you, Mr. Chairman. We had a good conversation last night.

As we all know, CETA came into effect last year with the European Union. We as Canadians are a trading nation. We are trading with Latvia, but it's a very small amount. In 2015, it was 0.17% that came in and 0.16% that went out of Canada. You touched on maple syrup last night, and this morning you touched on Bombardier.

How can we enhance the trade relationship? What's the mindset of your government? Is it closer for you to deal with the European countries because of the freight, or do you have a particular mindset to deal with Canada in the future?

Mr. Ojars Eriks Kalniņš: I think the government is totally committed to expanding trade ties with Canada. The geographic location isn't the only factor. Yes, the European countries are closer, but one of the countries we've expanded trade ties with is China. We're exporting dairy products to China, and also fish. China is looking to expand that trade, so I think distance isn't necessarily the issue. Our companies have to find joint interest.

Canada has a great reputation internationally. I used to deal a lot in nation branding and studied this. Canada always came in number one as one of the most favoured countries in the world in terms of symbolism and just your good reputation. I think for Latvians the idea of Canadian products would be positive. They just need to learn more about them and what they can be.

We're also looking at maybe exports to here. We're very high on IT. We have some very qualified people and we do a lot of electrical parts and machinery. We just have to find the niche areas we can fit in to.

I remember many years ago that a big deal was made over the fact that some Latvian investors bought a Canadian company called Aerodium. If you're not familiar with Aerodium, they were the people who invented the turbines that allow people to do parachuting. They're the wind turbines that raise people up in the air. It was a Canadian inventor who created them.

Some of our engineers worked with him and developed them further, and when the company was ready to sell, they decided to sell to these Latvians. They've been exporting this product to countries throughout the world. I guess some countries use them to train their paratroopers. Others use them in amusement parks. If we can find these niche areas of co-operation, it's definitely a growth area.

I'm not a businessman. I know less about the subject, but I know that at least psychologically, people are really open to it, because Canada has a great reputation.

Also, we can promote tourism more. Flying here—

• (1155)

Mr. Jati Sidhu: We're open, by the way.

Mr. Ojars Eriks Kalniņš: Yes, and you have mountains, you have skiing, you have a lot of the same kind of climate situations that we have, but I think it's much bigger.

Mr. Jati Sidhu: To take it back to trade, in Canada we have the best agricultural products and agricultural practices. That's known around the world. That's something to look at. We have the best beef, the best grains.

You mentioned that you have enough wood in your country. Another thing we have in our country is softwood lumber. Since America is playing a little funny, it gives us the opportunity to go to other parts of the world. We're very open when it comes to trade.

The Chair: Thank you, Mr. Sidhu. We're going to have to wrap this up.

I want to thank Mr. Kalniņš for his presentation and his answers to the good questions from our colleagues. As you can tell, our relationship with Latvia is very strong, and there's a lot more work to be done. We're looking forward to more encounters like this, both abroad and here in Canada. On behalf of the committee, I give you our thanks.

Colleagues, we're going to take a five-minute break. That will give us a chance to do what we always want to do, which is get our picture taken with foreign dignitaries. Then we'll go to the next hour and presentations on Bill C-47.

Thank you very much, Mr. Kalniņš.

Mr. Ojars Eriks Kalniņš: *Merci*, and thank you.

• (1155)

_____ (Pause) _____

• (1200)

The Chair: Colleagues, I want to bring this meeting back to order. This is pursuant to the order of reference of Tuesday, October 3, 2017, Bill C-47, an act to amend the Export and Import Permits Act and the Criminal Code (amendments permitting the accession to the Arms Trade Treaty and other amendments).

This afternoon, we have from the Rideau Institute on International Affairs, Peggy Mason, president, and from Amnesty International Canada, Alex Neve, secretary general.

We welcome both of you. As usual, we'll allow you to make a presentation, and then we'll go straight to questions.

Alex, the floor is yours.

Mr. Alex Neve (Secretary General, Amnesty International Canada): Thank you so much, Mr. Chair.

Good afternoon, members of the committee.

Two years ago I was on the ground in the isolated Sudanese state of South Kordofan, where civilians have been cut off from the world since 2011 while the Sudanese Armed Forces carry out an unrelenting campaign of aerial bombardment, rolling unguided barrel bombs indiscriminately out of the backs of Antonov aircraft, killing and maiming thousands of civilians, forcing hundreds of thousands to flee their homes, and provoking a terrible food crisis, as farmers have been too terrified to plant or harvest their crops.

One elderly woman, describing to me a terrible attack that had killed several members of her family, asked me a simple, heartbreaking, glaringly obvious question, to which, sadly, there was absolutely no reassuring, obvious answer: “Who keeps giving them the bombs, and why?”

That is why we are here today, of course. Amnesty International welcomes this opportunity to appear as part of your deliberations regarding Bill C-47, intended to lay the ground for Canadian accession to the UN Arms Trade Treaty.

Let me state at the outset—I'm sure it's obvious, but it's worth repeating—that Amnesty International is a strong proponent and supporter of Canadian accession to the Arms Trade Treaty, a welcome promise, we note, that Canada repeated before the UN General Assembly's first committee just 10 days ago.

