



House of Commons
CANADA

Standing Committee on Foreign Affairs and International Development

FAAE • NUMBER 008 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Tuesday, June 6, 2006

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Chair

Mr. Kevin Sorenson

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• (1530)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): It being 3:30, we will call this meeting to order. This is the Standing Committee on Foreign Affairs and International Development, meeting number 8. Pursuant to Standing Order 108(2), we are holding a briefing session with Philippe Kirsch, President of the International Criminal Court.

We certainly want to welcome Judge Philippe Kirsch to our committee today. He's going to talk to us about the International Criminal Court and provide us with an update on where the court stands today.

Since 2002, Canada's ICC and accountability campaign, funded by Foreign Affairs' human security program, has provided more than \$3 million in funding to support events and projects that promote ratification and implementation of the Rome Statute. It also assists with the effective functioning of the ICC and other international criminal tribunals and it conducts education and outreach on the ICC and other tribunals.

In addition, and at the request of the ICC prosecutor, Canada has made a voluntary contribution of \$500,000 to support ICC's investigation in Darfur. It was the first country to make such a pledge.

I understand you have an opening statement today. We've all received it in advance. I invite you to address our committee. At the close of your introductory remarks, we will proceed with questions.

The first round will be a five-minute one. That's five minutes for the questioner and for responses.

Mr. Kirsch, welcome.

Chief Justice Philippe Kirsch (President, International Criminal Court): Thank you very much, Mr. Chairman, for this introduction.

Mr. Chairman and members of the committee, I am very pleased to speak with you today about the International Criminal Court. I will divide my remarks into three parts: why the ICC is necessary, the features that are designed to make the ICC well-suited to meet this need, and where the court stands today, including what it will take for the court to be a success.

In terms of why the court is necessary, we have to start with the observation that when very serious crimes such as genocide, crimes against humanity, or war crimes are committed and go unpunished,

the consequences are severe for individuals, but also for national and regional stability.

The first responsibility for punishing such crimes, as with any other crimes, belongs to national legal systems. But because of the nature of these offences, national legal systems have often proven unwilling or unable to prosecute. Where national systems cannot or will not act, an international court is necessary.

In the past, international tribunals were created on an ad hoc basis where national systems could not or would not act, first at Nuremberg and Tokyo following World War II, and more recently in tribunals established by the Security Council for the former Yugoslavia and for Rwanda.

Those tribunals were pioneers. They showed that international criminal justice was a practical possibility. But all of them also face several limitations: they are temporary, they are limited geographically, they respond primarily to events in the past, and their establishment depends every time on the will of the political community and involves substantial costs and delays.

Eventually, states reached a conclusion that only a permanent international court could effectively address the most serious international crimes. The ICC is immediately available, its jurisdiction is prospective, and its jurisdiction is not limited to predetermined situations. It operates within the bounds of the statute that limits that jurisdiction.

• (1535)

[Translation]

I will now move to the features which allow the International Criminal Court to fill the needs I have just described. The jurisdiction of the Court is limited to the most serious crimes of concern to the international community as a whole, that is to say genocide, crimes against humanity and war crimes.

The Court's jurisdiction is not universal. It is limited by status. The Court has jurisdiction over nationals of States Parties or offences committed on the territory of a State Party. There are two universally accepted heads of criminal jurisdiction.

In addition, the Court will have jurisdiction over situations referred by the Security Council. Acting under chapter 7 of the UN Charter, which concerns restoring and maintaining international peace and security, the Security Council can refer situations to the ICC independent of the nationality of the accused or the location of the crime. The Security Council also has the power to defer an investigation or prosecution for one year in the interests of maintaining international peace and security.

It is very important to understand, about the International Criminal Court, that it is a court of last resort. It works as a complement to national jurisdictions under what is known as the principle of complementarity. Under that principle, it is up to States to prosecute and convict those who commit the most serious crimes. The court can act only where States are unwilling or unable genuinely to investigate or conduct the necessary prosecutions.

Furthermore, cases will only be admissible if they are of sufficient gravity to justify the Court's involvement.

The ICC is an independent and strictly judicial institution. It was created by a treaty negotiated in Rome in 1998. It is the only existing international court to be created not by the UN Security Council or by other means, but pursuant to a treaty. The States are free to join or not to join the statute, the statute being the treaty. The Court is not part of the United Nations, or any other political body. It exercises, as I said, a purely judicial function. All cases will be handled judicially, in accordance with its statute, as well as the rules of procedure and evidence.

Numerous safeguards protect the independence of the Court, its judges and the prosecutor. The guarantee of a fair trial and protection of the rights of the accused have paramount importance before the ICC. The applicable instruments, starting with the Rome Statute, incorporate the fundamental provisions on the rights of the accused and due process. These are common to national and international legal systems.

However, I want to emphasize an innovation of the International Criminal Court. This is a unique phenomenon in the international world. I want to talk here about the situation of victims. Subject to the requirements of the rights of the accused and the guarantee of a fair trial, the Rome Statute contains a whole series of innovative provisions giving victims an important place in the Court's proceedings. Victims may participate in proceedings even when not called as witnesses. The Court also has the power to order reparations to victims, including restitution, compensation and rehabilitation.

Lastly, in this area, the need to take into account the particular interests of victims of violence against women and children is also specifically built into the Statute.

[English]

I would like to turn next to the court today and what it will take for the court to succeed. Three states parties have referred situations occurring on their territories to the court. In addition, the Security Council has referred the situation in Darfur, Sudan—Sudan being a non-state party. After analyzing the referrals for jurisdiction and admissibility, the prosecutor began investigations in three situations: Uganda, the Democratic Republic of the Congo, and Darfur, Sudan.

● (1540)

In addition to those formal referrals, the prosecutor has received since July 1, 2002—the date of entry into force of the statute—over 1,700 communications from various sources, primarily from individuals and non-governmental organizations. The prosecutor dismissed the vast majority of them as manifestly outside the jurisdiction of the court—for example, communications that allege crimes not within the court's statute or that deal only with non-states

parties. On the basis of such information, the prosecutor is monitoring five additional situations, but these are not situations that I'm aware of, as they are in the prosecutor's domain. But it is known that he is monitoring the situations.

On the 17th of March of this year, the first wanted person was surrendered to the court, Mr. Thomas Lubanga Dyilo, a national of the Democratic Republic of the Congo, who is alleged to have committed war crimes, namely, conscripting and enlisting children under the age of 15 years and using them to participate actively in hostilities. Mr. Lubanga had an initial appearance before the court on the 20th of March. A hearing to confirm the charges is scheduled for September. If the charges are confirmed, the trial phase will begin.

In addition, the court has issued and unsealed arrest warrants in the situation of northern Uganda for five members of an organization called the Lord's Resistance Army, including its leader, Joseph Kony. The alleged crimes against humanity and war crimes contained in the warrants include sexual enslavement, rape, intentionally attacking civilians, and the forced enlistment of child soldiers.

As I have indicated, the court has been carefully designed to conduct fair and effective proceedings, but it should be clear that the ICC cannot end impunity for horrific crimes by itself. It is but one part of a larger system of international law and justice. To succeed, the court must have support from states, intergovernmental organizations, and civil society.

Because the court's jurisdiction is limited to the nationals and territory of states parties, it follows that continued ratification of the statute is essential to the court having a truly global reach. Because the court is complementary to national jurisdictions, states will continue to have the primary responsibility to investigate and prosecute crimes. But where the court needs to act, it will require cooperation from states at all stages of proceedings, such as by executing arrest warrants, providing evidence, and enforcing sentences of the convicted. Simply put, for example, without sufficient support in arresting and surrendering persons, there can be no trials. This requirement for cooperation is not limited to states where crimes are committed or where wanted persons are located, but includes all states in a position to provide cooperation.

International organizations also provide critical support to the court. The support of the United Nations is particularly important in this regard. The UN and the court cooperate on a regular basis, both in our field activities and in our institutional relations. Our cooperation is governed by a relationship agreement signed by the Secretary General of the UN and I in October 2004.

● (1545)

The court is also developing cooperation with regional organizations. It concluded recently and signed a cooperation agreement with the European Union and expects to do so soon with the African Union.

