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# **Standing Committee on Foreign Affairs and International Trade**

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**EVIDENCE**

**Tuesday, February 1, 2005**

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**Chair**

**Mr. Bernard Patry**

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## Standing Committee on Foreign Affairs and International Trade

Tuesday, February 1, 2005

• (0910)

[English]

**The Vice-Chair (Mr. Kevin Sorenson (Crowfoot, CPC)):** I call this committee meeting to order. It's February 1. We want to welcome each committee member back from their Christmas break. This is the first time the foreign affairs and international trade committee has met since the Christmas break. We have a big schedule in the next few months, and we're glad each one of you is here today.

The order of reference from the House of December 7, 2005, is that Bill C-25, an act governing the operation of remote sensing space systems, be read a second time and referred to the Standing Committee on Foreign Affairs and International Trade.

Before we call on the witnesses, I want to draw to the committee's attention that there are a number of notices of motion on the agenda. Our rules stipulate that the chair has the right to defer committee consideration of motions until 15 minutes before the adjournment indicated in the meeting notice. Our meeting today is scheduled to go until 11 a.m., so depending on the time, we may close at 10:45 a.m. to give us enough time to deal with some of the notices that have come forward here. Several of these motions are fairly urgent, and we will deal with a number of them at 10:45 a.m.

We also want to welcome our witnesses here today. We have a whole lineup. We have Paul Chapin, the director general of the international security bureau; Robert McDougall, the director of the non-proliferation, arms control, and disarmament division; Lieutenant Colonel Scott A. Johnson, with the directorate of space development, policy, strategy, and cooperation; Michel Giroux, director of the external relations directorate; and Lauren Small, senior manager of international relations with earth observation and environmental affairs. We welcome you here.

The order of the committee is that we will give each of you, or one you may designate, ten minutes to give your testimony. We will then proceed through the committee members with five minutes each in the first round.

First we welcome Paul Chapin.

**Mr. Paul Chapin (Director General, International Security Bureau, Department of Foreign Affairs):** Thank you, Mr. Chairman.

Mr. Chairman, I am pleased to have the opportunity to speak before this committee today on Bill C-25, the Remote Sensing Space Systems Act. As you mentioned, I'm assisted in this capacity today by Robert McDougall, the director of our non-proliferation, arms

control, and disarmament division, who was assigned responsibility for the development of the bill.

I would also like to draw your attention to the presence of Mr. Phil Baines, a specialist in the field of space, from the same division.

[Translation]

Further to the remarks on the bill presented by the Parliamentary Secretary to the Minister of Foreign Affairs, the Honourable Dan McTeague, in the House of Commons on December 7, 2004, I will first take this opportunity to reiterate the purpose and importance of Bill C-25. With the genesis of this bill thus laid bare, I hope to address some of the concerns raised during second reading in the House of Commons.

It was not long after Sputnik was launched, in 1957, that the international community turned its attention to outer space. United Nations resolutions soon began to express the determination that outer space would be used only for peaceful purposes. In this regard, it was recognized that certain military uses of space are consistent with these principles, but not all of them. Eventually, this diplomatic activity culminated in the adoption of the 1967 Outer Space Treaty. The Outer Space Treaty enshrined the international responsibility of States for the activities of their nationals in outer space. Canada was an original signatory of that treaty.

Reflecting these international obligations, the proposed Remote Sensing Space Systems Act before you today will license remote sensing space systems controlled from within Canada. This bill is made all the more necessary by a number of important trends.

For one, private enterprise has growing access to technology and financial capital resources and is now able to engage in satellite-related activities with both military and civil implications due to the high quality of data that such satellites can produce.

For example, RADARSAT-2, set for launch later this year or early next, will be Canada's first privately-owned and operated remote sensing satellite system and carries a very sophisticated sensor. It is prudent to provide a smart regulatory framework for such high-tech satellite systems rather than risk injury to Canada's national security, national defence or foreign policy through the uncontrolled dissemination of sensitive data.

Under the proposed act, the government will licence the activities of Canadians and corporations no matter where they choose to establish operations. This requirement to cover the activity of Canadians abroad, as well as at home, is not unusual in outer space matters, since remote sensing satellites can be operated from any place in the world.

You will further note that the bill applies to government as well as private systems. Here, the government recognized the fairness of treating all systems under the same law, whether privately operated, publicly operated or a hybrid public-private partnership operation. Since government-operated systems could involve private sector entities in the operation of a system as downstream providers of sensitive data and since privately operated systems could likewise involve government departments or agencies as system participants, both public and private systems need to be regulated.

It was also recognized that federal and provincial systems needed to be afforded equitable treatment under any proposed law. If provincial systems were to be licensed, then so too should federal systems.

• (0915)

[English]

So the proposed Remote Sensing Space Systems Act asserts a broad jurisdiction. It also, however, grants the Minister of Foreign Affairs the power to resolve competing claims for jurisdiction by a ministerial order of exemption. Under the act the Minister of Foreign Affairs can exempt persons, systems, or data. The exemption must not be injurious to national security, to the defence of Canada, to the safety of Canadian forces, or to Canada's conduct of international relations. It must not be inconsistent with Canada's international obligations. Adequate provision must be made for the protection of the environment and public health and the safety of persons and property, particularly when it comes time to dispose of the satellite.

It was further recognized that a single process to coordinate and balance the respective mandates of the key stakeholder ministers in the oversight of the federal systems would be a necessary feature of the bill. Hence the provision for the Governor in Council to vary the application of the act for systems of the Department of National Defence and the Canadian Space Agency. This provides assurances that an appropriate balance of the underlying security, defence, foreign policy, and socio-economic benefits will be struck for federal systems. This same provision of the bill also recognizes joint decision structures available to the government to fine-tune the management of future federal systems possessing dual-use capabilities.

The Minister of Foreign Affairs combines an international security responsibility on the one hand and a responsibility to promote the national prosperity of Canadians on the other. Under the proposed act, it would be an important part of the Minister of Foreign Affairs' job to weigh the risks and benefits of granting a licence, and under what conditions, with the goal of striking the right balance—to encourage Canada's technological development and economic prosperity, while at the same time safeguarding our security and protecting our global interests.

In this latter regard, the bill is also important in terms of our relationship with the United States. Canada's decision to control its

own remote sensing satellites, announced in June of 1999, paved the way for Canada and the U.S. to cement a shared understanding concerning the operation of commercial remote sensing satellites within a treaty signed in June 2000. This treaty aims to ensure that commercial remote sensing satellite systems will be controlled in each country so as to protect shared national security and foreign policy interests, while simultaneously promoting the commercial benefits to be derived from these systems. The agreement recognized that Canada and the United States share mutual interests in regulating and controlling commercial remote sensing satellites and the potentially sensitive data they produce. The passage of Bill C-25 will honour that bilateral commitment.

Before closing, Mr. Chairman, I want to touch on two or three additional aspects of Bill C-25 that had been raised during its second reading in the House of Commons, namely perceived associations with ballistic missile defence, the question of additional privacy protections for individuals, and assurances of data access for the provincial governments of Canada.

Given its genesis, it should be clear that this bill is entirely unrelated to any decision as to Canada's participation in ballistic missile defence. Bill C-25 in fact would not facilitate such participation. The radars or other sensors on remote sensing satellites of the type expected to be licensed under Bill C-25 would be designed to produce detailed images of the surface of the earth and would not be optimized to provide the range and bearing for objects in flight above the earth, such as ballistic missiles. Secondly, it must be remembered that a satellite of this nature is in constant movement around the earth. There is, therefore, only a very small probability that a single satellite or even a small constellation of satellites of this type would be in the right place at the right time to observe the launch of a ballistic missile, virtually negating any usefulness in a BMD mode.

Some members had commented that Bill C-25 does not contain any new protections to guarantee the privacy of individuals in an age of remote sensing satellites operated by private entities. The reason for the absence of such measures in the bill is threefold. First, the quality of images produced by systems licensed under this bill is not expected to possess the ability to recognize persons as individuals. If they are detected at all in images produced by such satellites, people are often only discerned by their shadows. Several significant technological and cost barriers will limit the ability of space systems to identify individuals now and in the future.

• (0920)

Secondly, the issue of privacy protection for individuals is not unique to imagery generated by remote sensing satellite systems. It can also arise from other sources, such as airborne remote sensing systems and traffic cameras. Consequently, the key issue is not the capability of the satellite, but rather the protection provided by law, by jurisprudence, as it is developed by the courts and by the practices and procedures of the entities making use of remote sensing technology.

Finally, we should note the protection afforded by the Canadian Charter of Rights and Freedoms, and specifically the section 8 right to be secure against unreasonable search. To this fundamental protection is added the provision of the Privacy Act, among others, to protect personal information. Privacy protection for private sector use of personal information is governed by the Personal Information Protection and Electronic Documents Act. Recent court rulings, such as the one in the Tessling Supreme Court case, also apply. Further, should any future technology provide law enforcement agencies with imagery capabilities against which a reasonable expectation to privacy would exist, prior judicial authorization would be required.

Let me conclude by addressing the issue of provincial government access to data from a Canadian licensee. Those familiar with international law and practices pertaining to outer space will recognize that paragraph 8(4)(c) of the bill gives effect to Canada's international observance of the 1986 UN principles relating to the remote sensing of the Earth from outer space. While it is difficult to imagine that a Canadian licensee would be unwilling to sell raw data or imagery to a provincial or federal government in Canada—that's the business they would be in—it is nevertheless clear that Canada would also be a sensed state under this provision of the bill. Consequently, the Minister of Foreign Affairs could use paragraph 8(4)(c) of the proposed act to ensure that provincial entities were able to obtain access to product or data from the licensee on the basis outlined in 1986 UN principles.

Mr. Chairman, with that brief introduction, I would be happy to answer questions after my colleagues have made their opening remarks.

• (0925)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. Chapin.

Next we have Lieutenant-Colonel Scott A.A. Johnson.

Welcome. You have ten minutes.

**Lieutenant-Colonel Scott A.A. Johnson (Directorate of Space Development, Policy, Strategy and Cooperation, Department of National Defence):** Thank you, Mr. Chair. We don't have to put the A.A. part in there.

I'll warn you in advance, before I start my remarks, that I picked up a bit of a bug from my daughter Emma, so please forgive me if I start hacking in the middle of this.

Mr. Chairman, I would like to begin by thanking the members of this committee for giving me the opportunity to come and speak today on the Department of National Defence's position on this bill.

Bill C-25 seeks to put in place a legislative and regulatory regime for the purpose of regulating the operations of remote sensing space systems in Canada. It has been an important collaborative opportunity or activity between DND, the Department of Foreign Affairs, the Canadian Space Agency, and the Solicitor General, now rolled into the Department of Public Safety and Emergency Preparedness.

As satellite technology has improved, it has become increasingly apparent to us that the unregulated operation of such satellites and the distribution of satellite imagery could pose a threat to Canada. It could also pose a direct threat to Canadian Forces and to our allies.

Bill C-25 establishes a balanced framework that will work to ensure both the safety and security of Canada and Canadians, and to foster the continued development of an industry that is recognized internationally as the producer of some of the world's most sophisticated satellites.

That Bill C-25 has required such cooperation among a number of government departments underscores the balance of the approach that has been taken to developing this bill, coming to what's before you today in an attempt to regulate remote sensing space systems in Canada.

I can't speak for other departments, so I would like to focus the rest of my time here on the DND perspective and our responsibilities that are outlined under the bill. The Department of National Defence and the Canadian Forces use satellite imagery to protect our security and sovereignty every day. We use it to support our operations abroad. We use it to look at our coasts. We use it for a number of things.

For National Defence, satellite imagery will play an increasingly important role in understanding what's happening in Canada's remote Arctic regions, our coastal regions, and around the world, particularly where Canadian Forces are deployed and are at risk. We have a project right now, Project Polar Epsilon, that was established specifically to take advantage of the commercial sensor RADARSAT-2 that we're about to launch to do specifically these types of missions, looking at our Arctic and our coasts.

This bill provides the means for the government to help ensure that those who might harm Canadian interests cannot use images taken from our own satellites against us. It's possible today for anyone with a credit card and Internet access to buy satellite images with striking clarity. We see this on the news every day.

While we cannot regulate the satellites of other countries, we can regulate our own, and our allies are moving to regulate theirs as well. That's why, again like our allies, the Government of Canada accepted the responsibility to license the operation of remote sensing satellites and regulate the distribution of the images they produce.

In its effort, the government has worked to respect the rights of Canadians and to strike a balance among Canada's defence, security, and foreign policy interests, and the maintenance—and I'll underscore that—of an important sector of Canadian industry. Let me briefly give you a couple of examples, from our perspective, our participation in the legislation, of those types of activities that we would use and how certain clauses in the legislation would work.