For decades Amnesty International has been documenting massive human rights violations around the world associated with the arms trade, which we have often called the world's most deadly commerce. That is why we and countless other organizations campaigned for years for the adoption of the Arms Trade Treaty: to establish a vital global principle that no state can be permitted to transfer to another state arms that will be used to commit genocide, crimes against humanity, or war crimes.

We enthusiastically welcomed the adoption of the Arms Trade Treaty in 2013 and have pressed governments since then to ratify and accede to this important new international human rights treaty and to adopt laws to fully implement its terms. In four and a half years, 92 states, nearly one-half of the world's nations—and that's pretty fast in UN speed—have become parties to the treaty, including many of our closest allies. Canada's accession matters very much for two key reasons.

First, we have a significant arms industry. I don't think many Canadians realize this. Recent high-profile cases have demonstrated, however, that it includes deals with countries in which concerns about serious human rights violations are very real. Witness the General Dynamics deal to sell 15 billion dollars' worth of light armoured vehicles to Saudi Arabia, and the Streit Group's sales of armoured cars to South Sudan, Libya, and Sudan through its operation offshore in the United Arab Emirates.

Second, Canada's accession is crucial in generally shoring up respect for this important treaty. In situations of armed conflict and mass human rights violations around the world, we continue to document a virtual flood of arms from outside the country concerned, Myanmar's Rohingya crisis, Yemen, South Sudan, Iraq, Syria being some of the most obvious contemporary examples. There is no global arms embargo in place for any of those countries, which is absurd and outrageous. It would require a UN Security Council resolution, and we of course all understand the politics of the Security Council in action.

A well-supported ATT with global reach, therefore, is what we truly need. That is why Canada needs to be on board.

Being on board, however, means enacting legislation that fully complies with the ATT's obligations, and we are concerned that Bill C-47 fails to meet the requirements of the ATT in several crucial respects. We have joined with nine other organizations, including the

Rideau Institute, in highlighting 10 areas that urgently need to be addressed before Bill C-47 is adopted and Canada moves to accession. I know that either earlier or soon you will have received copies of this joint brief. I would like to highlight two of the areas of concern in the paper.

● (1205)

First, Canadian arms controls do not apply to transfers to the United States. Second, provisions governing the possibility that arms transfers to any country will be diverted to a third country are weak. In many respects, the two points are interrelated, as Canadian transfers to the United States frequently involve parts, which may be incorporated into weapons that are then fully assembled and transferred to another country.

The fact that the United States is exempted is not of passing concern. The U.S. exemption effectively guts Canadian compliance with the ATT. Consider the following: one, over one half of Canadian arms sales are to the United States; two, while the U.S. has signed the ATT under the previous administration, there is no realistic prospect that the U.S. will take the further step of ratifying the treaty at any foreseeable point, and therefore one half of Canadian arms sales go to a country that is not bound by the treaty; and, three, there are very real concerns about U.S. arms transfers.

Here are just two examples from our work. In May, the United States announced 110 billion dollars' worth of arms sales to Saudi Arabia, including \$4.6 billion's worth of guided air-to-ground munitions. In the war in Yemen, where we have documented extensive war crimes, 104,000 of those types of bombs have been used routinely by Saudi forces.

Also in May, we released a report highlighting a U.S. Department of Defense audit which revealed that the United States was not able to account for \$1 billion's worth of weapons that had been transferred to Iraq and Kuwait, including tens of thousands of assault rifles, hundreds of mortar rounds, and hundreds of Humvee armoured vehicles. We have documented how, in the face of these lax controls and deficient record-keeping, arms manufactured in the United States regularly wind up in the hands of armed groups, paramilitary militias, and even the Islamic State, throughout Iraq.

The fourth reason we need to be concerned about the United States is in simply considering the numbers. In 2015 Canada exported just over \$51 million U.S. in parts and components for small arms and light weapons to the United States. This is not pocket change. We have no way of knowing what happened to those parts. Did they remain in U.S. hands or were they re-exported in fully assembled weapons to some other country?

This is a very real concern with arms transfers anywhere in the world, and it's why there's a specific provision in the ATT—article 11—requiring states to take measures to prevent what's known as diversion. Canadian law requires that the possibility of unauthorized transfer or diversion to another country be considered, but does not contain any clear prohibitions, and Bill C-47 does not remedy that shortcoming.

In short, Amnesty International urges this committee to propose amendments that will ensure Canadian arms controls do apply to sales and transfers to the United States, and that Bill C-47 incorporate measures that will fully comply with ATT article 10 dealing with diversion. We also urge amendments to address other concerns highlighted in our joint briefing paper, including the need to ensure Bill C-47 will apply to the Department of National Defence and to the Canadian Commercial Corporation, and that existing provisions giving cabinet broad powers to authorize any arms transfer, regardless of human rights concerns, be strictly limited.