Non-governmental organizations—NGOs—and civil society more broadly are of course instrumental to the work of the court. NGOs have played a large role in urging ratification of the statute, assisting states in developing legislation implementing their own statute, and disseminating information about and building awareness of the ICC.

I would also note here the important role of parliamentarians in supporting discussion of the court nationally and in many cases regionally. In this context, parliamentarians of states parties and non-states parties have been active in such areas as generating understanding of the ICC as well as assisting states in overcoming obstacles to ratification, accession, and implementation of their own statute.

Mr. Chairman, the creation of the ICC was a historic achievement, more than 50 years in the making, but its creation was only the beginning. The court now stands as a permanent institution capable of punishing perpetrators of the worst offences known to humankind. From this point forward, potential perpetrators are on notice that they may find themselves before the court.

For it to be fully effective, I cannot overemphasize how much support for the court will be necessary if it is to dispense justice as fairly and efficiently as possible. Canada has been a major supporter of the court, both in terms of its establishment and in its initial years of operation. Canada played a leading role before and during the Rome conference, and in June 2000 Canada became the first country to adopt comprehensive legislation implementing the Rome Statute.

More recently, Canada provided important public support for the Security Council referral of the situation in Darfur and it has subsequently provided funding to the office of the prosecutor to assist in its investigation in Darfur, as you mentioned yourself, Mr. Chairman. You also mentioned the ongoing ICC and accountability campaign of the Department of Foreign Affairs and International Trade, aimed at encouraging ratification and implementation of the Rome Statute, promoting effective cooperation with the court, and contributing to better understanding of the court. I should like to say how much the ICC appreciates such support; it is most interested, of course, in seeing it continue.

The court is now fully operational, but this does not mean it can act alone. It needs more than ever the practical, political, and moral support of countries like Canada in order to succeed.

I thank you very much.

The Chair: Thank you, Judge Kirsch.

I want to remind the committee members that because we have another meeting right at 4:30, we're going to keep fairly strictly to the timelines.

We'll begin on the opposition side. Mr. Patry, you have five minutes, please.

• (1550)

[*Translation*]

Mr. Bernard Patry (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chairman.

Mr. Kirsch, it's a great pleasure for me to see you appear before this committee today. Since little time has been allotted for our

questions, I would especially like to get answers from you. I'll immediately go to the heart of the matter.

Before being appointed judge and president of the Court, you wrote that the main purpose of the Court was to replace a culture of impunity regarding various serious crimes with a culture of accountability.

What are the Court's immediate priorities for putting an end to the principle of impunity?

To date, 139 States have signed the Rome Statute. Russia signed it, and the United States, which had signed it in 2000, withdrew in 2002. Since then, they have been trying to deter certain nations, to invite them to withdraw from the Rome Statute. They are signing bilateral immunity agreements under which the signatories undertake to ensure that no American on their soil, including former government officials or military personnel, will be handed over to the Court if proceedings are brought.

More than 90 countries have signed these bilateral agreements. Doesn't the fact that a number of countries have signed both the Rome Statute and the bilateral immunity agreements seem incoherent, even a dichotomy?

Chief Justice Philippe Kirsch: Thank you very much.

As regards replacing a culture of impunity with a culture of accountability, that's obviously a long-term undertaking. The Court will have to prove itself. It recognizes that it is primarily responsible for establishing its credibility.

However, the first signs are quite encouraging. When I was appointed to the Court, I thought the only way to develop this culture of accountability would be through our judgments and that, consequently, that would take a number of years. Now we realize that the Court's very existence is noted in many situations where there are and could be conflicts or crimes. So we see that the Court's existence has begun to create a culture which, for the moment, should at least be a culture of deterrence and which should one day lead to the creation of a culture of accountability.

I should have said at the end of my presentation that, as regards the bilateral agreements, I am in a somewhat delicate position on certain questions since I'm not only the president of the Court, but also a judge in its Appeal Division. One of the questions of interpretation, perhaps concerning the existence of those agreements and the obligations of States that have entered into them, if they are States Parties, could come before the Appeal Division, and I would therefore be compelled not to answer that question.

Thank you.

Mr. Bernard Patry: Then I'll go on to another question.

Ms. Arbour, who is now the UN High Commissioner for Human Rights said in a way that she was displeased with the slow manner in which guilty parties are brought to justice. She apparently said that the struggle against impunity at the national level has not advanced an inch. I therefore believe that we should call on the International Criminal Court to address its mandate and cases that the Security Council refers to it in a more vigorous and visible manner.

Can you explain why the Court is unable to proceed more quickly?

Chief Justice Philippe Kirsch: I could answer you by saying that's a question for the prosecutor, but I'll nevertheless give you an additional answer. Unlike the ad hoc tribunals created by the Security Council, the International Criminal Court is in a very different situation. Those tribunals dealt with crimes that had been committed in the past, in the context of conflicts that were over. The Court deals with crimes that are still being committed in the context of continuing conflicts.

This creates a situation of extreme vulnerability for the Court, not only for its staff, but also for victims and witnesses. In the case of Darfur, for example, I know, because it's been said publicly, that the prosecutor interviewed a lot of victims and witnesses, but always outside Darfur because he was unable to guarantee the safety of all those people in Darfur. This is one of the main barriers we encountered. Here again, we absolutely need the cooperation of international organizations to assist us in getting through stages as difficult as that.

• (1555)

Le président: Thank you.

Ms. Lalonde, you have five minutes.

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Thank you, Mr. Kirsch. We've heard from you at various stages of the Court's creation, then formation. It's a pleasure to welcome you, at a time when the Court is in session.

Can you tell us the main obstacles you're currently encountering and any that you apprehend? In addition, in these conditions, what can we do to help you?

Chief Justice Philippe Kirsch: The atmosphere surrounding the Court today has nevertheless improved in the past three years. That's something we perceive: the Court is better understood and therefore better appreciated.

One of the obstacles we encountered is the one I referred to, problems in the field. One of the obstacles we might encounter is a prolonged slowdown in the number of ratifications. The Court is limited to the State or territory where the crime was committed or to the nationality of the accused, which leaves vast tracts of the world map not covered by the Court. For example, we haven't really made any major breakthroughs in Asia. However, it is interesting to see that the Asian countries that have ratified include Cambodia, East Timor and Afghanistan, three countries where mass crimes have been committed.

Similarly, we haven't had enough ratifications in the Middle East.

If Canada can continue making the Court known and show that it is a useful instrument for the international community, and not a threat, that's definitely a major step toward establishing the Court.

I'm repeating myself, but I'll say it all the same. It is absolutely essential that the Court receive the active support of the States, in a practical way. I'm thinking especially of arrests in the coming years. That's something essential and something that depends on what the governments are prepared to do.

Being the president of the Court for the past three years and for the next three years, I feel confident about the Court's future. However, there are some barriers that must be overcome. I believe I've cited the main ones.

Ms. Francine Lalonde: Despite the answer you've given, could it be that the results achieved by the International Criminal Court in Rwanda and in the Balkans aren't helping with ratification by other States?

Chief Justice Philippe Kirsch: I believe we've drawn lessons from the experience of the ad hoc tribunals, in particular that it is necessary to conduct prosecutions as efficiently and rapidly as possible, to the extent that's compatible with the administration of justice as it should be carried out.

The Statute itself contains provisions in this regard, for example the creation of a preliminary division which is designed to eliminate from the trial itself everything that should precede it. We've developed regulations for the Court, which is trying to be as efficient as possible. It's mainly in that sense that we're drawing on the experience of the ad hoc tribunals.

Knowing whether that has an influence on ratifications is a highly speculative question that is very hard to answer. However, we're determined to do what we can to show, in the next few years, that the Court is not only an impartial and effective judicial body — that doesn't trouble me, because I believe we'll do that — but also a Court that is part of a system in which everyone contributes: the States, international organizations, the NGOs. If people ultimately understand that the Court is part of a system, it will be successful.

• (1600)

[English]

The Chair: Thank you.

We'll go to the government side, to Mr. Obhrai, for five minutes.