The first one we talk about is licensing and reviewing agreements. DND has a role in that process. We would be supportive of the Minister of Foreign Affairs in licensing remote sensing satellite systems by providing advice on the potential impact of the satellite images on Canada's national defence interests and on the Canadian Forces, wherever they may be deployed.

National Defence will also be providing threat assessments to the Minister of Foreign Affairs for his review during the agreement process between the operators of remote sensing satellites and those who operate the receiving stations on the ground and want to sell the images they produce.

During the conduct of our operations or our day-to-day activities, should it become clear to us that images from Canadian satellites for some reason pose a threat to Canadians, Canada, our forces deployed, or our allies, the Ministers of Foreign Affairs and National Defence could temporarily prevent a satellite from taking pictures of a specific area or at a particular resolution. This is the so called "shutter control clause", which could be invoked, for example, to prevent our adversaries from anticipating military operations or planning counter-offensives. It could also be used to prevent the disclosure of the location and capabilities of our own deployed forces.

As a couple of examples from history, we go back to the First World War, when everybody knew where everybody was. In times of war, to keep casualties to a minimum, the element of surprise is a key component. We didn't have that in the First World War because both sides had hot-air balloons and they could look down on the other side, so everybody knew where everybody else was.

● (0930)

To get into a more modern example, if we had been able to take that ability away from the other guy, that would have given us an advantage. A more modern example was seen during the first Gulf war, which Canadian Forces personnel participated in, when General Schwarzkopf did his big left hook out in the desert. If the Iraqis had had access to the satellite imagery that could have told him he was going that way, the Republican Guard could have deployed and caused far more casualties. There's no doubt in my mind we would have won, but the casualty count would have climbed. Because he didn't have access to that imagery, we had a significant advantage. The sensors with the capability of preventing that action for the most part didn't exist in those days, but they do today.

Remote sensing satellites orbit the earth very quickly, and should there be an instance when we feel we need to invoke something like shutter control, it would only impact on the satellite's operations for a very few moments as the satellite passed over the affected region. Shutter control would not constitute a significant burden to industry. And as the Government of Canada's 1999 access control policy has guided such providers for some six years, after consultation with industry, it's clear that industry understands and accepts the very limited risk that such an event might occur. Using this measure would be a very rare thing indeed, and would happen only when there was significant threat of risk or cause for concern.

I'll talk about another clause under the bill, called "Priority Access". One of the objectives of the bill is to ensure that the government has access to satellite imagery in emergency situations. In such cases this legislation could give the government the power to request satellite images, taking priority over other requests from other users. I'll give an example of how this might take place: The Canadian Forces might need quick access to satellite images to monitor a ship off its coast. Alternatively, priority access could help first responders and the forces respond to a forest fire or floods. We used RADARSAT-1 effectively during the Manitoba floods.

I'll give you a recent example: During the recent DART deployment—I'm not saying this is what happened, but you can foresee this happening—when the great floods happened down in Southeast Asia when the tsunami hit, most of the world's assets were focused on looking at the damaged areas. When we were trying to get the DART ready to go, of course, we were focused on finding the hard places where we could actually deploy them and help the people who had gathered there. So there's a competition there for resources, which this clause would help us deconflict.

Again, Mr. Chairman, such requests would be made only when absolutely critical to the interests of the security of Canadians, our allies, and all those things that matter to Canada. As for shutter control, again, in this case such an occurrence would affect only very specific portions of the satellite's pass over a particular affected region, and the occasions when this would happen would be the type of occasions I've outlined. It's fairly obvious and self-evident that they are critical to the nation.

It's clear to the Department of National Defence that this bill will help the government protect Canada's most fundamental defence and security interests. It's also clear that we've done our homework in ensuring this bill is balanced. This bill is critical to enable our country to protect Canada and Canadians and to contribute to international security. Remote sensing space systems will only become more prevalent in the future. There are lots of them on the shelves right now ready to be launched, and a number will go up in the next year. To address any security concerns raised by these sensors, the time to act is now.

Thank you, Mr. Chairman, for giving me the opportunity to make this brief statement.

● (0935)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

We'll now proceed to Michel Giroux, Director, External Relations Directorate. Welcome here.

[Translation]

**Mr. Michel Giroux (Director, External Relations Directorate, Canadian Space Agency):** Mr. Chairman, honourable members, on behalf of the Canadian Space Agency, thank you very much for the opportunity to respond to any questions you may have about the proposed Remote Sensing Space Systems Act.

The legislative mandate of the Canadian Space Agency is “to promote the peaceful use and development of space, to advance the knowledge of space through science and to ensure that space science and technology provides social and economic benefits for Canadians”.

Since its creation in 1989, the Canadian Space Agency has set out to ensure that all Canadians learn and benefit from the innovations of space science and technology to the greatest extent possible. Its objectives are to support and promote a highly competitive space industry and address the needs of Canadian society.

Canada's history in space spans four decades.

In 1962, Canada became the third nation in space with Alouette-1, a science satellite launched to study the ionosphere.

Canada was also the first country with its own domestic communications satellite with the launch of Anik A1 in 1972, which links Canadians across our country's vast and sparsely populated geography.

Today, monitoring the earth and its environment has become the Canadian Space Agency's most important sector of activity. The unique vantage point of space provides us with crucial information to help manage and protect our natural resources for sustainable development and the future health of our planet.

Canadian remote sensing satellites provide important information on distribution of ground water, minerals and oil and gas deposits, oceanography, cartography, geology, hydrology, agriculture, forestry and disaster response and mitigation. High performance remote sensing space systems can also be used to enhance Canada's security and assert sovereignty, especially in remote areas.

In the late 1980s, Canada decided that it needed to assert its sovereignty in the far north by monitoring its territory—a huge expanse of land and sea—as well as the movement of ice and vessels. Launched in November 1995, the satellite RADARSAT-1, now in its 10th year of operation, is providing this capability.

RADARSAT-1 operates by scanning the earth's surface using a radar sensor, as opposed to using optical images. This allows the system to operate day and night, regardless of cloud cover, smoke or haze—a powerful tool for monitoring the earth and its environment, including the detection of disasters of natural and human origins, such as oil spills, forest fires, landslides and floods.

[English]

Canada's next generation of Earth observation satellite is the product of a private and public sector partnership. The Canadian Space Agency and MacDonald Dettwiler and Associates are currently working together on the construction of a successor to

RADARSAT-1, called RADARSAT-2, which is scheduled to take over from RADARSAT-1 in 2006. It is owned and operated by MDA and will strengthen Canada's leadership role in radar-based Earth observation.

● (0940)

Of course, there are security implications associated with advanced remote sensing and the images that can result from it. To address shared security concerns with the United States, Canada developed its own access control policy, which was approved by the government in 1999, to regulate the ownership and operation of Canadian commercial remote sensing satellite systems and the dissemination of data generated therefrom in ways that would protect Canadian national security and foreign affairs interests. As well, the governments of Canada and the U.S. concluded an agreement concerning the operation of commercial remote sensing satellite systems in June 2000.

Building upon this, Canada undertook to put in place a licensing and access control regime comparable to that of the U.S. The act will apply to all future remote sensing space systems, which may employ other technologies such as optical or hyperspectral sensors. It will also apply equally to both private and public sector systems.

CSA's private sector partner, MacDonald Dettwiler and Associates, and its subsidiary, RADARSAT International Inc., were engaged in a full consultation process during the development of the legislation. The CSA was pleased to be involved in the development of the legislation and would like to assure this committee that it will support the implementation of the said legislation.

Thank you very much.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

We will proceed to the first round of questioning, and we'll ask Mr. Day from the opposition to begin.

**Mr. Stockwell Day (Okanagan—Coquihalla, CPC):** Thanks, Mr. Chair, and thanks to each one of you for your presentation.

There is no question that Canada and Canadians have an exciting history in terms of this type of development going back as far as 1962 with the Alouette satellite. I think we were the third in the world with that capability and the first in the world with the Anik satellite in 1972, so we're excited about the trend Canadians have set. We don't want to see that diminished in any way.

With respect to one of the odious approaches taken by the CRTC in broadcast regulation—and we believe we do need regulatory systems in place—one of their considerations in terms of whether licensing should happen when we're talking about radio, for instance, is whether or not the particular business would be successful. Some of us don't believe it's government's job to decide if investment and entrepreneurial innovation are going to be successful. That's up to the investors. Government should regulate, for sure, to make sure security interests and other public interests are cared for.

Do you see anything in this legislation that is going to protect commercial innovation from a simple and arbitrary view of government that a particular commercial enterprise may or may not be successful? As long as money is duly, legally raised and a business is constituted according to our laws, we think commercial investors should be able to proceed, albeit with risk to themselves. Could I have a comment on that?

Also, could I have a comment on the security side? The intent was good in one of your presentations when you talked about privacy and the ability to actually track people as individuals. The presentation said it is not expected that these satellites would possess the ability to recognize persons. Well, not today, but I think we all know and are quite excited by the fact that technology increases all the time. As we know from briefings from security people, right now unmanned aircraft are equipped with cameras that can take a picture of a licence plate 15 kilometres away, weather permitting. Let's assume the day is coming—and probably quickly—when the capability will be even more enhanced. Therefore, is there anything in the legislation, in your view, that will allow a private citizen to access information even from a commercial provider that would suggest he or she or their company or organization is being tracked?

If I sound paranoid, I might point out that these are some of the questions we get from constituents concerned about privacy matters.

In your view on the legislation, will citizens be able to access information to find out if in fact a commercial entity has been contacted by a military or national defence organization for use of their particular product?

• (0945)

**Mr. Paul Chapin:** Mr. Chair, I think I'll pass those sorts of questions over to Mr. McDougall, who can speak with some authority on these issues.

**Mr. Robert McDougall (Director, Non-Proliferation, Arms Control and Disarmament Division, Department of Foreign Affairs):** Thank you.

First of all, on your first question, Mr. Day, on the issue of anticipated success of a commercial venture, the bill sets out a series of criteria on which licensing would be based, and that is not one of them, the way the bill reads. I hope that answers your question. It is not part of what we considered when we set up the bill.

Secondly, on the question of privacy, as Mr. Chapin said earlier, the reason there were no special privacy provisions in the bill is that we looked very hard and we had lawyers from the Department of Justice and other agencies look at the bill, and it was decided that essentially protections for privacy of Canadians were sufficiently in place and that we didn't need anything extra. There were in fact

privacy considerations in the charter, in various pieces of legislation, in judicial practice, and in court practice that would protect those rights.

Your point on the evolution of technology is of course very well taken. Our estimate now is that it's not a problem because of the comparatively limited, although improved, abilities of the system. It is possible that things, as you say, will get more delicate and therefore more intrusive in the future. If that is the case, at the point where it crosses the line—I believe it's referred to as a “reasonable expectation of privacy”, and I believe that's the language in the charter—then our understanding from our legal counsel is that this would activate the protections of the charter against unreasonable search and seizure, for example, and that therefore a judicial procedure would have to be followed before such observation could take place.

That is a hypothetical future situation, because the technology now would not permit intrusiveness of that level. Should the technology improve, however, then we believe the existing judicial and other protections would fall into place to safeguard the privacy of the individual.

**The Vice-Chair (Mr. Kevin Sorenson):** Is there anyone else who would respond to Mr. Day? I think he had two or three questions.

Mr. Giroux.

[Translation]

**Mr. Michel Giroux:** Thank you, Mr. Chairman.

As you know, the Canadian Space Agency is a technology-orientated federal body mandated to develop objects in space which will meet Canadians' needs in telecommunications, monitoring our planet, space robotics, a field where we are world leaders, and space science.

In the 1950s and 60s, when we first turned our attention to developing telecommunications satellites, we did so because it had become clear that it would be impossible to link all Canadians simply by running electric wires across our expansive land, including the north. It was clear that satellite was the only way forward, firstly for telephone communications, then for television, and now for transmitting credit card data from all over the world via Internet. For example, satellite allows us to gain approval for a purchase made in eastern Siberia within 25 seconds. Satellite is the only means available to us for getting such an approval.

As well as providing Canadians with essential services, these developments have led to the birth of a Canadian space industry which is both robust and competitive on a global scale. The sector is still relatively small when compared to the American and European space industries, but I can assure you that it is performing extremely well. Furthermore, 40 per cent of its turnover comes from foreign markets. This is a direct result of technology which we have developed here in Canada to encourage the development of these sectors.

Today, the satellite communications sector represents half of the total revenue from the Canadian satellite industry. Twenty-five years ago, revenue from this sector was virtually non-existent.



As regards monitoring the earth, we are taking the same approach and, amongst others, are working with MacDonald Dettwiler and Associates and RADARSAT International. We supported the setting-up of a business called RSI, and we have given it an exclusive mandate to sell data from RADARSAT-1, and shortly also from RADARSAT-2, on foreign markets in order that it might gain a strong position on the world stage.