Finally, you will note that many of our concerns relate to vital matters going to the heart of our ability to meet ATT obligations, but which are not addressed in the terms of Bill C-47 and are left for regulations to be adopted at a later stage. That includes the absolutely central matter of what factors will be taken into account when assessing the risk that a particular arms transfer may violate the ATT. Those factors, we would suggest to you, are too important to be left to regulation. They require and deserve your attention and scrutiny as parliamentarians and should be part of the act itself.

Who keeps giving them the bombs?

• (1210)

Canadian accession to the ATT is a step we look forward to celebrating at an early date. It will be welcomed around the world. It must, however, be on the basis of a legal framework that demonstrates full compliance with ATT obligations. We are certainly ready to work with you and with government officials to make the changes that will ensure that is the case.

Thank you very much.

The Chair: Thank you, Mr. Neve.

Ms. Mason, please.

Ms. Peggy Mason (President, Rideau Institute on International Affairs): Thank you for giving me this opportunity to address the committee on this most important legislation.

I fully support the comments just made by Alex Neve and will pick up from where he left off.

My work toward achieving robust Canadian and international standards for the export of military equipment started with my time as an international security policy adviser on the staff of then foreign

affairs minister Joe Clark when he was shepherding through cabinet new guidelines for Canada's military exports, which became known as the "1986 policy guidelines". They are still in effect today and can be found in the regulations to the Export and Import Permits Act—which I'll call EIPA from now on to save time—conveniently collated in the "Export Controls Handbook".

Let me quote the human rights criteria in those guidelines:

Under present policy guidelines set out by Cabinet in 1986, Canada closely controls the export of military items to:

...countries whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.

We had high hopes when the 1986 guidelines were established that Canada would set a global standard for responsible arms exports. Beginning in the 1990s, however, the human rights guideline became more honoured in the breach than in its observation, with more and more military equipment going to Saudi Arabia, precisely the destination the 1986 guidelines were meant to avoid. So what went wrong?

The answer is very simple and equally easy to fix. The 1986 guidelines, like other criteria in the EIPA itself, are not mandatory, but are, as the name implies, guidelines. This became painfully clear when the Federal Court considered a challenge to the \$15-billion Saudi arms deal launched by McGill law professor and former MP Daniel Turp.

Before turning to that court decision, we need to consider, in addition to the policy guidelines—because they're of course not the only criteria, and they're contained in the regulations—the relevant section of EIPA itself, since Bill C-47 leaves this section almost entirely unchanged. Subsection 7(1.01) of the EIPA identifies the factors to be taken into account by the minister in deciding to issue an export permit, in addition to the guidelines I mentioned. I quote:

In deciding whether to issue a permit under subsection (1), the Minister may, in addition to any other matter that the Minister may consider,

—like the policy guidelines—

have regard to whether the goods or technology...may be used for a purpose prejudicial to...the safety or interests of the State...or...peace, security or stability in any region of the world or within any country.

The relevant language there is “may have regard to”. The language used in subsection 7(1.01) is extremely permissive, and there are no legal limits placed on the foreign minister's discretion to approve arms exports.

Now, turning to the Federal Court decision on the legality of the Saudi arms deal, in approving the six export permits in April 2016, Minister Dion, then the foreign affairs minister, relied on a memorandum prepared by officials in Global Affairs.

The memorandum acknowledged serious concerns about Saudi Arabia's human rights record; however, the memorandum affirmed that Global Affairs Canada was “not aware of any reports linking violations of civil or political rights in the kingdom with the proposed military exports.” I hasten to add that, since that statement and that ruling, which is now being appealed, ample evidence of such misuse with Canadian equipment has come forward.

The government argued that the EIPA includes guidelines and policies that “provide for strict controls over the export of goods such as [light armoured vehicles], but contain no prohibitions.” The minister's “sole obligation” is “to take into account all the relevant factors having regard to the existing legislative framework...”.

The court ruled in favour of the government—as I noted, it's under appeal now—declaring:

These factors guide the Minister. It is for him to decide how to assess them and how much weight to give to each, as long as he exercises his power in accordance with the object and in the spirit of the EIPA....

The court observed that even a “plain reading of the language chosen in the EIPA”—language not being changed by Bill C-47 —“indicates that the Minister has broad discretion in issuing permits for controlled goods.”

•(1215)

The ruling of the court concluded:

The role of the Court is not to pass moral judgment on the Minister's decision to issue the export permits but only to make sure of the legality of such a decision. Of course, his broad discretion would have allowed him to deny the permits.

The Federal Court's judgment that the minister acted within his discretion demonstrates that the discretionary power under the EIPA is too broad and that there is a need for hard legal limits on that power. This conclusion is highly relevant in the context of Canada's planned accession to the ATT, since both the EIPA, as it now stands, and the Saudi arms deal are inconsistent with that treaty.

Let me now turn to article 7 of the Arms Trade Treaty, which reads:

If the export is not prohibited under Article 6,

—and Alex Neve has already referenced that provision that prohibits exports if you have knowledge that they're going to be used to commit genocide or other war crimes—

each exporting State Party, prior to authorization of the export of conventional arms

—or components—

...shall, in an objective and non-discriminatory manner, taking into account relative factors...assess the potential that the conventional arms...would contribute to or undermine peace and security...[or] could be used to...commit or facilitate a serious violation of international humanitarian...[or] human rights law....