Mr. Deepak Obhrai (Calgary East, CPC): Thank you, Chair.

Welcome. I met you, as I said, and I had the privilege of visiting you at your head office in The Hague and saw you in action.

There are concerns and questions that many raise in reference to your court. Your court is supposed to give confidence to victims of genocide and others that somebody will be brought to justice. But as you look around, the concern is, what about governments themselves that have spotty records? For example, we're just now hearing that the Government of Uganda may make a deal with the Lord's Resistance Army to give its leader a safe passage, and yet we have criminal arrest warrants for him. Then there is what you have come out with in Darfur as well with the Government of Sudan.

But let me give an example of one area that I think will say what I'm trying to say, and that's in Sri Lanka. The Tamil Tigers have been bad. They have been using suicide bombers, children, and everything, and yet the leader of the Tamil Tigers is not considered a war criminal. Nobody has ever said that, despite the facts. On the other hand, the Government of Sri Lanka itself does not have a good human rights record, which brought out this conflict in the first place. So you have this situation being created over there in Sri Lanka that is from both sides—a rebel army that is breaking all the rules and a government that still needs a lot of improvement on human rights.

Of course, the other country that falls close to that is Burma. In Burma you have the military regime, the junta, that is not giving human rights and these things.

All of these areas seem to escape from your court and it seems to focus only on areas with high political things or be easygoing on these things, which is what I'm trying to get at. This is one of the criticisms that comes in here.

How do you see your court addressing a situation like what I've just described here?

The Chair: Thank you, Mr. Obhrai.

Mr. Kirsch.

Chief Justice Philippe Kirsch: You will understand, of course, that I cannot comment on specific situations, but I would make two points.

One is that the criterion the prosecutor has been using to determine whether he starts an investigation is gravity. He is going to start an investigation where, for example, the number of victims is very high and not where the number of victims is very low because the court has not been created to deal with everything, everywhere, but rather to deal with the most serious situations of crimes and probably within each situation with a limited number of individuals.

He certainly has made it clear in the situation that you mentioned that he would make no difference—if the criterion of gravity is met—between people who belong to one side of the story or the other. He has made that very clear.

With respect to the second situation you mentioned, that brings me back to ratification. Africa has ratified the statute of the court massively, for different reasons than Canada and the Europeans have ratified the court statute.

In the case of countries like ours, states have ratified the statutes because of humanitarian values and because they thought the court would be a contribution to regional stability—if crimes diminish, the flows of refugees, malnutrition, all these disruptions, are avoided.

African states ratified the statute because they saw the court as a protection in the future against the crimes they had suffered on their own territory. They said very clearly, we know what the consequences of those crimes are; we want legal protection.

My point in this is that if a state feels vulnerable one way or another, the best way of obtaining that legal protection is to ratify the statute. The court is bound in law not to go beyond the statute,

obviously. It cannot deal with situations pertaining to non-states parties unless the Security Council intervenes.

The court executes, applies the statute; it cannot re-interpret the statute loosely.

• (1605)

The Chair: Thank you, Judge Kirsch.

We will now proceed to the New Democratic Party and Ms. McDonough.

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

I want to congratulate you on the trail-blazing you've been involved in. It has to be a very great honour and a tribute to you that you've been elected and re-elected by the judges to serve as the chief justice. I think that makes Canadians very proud.

I fully appreciate that you're not in a position to talk in detail about cases that are before the court, so at any point that any of us transgresses, I know you'll push back.

I'm trying to understand a bit further—you could use the instance of Darfur and the Sudan, I guess, as a case in point or an example of where a country is not a signatory to the treaty of Rome and then, by referral from the Security Council, is brought before the court—how you deal with the fact that, as you've outlined in your presentation, the ability of the court to succeed in its mandate depends upon the cooperation of the state party. I'm wondering if you can talk a little bit, either by further reference to Sudan or in general, about what the obstacles are and whether there are things the international community can do, either through global opinion, international agencies, or whatever, to help put pressure on a country to cooperate. Or is the situation that if they don't cooperate, that's it, there's not really much of anything any committed parties can do to assist in that regard?

Chief Justice Philippe Kirsch: Thank you very much.

As you accurately guessed, I can answer that question in general and not in specific terms.

There have been so far no complaints about cooperation. The prosecutor refers in the reports on the Darfur situation to the Security Council of the UN—I think he's going to make his next report this month. So far there have been no allegations of non-cooperation on the part of any of the states involved in these situations.

If it were to happen, obviously there are ways in which interested states can apply pressure on states to cooperate, but there are also institutional mechanisms. The court can report to the Assembly of States Parties, generally speaking, in a situation where a state party has refused to cooperate. Then the Assembly of States Parties could decide on certain measures regarding the situation.

In the case of a situation referred by the Security Council, it's directly to the Security Council that the court could address that complaint. Of course, the Security Council has much more significant means of dealing with problems like this than the Assembly of States Parties.

Ms. Alexa McDonough: Could you elaborate on what kinds of institutional measures may be available for utilization?

Chief Justice Philippe Kirsch: This is not specified in the statute. It will have to be addressed when a situation like that comes up.

Ms. Alexa McDonough: I see. So you haven't actually dealt with a situation as yet?

Chief Justice Philippe Kirsch: That is because there have been no complaints about non-cooperation, so the question has not risen.

Ms. Alexa McDonough: Which is a good thing, I guess.

Chief Justice Philippe Kirsch: It is a good thing.

Ms. Alexa McDonough: I don't know whether you're in a position to comment on this, but it has to continue to be a frustration that the U.S. has not signed on. Is there anything that can be done from the perspective of the international community to address that, or are you again just left to whoever wants to sign on signing on, and in the case of whoever refuses to, there being nothing much you can do about it?

• (1610)

Chief Justice Philippe Kirsch: Your question, as formulated, could be described as having a little political angle, but I can address it from another angle.

The central theme that has been evoked about the court since its inception is the possibility that it could carry out politically motivated prosecutions; that's always been the argument that has been raised. You have to realize that in 1998, when states created the court, they had no idea what the court would actually deal with—situations were unknown, states were unknown. Therefore, when they created the court, the states had every interest in ensuring that the court would be unable to act in any way that would not be purely judicial.

In the three years I have been on the court, my observation is that this approach must have worked, because I have not heard in three years a single comment of a political nature by anyone in the court—not in the chambers, not in the prosecutor's office, not in the registry. All those people are only interested in administering justice, when national systems are unable to do it in the worst possible situations.

So my view of this is that it is the responsibility of the court to demonstrate, through its action, that it is indeed faithful to the strict judicial, limited administration of justice. I do not believe it is possible to sustain indefinitely arguments and misapprehensions that are never substantiated by anything. So it follows, in my view, that as the court demonstrates beyond any reasonable doubt—as lawyers say—that it is indeed a purely judicial institution, apprehensions will fade and support will increase. Already you can see that in the past three years...the atmosphere surrounding the court is much more relaxed than it was three years ago.

I don't think I can go much further on this question, but that is my general answer.

The Chair: Thank you.

We'll go back to the government side and to Mr. Goldring.

Mr. Peter Goldring (Edmonton East, CPC): Thanks, Mr. Kirsch.

Given that you haven't found any politically motivated reasons for two or three years now that would substantiate the substantial other

countries from not participating in the court's action, has this not manifested itself in a reason to bring onside some of the countries? My understanding is that the countries aren't only the United States, but also China, India, and Russia, and I'm sure there are other countries, too.

If that's the case, that you have not seen any politically motivated reasons for not signing onto it—their major reason for not signing—wouldn't some of those countries have gradually come onside and supported the court over that period of time?

Chief Justice Philippe Kirsch: One hundred states have now ratified the statute. This is an exceptionally quick pace of ratification, if we compare it with any other major treaty. The Law of the Sea Convention, which did not affect the domestic system of states as the ICC does, took something like 12 years to enter into force. The ICC statute took five years to enter into force.

This is a very, very young institution. You cannot expect those who are still waiting to see how the court behaves to come en masse immediately. The court has not gone through a full cycle yet. We have had pre-trial chamber proceedings, some of which have been appealed, but we have not yet had a trial. A trial can only begin after the confirmation of charges, if these are confirmed in September against the first suspects.