Ladies and gentlemen, clearly the use of satellite data derived from monitoring our planet can pose security problems, particularly if the images are of a high resolution. Consequently, the government has worked with us and the private sector to answer the following question: What can be done to restrict what we could term as illegal, dangerous, questionable or controversial use of this data? This bill has been drafted as a result of this thought process and will ensure that certain data, in particular circumstances, cannot be sold to non-like-minded countries or to countries who might wish to use the data to undesirable ends.

If I remember correctly, RSI was set up in 1998 or 1999. At that time, it generated no revenue. Last year, if I remember correctly, RSI declared Canadian revenue of around \$26 million, a remarkable amount of money for selling radar images. And I can assure you that RSI is not selling tourism photos of French Polynesia.

In summary, while this legislative measure obviously creates certain obligations and restrictions, it does so in an open-minded fashion and in a spirit of consultation, an approach which will ensure that Canadian businesses do not lose their competitive edge in the world market.

• (0950)

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

Madame Lalonde.

[Translation]

**Ms. Francine Lalonde (La Pointe-de-l'Île, BQ):** Thank you, Mr. Chairman, and thank you to all of the witnesses.

I have to tell you that I have never read such a complicated bill, not only because remote sensing satellites are not my field of expertise, but because the bill in itself is complicated. It has to be said that I have dissected a fair number of bills in my time, but this one is inordinately difficult to understand. As the saying goes, not even a cat could work its way through that maze. I know that the relation between a cat and a remote sensing satellite... In any case, it just shows how complicated it is.

Nonetheless, I would like to thank you, Mr. Chapin, for having tried to answer some of our questions. I will come back to that later because I still have a lot of questions.

I would like to know both how much money the Canadian government has invested in RADARSAT-2 and what percentage of the total project it represents?

Regarding the provinces, we read in paragraph 8(4)(c):

(c) that raw data and remote sensing products [...] made available to the government of that country within a reasonable time, on reasonable terms and for so long as the data or products have not been disposed of...

Firstly, I was wondering why the same provision does not exist for provinces given that we are talking about something which concerns the interest of the provinces and Quebec. Secondly, could you tell us what is meant by: "So long as the data or products have not been disposed of". Does that mean that the company can decide to throw out the data, or erase it? Is this something that depends on a company's good will, or lack thereof? Thirdly, does industrial espionage have anything to do with this?

I also read the brief from MacDonald Dettwiler and Associates, and I am glad that I had the opportunity to do so, because it raises an extremely important question. I would like to have your answer to this because we will be needing it on Thursday. In clauses 10, 11, 12 and 13, the concepts of international relations and international obligations are invoked as a means of controlling how licences are granted and who owns a licence. It is also said that these concepts are not defined. How can we be investing money in a business when we could have obligations that we are not in a position to evaluate? I think that that is the question that these people are asking.

I would first like to have your answers to these questions.

• (0955)

**Mr. Michel Giroux:** Thank you, Mr. Chairman.

As regards the first question raised by Ms. Lalonde, the total cost of RADARSAT-2 is estimated to be \$522 million Canadian dollars, of which 430 million are from the Canadian Space Agency and 92 million are from our private partner, MacDonald Dettwiler and Associates.

**Ms. Francine Lalonde:** Thank you.

[English]

**Mr. Robert McDougall:** I would like to apologize to the honourable member for the complexity of the bill. It took us five years to write and we did our best. Unfortunately, it is a highly complex subject, and she has my sympathies, since I have also had to wade through it.

To respond to your second and third questions—on the question about the provision of sensed data to states, it is set up the way it is because it's designed to reflect the UN resolution on which it is based. There is a UN resolution of 1986, if I remember correctly, which basically says that sensed data is to be provided to the states over which the sensing took place. It is linked to a number of matters, such as environmental and other civilian areas, and is a long-established principle of outer space law. Therefore, we put this provision into the act to reflect that, and that's why it is shaped the way it is. In the UN resolution it is not intended to apply to provinces, but our interpretation of it is that Canada is a sensed state like any other, even if it's a Canadian satellite. Therefore, there is certainly an understanding that data would be provided under reasonable conditions.

As Mr. Chapin said in his remarks, since this will be a commercial satellite, it would be highly unlikely that the operator would refuse to supply a province with the data on a straightforward commercial basis, but the act is set up in a such way that, if necessary, the minister could apply to ensure that this took place. That was our understanding.

On the question of the conflict of jurisdictions, things are very complicated. They are also in transition now in terms of the international situation for the control of satellites. Some countries control satellites of this nature, while others don't; others are in the middle of producing legislation very much like this to assert control.

Once you get into this area, you suddenly get into the question of ownership versus territory of control. In our case, for example, you could have a Canadian company controlling a satellite from Canada, but you could also have a Canadian company controlling a satellite from another country. You could have another corporate entity from another country operating a satellite in Canada. There are a number of different scenarios that could play out. What we have therefore done in the proposed act is to assert at least notional jurisdiction over all forms, whether it involves anything that is done in Canada by any corporate entity or things that are done outside Canada by a Canadian entity. As you pointed out, that could cause a conflict of jurisdictions if we claimed the right to license a Canadian company's operations in another country, but that country also had its own legislation and wanted to license the operation itself. That is one of several scenarios under which the ministerial exemption clause would take effect. The minister responsible for the act has the right to exempt the application of the act—not to change or amend the act, but to exempt application of the act—for certain systems or for certain entities if it is judged that it is of value to Canada to do so.

In the case of a conflicting jurisdiction such as the one that you have suggested, we would enter into a discussion with the other country concerned to make sure that our interests were being protected however the licensing worked out, but we would not necessarily insist that it be our licence, as long as we were satisfied by the licensing that was granted in the other country. This provision in the act—the minister responsible being permitted to exempt part of systems from the application of the act—is intended exactly to take into account that possibility among a variety of other possibilities.

● (1000)

[Translation]

**Ms. Francine Lalonde:** I have a little question for Mr. Giroux. You clearly take pride in a project which you consider to be your baby which has grown up. You created this technology, but now, if I understand you correctly, you are passing the baton to a private company which is going to overtake you on the technology front—perhaps I am mistaken in saying that, so please correct me if I am wrong—and it seems to me that it is at this stage that the real problems will raise their head.

**Mr. Michel Giroux:** Thank you for the analogy to a baby. All of our creations become our babies, and we are very proud of them.

In this case, Ms. Lalonde, as with most of our activities—as I mentioned earlier—our main concern is meeting the needs of Canadians as individuals and citizens, and then as entrepreneurs and managers, etc.

Our second concern is to assist in supporting and developing the Canadian space industry, as it is still very vulnerable and very small on a global scale. If we were not involved in supporting it as an agency and government, it could be swallowed up and overtaken by

others very quickly. We would become a country that has to buy space products, not one that produces them. That is very important.

We work in close consultation with the private sector to identify needs and design and develop technology to meet those needs. If we were to go too far, Ms. Lalonde, the end product would not meet users' real needs. We would be wasting our time and money.

In a world where global security is becoming increasingly important, sensitive, and where there are global stakes, civilian uses that appear quite inoffensive may give rise to opportunities that were not initially intended. RADARSAT-2 can display the features of a three-metre object on the ground, in other words, an object the size of a car, and that represents a certain risk for some countries to which Canada and its allies do not want to provide technology, or means that we would not want to see fall into their hands. So we want to monitor extreme cases like that through a system of licences and exemptions, to ensure that those extreme means cannot be used by anyone except like-minded countries.

Since we have been working for several years with colleagues from Foreign Affairs, the Department of National Defence, and other organizations, I sincerely believe that despite this complexity and despite not wanting to go too far, we must have a complex mechanism that will force us to set up a small bureaucracy, to monitor the situation as closely as possible. We will examine requests; we will consult and conduct technical assessments, and eventually, we will make recommendations to the Minister of Foreign Affairs' advisors to grant a licence or not. So we are operating in this spirit of exceptions, as such, because for the remainder, and because we believe in it, we want the private sector to be at liberty to make the best Canadian technology available to all users, Canadian or foreign.

Thank you.

● (1005)

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

We will proceed to Ms. McDonough.

**Ms. Alexa McDonough (Halifax, NDP):** Thank you very much, Mr. Chair.

Thank you for the presentation.

I think we all feel somewhat daunted by the enormity and complexity of what we're dealing with. I appreciate that the explanation has taken five years to write. Therefore, it shouldn't be surprising that we're having difficulty. I think the concern many of us share is that we don't have five years to try to decipher it to take some responsibility for what legislation is passed here.

I'm going to go directly to several concerns that have arisen in discussions and collaboration, some of the really serious challenges that we need to be concerned about.

I note that Mr. Chapin has dismissed quite summarily any suggestion of any possible remote relationship with Canadian participation in missile defence—those concerns just aren't warranted. Yet collaboration with a number of people, very knowledgeable in the field, who were here addressing this has raised questions that concern me a great deal and that I think would concern a lot of Canadians.

It may indeed be true that the development of RADARSAT-2 is not in any way related to missile defence; I don't think anyone is suggesting that. But, for example, is there anything, given the new structure of the RADARSAT, that would in any way limit the actual sale of imagery to the U.S. Defense Department? If one looks at American direction in regard to the usages of the same technology, it's increasingly clear that military uses are becoming more and more pre-eminent with the broader environmental usages receding in terms of the overall balance.

My question is whether there's anything here that would restrict a shift in balance to the point where it could very well become pre-eminent, either by being defined as a national security concern or because of Canadian policy that takes a shift in direction.

The other question I'd like to pursue is that it's surprising to me that both in the legislation itself and in most of the material presented so far this morning the whole question about environmental usages is practically invisible, barely mentioned. Yet it's my understanding, perhaps wrongly, that the greatest usage currently of RADARSAT-1 is in fact environmental. I'm just wondering if you can address that.

Thirdly, going back to the question of international obligations, what is really intended is, I think, a legitimate issue for us to raise. There is no definition of international obligations here, and I think there's some concern about what that could really end up translating into in terms of what becomes the pre-eminent demand and usage of the data.

• (1010)

**Mr. Paul Chapin:** Thank you, Ms. McDonough.

There are a number of issues there. Let me divide your questions on the BMD issue in two. I'll ask my colleague Rob McDougall to talk about the issue of the limits on the sale of imagery to the Defense Department. I'll ask Mr. Giroux to talk about the environmental issues. Then Rob can talk about the international obligations.

First of all, on the BMD issue, there's always a legitimate concern when we're talking about satellites being used for military purposes. The burden of my remarks was to try to flag the fact that there are lots of different satellites up there, some of them optimized to one purpose or another. The BMD systems need to be separated out from the systems focused on tracking what's going on on the earth. We have had for 30 or 40 years now, through NORAD, a system of ground-based radars in Canada, the United States, Greenland, and the U.K., supplemented over time, as the technology developed, with space-based sensors, whose function initially was to track aircraft that could pose a threat to North America. In those days we were talking about Soviet bombers, and more recently other sorts of airborne threats—as the missile force of the Soviet Union developed, the Soviet missile problem.

Through the joint command arrangements that have existed between Canada and the United States for a very long time, there are combined Canada-U.S. crews whose job it is to take all of the information coming from these ground-based and space-based sensors to get an image of what's happening out there and what could cause damage to North America. So in some respects there are already satellites up there whose function is missile warning. Indeed, to the extent that NORAD has provided that kind of warning, Canada has been protected by those systems.

The exercise we're dealing with today has a very different purpose, and that is to regulate satellites that have a capacity to detect things that are happening on the ground and hence raise a whole different set of security and defence considerations that have to be looked at. As I said in my opening remarks, the capability of one set of satellites to detect missiles in flight or missiles in launch is very different from the capacity of other kinds of satellites to detect what is happening on the ground. That's why we try to make the point that these issues are sufficiently separated that in some respects there's not any direct or even remote connection between those two systems when it comes to considering whether RADARSAT-2 or other sorts of systems might have an anti-ballistic-missile detection purpose.

That is separate from the issue of the imagery that might be able to be shared with other countries, such as the United States. I would ask Rob McDougall to address that dimension of the issue.

**Mr. Robert McDougall:** Thank you.

I will underline a couple of factors. First, to supplement what Mr. Chapin just said, it's important to remember that this bill is based on a cabinet decision made in 1999 in some detail and published with what was called an access control policy. Things evolve, you know, but its roots go back at least before the current concerns about missile defence. The definition in the act itself indicates that the only satellites it is intended to cover are ones capable of sensing the earth, so as Mr. Chapin says, the nature of the satellite would determine whether or not this act even applies to it, and I think there's a fair degree of separation between the kind of technology that's necessary for missile defence detection satellites and for remote sensing satellites.