Here's the relevant part of the Arms Trade Treaty:

If, after conducting this assessment and considering available mitigating measures, the exporting...Party determines that there is an overriding risk of any of the negative consequences

—undermining peace and security or committing or facilitating serious violations of human rights—

the exporting...Party shall not authorize the export.

The words “shall not authorize the export” in article 7(3) of the Arms Trade Treaty must therefore be given their full and intended effect. This requires hard legal limits on the discretion of the minister of foreign affairs, limits that we left out of the original policy guidelines and limits that are absent from Bill C-47.

Again, with the Federal Court having ruled that it is currently within the discretionary power of the minister of foreign affairs to approve arms exports to countries that are undermining international peace and security or engaging in serious violations of international human rights or international or international humanitarian law, a key step in bringing Canada into line with the ATT involves placing hard limits on this discretion. If Canada is to comply with this treaty fully and truly set a global standard, the minister must be legally obligated under Canada's implementing legislation to deny exports that carry an “overriding risk” of contributing to undermining international peace and security or committing or facilitating serious violations of international human rights or international humanitarian law.

Bill C-47 contains no new provisions in the EIPA proper, the actual legislation, to limit ministerial discretion; however, as Alex Neve also alluded to, Bill C-47 proposes to amend the EIPA to “authorize the making of regulations that set out mandatory considerations that the Minister is required to take into account before issuing an export permit...”. Note that the bill does not establish any mandatory considerations; it only authorizes the making of regulations that will include them.

Even the idea of mandatory considerations at the regulatory stage, however, is misleading, since the considerations will not actually be mandatory or prohibitive, but only “mandatory...to take into account”, which is what we have right now in the EIPA and which the Federal Court has ruled does not fetter the minister's discretion in any way. This amendment does not result, therefore, in any change in the scope of the minister's discretion.

The absence of any real substance to these mandatory considerations “to take into account” renders Bill C-47 incompatible with the Arms Trade Treaty. Under article 7 of the treaty, Canada will be obligated to “assess the potential that the conventional arms...could be used to...commit...a serious violation of international human rights” and if there is an “overriding risk of any of the negative consequences”, it “shall not authorize the export”. That's the requirement under the ATT.

The legal obligation under the ATT goes far beyond the consideration of certain factors. It is an obligation to refuse permits in certain high-risk circumstances.

•(1220)

By leaving the decision to approve or disapprove a permit to the minister's discretion as opposed to creating hard legal limits on that discretion, Bill C-47 is, in terms of ATT implementation, a failure.

I end with a point of comparison with respect to a model law which the Government of New Zealand developed and enacted. I end with this one section, subsection 5(3) of the model ATT implementation law. It reads in part:

If on the basis of the assessment conducted under subsection (2) the Authority

—because it need not be the minister in some cases—

determines that there is a substantial risk that the conventional arms, ammunition, or parts and components:

(a) would undermine peace and security; or

(b) could be used to commit or facilitate:

i. a serious violation of international humanitarian law;

ii. a serious violation of international human rights law;...

and the risk cannot be mitigated, the Authority shall refuse the application for an export licence.

The key language here is “shall refuse”, firm and binding language of the kind that is strikingly and fatally missing from Bill C-47. I associate myself with the comments that Alex Neve made about how anything to do with mandatory consideration of factors should not be in the regulations because it deprives you, the committee and other parliamentarians, from knowing and impacting on the content of those regulations.

Accordingly, the Rideau Institute recommends that hard legal limits, based on the risk assessment criteria set out in article 7 of the ATT, be imposed on the foreign affairs minister's discretionary power to approve arms exports, and that these hard legal limits be set out in a statute and not in regulations.

Thank you very much.

•(1225)

The Chair: Thank you, Ms. Mason.

We're going to go straight to questions.

Mr. Aboultaif, and then I think it's Mr. Levitt.

An hon. member: No, it would be [*Inaudible—Editor*]

The Chair: Okay, well let's just start with Mr. Aboultaif and then we'll sort it out, because that's not what it says here.

Mr. Ziad Aboultaif: Good afternoon, and thanks for appearing before the committee.

I hear that we have a 1986 policy guideline under the Joe Clark government. We have the current regime, and I am led to believe that our current regime about export and import control is quite ahead of the game on many fronts: regulations and control, and keeping things in place. Then, we have Bill C-47 and we have the ATT. My understanding from Mr. Neve is that there are 10 areas where Bill C-47 falls short in order to comply with, or at least to achieve, the satisfactory level in terms of arms control.

The whole conversation is on the effectiveness of the ATT, specifically where three out of the six major exporters of arms are not part of it. I mean, we can have all the regulations in the world,

and it's nice to have the regulations, but if the main players are not in, you can say maybe 70% or 80% of the arms traded in the world are out of control.

Could you please comment on that?

Mr. Alex Neve: That's a very good question.