So I think this is all a matter of a little time. As I said, it's a very, very young institution. Also, among the states that you mentioned, Russia has not ratified the statute, but has signed the Rome Statute.

• (1615)

Mr. Peter Goldring: Still, you have substantial entities—the United States, China, and India, and other countries too—with combined populations of possibly a third to half of the world's population.

Do they have any other reasons for not ratifying, other than possible political reasons, just as you said?

Chief Justice Philippe Kirsch: If there is something I never do, it's to speak on behalf of states, but I think it stands to reason that if you look at some situations of states that have not ratified the statute, you could see that their particular contexts may give them reason to think about it a little longer.

The Chair: We'll go to Mr. Wilfert, please.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Chairman, thank you very much.

Just following up on the issue, since all states act in their national interest and since there are many skeptics out there, or those who are not convinced of the merits, one area that seems to be of concern is the United States, and particularly the bilateral immunity agreements. They have been very active. I guess around 100 agreements have been signed, affecting both civilian as well as military personnel.

First of all, what impact do you think the American pressure has had in terms of getting others to sign on to the court?

Chief Justice Philippe Kirsch: I cannot answer that question. This is a question that relates to state policy. As a member of a judicial institution, I cannot address it.

Hon. Bryon Wilfert: What signal would you suggest it may send about states being able...? We've had three that have referred specific matters to the court. Does this not create a difficulty in giving others the assurance to send matters to the court, given that these kinds of agreements could potentially impact negatively on the court?

Chief Justice Philippe Kirsch: Whether they have an impact or not is not something I can comment on. The court is not an NGO; it is not a political body; it is not there to pass judgment on or speculate on what effects states' policies may have. It is there to administer justice. All we can do now, having received some situations and having enough cases to be able to demonstrate that we will indeed administer justice as we should, is to make that demonstration and then see what happens later on in terms of ratification.

Hon. Bryon Wilfert: Do you, then, believe you have the appropriate tools to administer justice and therefore send out the right signals to those who may be skeptical at this time?

Chief Justice Philippe Kirsch: The system has been designed in such a way as to give the necessary tools to the court in judicial terms. The statute of the court is much more developed than the statute of any other international tribunal, precisely because in the treaty that created the court, states wanted to be very sure the court will be constrained to act impeccably.

When it was done, states themselves developed the rules of procedure and evidence of the court, which everywhere else, in other tribunals, were left to the judges. So as an institution, I think everything has been done to create a strong judicial institution. There will be a review conference in 2009 where states may determine that this or that has not been done perfectly the first time and may change it.

But the whole system also has been based, beyond the judicial, on cooperation. The court has no army; the court has no police. So as much as the court may be successful in administering justice judicially, there will always be this need for cooperation from the outside in arrests, in surrenders, in providing information, evidence, and the like.

Hon. Bryon Wilfert: In terms of the ability of states to refer cases to the court, one of the clear issues is that we need as parliamentarians—and the question was answered to some degree earlier... We met, for example, with the foreign affairs standing committee from Finland this morning. One of the things we were asking was how we as parliamentarians—and I, obviously, through government—could promote and assist in ensuring that others follow suit.

I asked you about the tools. You've explained about the mandate, the role. Are there other things we can ensure? Obviously one would be financial, but are there other ways we as parliamentarians, in conjunction with governments, can assist in making sure that perpetrators of human right crimes, as an example, are brought before the courts? In other words...[*Technical difficulty—Editor*]... that it needs.

• (1620)

Chief Justice Philippe Kirsch: Thank you.

You have mentioned financing, of course, which is important. The legislative work certainly in Canada seems to have been done to a large extent in support of the court. What I have observed in the past

few years is that parliamentarians have an extremely important role to play in having contacts with parliamentarians of other countries.

I could identify very clearly, and I could do it after the meeting if you're interested, certain countries that have ratified the statute because their parliamentarians were convinced, after again a period of hesitation, reluctance, as you referred to earlier, that the court was indeed a good institution. So in that sense, parliamentarians, to me, have an absolutely unique role. They have unique contacts that may increase the level of ratification, which indeed is indispensable for reaching universality one day.

The Chair: Thank you, Judge.

Back to the government side. Madam Grewal.

Mrs. Nina Grewal (Fleetwood—Port Kells, CPC): Thank you, Mr. Chair, and thank you to Judge Kirsch for the presentation.

Well, my questions are designed to shed some light on what I believe must be some questions as to the legitimacy of the ICC. First, what are some of the factors that have caused some of the most powerful or populous nations like the United States, Russia, China, and India to resist signing or ratifying the Rome Statute?

Secondly, are there any steps you've taken or mechanisms in place that attempt to get these countries to sign or ratify the statute?

Finally, is Canada a clear advocate of the ICC, taking a leadership role in trying to convince or persuade nations, particularly the United States, to ratify the Rome Statute?

Chief Justice Philippe Kirsch: I've always maintained that the court, of course, does not have the responsibility and should not promote itself, because if we did, then the court would begin to have this political angle that I think it's very important we never have.

The court, however, has the responsibility to explain what it does. We have engaged, and I have personally engaged, on a responsive basis in many visits to other countries to explain the court. I've been twice to India. I've been to Pakistan, China, Russia, and Middle East countries. I have been to any number of countries, including the United States.

But this is all the court can do, to explain what it does, not to promote. So it is, of course, very useful when states like Canada continue to organize conferences, to explain, to give indications, for example, on the technical means of ratifying the statute, which are not always well understood, but certainly explain the court so that all these misapprehensions about the court disappear.

Of course, a major part of that process will come from the court itself. The court has to demonstrate that it is able and willing to adhere to the principles that underlie its creation.

The Chair: Judge, we'll go back to the opposition side.

Mr. Martin, please.

Hon. Keith Martin (Esquimalt—Juan de Fuca, Lib.): Judge Kirsch, I'd like to also echo the comments made by Ms. McDonough. I remember pre-ICC and your hard work and you as an individual being a significant driving force for the court and moving the international community away from a culture of impunity to a culture of accountability, to paraphrase your words. I want to thank you, as a Canadian, for all the hard work you've done with respect to breathing life into this idea and making it a reality.

My questions, Judge Kirsch, are an extension of what's already been mentioned. There are two things I'm really interested in. Number one, again, is the obstacles you face for prosecuting individuals and things that as a nation we could do to help facilitate support for the ICC in executing its duties.

Secondly, we've seen, as you mentioned before, a number of individuals, such as the 51 individuals in the Sudan who have been cited for prosecution, individuals like Joseph Kony, who, as head of the LRA, has committed atrocities beyond most people's worst nightmares. What are the obstacles to finding and bringing these people to justice?

In your comments, you mentioned Thomas Lubanga as being the first person, as of March of this year, to actually be arrested in a country and brought in front of the court. What do you need, and what can a nation like Canada do to help to strengthen the ICC?

• (1625)

Chief Justice Philippe Kirsch: Thank you.

Generally speaking, Canadian support is going to continue to be useful in terms of ratification, financial support, and other support to make the court well known, and in terms of complete cooperation at the request of the court—but for the time being, that is in the hands of the prosecutor, not of the judges.

Of course, an important obstacle right now in bringing people to justice is the situation of great instability in the regions in which we operate. It does require the support of all states that have something to contribute—information or other means. A country, for example, offered a plane to bring back the first suspect from the Congo to The Hague. This is clearly not work that one single country can do; it has to be a system in which several countries do cooperate to bring support to the court.

Again, I'm not in a good position to detail this, because a large part of this work is now being conducted in the prosecutor's office, while I'm the president and a judge working in a different area.

The Chair: Very quickly, Mr. Martin.

Hon. Keith Martin: Judge Kirsch, if one wanted to prosecute a head of state, such as, hypothetically, Robert Mugabe from Zimbabwe, for crimes against humanity, how would one do that?

Chief Justice Philippe Kirsch: No one has immunity before the court; what counts is whether someone is alleged to have committed crimes. Once before the court, the person certainly does not have immunity, although states are never obliged to violate their own obligations under international law by surrendering someone to the court. It is a system that provides for respect for international law before the person is before the court.