The other point he made in his initial remarks was that we're talking about a single satellite—maybe a few more in the future, but not many satellites. We're talking about a satellite going around the earth with only a very small part of the earth in view at any given time, and it would have to be a matter of stupendous luck for RADARSAT-2 or any single satellite to be over the right point of the earth when a missile was launched; it's something on which the military could not depend. I think it's important to keep that in mind.

Relating to your other questions, the second point is that it's important to remember that we're not talking about a government satellite here; we're talking about a commercial satellite. It is being developed with Canadian government money to some extent, but we're talking about a satellite that is being turned over to a commercial operator for operation on a commercial basis. Therefore, this act puts a few conditions on that commercial operation in order to protect Canadian security interests, but it does not otherwise try to change the nature of the operation, which will be primarily commercial.

In that sense you're absolutely correct about the environmental situation, which I'll also leave to my colleague from the space agency, but I just want to point out that most of what this satellite does—virtually all of what this satellite does—will be based on commercial considerations. The many companies and governments that now buy environmental data from RADARSAT-1 will want to buy, and will be in a position to buy, the same kind of data from RADARSAT-2 on a commercial basis. So you're quite correct; the bill doesn't look at that kind of thing, and our presentations didn't focus on that kind of thing, because our concerns are with the security implications, but you're quite correct—the operations of the satellite will be commercial, and it will certainly have a great deal that deals with environmental and other factors.

On the question of whether information will be supplied to the United States government, I'm sure it will be. The RADARSAT-1 now provides information to the United States Department of Defense—for example, on ice conditions in various parts of the high Arctic. It is purchased on a regular basis; it is information they are able to get from RADARSAT-1 on a regular basis. Again I defer to Mr. Giroux, but my understanding is that it is the hope of the future operators of RADARSAT-2 that this kind of sale will continue and will be supplied. Anyway, that would be part of their commercial operating base.

On the question of international obligations, our working understanding is that they essentially relate to treaty obligations. This would include, as mentioned in the opening statements, the treaty we signed with the United States in the year 2000 to cover remote sensing satellites specifically, but there are also a web of other obligations that already exist—the UN resolution I mentioned before, although not a treaty, is an international obligation that we have accepted. There are a variety of treaties—the Outer Space Treaty, the space liability convention—that may apply to certain aspects of the operations of Canadian satellites and that the Minister of Foreign Affairs, as the custodian of our treaty obligations, is required to take into account when making decisions under the act, but our understanding of those is that they are treaty obligations, fairly carefully defined.

• (1015)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. McDougall.

We go to the government side. Ms. Phinney.

**Ms. Beth Phinney (Hamilton Mountain, Lib.):** Thank you very much.

Thank you, gentlemen, for coming.

You're right, it's a very complicated issue. As I have already indicated, there are about 45 questions I'd like to ask, but since this is the first day we've been discussing this, I'll just ask a couple of general ones.

Contrary to Mr. Day, who is worried about privacy and the right of individuals to have control over what they're saying, what they're looking for, etc., I'm more concerned that they have too much control.

I'd like to know how we're going to enforce some of the things that are stated here. I know they're given a licence, and they have to follow certain regulations. But when these satellites take off, is somebody at the site checking to see that what they got the licence for is actually what they're going to do? They could put something on the satellite that was not covered by their licence. Do we have inspectors? How is that being regulated?

You said that the data are to be given to the state over which the satellite passes. I think that's in some international agreement. Do we have people out there monitoring every satellite that's scanning certain parts of Canada? How are we regulating that?

Perhaps you could answer those two questions, and we'll see how long that takes.

• (1020)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Ms. Phinney.

Mr. McDougall.

**Mr. Robert McDougall:** The question of enforcement is a complicated one, and one that took us a long time to sort out. With luck, we've managed to get a reasonable balance.

First of all, to answer your specific initial question, the bill does not give us the right to inspect the satellite itself. The bill focuses on our ability to control the operations of the satellite, what the satellite actually does. With a satellite, you have the advantage that it's not a hidden thing; it's up there. We will know where it is, and we will be able to detect any transmission or data that come off it. We'd certainly have the ability to ask the operator, "What is this strange emission that's coming off this? Is your satellite all right?" And we'll be able to ask questions about what's being operated on.

There are a variety of guarantees, ways to find out what's going on, based on the licence. The licence will set out certain conditions of operation, which will range from, for example, physical security of the data once they reach the ground; who you are allowed to sell certain kinds of sensitive data to, particularly high-resolution data, which involve very clear pictures; and whether you can sell data right away or there has to be a delay.

A number of conditions would be applied to the licence under regulations. The enforcement of those is carried out by a number of means. There are provisions for audit. The operators and sub-operators of the system have to keep exact records of who they supply data to and what data they requested. There is a provision to inspect and to ask questions and seek responses from the operators. There are also provisions for a variety of penalties under enforcement. The penalties, at first glance, may look potentially light, given the possibility of revenues. But the various penalties involved can be imposed every day that the offence continues, so they add up fairly quickly.

We have not looked solely at a penalty-based enforcement system. We have also created the possibility of reaching agreement with the operator to come into compliance; that is to say, to correct whatever enforceable fault has been detected and to do so in such a way that they could avoid the penalty—for example, if they convince us that they have corrected the fault and that perhaps it was not even an intentional fault or it was a misunderstanding. We have focused on trying to correct the fault, as opposed to levying a penalty, but the penalties are there if necessary.

**Ms. Beth Phinney:** Just to continue with that question, if I have time, we have provisions to inspect and penalties and so on, but who's enforcing this? Is somebody? There are provisions to inspect, but if nobody is inspecting, what's the point? We can have provisions, but if we don't have the money.... I don't know if we do. Do we have the money to send people somewhere to inspect? Are we doing this? Is anybody doing it? It says that here.

• (1025)

**Mr. Robert McDougall:** We will have inspectors. It's not being done now, but the intention is to do so. The bill does establish the possibility to appoint inspectors under the act, and we have looked into the finances of this.

We're not talking about an enormous load, because there's not going to be an enormous number of Canadian satellites to which this applies. There is one now, technically, in RADARSAT-1. There will be another one by next year, with a little luck, in RADARSAT-2. There may be a few more later. So we're not talking about an enormous number of satellites to keep track of, and we believe that working within current budgetary numbers in fact we can create an office that will include technically qualified inspectors who can do this.

As I mentioned before, we're working through the licence, so the licensee will also be responsible for keeping track of these things and for ensuring that the subcontractors of the licence live up to their obligations. But we also have the ability to put in government inspectors in cases where we think that's necessary, and we will be creating those inspectors.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. McDougall.

We'll go back to the opposition side—Mr. Menzies.

**Mr. Ted Menzies (MacLeod, CPC):** Thank you, Mr. Chair.

Indeed this is a very complex piece of legislation and we are beginning to grasp why it took five years to draft this.

I guess I understand the technology fairly well. I've used global positioning on my farm for a number of years for field mapping, record keeping, those sorts of things, and it's incredible technology when it's used in the proper context. I can see tremendous potential in the agricultural industry for hydrology purposes, irrigation, those sorts of things.

Certainly we want to look at and we want to dwell on the positives, but there are some concerns about where this can go. One question I have is what legislation are we operating under now, and what are the flaws in that? I'm assuming there are some weaknesses in it to have changed this.

In the technology that has been developed, certainly there's great potential and there are some concerns. We've heard more of the defence side of it here today. What roles do foreign affairs and defence play in this, in using this technology? I see we're very much involved in it.

Also, how does this compare to legislation in other countries? I'm assuming there has been some patterning of this after the United States, after U.S. legislation and that of other countries. Obviously it's international technology. How do we define the borders? I guess that's where my question is coming from in regard to how this compares to the U.S.

Regarding the shutter control, can someone explain to me how that works?

**The Vice-Chair (Mr. Kevin Sorenson):** Where would we like to begin here? I don't see anyone rushing to....

Mr. McDougall.

**Mr. Robert McDougall:** Those are four good questions, as all of them have been.

As to the current legislation, there isn't any. This is new legislation. The reason it's necessary is because of two things, two trends coming together. One of them is that the technology is suddenly getting much better, at least the technology that is generally available is getting much better, and has entered the realm where it could have security implications. Previously, you couldn't get commercially available data that would potentially threaten, for example, military operations, but RADARSAT-2 is a capable enough satellite that it could reveal, for example, details about military operations that the Canadian Forces would wish not be revealed.

The other trend coming together, which is what makes it important in a way, is that RADARSAT-2 will be the first Canadian satellite in commercial operation with these capabilities. The trend has been away from government operation toward commercial operation. RADARSAT-1 is controlled by the government. It is a satellite that has government control on it. RADARSAT-2 will be a commercial operation. It will be operated by a commercial entity; therefore, it became necessary to create legislation to do what in previous times we've done informally, in-house within the government. That's why we need the new legislation. But in fact there isn't any now, and that's why we've brought the bill to the attention of the House.

You asked about other countries, which links into this question. At the moment, the U.S., the U.K., and Russia all have legislation to deal with this. Ours is roughly comparable. It is probably most closely comparable to that of the United States, as it happens, but there are still significant differences because we have a very different government system, a very different court and justice system, and therefore we have taken slightly different approaches in certain ways.

France, as another comparison, does not have legislation in this regard, but it does have an administrative system that amounts to the same thing. They decided they did not need new legislation, they had sufficient powers within their existing statutory base, and they simply created an administrative bureaucratic structure. We did not feel that we had a sufficient legislative structure to do this, so we had to come to the House to seek their views and approval of our proposal, if they so choose.

Germany is in a situation now where they are considering the same kinds of things that we are doing. They're considering whether they need a legislative base for their operations on the same basis. We have been in contact with them. We have exchanged views with them on the general subject of regulation of this nature and will continue to do so.

Those are, I guess, our major counterparts in this area, but the trend is very clearly towards a greater regulation of remote sensing on a commercial basis because of the increased technological sensitivity involved.

Shutter control I could probably leave to Colonel Johnson, but I can give you a rough idea. Shutter control is something that would be invoked only under highly unusual situations where there was an emergency, where there was some sensitivity about what was going on in a certain part of the world, where, as an example, Canadian Forces were being deployed in a military operation where it was important that the opponents, whoever the opponents were, did not have access to pictures, to radar images that would depict the Canadian Forces being deployed in that part of the world. We would then have the ability to instruct the commercial operator not to take pictures of that particular sector of the world during this particular time.

It is limited. It is limited to very senior levels in the defence and foreign affairs departments...in fact, to ministers only. Sorry, I always get confused between that and priority access. It can only be invoked by the Ministers of National Defence and Foreign Affairs themselves. It's regarded as an unusual circumstance, but it is something that, for example, exists in U.S. law. Interestingly, they've never had to use it, but it exists there because of the possible necessity for future operations.

• (1030)

You also asked about the foreign affairs department's role. If I may ask a question of clarification, do you mean the role broadly for the act as a whole, or for some specific aspect?

**Mr. Ted Menzies:** I was thinking of utilization. Would we use it, for example, post-tsunami? Would the Department of Foreign Affairs use it for that role? How might it be used?

**Mr. Robert McDougall:** Our department has not made enormous use of such images in the past. They've been used much more commercially by the Department of Fisheries and Oceans, Environment Canada, by National Defence occasionally, although I leave that to Colonel Johnson. But in fact you actually give a good example in the tsunami, as Mr. Giroux can explain to you. RADARSAT-1 images have been used extensively as part of an international consortium to provide satellite imagery to all of the countries concerned in the region to allow them a much better picture of essentially what has happened to their coastline, which in some cases has of course been quite severe. And that's a classic case.

We weren't directly involved in that, but that is certainly something in which the foreign affairs department would have a direct interest.

• (1035)

**The Vice-Chair (Mr. Kevin Sorenson):** Lieutenant Colonel.

**LCol Scott A. A. Johnson:** In answering your question, I'm going to try to hit on a couple of others that maybe were unanswered as well. So I'm going to back up, because it will lead me to the answer of how the mechanics within the Department of National Defence actually lead to the minister making a decision that this has to be done.

**The Vice-Chair (Mr. Kevin Sorenson):** I would just remind committee members as well as those bringing testimony that on the second round we're usually into the three-minute rounds. We want to make sure that everyone gets a chance to ask a question. Our time is limited.

Proceed, Lieutenant Colonel.

**LCol Scott A. A. Johnson:** This will be pretty quick, sir. I'm a soldier, so I keep it simple.

Canada, in its partnership with the United States under NORAD, has for a long time been participating in what we call a space surveillance network. That's a global network of radars. We used to have a couple of telescopes in Canada, which are now decommissioned. We have a project on the books called Sapphire, which is proposing that we put out a space-based sensor. The purpose of that is to track satellites so that we know where they are and when they're coming overhead and we have a pretty good idea of what they're doing and when they're emitting.