As much as we wish that the arms trade treaty would have been adopted in April 2013 and that the entire world would have been on board within a few months after that, we recognize that in any area of international law, and certainly with areas affecting international human rights, that's never the case. It's always a long-term evolutionary process. We need to continue to work towards what would be the ultimate goal with any international human rights treaty, which is eventual universal support for the treaty.

You're quite right to highlight that there are some very key players who are not on board at this time and are certainly not sending any signals of an intention to be on board in the near future. I think there are three responses to that.

Number one, the rest of the world still matters. Even if we don't have those states on board, even if the treaty will only effectively be applicable to 40% of the world's arms trade, that's 40% which in 2012 didn't have any kind of international governance and was contributing to serious, grave human rights violations.

Number two, we continue, as campaigning organizations, for instance, and, I would assume as governments that are concerned about the global arms trade, to put pressure on the recalcitrant governments that aren't enthusiastically embracing the arms trade treaty at the starting point, so that we bit by bit build towards that sense of wider and wider support.

Number three, I think it's important to recognize that it's only by continued momentum that we build the pressure to hopefully eventually reach a point where we only have three or four key governments that are the outliers on this and, by that point, that the pressure on them to get on board becomes almost impossible to resist.

•(1230)

Mr. Ziad Aboultaif: I would like Ms. Mason to comment on the same question.

Ms. Peggy Mason: I'll pick up on the comment about it being a process of building momentum. I would just refer to the land mines treaty as a very good example. The main producers of land mines, the United States among them, were outside the treaty, but eventually they saw the wisdom of it. They saw the momentum and they are acting in accordance with that treaty. Canada has always been dedicated to strengthening international law. The first step has to be to set the example ourselves, and then to work with others to bring as many as possible into the regime.

I just want to make one quick little comment. Perhaps I misunderstood your opening comment, but I just want to note that the 1986 guidelines aren't ancient history. They are in the regulations. They are part of the current regime, in fact the only part of the current regime that actually has human rights criteria.

Mr. Ziad Aboultaif: I'd be very interested to hear a comparison between the current regime and Bill C-47. It seems, if I understood correctly, that in your opinion Bill C-47 is a step back, not a step forward. Is that correct?

Mr. Alex Neve: I don't think we would say it's a step back, but we would say that in the critical aspects where we need strengthening, it is not a step forward. The U.S. is already exempted. The U.S. will remain exempted. Our provisions to guard against diversions from one state to another are weak now. They will continue to be weak.

There is some potential that once the regulations are adopted, perhaps some of those regulations will be stronger than the existing regulations we have now, but you don't know that. You have no way of assessing that yourselves. There won't be an open parliamentary process in which citizens can actively engage around the fundamental concerns that Ms. Mason has highlighted, this notion that right now we have a process that just keeps these as discretionary factors to be taken into account. That's not good enough, in our view. Obviously, we would work towards those regulations being as strong as they possibly could be, but we fundamentally are of the view that they need to be in legislation.

The Chair: Thank you.

Ms. Vandenberg, please.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you very much.

I'd like to thank both of you for your advocacy over the years on Canada acceding to the Arms Trade Treaty. I had an experience in DRC that was similar to what Mr. Neve described. Women there who had been violated at gunpoint were saying to me that Congo doesn't manufacture weapons, so every gun that was used against them came from somewhere else. I am very pleased that we are now putting forth the legislation that will allow Canada to accede to the treaty.

I'd like to address a couple of the issues you mentioned. I saw the letter that was written by civil society organizations to the committee. Last week our committee actually had the opportunity to be in Washington at the Department of State, and because of those concerns I wanted to ask those questions, to raise them. We met with the office of defence trade control policy and the office of regional security and arms transfers in the Department of State.

When I put to them the questions about the diversion, they outlined the very comprehensive blue lantern program they have, which is about end-user controls. They told us that the brokering controls they have are actually put in place with the anticipation that it will be compatible with a future signing of the ATT. In fact they're working with Global Affairs Canada to revise their brokering controls and make sure it's improved within the next 18 months so that it's compatible. In some areas they in fact go beyond; in mergers, acquisitions, and sales of foreign companies they're even ahead of us. When I specifically asked them about the fears that civil society has, they said that their controls in many ways are even stricter than most countries', including what they call "see-through" rules, which are the dual-use technologies that are meant for civilian purposes and that then get used for military purposes.

I guess, having heard that, I myself am more convinced. I think it would probably be, in the end, more useful, rather than talking about exemptions, to work with the Americans and make sure that we are constantly improving and working together to make sure that this kind of diversion doesn't happen.

Would you comment on that?

● (1235)

Mr. Alex Neve: I think we would simply say that, from a human rights research perspective, sadly the U.S. record speaks for itself.

Those are commendable things that you heard in your briefing, but I also shared with you recent research that we've carried out that documents flagrant disregard for crucial standards regarding international human rights and international humanitarian law.