In the case of a state that is not a state party, the only way of bringing a person to justice is through a Security Council referral; there is no other way.

The Chair: Thank you very much, Judge Kirsch, for being here today. I certainly know that it has been good for our committee to learn a little more about the International Criminal Court, how it works and the jurisdiction it has.

We will welcome you back at any time. You've been here before, and we've appreciated that as well.

We will suspend and wait for the Minister of International Cooperation.

Thank you.

- _____ (Pause) _____
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- (1635)

The Chair: Pursuant to Standing Order 108, we'll reconvene our meeting of the Standing Committee on Foreign Affairs and International Development by welcoming the Honourable Josée Verner, Minister of International Cooperation and Minister for la Francophonie and Official Languages.

Ms. Verner has spent close to 20 years working in the communications and public service fields. She has served as the deputy speaker of Quebec's National Assembly. Most recently, Minister Verner affirmed Canada's commitment to fighting HIV/AIDS at the United Nations 2006 High-Level Meeting. In May she announced our government's \$100 million response to hunger and other humanitarian crises. She led Canada's action to assist victims of Indonesian earthquakes. She worked with Canada and New Brunswick to help support Romania in hosting La Francophonie summit. She has worked to bring about a Canada-Brazil partnership for children's health in Haiti, and she has worked with our Prime Minister on humanitarian aid and support for peace in Sudan. Minister Verner chaired the ministerial conference of La Francophonie on conflict prevention and human security, a committee that had over 60 countries represented.

We thank her for appearing before our committee. Also with her today are a couple of people who have appeared at our committee before: Madame Laporte and Robert Greenhill. So we welcome you back.

Welcome, Minister, to the committee. We look forward to your presentation and to the questions.

[*Translation*]

Hon. Josée Verner (Minister of International Cooperation): Mr. Chairman, ladies and gentlemen, good afternoon.

[*English*]

In the coming month, this committee will be examining Canada's role in complex international interventions. I am pleased that Haiti is part of that process, because Canada's role there is a very special one. Thank you for the opportunity to explain to you how CIDA is helping to meet the needs of Haitians.

•(1640)

[Translation]

I know that other people, including Minister MacKay, have previously spoken to you about Canada's engagement and security issues. Accordingly, I would like to focus on the unique reasons that make Haiti a country of key importance to CIDA.

[English]

Haiti is a fragile state. It is the poorest country in the Americas. Canada has extensive experience in Haiti, winning Haitians' trust and friendship over the years. Moreover, the sizeable Haitian diaspora living in Canada can serve as an intermediary in rebuilding the country.

[Translation]

If strong action is not taken in the short, medium and long terms jointly by the international community and the Government of Haiti, the country could deteriorate even further.

The indicators are distressing, and are comparable to those of the poorest countries in Africa. Haiti is ranked 153rd on the Human Development Index, out of a list of 177 countries. Life expectancy is 52 years. The mortality rate for children 5 and younger is over 10%. The adult literacy rate is 52%. Average per-capita income is US\$390 a year. That's barely more than one dollar a day. Imagine living on only one dollar a day!

Canada has maintained official relations with Haiti since 1968. Ties between the two countries were forged long before that, however, mainly through the presence of Canadian religious communities that were active in Haiti starting in the early years of the last century, laying the foundations for a health and education system.

CIDA's programming in Haiti has steadily expanded, except for a brief hiatus between 1991 and 1994, during the military dictatorship. Between 2001 and 2004, a lack of political will by the Aristide government caused a slow-down in our actions with the country's institutions.

Now, Canadian cooperation has picked up again with the arrival of the transitional government in 2004. In the past two years, we have spent over \$190 million on Haiti's stabilization and reconstruction, and an additional \$15 million was announced last Saturday by my colleague, Minister MacKay.

The Canadian government has put in place a broad-based approach: diplomacy, defence and development. Security, poverty reduction and sustainable development are closely linked, and mutually strengthen one another.

Our approach is not just cross-government, it is also pan-Canadian. It is based on a whole network of Canadian partners in federal and provincial departments, the private sector, NGOs and civil society, including the Haitian diaspora. Our approach is also based on close international cooperation, as set out in the Interim Cooperation Framework which I will come back to in a moment, and reflects the priorities expressed by Haiti.

Mr. Chairman, the arrival of an elected government gives us greater optimism about Haiti's future. Haitian society is changing,

and many development-friendly agents are in play. Let me point to two strong examples. Local press and radio are engaging in freedom of expression, and using increased access to information to raise citizens' awareness of their rights and the actions of the government. Change is also characterized by the establishment of various associations and the emergence of a dynamic, diversified civil society that is playing a larger part in dialogue with the government and is engaged in development activities.

CIDA supports all agents of responsible change, including institutions, individuals and movements and associations, like the Haitian women's movement. Our approach is both flexible and dynamic, and is designed to foster a national consensus.

Now I'd like to come back to the Interim Cooperation Framework (ICF), which is fully supported by the Haitian government and the donor community.

Canada has taken on a leading role in planning and implementing the ICF, and is the second-largest bilateral donor, after the United States. Our programming centres on the four main points of the ICF: political governance, economic governance, economic recovery, access to basic services.

On political governance, special attention has been given to the electoral process, so that democracy can take root in the country, as well as to strengthening the Justice Ministry and the Haitian National Police. Other actions have been taken to promote human rights, such as the establishment of legal clinics and the dissemination of information on citizens' rights.

We are currently setting up a project to support parliamentarians, which among other things will provide training on sound governance and the management of human and material resources to ensure the Haitian Parliament operates as effectively as possible.

CIDA's actions with respect to the second point, economic governance, centre on local development. In rural areas, development committees have been struck and community development plans prepared jointly with all local actors, so that they can take their development into their own hands. In all its activities, CIDA encourages the participation of women in economic life and decision-making processes.

•(1645)

The third point is economic recovery. We are helping to strengthen the electricity distribution network, job creation, microfinancing and agricultural development. We are also working on environmental protection and renewal. Here are some tangible examples.

In the city of Jacmel, residents now have regular, high-quality electricity service. This achievement is much appreciated by residents, over 90% of whom pay their bills. Unheard of! A dynamic network of over 60 credit unions has been set up; 48% of the individuals who have obtained financing from these credit unions are women. Five thousand short-term jobs have been created in disadvantaged communities.

The fourth point is access to basic services, meaning basic education, health, vaccination, HIV/AIDS prevention, and nutrition. Our contributions have helped to boost school attendance and are resulting in the vaccination of hundreds of thousands of children against measles, polio, diphtheria, and tuberculosis.

In addition to financial contributions to Haiti through international financial institutions (the World Bank, the Inter-American Development Bank and the Caribbean Development Bank), CIDA is working to strengthen ties with Latin American countries, the Organization of American States, and CARICOM. We believe it is essential for Haiti to become an active partner in the hemisphere again.

[English]

In addition to financial contributions to Haiti through international financial institutions—the World Bank, the Inter-American Development Bank, and the Caribbean Development Bank—CIDA is working to strengthen ties with Latin American countries, the Organization of American States, and CARICOM. We believe it's essential for Haiti to become an active partner in the hemisphere again.

[Translation]

I have given you a very tangible depiction of our engagement in Haiti. But our cooperation with Haitians goes well beyond those tangible elements.

We have acquired solid credibility and have considerable influence with Haitian leaders, civil society and the donor community. That is because we have always accompanied words with actions. Canada has used its leadership to mobilize other donors; it has led by example by being one of the largest donors and maintaining a strong presence on the ground.

We have provided high-level advisors to the transitional government, which has been able to provide the new government with a white paper outlining the progress achieved to date.

We are continuing in the SaNevein, by providing a technical advisor to President Préval's transition team, as requested following his election.

That being said, I would like to point out that the first indications on the new elected government's priorities are positive and encouraging.

I would also like to applaud the efforts of the Haitian people, who are demonstrating healthy openness, a keen desire for change, and a great deal of courage.

Yes, our actions in Haiti involve substantial risks. Yes, we are working in a very complex environment. Yes, institutional capacities are very weak. But we are in the process of changing things. Our labours are bearing fruit, and opening up prospects for the future that would have been unimaginable just a few years ago.