The sensors we're concerned about are what we call radars that are capable of penetrating through clouds, because most of the world is cloudy most of the time. You can tell when they're turned on because they emit radiation. From the ground, you can pick that up. Your GPS receiver picks it up every time you're getting radiation around your farm.

So we participate in that network, and because of that, we have access to this information. We can tell to the second when something is passing over. That's one of those NORAD missions that has been out there for a long time, and we hope to continue it. So that's how we know that somebody is coming over. The specifics of how we know I really couldn't discuss in the room here, but in general terms, that's what we're about. Because we know that and because we're connected to a global network in our intelligence community, we can for the most part pick up indications of when other people are buying imagery from different sensors.

I'll go to an earlier comment about the increasing military use of these commercial sensors. In fact, the military is one of the biggest users, and has been since the beginning, of all the commercial sensors that are up there, because it's high-quality stuff you can use for a bunch of military purposes. None of this is new. We've been using the commercial sensors since the beginning. There are a number of high-resolution optical sensors out there that we use en masse. But the radars are the new things out there, and Canada has been leading the way. A bunch of other countries are about to build the same things.

But again, it's easy to tell when they're doing things. Our intelligence community can figure out there's somebody sensing our Canadian Forces personnel in that particular theatre every time it comes over. We can link that up with our planners in the DCDS group. The Deputy Chief of Defence Staff is the chief operator for Canadian Forces operations overseas. If he figures out that this is actually posing a threat to Canada.... You may do nothing about it. Sometimes it is good to let the other guy know what you're doing. You can actually deceive him by doing that. Sometimes it's okay because in stability operations you want the other guy to know you're there carrying a big gun or whatever, just to keep things calm. But if we determine that it's a bad thing and that in fact Canadian lives are at risk or an operation or one of Canada's critical interests is at risk, the DCDS would then say to the minister, "We have a problem here. I need permission to do this." The minister would take that into consideration and balance some other factors and then make a decision. That's when we would invoke that particular clause.

The process is set up to work that way now if we had to actually do something like that. We don't actually do that. But, for instance, we do pay attention to who's buying imagery from RADARSAT-1. In anticipation of RADARSAT-2, we have already looked at a bunch of potential sales agreements and assessed who the agreements are going to, who are the potential buyers of the data, and whether or not their purpose for the data is a legitimate one. Those activities are ongoing, and we're structured to do that.

It's a fairly simple process. The intelligence community picks something up, they tell the chief operator that we have a problem, he goes to the minister and makes his recommendations, and he makes the call for shutter control. Shutter control is a fairly drastic thing. I say that, but it isn't because you only do it for a very small period of time over a specific area. You're upsetting people when you do that.

Priority access is dealt with at a lower level. The Chief of Defence Staff or the Deputy Minister of National Defence can make that call, because all you're really doing is jumping the queue. You're still paying for information, so the impacts aren't as drastic. There's no loss of sales to somebody for that type of case.

I hope that addresses that.

• (1040)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Colonel.

We'll move to Mr. MacAulay and then to Mr. Paquette.

**Hon. Lawrence MacAulay (Cardigan, Lib.):** Thank you very much, and welcome to the participants. The lieutenant-colonel answered pretty much one of the questions I had.

One of the questions would be when a satellite comes over from a foreign nation, do you know what exactly they are taking? How do you know what they do with that information?

On the environmental side of the issue, like on the cutting of fords and the washing away of riverbanks and this type of thing, the only thing you can do is take it after it happens, I expect. You can't take it before, but I expect you could take it before, and afterward you can explain to the world exactly the disaster that's taking place because of certain activities that are taking place in the world.

Also a big concern, in a previous life that I had anyhow, was the theft of industrial technology. Look at what's been developed. There's no question. You responded to Mr. Day's question that the technology is probably not available yet to pick out exactly what's going on in the world, but I would think, as was indicated by the presenters, that it is important to support technology in Canada. My concern is how to protect against the theft of technology, other than by prosecuting at the end—but then it's too late, because it's gone.

Thank you.

**The Vice-Chair (Mr. Kevin Sorenson):** Maybe when we ask these questions you would like to direct it to one in particular.

**Hon. Lawrence MacAulay:** Well, I'm not sure, whoever you feel would have the best.... It's not exactly the legislation, but it does involve what would take place if the legislation is not followed. What happens if industrial technology is used against firms in this country? We know it goes on all the time, and it's a big problem. When I was Solicitor General, it was a problem we had to deal with. I just wonder what provisions.... I know we can deal with it after the problem is over, after we find out it happens, but then it's mostly too late.

**The Vice-Chair (Mr. Kevin Sorenson):** Mr. Giroux and then Mr. McDougall.

Mr. Giroux.

[Translation]

**Mr. Michel Giroux:** Thank you very much, Mr. Chairman.

I am going to answer the member's questions in part, and I would also like to go back to the question Ms. McDonough asked earlier on the mandate or main objective of our RADARSAT-1 satellite, soon to be RADARSAT-2. I want to be very clear about the nature of the satellites that we use to observe the earth. They are, above all, for monitoring the environment and attempting to detect cracks, breaks, or shifts in the ground, volcanoes that erupt, tsunamis, and so on. That is the main objective. The other objective is land cover management, in other words, farm lands, geodesy, geology and forestry.

[English]

Those are the main objectives of these satellite systems. What we're talking about today is a small proportion of the uses these satellites can be put to by limiting what they can see from space to a very small resolution, and to try to deter or make sure that those uses are not against the interests of the free world. But that is an exception.

[Translation]

In fact, the main objective of the satellites is environmental management and monitoring. Our files include pictures of the tsunami, for example.

[English]

We have provided the local authorities with something like 70 pictures of the area that would show where the coastal limits were prior to the tsunami, and—with the assistance of other satellite systems through other countries—provided them with imagery that shows the authorities the impact of the waters on the terrain, and so on.

Yes, sir?

• (1045)

**Hon. Lawrence MacAulay:** Is that after it takes place? Is there anything in the technology that could help?

If I understood correctly, you said it would be possible to indicate that it could take place. I hadn't understood that it would do that. I'd understood that you could only show what happened after the tsunami took place. Am I correct?

**Mr. Michel Giroux:** Yes, you're quite right, sir. As far as the tsunami is concerned, we would not have been able to detect the underwater movement, the cracking under the water, and this enormous wave. But there are other sensors where the technology is now able to detect cracks on the side of a volcano,

[Translation]

a dormant volcano.

[English]

Eventually, through passes, when it is observed that those cracks are augmented in size, then we can in those cases, because we can see it.

**The Vice-Chair (Mr. Kevin Sorenson):** Colonel Johnson.

**LCol Scott A. A. Johnson:** Just as a quick response, from what you indicated in your first question, I may have given you the impression that we always knew what was going on all the time, that type of thing. That's not the case. If we get an indication to pay

attention to somebody because we suspect a suspicious activity has taken place, then we'll set ourselves up to pay attention to that. But as Michel has said, there are tons of legitimate uses for that, and we don't want to impact on any of it.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Colonel.

Monsieur Paquette.

[Translation]

**Mr. Pierre Paquette (Joliette, BQ):** Thank you for your presentations. Everyone agrees on how difficult it is to draft a bill on such an extremely complex subject. Therefore the purpose of my questions is mainly to illustrate the implications of this.

I would like to come back to a question that Ms. Lalonde asked earlier. I would like to know what the terms “disposed of” mean in the bill, whether that be in the section she read or in the following section. Does it mean sold? Given? Does it mean transmitted? For example, we know that the Canadian Space Agency invested \$430 million in this project and that they hope to recover that with image transfers to the various federal departments. I would like to know what that could mean.

Section 6 lists those people who may obtain licences and includes the obvious such as “Canadian citizens”, “corporations that are incorporated or constituted under the laws of Canada or a province”, but also includes “members of any prescribed class of persons having a substantial connection to Canada related to remote sensing space systems.” A little further along we see in paragraph 20(1)(b) that the minister decides. So who are these members of any prescribed class of persons who have a substantial connection to Canada?

I would like another clarification. Mr. Chapin, in your presentation you said that “under the act, the Minister of Foreign Affairs can exempt persons, systems or data.” Exempt them from what, exactly? Could it be from having a licence, or from some of the obligations that are part of the act?

The purpose of my three questions is to give an idea of the scope of this bill.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Is there anyone who would like to answer Mr. Paquette?

Mr. Chapin.

**Mr. Paul Chapin:** First, the function of the Minister of Foreign Affairs derives from his general obligations, clear obligations, for the international relations of Canada. If you go all the way back to the outer space treaty, you'll find there an explicit requirement for the signatories to exercise their international responsibilities. It includes, for instance, an obligation that the activities of non-government entities in outer space shall require authorization and continuing supervision by the appropriate party.

So the Government of Canada, through the aegis of the Minister of Foreign Affairs, is obligated to make sure that any involvement of Canada in outer space conforms to our international obligation. That includes, among other things, not damaging other people.



I remember years and years ago, when I was doing a different job for the Department of Foreign Affairs, that a Soviet nuclear-powered satellite, Cosmos 954, disintegrated and crashed in the Northwest Territories. That was an event of some legal interest, because the precedent was set that the launching state was in fact required to pay compensation for the damages caused. And the damages were quite substantial; they were in the billions of dollars.

That is to illustrate that the Minister of Foreign Affairs has a very large role to play in making sure that in this area, as in others, neither governmental nor private agencies can act in a way that is detrimental to the obligations we have assumed.

Let me ask Mr. McDougall to answer the second of your questions.

• (1050)

**Mr. Robert McDougall:** Thank you, Monsieur.

In brief, because I know we're running out of time here, "dispose" can mean a number of things. It can mean destroying the satellite. For example, at the end of its life, you have to have a plan for de-orbiting that will respect environmental considerations. It could mean selling the satellite, which is something that is not permitted without the permission of the minister. It could mean transferring control of the satellite, which similarly is not permitted without the permission of the licensing authority.

So in that sense, dispose can mean any of those circumstances.

[Translation]

**Mr. Pierre Paquette:** I just have one clarification. You state "disposed of [...] with the system", that is the satellite. When the terms "disposed of" are used in some sections, is that referring to data that the satellite has collected?

[English]

**Mr. Robert McDougall:** It depends, I think, on the specific clause of the bill that you're talking about, which I suppose we might get into during the clause-by-clause debate. If you're talking about data, there is, for example, an obligation to maintain an archive of the data. It's an obligation on the licensee to maintain an archive of the data for a certain period of time so that we can, for example, verify what data was in fact produced.

There are limitations on who the licensee and his subcontractors can dispose...in the sense of sell the data to. That is part of what we call the "client access profiles", which we generate. Certain kinds of data can be sold to certain kinds of people—different to, say, a government than a private sector entity, and different to one country than another. That is something we control. In that sense, "disposer" might cover that as well, but I think the generic answer to your question is that it probably depends on the clause in which the word disposed is used.

Second, you asked about significant links. Significant links, under clause 6, basically allows the minister to take action regarding.... In addition to Canadian citizens, permanent residents, and Canadian corporations, it allows the minister to take action and to insist on licensing a foreign entity that might wish to, for example, launch a satellite in Canada. If a foreign company said they wanted to come to Canada, reactivate the Churchill launching site, and launch a remote

sensing satellite from Canada, then that would fall under our licensing provisions as well.

Among many other reasons—a question was asked earlier about our international obligations—one of our international obligations is under the liability convention I mentioned earlier. That makes the Government of Canada legally responsible under international law for any damage caused by satellites launched from our territory. Therefore, there's a provision in the law that would allow the minister to take into account a foreign company coming to Canada and launching from Canada as part of the licensing regime.

You also wanted to know about exemptions. Basically, the minister is entitled to exempt any system from licensing. If it is considered that the system poses no particular threat to any of the parameters involved—it doesn't pose a threat to Canadian security, and its data, for example, is based on a resolution so coarse that it has no military application—and if it does not interfere with respect to our international obligations, or essentially if there are no security considerations involved, then we don't need to regulate it. We don't want to regulate, and we don't feel that Canada needs to regulate, systems that don't have a security implication. That's what the exemption provision is for.

The other exemption provision is the one I mentioned earlier, when you have a conflict of jurisdictions. If we have two different national jurisdictions that might be used to license the satellite, and if we are satisfied that another jurisdiction is looking after our security interests, we then don't have to license the satellite as well. We can exempt it from the licensing provision.

• (1055)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. McDougall.

I have three more individuals who want to ask questions, so we're going to try to keep it to three minutes, questions and answers.

Ms. McDonough.