We have documented the fact that weapons from the United States are being used by Saudi forces to commit war crimes in Yemen, for instance. It was the U.S. Department of Defense's own audit, which we then dug into in greater detail, that revealed these recent concerns. A full \$1 billion's worth of weapons transferred to Iraq and Kuwait, a very volatile part of the world—Iraq most obviously an area where there is a multiplicity of parties responsible for grave human rights violations and abuses—cannot be accounted for. That's \$1 billion's worth of weapons.

Provisions that may be in place are certainly not delivering the goods when it comes to guaranteeing to the international community—but in our particular context, Canada, an actual arms trade partner with the United States—that it won't lead to those kind of violations. That's why we say that more than one-half of our arms transfers cannot be exempted from this legislation and from the scope of the treaty. In many respects—I'll use strong language here—in our view, to exempt one-half of Canada's arms trade from the legislation and application of the treaty makes a mockery of our accession.

Ms. Anita Vandenberg: I think one of the reasons we are signing is so that we can provide the leadership in the world. Working together, in the way that we are, to strengthen...is one of those areas.

I'd like to go to the second point, which is the regulation versus legislation. When we had the government officials here and we heard from the minister, it was very clear that everything in article 7 of the ATT is going to be in the regulations, and in many cases possibly exceed what is in article 7, where currently some of them do.

One of the reasons I like it in regulation is that we're seeing a very, very quick expansion of the kinds of threats that are out there, and also in terms of rights. Gender rights and gender-based violence were not included in many of the multilateral treaties previously, and they are today. When we look at the future, you look at technology, at the possibility of lethal autonomous weapons, and AI and cyberwarfare, by having it in regulation, it allows the government to be more nimble and quick in responding to those kinds of threats, in terms of expanding the regulations.

I also noted when we had the officials here, they said there will be strong consultative process with civil society, and there will be reporting to Parliament.

Could you comment on that, in terms of the regulations themselves and making sure that they're strong?

Ms. Peggy Mason: I'd like to quickly go back to the original question to note that it's not just a matter of the strength of the end-user certificates, and so on, that the U.S. has. It's the fact that they have quite different criteria for determining whether an export should be allowed. A very obvious example is Pakistan. We haven't exported any military equipment directly to Pakistan since they tested nuclear weapons using our technology. However, the United States has no compunction in that regard. Similarly, there was recent export of fighter aircraft to Nigeria where Canada I think wouldn't agree with that.

We're surrendering. We're surrendering our judgment as to where the goods should go if the United States is not part of our implementation of the ATT.

With respect to all of article 7 being in the regulations, that's wonderful, except for the government's own description of those regulations, which is in the summary at the beginning of Bill C-47. It says:

This enactment amends the Export and Import Permits Act to

(b) authorize the making of regulations that set out mandatory considerations that the Minister is required to take into account

Presumably they mean the article 7 considerations, except that is not sufficient. Under the ATT they're not just to be taken into account; they shall be applied. That's the problem. The problem is not that they're not going to list all the items in article 7 of the ATT; it's what the minister has to do with them, how his discretion is or is not fettered.

The final point with respect to regulations, because I think a very important point was brought up, is flexibility. Why do we have regulations? We want to be flexible. I would argue that the appropriate procedure would be to have what is required. We know now that the article 7 criteria are required. They're obligatory under the Arms Trade Treaty. Put those in the act, in Bill C-47, but, of course, allow for regulations to update, to refine, in all of the areas that were mentioned. That way, you have the core in the act, and then you have flexibility for adding new items as required.

•(1240)

The Chair: We're going to go to Madame Laverdière, *s'il vous plaît*.

[Translation]

Ms. Héléne Laverdière: Thank you very much, Mr. Chair.

I thank both of you for your extremely interesting presentations.

I feel quite honoured because that is one of the arguments I have put forward. As we already know, the elements in the treaty should be included in the law. We could always add new elements through regulations. Not only do we not really have the opportunity to discuss the regulations, but we do not have the opportunity to vote on them. The principles of respect for treaties and of parliamentary democracy are at stake here.

I would like to go back to the issue of exports to the United States. According to the treaty, we have to apply its various aspects in a non-discriminatory way, which should mean that we will apply it to all exports and to all countries.

Two weeks ago, we had representatives here from Global Affairs Canada and they told us that there were examples. I believe that Luxembourg can export to Belgium, or something like that, without taking that into account in its application of the Arms Trade Treaty.

Do you have any comments to make on that?

[English]

Mr. Alex Neve: We would certainly take the position that no country should be exempt. The same concerns that we are highlighting with respect to the Canada-U.S. relationship we would have with respect to the Luxembourg-Belgium relationship. The fact that this may be how Belgium and Luxembourg decide to handle their ratification—which we would say is in violation of the spirit of the treaty, the scope of the treaty, and the non-discriminatory provisions of the treaty—does not in any way justify that we, too, should follow in that path and similarly limit the scope of the treaty in terms of how we are implementing it.

I would also argue that the United States, as a global arms power, is hardly comparable to Belgium. Canada is hardly comparable to Luxembourg. Not that this makes a difference—the fact that we are talking about a hugely different scale, nature, and severity of weaponry—but it is a background factor.