Thank you.

[English]

The Chair: Thank you, Madam Minister.

We will go to the opposition side for 10 minutes, and I believe they are splitting their time between Mr. Patry and Mr. Martin.

[Translation]

Mr. Bernard Patry: Thank you very much, Minister. As you mentioned, Haiti has just experienced some very significant moments in its 100-year history.

The presidential election brought record voter turnout for Haiti, and a number of political parties elected representatives in the legislative elections. I emphasize the fact that President Préval's party did not get a majority, nor did any other political party; no party has a majority in the Commons.

I would also mention the rapid elections of speakers in the two Houses, and the appointment of a Prime Minister, Jacques Edouard Alexis, who was quickly confirmed by both Houses.

Haiti now has a new start. Last weekend, the Minister of Foreign Affairs, who made a very brief visit to Haiti to meet President Préval, said that the Canadian government will invest \$15 million in small projects.

Without setting aside long-term projects such as security and good governance, health and education, can you tell us about the scope of these small projects, because small projects very often make a big difference in the everyday lives of people, particularly the most disadvantaged?

In your opening statement, you also referred to support for parliamentarians. Canada, through the Parliamentary Centre, will be holding information seminars to enhance the skills and role of Haitian parliamentarians. To work effectively, parliamentarians need essential tools, ranging from offices to new information technologies to support them in their work.

The Haitian Senate sits on premises that are completely supplied, equipped and paid for by the Government of Quebec. The House of Representatives doesn't even have premises on which to meet.

Would you agree to allow the Canadian government, through CIDA, to finance premises in one way or another so that parliamentarians can really perform their work in a descent manner?

• (1650)

[English]

The Chair: Thank you, Mr. Patry.

Madam Verner.

[Translation]

Hon. Josée Verner: Thank you for your two questions.

I'll answer the first one first. The \$15 million announced by my colleague Peter MacKay last weekend will be granted to small projects. A programming mission is to travel there next week to determine the various projects that will be funded.

What was your second question?

Ms. Suzanne Laporte (Vice-president, Americas Branch, Canadian International Development Agency): It concerned premises.

Hon. Josée Verner: I think it's desirable to have proper premises in order to work. Since your question is a little more technical, I'll ask the CIDA expert to answer it.

Ms. Suzanne Laporte: Thank you very much, Minister.

The working conditions of newly elected representatives are very difficult. First, we'll be entirely prepared to analyze the extent to which we can provide material to support these people, particularly in terms of the information and equipment.

A major infrastructure project is not part of CIDA's planning at this stage. Infrastructure as such is not among CIDA's priorities, but we can definitely help researchers support members with information hardware.

Mr. Bernard Patry: Following the visit that officials make with you next week, probably in Port-au-Prince, could you sent the committee all the projects that are put forward? I think that would be very interesting.

Also, you said in your opening remarks:

We have provided high-level advisers to the transitional government, which has been able to provide the new government with a white paper outlining the progress achieved to date.

Is that document available? If so, I would like to get a copy for the committee.

Thank you.

Hon. Josée Verner: Of course.

[English]

The Chair: All right, Mr. Martin, you still have five and a half minutes.

Hon. Keith Martin: Thank you, Dr. Patry.

[Translation]

Good afternoon, Ms. Verner. Thank you very much for being here.

[English]

Welcome to Mr. Greenhill and Madam Laporte.

You mentioned in your last comments, Minister Verner, that our efforts are bearing fruit. If we use the millennium development goals as a benchmark upon which we can assess success or failure, can you tell us how we're doing with respect to life expectancy, infant mortality, and primary education? How have these changed over the last five years in Haiti? You can choose any of the MDGs you wish.

[Translation]

Hon. Josée Verner: Action has already been taken, particularly on vaccinations. At the recent meeting in Brasilia, we announced another \$1 million for a vaccination program for young children.

I know you will properly appreciate the following figures: we have vaccinated 850,000 children against measles, 1,150,000 children against polio, 385,000 children against diphtheria and tuberculosis and 116,000 women against maternal tetanus.

All that was done in a single year. That's important to note.

There have also been improvements to the diet of 1.8 million persons served by 150 health centres through the World Food Program (the WFP) for which CIDA is the main donor agency, as Mr. Morris mentioned last week.

• (1655)

[English]

Hon. Keith Martin: Those are multilateral investments that have affected those vaccinations, I assume, not necessarily CIDA's. Are those what we're doing through our multilateral programs?

[Translation]

Hon. Josée Verner: No, that's our program.

Hon. Keith Martin: I congratulate you.

[English]

With respect to HIV/AIDS in Haiti—and we all know the tragedy occurring there—do we have a sense of how many people are accessing any retrovirals as a result of CIDA's investment?

[Translation]

Hon. Josée Verner: I would remind you that I was at the United Nations last Friday, at a major AIDS conference. That's a major concern, of course, and Haiti is affected. As minister, I am personally concerned that AIDS is becoming a female phenomenon. I would ask the people at my department whether they have the specific number of women who have been vaccinated or, at least, treated for AIDS.

Do you have that information, Ms. Laporte?

Ms. Suzanne Laporte: Yes.

Hon. Josée Verner: I'm told we'll get that information. I'll be pleased to forward it to you.

[English]

Hon. Keith Martin: Merci, Minister Verner.

I will close by saying that any information CIDA has with respect to the changes that CIDA's investment has made with respect to those parameters in Haiti would I think be beneficial in the end, so that we can produce an effective summary report.

Merci beaucoup.

The Chair: Thank you, Mr. Martin.

Madame St-Hilaire, you have 10 minutes.

[Translation]

Ms. Caroline St-Hilaire (Longueuil—Pierre-Boucher, BQ): Thank you very much, Mr. Chairman.

Thank you for being here, Minister.

I listened to your remarks attentively. I feel a breath of hope for the people of Haiti.

On page 5 of your address, you refer to the donor committee, of which Canada is a part. It was proposed that donors make a commitment for a period of 10 years. A lot of things are happening, but the important thing is that people in Haiti understand that there is hope and that this is a long-term commitment, not a one-shot deal.

What's your commitment in this area?

Hon. Josée Verner: On July 25, there will be a donor conference. In view of the situation and the way it's changing, decisions will be made on the subject. Haiti is a fragile State that must be monitored very closely. I think it would be a good idea to wait for the position of the donors, who will be meeting on July 25.

It will also be important to consider the new government's priorities and requests.

Ms. Caroline St-Hilaire: It's often said that to educate a child is to educate a nation. When we talk about international aid, we're talking about aid for education. You vaguely touched on the subject of education.

Could you tell us in concrete terms what your government intends to do about direct aid for education?

Hon. Josée Verner: Education is one of our major priorities. I'm trying to get more accurate data. I believe you'd like to have figures, wouldn't you?

Over the past two years, \$76 million has been invested in access to basic services, including education, which enabled 75,000 children in disadvantaged neighbourhoods to go back to school for the 2005-2006 year. For more than 40,000 children, we've improved the quality of education, and, in the Artibonite region, we've trained 1,000 teachers at 133 schools. Those are very specific figures that have been recorded.

• (1700)

Ms. Caroline St-Hilaire: I'll stop you there, since we don't have much time.

Could you tell us about the future?

Hon. Josée Verner: For the future, we have the same commitments, that is education, health, good governance, economic recovery and all the things I mentioned at the start of my address.

We met Mr. Préval during his recent visit to Canada. We're confident he'll determine his needs in cooperation with his team. The purpose is to assist them and to work with them, not to make decisions for them.

Ms. Caroline St-Hilaire: I'm going to ask you a final question, because my colleague will definitely have others.

I know that Haiti is the concern this afternoon. What is your personal vision, as minister responsible for CIDA, development and international aid? That's not always clear, when we talk about CIDA. We understand its mandate, but, in concrete terms, we don't always know exactly what the money is used for.

Is it used for direct humanitarian aid for poverty, famine, education, or is it also used—we hear all kinds of stories—for security? In Afghanistan, for example, village chiefs are asked to report situations.