**Ms. Alexa McDonough:** Sorry, but just picking up there, or on a point of order, I'm just wondering if we can quickly address how we're going to proceed. I know I have a number of questions, and the clock is running out. We have a couple of really time-sensitive priority matters that I thought we had agreed we would go to by 10:45.

Can we just have some common understanding of how we're going to proceed with those obvious...or the collision course we're on here? Because both are important.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Ms. McDonough.

If possible, just to finish these questions, we may take you a little past 11 o'clock. Are our witnesses willing to stay a few minutes past 11 o'clock?

This room is not needed right after 11 o'clock, so we could go to those motions that are urgent, dealing with tomorrow and this week, and the other motions as well, and discuss them at that time. We'll try to wrap this up as quickly as we can past 11 o'clock and then continue. Is that in order?

**Ms. Alexa McDonough:** Is it agreed, then, that we will deal with those other motions before we adjourn? Is there agreement here?

**The Vice-Chair (Mr. Kevin Sorenson):** There are four or five motions, and two that are time-sensitive. So I would suggest that when we move into the motions, depending on how long that takes, we'll look at the other motions that you want to bring forward.

Ms. McDonough.

**Ms. Alexa McDonough:** Thank you very much.

On the issue of international obligations, repeated reference has been made to various treaties that would apply. Would it not be better that those treaties that do apply be identified, be cited in the legislation itself?

Secondly, I welcome several assurances—first of all, confirmation that existing uses of RADARSAT-1 have been primarily environmental, agricultural, or humanitarian—but there's nothing here that gives me any understanding of how one could be certain that this would be true under RADARSAT-2 and the new situation. There's nothing here that I take assurance from that in the new world we're living in, where security is more and more being seen by both the Canadian and U.S. governments as being military in its conceptualization, that won't actually become increasingly the use of RADARSAT-2, that it could be almost entirely a shift. So where is there any assurance about that?

Is it not a reasonable concern that we would have, given the fact that the contract that was entered into in March 2004 with Lockheed Martin for the development of applications for RADARSAT-2 is in fact dealing with a company that's integrally involved with missile defence in the U.S.? Secondly, the Canadian defence contractor, MacDonald Dettwiler, is the primary contractor for RADARSAT-2 and very involved in that world.

Then there are so few, practically no references to the environment. We have the provision here for the foreign affairs minister and for the defence minister to have direct opportunity to influence shutter control, but no such provision for the environment. Is it not understandable that many people would be concerned about where this could all be headed?

I repeat the question I asked before: Are there any kinds of protections here that this in fact will not be the case, that military purposes, close ties with U.S. missile defence, won't end up trumping the civilian purposes, the environmental, agricultural, and humanitarian purposes that you're here reassuring us are intended? Where is any assurance that this will in fact be the case?

• (1100)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Ms. McDonough.

We'll go quickly, first of all to Mr. McDougall, and then to Mr. Giroux.

**Mr. Robert McDougall:** I can answer very briefly Ms. McDonough's first question.

In regard to specifying the treaty obligations, we did consider that, but our conclusion, and also based on advice from our legal colleagues, was that we couldn't be sure we would list all of them.

And in particular, we couldn't be sure that new ones might not arise in future. We wanted to make sure that the minister was entitled to take into account not just the obligations we might have now, but the treaty obligations we might sign up to in the future. If you list them in an act of Parliament, so we were informed, then in fact in order to add to that list of obligations you have to add the name of the new obligations as well. That was our advice.

On the questions of use, I'll defer to my colleague from the CSA.

**Mr. Paul Chapin:** That said, I think we'd be very happy to see if we couldn't generate for you a synopsis of what international legal obligations might bear on this area, if that would be of help to you.

**Ms. Alexa McDonough:** That would be a good starting point. I'd appreciate that undertaking.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

Mr. Giroux.

[Translation]

**Mr. Michel Giroux:** The question raised by the member is of a complex nature, and I do not think that I could give you an entirely satisfactory answer. Perhaps we could discuss it later, if you wish.

In Canada, developing a satellite project is always a lengthy process, given that satellites are very expensive and our budgets are relatively modest. Furthermore, it happens that, during the planning process for developing a satellite, we encounter unforeseen situations.

The company that we had selected as being the project leader for RADARSAT-2 was taken over at the beginning of the program by an American company. Suddenly, the Canadian Earth Observation Program, pioneered by a civil agency, found itself in a situation whereby its flagship program was being carried out by an American prime contractor. As you can imagine, amongst others, this raised a number of philosophical problems. Thankfully, shortly afterwards, Canadian interests took control of the business. With MacDonald, Dettwiler and Associates, the project once again became 100 per cent Canadian. We have always maintained, Ms. McDonough, and we continue to assert, that RADARSAT-2, like RADARSAT-1, is an earth observation satellite intended for peaceful use. It exists to allow us to manage the earth's surface and to carry out environmental monitoring.

Between us, when our American friends discovered that our satellite was capable of producing images with a three-metre resolution, they got a little concerned. Given that we are very good friends with our American neighbours, and given that security is becoming an issue of growing concern the world over, we came to an agreement with the Americans to develop a system to better manage those exceptional cases where potential clients request images with three-metre resolution from RADARSAT-2. That is what we are trying to accomplish with this legislation.

Clearly, the process is not simple. We have many clients. Currently, RSI sells to 600 clients around the world. We sell data for all sorts of uses to 30 countries. We therefore have to tread extremely carefully when trying to find means to deal with security issues.

From the outside, it may seem we are using a hammer to crack a nut. Perhaps that is the case. However, as we all know, the question of security is one of primary importance, and we cannot run any risks. There is no point in closing the barn door after the horse has bolted. The bill allows us to specify the circumstances, and, through collaboration with our colleagues, to find reliable, objective, tried and tested measures to guarantee peaceful use of these images.

Thank you, Mr. Chairman.

• (1105)

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. Giroux.

The final question of the day goes to Mr. McTeague.

[Translation]

**Hon. Dan McTeague (Pickering—Scarborough East, Lib.):** Thank you, Mr. Chairman.

Thank you for having accepted to appear before the committee. My colleagues have raised many issues. Although we are dealing with a complex issue, I think that you have provided us with a good overview of the situation and that you have given us a better understanding of this bill which is extremely difficult to fathom for those of us, like myself, who have never worked in technology, and are unlikely ever to do so.

[English]

I have three very brief questions, and they may be answered very quickly. The first is on the question of payment of any use for priority access. I understand here it's in conformity. It says the minister may pay a licence in conformity with regulations. The payment situation appears to be discretionary, but I'm also concerned about lawful access and whether or not there may be, under the circumstances, needs that may not be met if the regulations become too onerous or too costly to get the service.

The second question would be one that deals with whether or not you believe the penalties constitute an effective opprobrium to deter people from abusing the legislation.

The final question is for some confirmation, or at least some discussion, very briefly, about what RADARSAT-1 will continue to do. The impression given here is that RADARSAT-2 starts and RADARSAT-1 is decommissioned and of course the Government of Canada is no longer in the business of satellites.

Thank you.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. McTeague.

Mr. McDougall.

**Mr. Robert McDougall:** Thank you, Mr. Chairman.

I'll try to address the first two questions and leave the third to my colleague Mr. Giroux, if that's all right.

On payment of use for priority access, you're correct, the wording in the draft bill is discretionary. Again, this was a matter of considerable discussion, and the advice we got was that it was better to leave it discretionary. However, I can say that the intention, at

least at this stage on our part, is that normally payment should be made for such circumstances. What we are doing, essentially, as I believe Mr. Chapin said earlier, is jumping the queue. We are asking for something that we would normally be able to pay for under day-to-day circumstances. All we are really doing is asking for it under emergency conditions.

Your point about regulatory burden is certainly also well taken, and we would try to ensure that the regulatory burden was not excessive in this or any other respect.

In terms of penalties being effective or not, as I said, the penalties in some cases appear to be fairly minor. We did not want them to be too burdensome for what is a technical offence, but they could add up. The way the act is drafted, penalties could be re-levied on a day-to-day basis, and after continued offences, they would certainly add up pretty quickly. That is the way the law is drafted.

If I could just briefly step back to two other things, one in response to an earlier question by Mr. MacAulay about our degree of control, as far as RADARSAT-2 is concerned, the uplink, the command of the satellite, first of all it all goes through the operator. So we always have the ability to talk to one operator, to say you can or cannot do this. Secondly, they go through an office at CSA headquarters in St. Hubert. So we would have the physical capability, if necessary, to step in. It's not something we would do normally, but if necessary, we would have the ability to physically step in.

Secondly, I'd just like to answer briefly a question raised by Ms. McDonough in terms of the philosophy of the bill. I agree with her that the bill does not state that there shall be.... The balance of civilian versus military isn't part of the bill's operation. The philosophy of the bill, as we designed it—and of course it is always subject to the will of the House—is that we would essentially not try to tell the commercial private operators what to do, how to sell and how to market their product. What we would do is basically try to make our concerns felt on the margins. We would just tell them that there are certain things we don't want them to do, or there are certain emergencies in which we're going to have to ask them to do something exceptional. But the philosophy of the act is not to direct people to do something in terms of their ordinary commercial operations.

Now, those could be civilian; they could be military. If the data involved are sensitive, then we would get involved through the licensing process. But the question of whether the customer is military or not, or rather the balance between civilian and military use of the data, is something that, unless there is a sensitivity about the data, would be left up to the commercial operator.

• (1110)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. McDougall. You referred one question to Mr. Giroux.

Mr. Giroux.

[Translation]

**Mr. Michel Giroux:** Thank you, Mr. Chairman.

When we built RADARSAT-1 in partnership with Spar Aerospace, the company assured us that the satellite would have a life cycle of at least five years. It was launched in 1995, and we are now in 2005. This means that the satellite has been in service for almost ten years without any major failure or problems. That is indeed good news for us, because RADARSAT-2 has experienced significant delays. We originally planned on launching it in 2002, but will, in fact, only be able to launch it in a year's time. Mr. Garneau, the President of the Canadian Space Agency, has told us that every night, before going to sleep, he gets down on his knees and prays that RADARSAT-1 will continue to work until RADARSAT-2 is orbited so that there is no interruption in the flow of C-band radar data.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Mr. Giroux.

We want to thank all for coming today. As has been mentioned by a number of individuals on the committee, it's sometimes a tough bill to understand. We're dealing with things that are not common to most parliamentarians—satellites, and all of what's happening up there. You certainly have provided your expertise today, helped us better understand the bill, and answered many of our questions. We thank you for that.

We will suspend for about one minute, allowing our witnesses time to exit. Then we'll come back in, dealing with these motions.

• (1113) \_\_\_\_\_ (Pause) \_\_\_\_\_

• (1116)

**The Vice-Chair (Mr. Kevin Sorenson):** I call this meeting back to order.

As has already been mentioned, some of these motions that appear before us are very time-sensitive and urgent, especially the one dealing with a meeting of the speaker and chair of the foreign affairs committee of the Estonian Parliament, making their request to appear tomorrow afternoon.

I think all members have been made aware of this motion, this item from the draft that was circulated by our clerk. It should be in front of you there. Could I have a motion now to dispose of this item? The motion basically would read that the committee meet with a delegation from the Parliament of Estonia on February 2, 2005.

Madame Lalonde moves that the committee meet with the delegation of the Parliament of Estonia on February 2, 2005.

(Motion agreed to)

**The Vice-Chair (Mr. Kevin Sorenson):** The other urgent programming motion is a request forwarded from the office of the Minister of International Cooperation for the executive director of the Global Fund to Fight AIDS, Tuberculosis and Malaria to meet with the committee on February 8, 2005.

I would also point out that this meeting would follow the subcommittee on agenda and procedure meeting the very same day. Could we have a motion to that effect?

**Ms. Beth Phinney:** Can I just ask if the time on there is correct? Does the regular committee here meet at 9:30, not 9:00? Is that correct?

**The Clerk of the Committee (Mr. Stephen Knowles):** Yes, but that could be 10 o'clock as well, Mr. Chairman, depending on what the chair decides.

**Ms. Beth Phinney:** Is that correct?

**The Vice-Chair (Mr. Kevin Sorenson):** We could move that to 10 o'clock. We could move around some of those times.

**Ms. Beth Phinney:** As long you let us know.

**The Vice-Chair (Mr. Kevin Sorenson):** The clerk would give notice of all time changes.

Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** I did not quite get that. Why do we not push back the subcommittee meeting which is scheduled for 8 a.m. to 11 a.m.? That way, we could start at 9 a.m. rather than 8 a.m. We have to bear in mind that some members just fly in for Tuesday morning.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** I think that's workable.

[Translation]

**Ms. Francine Lalonde:** Thank you.

[English]

**Ms. Beth Phinney:** It's a good idea to keep the continuity of the meeting time from 9 to 11.

• (1120)

**The Vice-Chair (Mr. Kevin Sorenson):** We'll take that into account. The clerk can circulate the changes on the timing.