It has to be universal. With a country like the United States, whether or not the United States had some good approaches last year or some excellent approaches five years ago, who knows what their approaches will be three months from now, a year from now, or two years from now. The reason we need firm, clear, predictable, binding law around this is that the world changes. Other governments change. Three years from now, it could be disastrous in terms of how the U.S. is handling its arms transfers. We would probably say it's near disastrous right now, but it could get even worse. If we have set up a legislative framework that's not going to apply to that context, then we've started off on the wrong foot.

[Translation]

Ms. Peggy Mason: Ms. Laverdière, thank you for your question.

With your permission, I will answer in English because of the terminology, which is quite technical.

[English]

I, of course, associate myself with the comments Alex made, but I would also like to address a section of the treaty that the foreign affairs officials purported to rely on, and that is article 26, which essentially talks about defence co-operation agreements:

This Treaty shall not be cited as grounds for voiding defence cooperation agreements concluded between States Parties to this Treaty.

It is our understanding that this is what the Benelux countries are relying on, that they have a defence co-operation agreement.

I, like Alex, don't agree that this is what it means. It doesn't mean not complying with the treaty; it means using this as an excuse to get out of an agreement. Nonetheless, even if we give them that interpretation, which I don't agree with, it applies only to states parties to the treaty, and the United States is not a state party to the treaty. Canada could not rely on this provision, even if we gave it that interpretation, which I think is an incorrect one. The act very clearly talks about applying the act to all of our exports in a “non-discriminatory manner”, and that is as clear as can be, indicating all of our exports.

Thank you.

• (1245)

[Translation]

Ms. Hélène Laverdière: I'd like to add a brief comment. You spoke about the study you conducted on the billion dollars' worth of equipment that had disappeared into thin air. Could you send a copy of those documents to the committee?

Could you speak to us briefly about the Canadian Commercial Corporation and its role, which is not clarified in the bill?

Ms. Peggy Mason: Thank you once again.

[English]

Thank you very much for that very important question about the Canadian Commercial Corporation, which increasingly plays a very, very important role as a broker, essentially, between the government and potential exporting countries, and of course played a very central role with respect to the \$15-billion Saudi arms deal.

It clearly should be covered. All entities within the country that are involved in the decision to export arms should be brought within the scope of the ATT, and therefore it should be very clear that the Canadian Commercial Corporation—and also the Department of National Defence, because it's not covered under this either—and all entities that are involved at the behest of the Government of Canada in the potential export of arms to another country must be brought within the scope of the Arms Trade Treaty.

Mr. Alex Neve: With respect to your first point, absolutely. I will highlight that, while we certainly did some work around that concern and issued some public statements, the actual study is from the U.S. Department of Defense's own audit process, so it's obviously a very authoritative source as to what's happening with respect to U.S. arms and weapons.

The Chair: Thank you, Madame Laverdière.

We'll go to Mr. Levitt, please.

Mr. Michael Levitt: I'll be ceding my time to MP DeCoursey.

The Chair: Mr. DeCoursey, please.

Mr. Matt DeCoursey (Fredericton, Lib.): Thank you very much, Mr. Levitt.

Thank you, Mr. Chair.

Thank you to our two witnesses for being here today.

[Translation]

We thank you very much for your contribution to the arguments in favour of human rights around the world.

[English]

We certainly count you as active contributors to Canada's, I guess, reassertion in the world.

Mr. Neve, you started by talking about the important signal that this sends to the world, the gaining of general respect for this treaty, and what Canada's accession to the treaty can demonstrate to the world. That's the view of the government, that in addition to strengthening our arms trade system, our role is to contribute where we can to other countries around the world that need help strengthening their regimes as well.

Canada contributes \$1 million to the U.S. trust fund facility supporting states in their accession to the ATT. Could you both talk briefly about the contribution that Canada can make there and about what the signal that Canada's accession to the treaty can relay to other developing nations around the world?

• (1250)

Mr. Alex Neve: Absolutely. I'm sure we both have a lot to say. As I said in my remarks, we're enthusiastic about Canada's acceding to the treaty for two reasons. First, our arms trade needs this kind of scrutiny and control. This is not theoretical. We know there are cases that have come up of very real concern. Second is exactly the piece you're highlighting, Mr. DeCoursey. It's the concern that the world needs some leadership here and that we do have 92 states on board, which is almost half, but not quite half.

As was pointed out earlier, we have a number of very key players that aren't even considering signing on. A country like Canada has a very respected voice globally on international human rights, but particularly, especially because of the Ottawa treaty, it has a very strong reputation around land mines in particular and the notion of global arms control. Yes, we are a key player here. That's one of the reasons it's been so concerning that four years on we're not yet part of the club.

The ways in which we can work bilaterally with states that aren't on board yet, and the ways in which we can work with states that are on board but don't yet have the laws in place to ensure proper implementation are probably immeasurable. We want Canada, therefore, to be going into this with the best example to the world of what full embrace of the Arms Trade Treaty looks like. For example, you don't exempt from its coverage a country that is responsible for more than half of your arms trade, and you have clear provisions in your law that enact in legislation the mandatory aspects of compliance. We're not suggesting that every single detail needs to be in the act as opposed to the regulations, but there's much improvement that could be seen here.