Do you personally believe that's CIDA role?

Hon. Josée Verner: My personal opinion, since you're asking for it, is that CIDA's mandate is first of all a humanitarian one. I believe it's our duty to provide aid to disadvantaged populations living in situations of distress, but I also think we must help countries that want to develop. We must work with them. We must ensure that the populations themselves choose to take charge of their lives. If

democracy is established in a country, I believe we must work with it and comfort the people with the idea that the development of their country depends on democracy and good governance.

Having said that, I would remind you that, in the throne speech, we talked about the effectiveness of aid. I think that concept is extremely important. I believe that the Canadian population, in its soul and conscience, is extremely generous, but that it wants to know whether the aid it provides does something. It wants to know the results of that aid. I'm convinced we must take steps in that area as well.

Ms. Caroline St-Hilaire: I'd like to ask you a final question, because you've led me onto a very nice track.

On February 17, 2005, Mr. Harper asked that we introduce international aid legislation. I imagine you'll be pleased to start or to continue that plan.

Hon. Josée Verner: I've asked the officials in my department to assess all options.

The Chair: Ms. Lalonde, you have three minutes.

Ms. Francine Lalonde: Thank you, Mr. Chairman.

My remarks will be similar to those of my colleague. I went to Haiti with the minister. I'm very familiar with Haiti through texts and pictures, but I was there. I don't know whether you've been there, but go there as soon as possible because Haiti's really in a dramatic situation.

Last week, we talked a lot about security. I had it confirmed for me that that question was still extremely important. I take the liberty of recalling the objectives that are proposed by the International Crisis Group, a well known organization. They talked about a 10-year commitment, not only in terms of economic development, but also for security and justice objectives, in particular the objective of putting an end to impunity. If we don't put an end to impunity, we won't be able to proceed with disarmament and we won't be able to do anything. As regards economic growth, we must make world development a priority, because there are a lot of unemployed people in the countryside who this would enable to live. We can restore forest coverage. We have to work on decentralizing and reducing poverty.

What do you say about those objectives?

• (1705)

Hon. Josée Verner: Madam, I haven't had the opportunity to go, but I will have to go there soon. Circumstances have been such that I haven't had a chance to go sooner. However, my parliamentary secretary went.

That said, we do have security objectives. They were mentioned at the Conférence ministérielle de la Francophonie, which was held in Saint-Boniface. The Organisation internationale de la Francophonie is also involved. I met my French counterpart, Ms. Girardin, in Paris. She is very much involved in Haiti's recovery and wants to continue that way.

Furthermore, I agree with you that we must continue investing in security. Everything has to be done in Haiti. I believe we're at a crossroads, because the population of Haiti has just established its own democratically elected government. I believe that's the starting point for a lot of things.

As regards justice, I can tell you that more than \$65 million has been invested in that area in the past two years. We have made a commitment to continuing to invest in Haiti. I can tell you, you and your colleague, that there will be a conference on July 25 involving donors and the new government. Mr. Prével has a very positive plan for his country. We assured him that we would be there to continue working with him in his efforts.

[English]

The Chair: Thank you, Madam Minister.

Mr. Goldring, 10 minutes, please.

Mr. Peter Goldring: Thank you for appearing here, Madam Minister.

Having just come back from Haiti myself, over the elections, what strikes me most is the tragedy of it all. It's visiting a country that looks as though it's been in an economic time warp for 50 to 60 years, but looking behind it, you see what must have been a relatively prosperous country some 60 years ago.

So I certainly would agree, looking over the last 60-year history, that one of the first places to start is with the governance, because obviously that's what caused the country to go into its decline. It was good to see the level it has achieved.

We were there during the elections. Many had said that the 30% turnout was low. I would say it was a good turnout considering that it wasn't the presidential election but rather an election of members of Parliament. More so than that, a half-full glass, it was also very positive because there were very few disturbances that went on. So the people involved, and Mr. Kingsley and Elections Canada, are to be commended for that.

You discussed some of the other aid projects. I'm pleased that Canada is taking another look at the projects and committing more funding, because there's so much desperate need in the country, and it's more a matter of trying to decide where the assistance is going to be directed.

There was one aid project that we did visit, and that was in the town of Jacmel. In speaking to the mayor of that town, who was just bubbling over with the pleasure of it, since it had been such a contributor to his community for the past 10 years, the major complaint he mentioned was the fact that it caused something like three new hotels and businesses to come into the community, and now they're going to be faced with other forms of infrastructure needs to take the increase in population.

There was a difficulty with that project I could see, and I see it more from the original contract formation and the follow-up to it. There was a lot of talk about these contracts and plans having a long-term commitment to them. That generator plant has been there for 10 years now. One of the generators was completely shut down and was on the floor and was in very major need of maintenance. The electricity has been shut off for some six hours a day, and the

reasoning given for that was there were no allowances made for increasing the cost of the electricity for the increase in the world market price of oil. It's one of those basic things, coming from a business background, that I just simply can't believe could be missed when we're putting forward a plan to help and assist an area.

Obviously, there's a great response from the community in paying their bills, and they're accustomed to doing this. Certainly they're paying world price for gas for their cars, so I don't think they'd have a problem with paying a fair price for their electricity.

So my question, Madam Minister, with respect to that project and others that we are looking at, is this. Are you looking at these projects with an eye to foreseeing some of these future, down-the-road difficulties so that the project could be made much more sustainable and lasting in the long-term? Given that the electrical system there in Jacmel obviously transformed that community, there could be reasons to replicate that in other areas.

• (1710)

The Chair: Madam Minister.

[Translation]

Hon. Josée Verner: Thank you for your question.

I'm aware of the problems Haiti is experiencing; we have had occasion to discuss them. I believe it is important to note that no one could have predicted the rise in oil prices and the impact that would have on the Jacmel electrification project.

It must be understood that, in order to compensate, the amounts billed to citizens would have had to be increased. The transition government made an economic choice so as not to cause tension during the election period. Thus, for security reasons, it did not want to increase rates based on the rising price of oil.

Obviously, we've had discussions and are still putting pressure on the new Haitian authorities so that the situation is regularized and tariffs are adjusted accordingly.

[English]

Mr. Peter Goldring: Thank you.

You made mention, Madam Minister, of the adult literacy rate being 52% and of working on improving the governance of the country. I think it had been identified throughout the election period, and from many people we talked to...there's a real need across the country for the people to understand their parliamentarians and senators—what role they would play and how they would interact with municipal governing—and for the average citizen to be able to embrace and be more enthusiastic, I suppose, about the election of their members of Parliament and senators. Perhaps that's one of the reasons it was a 30% turnout.

If more funding is being put into improving the governance and going down this road, one of the major ways this could be accomplished—once again, in the very long term—is of course through the schools. This would obviously be the best approach to the literacy challenge.

We were noticing when we were there that the schools, practically to a school, were dull and dark and dingy, and the chalkboards in them so used and worn out that hardly any markings were able to be put on them any more.

Is there any consideration being given to working with international cooperative people, one, to improve the conditions in the classroom, and two, to develop a model that would be introduced with our governance method through the school system as an educational unit that could be taught on an annual basis, and looking 10 or 15 years down the road, to have that literacy rate—a rate of understanding of the governance level at least—be much higher?

• (1715)

[Translation]

Hon. Josée Verner: I'd briefly like to discuss the organization and observation of elections.

We provided \$30 million for that purpose. More than 100 Canadian observers took part in the process. We trained journalists in order to improve press coverage, and now we're going to provide technical assistance to new elected members through the Canadian Parliamentary Centre, just to deal with the electoral process.

As regards education and investments in that area, I will ask Ms. Laporte to answer. She'll be able to describe the schools issue in Haiti more clearly.

[English]

Ms. Suzanne Laporte: *Merci, madame la ministre.*

Thank you, Mr. Goldring.

Education, clearly, is one of the major challenges in Haiti. I think it's probably a unique situation in the world that 85% of the educational system is in the private sector, with very unequal degrees of quality, as you can imagine. One of the major issues in Haiti is for the state to regain control of the quality of the education and to play its normative, regulatory role.