The motion is that pursuant to Standing Order 108(2), the committee consider issues relating to the Global Fund to Fight AIDS, Tuberculosis and Malaria and invite its executive director to appear on February 8, 2005.

We would leave it up to the clerk to let us know the time.

Do you want the time put into the motion?

**Hon. Dan McTeague:** Some members are not able to get here until 9 o'clock.

[Translation]

**Mr. Pierre Paquette:** It could be later than 9 o'clock, but it cannot be...

**Hon. Dan McTeague:** No, I understand.

**Ms. Francine Lalonde:** And we would have this subcommittee meeting at 11 o'clock.

**Hon. Dan McTeague:** So, we would have the subcommittee meeting afterwards.

**Ms. Francine Lalonde:** Exactly.

**Hon. Dan McTeague:** That means that we would have two hours, from 9 a.m. to 11 a.m., for CIDA and those witnesses. Rather than having an hour and a half, we would have two hours.

[English]

**The Clerk:** Mr. Chairman, there may be some issues with regard to the scheduling of the executive director. Obviously, the subcommittee on agenda and procedure is more flexible. I'll talk this over with the chair as well, but it's very clear that there would not be an 8 o'clock meeting of the subcommittee.

**The Vice-Chair (Mr. Kevin Sorenson):** We know what the executive director's schedule affords. As you say, the subcommittee is flexible. So we could move everything else around his time.

**Hon. Dan McTeague:** Mr. Chair, it may be helpful to propose that we meet from 9 until 10:30, which is also an hour and a half, if he can accommodate that, and at 10:30 we would begin the subcommittee work. This is something the clerk can work on.

**The Clerk:** Certainly, Mr. Chairman. That is noted.

**The Vice-Chair (Mr. Kevin Sorenson):** Madam Phinney moves that motion.

The time would be decided by the chair.

(Motion agreed to) [See *Minutes of Proceedings*.]

**The Vice-Chair (Mr. Kevin Sorenson):** With regard to the other motions, the committee may consider them now, or we could take them up at the meeting of the subcommittee on agenda and procedure on February 8. How does the committee wish to proceed?

Madam McDonough.

**Ms. Alexa McDonough:** Mr. Chairman, it seems to me that the first three motions are urgent. They arose over the break.

That's in addition to the request I put forward for Frank McKenna to be called before this committee. Francine Lalonde, on behalf of the Bloc, has made a similar request. I haven't had a chance to talk with her about this, but it seems to me that a friendly amendment to the motion I've placed before the committee, which would improve it, would be to add Francine Lalonde's reference to "as soon as possible"—in other words, to call Mr. Frank McKenna as soon as possible to appear before the committee in relation to his appointment.

I don't know if the committee is prepared at the moment to spend a few minutes discussing this. It's well known that Paul Martin in his bid to become Prime Minister advocated such a process. It's well known that we've been trying to get a procedure whereby this could be operationalized. It seems to me there's no better place to start than with an appointment as important as that of Canada's ambassador to the U.S.

My reason for asking that we please deal with it today is that I think it was already urgent before now. If we delay even making the request, then more time will pass, instead of getting on with the actual scheduling.

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

Madame Lalonde, Ms. McDonough has proposed a friendly amendment. Would you then stand yours down? I think everyone is in agreement on this.

● (1125)

**Hon. Dan McTeague:** Yes, I think there is unanimity here, and I think it should be done, obviously, before he takes over as ambassador.

I see that there is some space available, although the subcommittee has not had an opportunity, but since there is unanimity in having Mr. McKenna appear here, I don't see any difficulty in proceeding.

The language is consistent with the Prime Minister's call. I think that's obvious to all, certainly on this side. So I thank the member for bringing that forward.

We have unanimity; we just have to find a date before he actually takes over, which I believe is at the end of February.

**The Vice-Chair (Mr. Kevin Sorenson):** If that's agreed, then we are in unanimity in regard to the motion by Ms. McDonough and that is carried.

The clerk will move, and I do appreciate, the amendment saying "as soon as possible". That shows the urgency here, and I think the clerk has taken note of that.

**The Clerk:** Mr. Chairman, the nomination has not been referred to the committee as of yet. So in a sense the motion cannot really be operational until the item has been referred to the committee, at least according to the Standing Orders. I of course cannot comment on statements that have been made elsewhere.

**The Vice-Chair (Mr. Kevin Sorenson):** Madame Lalonde.

[Translation]

**Ms. Francine Lalonde:** Mr. Chairman, I know that our clerk is just doing his job, but we have our job, and our job is politics. The Prime Minister made a commitment to consult with committees on important appointments. Mr. McKenna was chosen by the Prime Minister, and he is expected to take office in the near future. We are entitled to invite him to appear before the committee. He has been duly assigned to the job and, in my motion, I wanted it to be clear that we wish to meet with him before his appointment is ratified, given that the Prime Minister himself raised this possibility. We are simply adhering to what the Prime Minister promised, we are not contravening anything. The clerk does not need to worry, he can rest easy. He has done his job, we are doing ours in voting in favour of this proposal.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you, Madame Lalonde. I'm going to refer to the clerk here. Obviously Mr. McKenna has not been appointed as of yet, so for us to call him, there might be some questions there.

We have two possibilities: we either call him before any appointment is tabled in the House or call him as the nominee.

We open up ourselves to a certain degree to calling him as an individual. He hasn't been named yet. He hasn't been appointed yet. He may decide not to come on that.

Would we then also call somebody else? If there is a rumour that somebody might be appointed somewhere, would we call that person?

Maybe the clerk could just clarify a little more Standing Orders 110 and 111.

**The Clerk:** The Standing Orders are very clear and they've existed since 1987. They authorize a committee to call persons who have been nominated or for whom a certificate of nomination has been tabled. Once the committee adopts this motion, the individual must appear. There is no debate or anything like that; the individual must appear and answer questions as to his competence to fulfill the functions for which he is entitled.

I know the government House leader and the Prime Minister have made certain declarations with regard to this standing order and that sort of thing, but the Standing Orders give the committee the complete authority to do what it wishes.

**The Vice-Chair (Mr. Kevin Sorenson):** All right.

Mr. McTeague, and then Ms. McDonough.

**Hon. Dan McTeague:** It just might be helpful in order to satisfy the committee's interest as a part of and being governed by the rules of procedure of the House to ensure that this is reflected in the motion, that consistent with the Standing Orders of the House, the committee calls on...

It's going to happen; we've requested that it's going to happen. Whether he comes here informally or formally, we can be deferential to the Standing Orders, but at the same time I think we want to send a message that we'd like to have him here as soon as possible.

• (1130)

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you.

Ms. McDonough.

**Ms. Alexa McDonough:** Perhaps we could quickly see whether a very small amendment would clarify what our intent is. It seems to me that by the insertion of "upon being nominated"—

**Hon. Dan McTeague:** You did that already. You wrote that "pursuant to Standing Orders 110 and 111, the committee call on...".

**Ms. Alexa McDonough:** So we're within the—

**Hon. Dan McTeague:** The motion is faithful.

**Ms. Alexa McDonough:** But if we need to clarify that this is our intention....

**Hon. Dan McTeague:** Is the clerk concerned that the motion might find itself premature or rushing? I think the intention of Ms. McDonough—and let her speak to this—was in fact to include the standing orders. These are the standing orders that capture the concerns you raised, Mr. Clerk.

**The Clerk:** The orders of the committee of course will only come into play after the certificate of nomination is tabled, but presumably the message will be going forward.

**The Vice-Chair (Mr. Kevin Sorenson):** But I don't see that as being the intent of what the discussion is. I think there's almost a contradiction, in that the way the motion is worded, in accordance with and pursuant to Standing Orders 110 and 111, that would suggest that upon the nomination certificate being filed, this motion would then take effect.

From what I understand, the majority of us are saying let's call Mr. McKenna as soon as possible, perhaps even before that nomination certificate is filed or tabled, and question him.

Are we able to proceed with the motion asking Mr. McKenna to come forward before the nomination is filed?

[Translation]

**Ms. Francine Lalonde:** I want to draw your attention to two points. A public announcement has already been made on Mr. McKenna's appointment. He has given interviews on the subject. This is no rumour. He has been appointed, and will take office on the 10<sup>th</sup> of March. That is a fact.

It is also a fact that the appointment was not referred to us for consideration. I do not know how that happened, but I can tell you one thing for sure: at our last committee meeting, Mr. Patry asked Ms. McDonough if she would agree that her motion concerning consultation for all nominations not be voted upon. He said that the government had introduced a process to review appointments. Ms. McDonough acquiesced to his request.

Given that it is already certain that Mr. McKenna is going to Washington, and that there will in any event be a review of the appointment process, I do not feel that the committee wishing to meet with Mr. McKenna is an incongruous idea.

**Hon. Dan McTeague:** We could go further.

[English]

Chair?

**The Vice-Chair (Mr. Kevin Sorenson):** Yes, Mr. McTeague.

**Hon. Dan McTeague:** I want to be faithful to what both are requesting, what I think all of us agreed to.

Could we not have words that would modify "as soon as possible" and "after confirmation of the nomination"? Basically, you can't call somebody who has not been.... He may have been suggested out there, but if there has been no confirmation....

It should be as soon as the person is indeed confirmed, because otherwise we're calling someone who is not even confirmed.

**The Vice-Chair (Mr. Kevin Sorenson):** But we have no indication as to when he's going to be confirmed, do we? He has accepted. His acceptance is, in a way, a confirmation, but there is a technicality here that the certificate of nomination has not been filed in Parliament, and if we are to wait for that, it may take away from what I understand the committee wants to do as soon as possible.

• (1135)

**Hon. Dan McTeague:** I'm trying to make it so that we don't run afoul of any of the Standing Orders of the House. This committee does not have the authority to run contrary to any of the rules of the House. We are only an adjunct of the House and can't possibly second-guess what the House of Commons standing rules are.

Not to play politics, as Madame Lalonde has suggested, but consistent with what Madame McDonough has suggested, that we take.... I thought her wording was excellent, whether we stumbled on it or not. She said, "That pursuant to Standing Orders 110 and 111, the Standing Committee on Foreign Affairs and International Trade call Mr. McKenna to appear"—with the modification by Madame Lalonde—"as soon as possible in relation to his appointment as Canadian ambassador". I guess the technical point here is that he's not technically the ambassador until those papers are signed, and there is the danger that he may have them signed just five minutes before he actually takes over, in which case we don't get to see him. I think we want to get in there and at least have him here before.

I'm sorry. I will defer to the clerk here. I think he has a point.

[Translation]

**Ms. Francine Lalonde:** We have to word it so that he comes as quickly as possible.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Mr. Knowles. Mr. McTeague deferred to you.

[Translation]

**Ms. Francine Lalonde:** You can consult as many books as you want, it does not change the fact that we have the right to do what we are doing. Honestly!

[English]

**Hon. Dan McTeague:** I thought I could only speak to the chair. Chair, was he trying to get your attention to get my attention?

**The Vice-Chair (Mr. Kevin Sorenson):** He brought the books, and you deferred to the clerk.

I'm not certain what all these books you brought forward say, as far as procedures go. Do you believe this is in order?

**The Clerk:** I think so, Mr. Chairman. As I said, it can't be applicable until the nomination is tabled in the House and sent to committee. That's a detail.

**The Vice-Chair (Mr. Kevin Sorenson):** We have a point of order.

[Translation]

**Ms. Francine Lalonde:** Mr. Chairman, I have a point of order. I would contest that. The clerk can come back to this question. He is simply telling us what has always happened. We receive a list of appointments, and if we have comments to make, we call the appointee before the committee.

But that is not what we are talking about here. We are talking about someone who has not yet taken office and with whom we wish to meet. As a committee, we have the right to request a meeting with the person who is going to become our ambassador in Washington. We are talking about the most important position within the Department of Foreign Affairs. We do not have to stick to all that. There is an obligation, yes, but that does not prevent us from requesting to meet with Mr. McKenna. For goodness' sake!

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Let me just say here that Standing Order 111 only authorizes a committee to "call the so named appointee or nominee to appear before it". The House has not

authorized the committee to call other persons. In order to do this, the committee would have to undertake, pursuant to its general mandate under Standing Order 108(2), a separate, defined study, which would have to be the subject of a separate motion.

[Translation]

**Ms. Francine Lalonde:** All we have to do is reword the motion, it is really not that difficult. We have to avoid getting bogged down.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** We're getting bogged down because our motion—

**Hon. Dan McTeague:** In order to make everyone happy here, remove "Standing Orders 110 and 111" and go with the motion.