Mr. Matt DeCoursey: Is there not legitimacy to the comment made by my colleague Anita around the idea of the nimbleness of regulation to expand, in a quick manner, the need for the minister to take certain other issues into consideration as the world changes? We've seen examples around September 11 where the inability to quickly amend regulation caused a delay in adding certain requirements to decision-making in government.

Is that not an important consideration in all of this? Again, we know that other Westminster systems, like the U.K., New Zealand, and Australia, land these sorts of criteria and these decision-making processes in regulation for that very fact.

Mr. Alex Neve: We totally agree that there's a role for regulation. We are not at all suggesting that there shouldn't be a regulatory power here. We would absolutely agree that there are many aspects, including further developments that arise after the legislation is passed, that could appropriately be dealt with through regulation.

We're concerned, though, that in essence the legislation is leaving for regulation a clear statutory statement of the central obligation that is involved in ratifying the Arms Trade Treaty. That is this notion of mandatory prohibition with respect to arms transfers that violates the clear provisions in the Arms Trade Treaty. We're told that will be in regulation. We're also told that it may be stated in a way that it's just that these are factors that mandatorily should be taken into account, as Ms. Mason was highlighting, not that it will be a statement of mandatory prohibition.

There's a fundamental difference there. It's that high level that we're looking for in the legislation. Other details around processes, even the specificity of some of the kinds of international human rights violations that should be of concern here, the evolving nature of those as we become aware of new threats and new concerns, absolutely...but we need that key mandatory provision to be in the law.

Mr. Matt DeCoursey: Ms. Mason, maybe very quickly, I've—

The Chair: Thank you, Mr. DeCoursey.

We'll now go to Mr. Saini.

This will be the last question, as we're wrapping it up afterwards.

Mr. Raj Saini: First of all, thank you very much for your comments. I just want to get an outlook from you from the public health context.

We know that in many cases a lot of these illegal arms are in those places around the world where the rule of law is not there, or there's a conflict. We know that disproportionately the illegal arms trade affects women and girls, and prevents the stabilization of society. With regard to acceding to this Arms Trade Treaty—outside of the issues that you mentioned—how do you think that will impact those societies specifically in making sure that we improve the situation on the ground and we contribute to a post-stabilization in those countries that are going through this specific situation?

• (1255)

Ms. Peggy Mason: The first point I would want to make is that, in this case, we're not talking about illegal arms. We're talking about the damage that legal arms transfers are causing because the strict prohibitions in the Arms Trade Treaty aren't being followed. If we

could get the legal trade under much stricter control, and if the legal trade were a much more responsible trade, then it would that much easier to focus in on the illegal arms trade.

I want to go back, if I may, because I think it's important, about what it means for Canada to be back, and what kind of a signal would be sent by Canada acceding to the treaty with a very robust implementing legislation. I recall that Canada played a leadership role in the negotiation of the Rome Statute, which led to establishment in the International Criminal Court. We were rewarded with the first presidency of that court because of the outstanding role that Canada had played.

Robust rules controlling arms exports to ensure that exports are responsible is a clear concomitant to the International Criminal Court in the Rome Statute, given that there was a central role that weapons played in the commission of war crimes, crimes against humanity, and serious human rights violations. It was un-Canadian for us to have been out of this treaty for so long. I would suggest that the expectation is very strong internationally. With the Prime Minister's statement that Canada is back, that means when we accede to this treaty, it's going to be in a manner that Canadians can all be proud of.

Thank you.

Mr. Raj Saini: I would like to cede the rest of my time to Mr. Levitt.

Mr. Michael Levitt: Both of my colleagues have raised the issue of regulation. MP DeCoursey raised the issue of the other Westminster-style governments of New Zealand, Australia, and the U.K. How have those three jurisdictions dealt with the issue of mandatory prohibition in their regulations?

Ms. Peggy Mason: To start with, New Zealand didn't put it in the regulations. They have mandatory prohibitions in the act, not in the regulations. With the other two, I don't know, but we can certainly check and provide that.

I would be very surprised if the mandatory obligations were in the regulations. I'm a lawyer, and it's very unusual to have the primary obligation not in your law but in your regulations.

Mr. Michael Levitt: Thank you.

Ms. Peggy Mason: Certainly we can look for that.

The Chair: Colleagues, for your information, I'll get the table to do that for you. I'll get you a list of who is mandatory and who relies on regulations to develop the treaty.

I think that wraps it up for both our witnesses. Ms. Mason and Mr. Neve, I want to thank both of you.

Colleagues, we had very good discussions this morning and this afternoon.

We'll call it a day, and we'll see you all on Thursday.

I have a reminder before you go. We'll be starting clause-by-clause study a week from this Thursday, so prepare yourself for that. If there's any information that your chair and/or the table can give you, please feel free to let us know.

We'll see you on Thursday at 11 o'clock

The meeting is adjourned.

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