President Préval, when he was first elected in February, immediately engaged in discussions with the World Bank in order for them to take some leadership with the international community to define a project. He specifically has in mind to have every child going to primary school and for every child to be fed at least one meal a day so that they can learn adequately. Certainly, this is something that we very much value and would support.

Until the actual plan of investment in the educational sector is performed, at this point we have been continuing local development projects in the schooling system, and we are in a number of regions.

When you mentioned the notion of a 30% participation in the legislative...I think it's a reflection of two things. One, in that country the president is master of everything, so once he's elected there is not as much interest in members of Parliament, with all the respect I have for the colleagues around the table. This is one reason.

The other reason is we have to increase the notion of civic education. CIDA, in the lead-up to the elections, did fund a number of local NGOs to do exactly that, to engage citizens about their right. It is a political right. This is a human rights issue for them to go and vote, and to sensitize them.... We used the journalists, as the minister

has just said, to try to raise this issue, but you have a population that is not very literate, that cannot afford a newspaper. Certainly we've worked a lot through the radio, because they do listen to the radio.

So there's the aspect of having an educational plan that is normative, in which there will be the ownership by the government. We are going to support that plan when it is fully developed, and I think that should be done in about a year's time.

The second portion is the whole notion of civic education. This is certainly something that, in the dialogue we can have with the international community and the government, we can ensure that it is part and parcel of the educational system.

Thank you.

The Chair: Thank you, Madam Laporte and Mr. Goldring.

Over to Madam McDonough for the final question.

Ms. Alexa McDonough: Thank you, Mr. Chair.

Thank you for being before the committee, Madam Verner.

You've reminded us that Haiti is ranked number 153 out of 177 countries on the human development index and is the poorest country in the western hemisphere. You've also expressed concern about the alarming increase in HIV/AIDS in Haiti.

My questions arise from those two points you've brought forward. A couple are of a more general nature and one is quite specific to Haiti.

You will know, I'm sure, that this committee passed unanimously—and then subsequently Parliament passed unanimously—a motion calling upon the government of the day, then Liberal, to accelerate its commitment to meeting our overseas development assistance obligations, and specifically to move more quickly to meet the 0.7% level of ODA.

Obviously this would impact on what kinds of commitments we're able to make to Haiti. I might say that when Mr. Greenhill appeared before this committee last year, he argued that we should accelerate that program, thus influencing somewhat the committee's position.

My first question is whether we can count on you to respect that consensus and champion that position, because if the Minister of International Cooperation doesn't, I'm not sure who will.

Second, you will also know that there's been a consensus among the parties about the necessity of having international development legislation to make clear the mandate to underscore poverty as the principal goal.... Again, Haiti would be a beneficiary of our doing so. Can we count on you to help us fast-track the commitment to bringing in that kind of legislation as soon as possible?

Third, you will know that TB is a leading killer of persons living with AIDS. In the context of Haiti, I believe I'm correct in saying that Haiti's TB program has been funded 100% by the global drug facility fund, to which Canada is a major donor, and there is no question that the TB programming is highly cost-effective in dollar terms and in terms of saving lives. I'm not as certain about the incidence of malaria in Haiti. I'd be interested in any comments you would have on that—but there is actually a concern about the possibility that CIDA may cut back on its commitment to TB programming and malaria programming.

Can you enlighten the committee on that, and plead the case for Canada to do the opposite of any possibility of any cutbacks, because of the cost-effectiveness and how important it is for Haiti and other countries?

• (1720)

The Chair: Thank you, Madam McDonough.

Madam Minister.

[*Translation*]

Hon. Josée Verner: Thank you. That's three questions if I understood correctly.

As regards increased international aid, as you are no doubt aware, in the 2006 budget, we allocated an additional amount of \$320 million, including \$250 million to the Global Fund to Fight AIDS, Tuberculosis and Malaria. As a political party, you must have seen in our election platform that we were committed to increasing international aid by \$425 million over a five-year period.

I want to remind you that this is a very important issue for me and for our government. Of course, according to the budgetary estimates and the available amounts we'll have in coming years, it will be easier for me to provide more specific answers on the subject. Whatever the case may be, we are committed to increasing international aid.

The second question concerned legislation. As I told Ms. St-Hilaire earlier, if my memory serves me, I asked officials at my department to consider all possible options, particularly to ensure that aid is effective. We spoke of that in the throne speech.

The third question concerned the fight against malaria. I'm informed that there is very little malaria in Haiti. I remind you that, in the last budget, we allocated \$250 million to the Global Fund to Fight AIDS, Tuberculosis and Malaria.

• (1725)

[*English*]

Ms. Alexa McDonough: And the TB program with respect to Haiti, and specifically—

[*Translation*]

Hon. Josée Verner: Your question was about the tuberculosis program, wasn't it?

[*English*]

Ms. Alexa McDonough: Yes, my information is that the Haiti program for dealing with TB is 100% funded by the global drug facility fund, of which Canada is a major donor. There have been concerns raised about some signals that there may in fact be a

reduction in these programs, and I wanted to seek assurances that there was no basis for those concerns.

[*Translation*]

Hon. Josée Verner: I don't have that information, Ms. McDonough. I can ask the deputy minister to answer you, but I don't have any information on that.

[*English*]

Mr. Robert Greenhill (President, Canadian International Development Agency): Thank you very much, and thank you for noting the efficacy of the global drug facility, which in fact Canada helped to develop. It's true that with Canadian support over the last five years, it's estimated by the World Health Organization that Canada has probably contributed to saving over half a million lives through TB programs, at a cost of less than \$200 per life saved. So it is actually one of the most effective health interventions today.

As the minister noted, the \$250 million in the global fund also helps support TB. We continue to be a very significant participant, both financially and in terms of thought leadership, in the global drug facility. There has been no change in that approach.

Ms. Alexa McDonough: Thank you.

The Chair: Madam, you have three more minutes, if you wish.

Ms. Alexa McDonough: I guess I'd like to come back, then, to the figures I heard you mention with respect to budgetary increases. Of course, you will know that this rate of increase doesn't get us anywhere close to meeting 0.7%. One of the great ironies is that under the previous Conservative government, the level of ODA was already at 0.5%, and, regrettably, the Liberal government dragged it down to 0.23%.

The question is really whether the commitment is there on your part, and the government's—but in particular yours—to champion that commitment to reach 0.7%, which there's no question will require an escalation in the kind of international development assistance money that is made available.

The figures you cited would get us, at the maximum, to 0.43%, and that's only because of the NDP budgeted amount we were able to get at the eleventh hour in the last Parliament, which you've referred to in your figures. But with all of that, we would only be at 0.43%, which means we're a very long way from meeting our obligations and from the millennium development goals ever being achieved. By all experts' assessments, it depends on the donor nations reaching 0.7%.

So my question is still whether that's something to which you're committed, and whether we can count on you to fight for that, since there's such a strong consensus on it among the parties in this Parliament.

[*Translation*]

Hon. Josée Verner: My answer will be in two parts. You know that our political party is committed to increasing international aid amounts. However, I believe we also have to work very hard on aid effectiveness and responsibility. The populations concerned must get the full benefit of our aid. We've committed ourselves to that, in particular in the throne speech.

● (1730)

[*English*]

The Chair: Thank you, Madam Minister.

Just in closing, today in your testimony you have referenced a number of things. First of all, you said you had provided high-level advisers to the transitional government. I think we're all aware of Canada's involvement there. But you also stated that the advisers were able to provide the new government with a white paper outlining the progress achieved to date. I'm wondering if the committee can gain access to that white paper. That's the first question.

Also, in the same vein, you say you are providing a technical adviser to the President of Haiti. Who would that technical adviser be?

[*Translation*]

Hon. Josée Verner: As regards the white paper, a Liberal colleague asked the question earlier, and we answered that we were going to provide it. As for the adviser who works with Mr. Préval, he's a consultant, Mr. Fernand Yvon.

[*English*]

The Chair: Thank you, Madam Minister.

Thank you for joining our committee today. We've certainly looked forward to you, and now we've had both ministers here. We appreciate your coming here.

We hear the bells ringing, so it's time to go and vote. We will adjourn.

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

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

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