[Translation]

**Ms. Francine Lalonde:** Exactly. I am sure he will be happy to appear before us.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** The problem with that is that when we remove it we have no authority to call him. We need the standing order in order to call him.

[Translation]

**Ms. Francine Lalonde:** If he does not wish to appear before the committee, then he will not appear before the committee. He is the one who will look bad.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Madam McDonough.

**Ms. Alexa McDonough:** In the spirit of this committee working to do its job.... We actually have, it appears, unanimity that what we want is for Frank McKenna to come before this committee as soon as possible. There is no prohibition on our doing so, and to facilitate our getting on to do what we're unanimous about wanting to do, I would happily remove—and if it needs to be done formally, as an amendment—the words "that pursuant to Standing Orders 110 and 111", and move that we get on with issuing the invitation for him to come.

It's true that if he wanted to refuse to do so and to invoke those standing orders, he could do so, but I don't think we should assume he would want to do so, and we'll deal with that if it happens.

It's in the spirit of what we all agree. So I move that those introductory six words be removed in the interests of doing what we want to achieve, so that the motion would read: "That the Standing Committee on Foreign Affairs and International Trade call Mr. Frank McKenna."

I don't think we want to play games here, but nobody is pretending he's not about to become the ambassador to the U.S. It's been announced the job is offered. He announced he was accepting the job. Let's get on with doing it; otherwise we create a scheduling problem that's ridiculous for us to sit by and create. He is going to be off to Washington; we'll never even—

• (1140)

**Hon. Dan McTeague:** The word "call" would be a problem. If you remove one—

**Ms. Alexa McDonough:** "Invite".

**Hon. Dan McTeague:** “Invite”? Okay, thanks.

**The Vice-Chair (Mr. Kevin Sorenson):** The other option here may be that.... I'll just read what the counsel has given to me: “In order to do this, the committee would have to undertake, pursuant to its general mandate under Standing Order 108(2), a separate, defined study, which would have to be the subject of a separate motion.”

We have just entertained two motions that came up basically yesterday—the motion for Estonia and the motion for AIDS and all the other diseases—and we've said we're going to do a study on those. If we were to say we were going into a study on the competency of whoever might be named as an ambassador to the United States, could we then call him as an individual to appear before his nomination certificate is in place?

**The Clerk:** I think the committee would have to see the motion, Mr. Chair, but the committee has a right to study what it wishes.

**The Vice-Chair (Mr. Kevin Sorenson):** We have the right to study any type of issue we want. I fully agree with Ms. McDonough and Ms. Lalonde: there's no use studying how horses get out of the barn once they're all gone. You fix the fence first. We want to get Mr. McKenna, if he is willing to come and to appear, as soon as possible. Not “as soon as possible after the certificate is filed”: as soon as possible means....

**Hon. Lawrence MacAulay:** But that's what the motion says.

**The Vice-Chair (Mr. Kevin Sorenson):** But according to Standing Orders 110 and 111, we can't until the nomination—

**Hon. Lawrence MacAulay:** If she just writes a new motion that clearly uses the word “invite”, and if we're going to invite, why don't we invite him to come, and—

**Hon. Dan McTeague:** I think Ms. McDonough removed the reference to the Standing Orders and put in the word “invite” rather than the word “call”, and we can let the chips fall where they may.

**The Vice-Chair (Mr. Kevin Sorenson):** We can as long as we say we're going to do a study on the issue of qualifications for those who would be ambassadors on behalf of Canada.

**Hon. Dan McTeague:** That's opening up a whole panoply of other issues. For the purpose of what we've done here, I think it's a very friendly gesture to ask that he come forward, without compelling that he do so. The offer is made; this committee wants to hear; it's an important position; it's consistent with the positions taken by the Prime Minister; and there is unanimity.

**The Vice-Chair (Mr. Kevin Sorenson):** Ms. McDonough.

**Ms. Alexa McDonough:** I think that probably dictates that this is what we do. It doesn't violate a procedure that's in place, which is the Standing Orders. If we need to invoke the authority to make such an invitation, it's Standing Order 108(2). But it also, I think, is worded in such a way that it removes the problem whether it is before or after his appointment, because that can change between the time the invitation goes to him and the time he's dealing with it. It's in relation to his appointment, without getting bogged down on whether the appointment will have become effective by tomorrow morning at 10 o'clock, or is now, or will be in a week. It's in relation to that question. We want him to come before the committee. It's an invitation.

**The Vice-Chair (Mr. Kevin Sorenson):** And as you say, it's common sense—although I remind you we are here in Parliament, and I'm not sure common sense ever prevails.

**Ms. Alexa McDonough:** Well, let's surprise ourselves and everyone else.

**The Vice-Chair (Mr. Kevin Sorenson):** Sometimes procedure and process prevail, but I think we can entertain that motion.

I'm just asking whether someone could write it out so we have a clear motion, written out, that we can read back.

[Translation]

**Ms. Francine Lalonde:** It is really very simple.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Then can you write it out, Francine?

[Translation]

**Ms. Francine Lalonde:** It should read as follows: That the Standing Committee...

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Can someone record this?

[Translation]

**Ms. Francine Lalonde:** From what I can gather, Ms. McDonough is proposing that the Standing Committee on Foreign Affairs and International Trade invite Mr. Frank McKenna to appear as soon as possible.

● (1145)

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** The clerk has made it clear that the committee works within the parameters of rules. Unless we are conducting a study.... I would encourage you to include in your motion, “a study pursuant to Standing Order 108(2)”. That would allow the clerk to undertake the wishes of this committee and to have a study in place, so that he can come.

[Translation]

**Ms. Francine Lalonde:** We are inviting representatives from Estonia to appear before us, but we are not carrying out a study on Estonia. For goodness' sake!

[English]

**Hon. Dan McTeague:** Would it be helpful if we also said in the motion, “in tandem with a study on Standing Order 108”?

**The Vice-Chair (Mr. Kevin Sorenson):** I think that makes it in order. A number of people beside me are shaking their heads.

The feeling of the committee here is that we want him to come. I think that motion stands. Are we in favour of that motion?

(Motion agreed to [See *Minutes and Proceedings*])

**The Vice-Chair (Mr. Kevin Sorenson):** Thank you. That's as clear as mud.

One other motion has been brought forward. Mr. Menzies, did you want that dealt with today?

**Mr. Ted Menzies:** In light of the fact that we have....



Dan, I don't know if we had yours presented 24 hours prior to this meeting or not, but the two motions are very similar. Mine is certainly broader and looking to the future. It's blatantly obvious one of the reasons we're asking is because of the tsunami, and we would like to look at the bigger picture: where the funding, all the money, is coming from, how we're going to finance this sort of thing in the future, whether we're capable of physically providing humanitarian services, and whether we can financially afford it. That's why I'd like to leave it as broad as we can to bring the three relevant ministers in, and maybe even four.

**The Vice-Chair (Mr. Kevin Sorenson):** I'll just read through Mr. Menzies' motion:

That, pursuant to Standing Order 108(2), the Committee examine Canada's capability to respond to international humanitarian disasters and that the responsible Ministers as well as other appropriate witnesses be invited to appear.

Mr. McTeague.

**Hon. Dan McTeague:** Mr. Menzies and I had an opportunity to talk about this a little earlier. I was also guided by letters that I had received from other members of the committee—Ms. McDonough's letter, and I believe Bev Desjarlais' letter as well—on the treatment of the tsunami issue. Since it tends to fall into the overarching question of what we're doing in terms of assistance and humanitarian aid, I thought the best thing to do would be to get the minister here and ask some questions of the minister, obviously about the tsunami but clearly also dealing with other areas of aid and disaster relief.

It may also expand into a much wider area of study, which I didn't want to get into without first having an opportunity to discuss the issue with the committee. I wanted to be very specific to the tsunami, because it does deal with a much wider question of relief and efforts around the world.

The reason I did this was that if we prepare to receive the minister here at the end of the month, I was also going to.... Mr. Menzies has suggested that we also hear from other ministers. I'm not unfriendly to that idea, but I think I'm going more to the specific, which has given rise to a general concern about our capabilities. I think that addresses Mr. Menzies' concerns.

Out of that, I think we should perhaps try to tie both motions together, so that his concern on a wider scale is not lost or so that there's not some misinterpretation that I'm simply going after a specific issue. When the minister is here, it's clear that all those questions can be asked of him. It's really up to the members to put them forward.

If you want to put it in a motion, we can probably draft it in such a way—and this is just a comment, Mr. Menzies, and you can change it if you wish—that it reads:

That pursuant to Standing Order 108(2), the committee examine Canada's capability to respond to international humanitarian disasters

—before saying, in light of the aid or the situation with respect to everything here that I've put in—

the committee consider Canada's response to the countries affected, and in light of all this, respond to international humanitarian disasters and that the responsible ministers, as well as other appropriate witnesses, be invited to appear.

We can probably work on the language and fuse both of them together unless there are other concerns.

• (1150)

**The Vice-Chair (Mr. Kevin Sorenson):** Mr. Menzies, are you open to that friendly amendment?

**Mr. Ted Menzies:** We had talked about that when we were putting this together, and we wanted to leave it as broad as we could. I don't have any problem. It's insinuated that this is the reason we've started this.

**The Vice-Chair (Mr. Kevin Sorenson):** It falls out of the tsunami disaster, but you're saying that for any deployment of DART or any relief efforts, whether it's a tsunami or not, we want to project into the future. Maybe the best way is to come up with a friendly amendment.

In the meantime, I'll go to Ms. Lalonde.

[Translation]

**Ms. Francine Lalonde:** Mr. McTeague, Mr. Menzies, I would like to add something.

We have heard from Canadians who, upon returning home, complained about not having received help from the embassies. My intent is not to tear the embassies to shreds, but, rather, I want us to examine the resources embassies have available to them for dealing with catastrophes.

I would add that, regardless of the motion that carries, the committee ought to examine what Canada did, in particular through our embassies. We also ought to examine what the embassies did, in order that we can implement corrective measures where necessary.

[English]

**The Vice-Chair (Mr. Kevin Sorenson):** Madam McDonough.

**Ms. Alexa McDonough:** I just asked if we have a copy of my January 4 letter. Not to get bogged down in the wording, I feel as though we again are in a common spirit of constructive engagement on this issue. We don't want to lose that, but I'm not happy, frankly, that I wrote to the chairman of the committee on January 4 to say that I think we need to consider some of these questions—everybody on the committee received that letter—but I haven't heard back from him.

I just want to say for the record—and I think this is what we're all feeling—that nobody wanted to come out being critical of why things weren't being done this way and that way in the middle of this horrendous humanitarian crisis. I think it really shocked us all and reminded us that we need to look at the question of how we can be better prepared to deal with these things. It's not about beating up on what happened, it's about saying that we now need to be sure that we're dealing with this tsunami crisis in the best possible way.

We should hear from some really good, informed experts—not just the minister, but from other appropriate people. It seems to me that we could craft a motion that reflects the spirit of that and the specifics of what we're looking for by blending those three things, and bring that motion back to the beginning of our very next meeting.

**The Vice-Chair (Mr. Kevin Sorenson):** I think we can go one step further. It's foreign affairs and international trade. If we don't evaluate the response, we're negligent. Who else is going to? It is time-sensitive as well.

Mr. McTeague.

**Hon. Dan McTeague:** I think we can work on a blended motion here, and I would leave it to Mr. Menzies and me to try to craft something, taking into account what Madam Lalonde

It's hard to throw them all together, but I think we should use the tsunami to get the minister here, and then do a broader study on humanitarian and international disasters—if that's okay with the committee—and then we can bring other ministers here for that reason.

[Translation]

said about the embassies.

[English]

**Ms. Alexa McDonough:** But not just ministers. We want other appropriate witnesses.

**Hon. Dan McTeague:** I think your point on studies is extremely important, because I think we should be more broad about this. It's clear that this has changed the way in which foreign affairs is and will be seen in this country for a very long time to come. You

therefore want to get a motion, if you will, that will encompass what all four of us have said here.

**The Vice-Chair (Mr. Kevin Sorenson):** Would it be acceptable to this committee, to Mr. Menzies, to Mr. McTeague, and all, that we formulate a motion for the next meeting that encompasses what we've basically talked about here today, recognizing that we obviously want some answers, not so that anyone can lay the blame anywhere, but so that we can do a better job next time?

At our next meeting, which is Thursday, we will expect another motion.

**Hon. Dan McTeague:** Thursday would certainly be better. If I'm going to get the minister here, I just want to make sure we have a window of opportunity to start off this study.

**The Vice-Chair (Mr. Kevin Sorenson):** The way this motion reads, we could bring other individuals in and work around the minister's time schedule.

**Hon. Dan McTeague:** That's fine. Good enough.

**The Vice-Chair (Mr. Kevin Sorenson):** If there's no other business, then we stand adjourned.

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