



House of Commons
CANADA

Standing Committee on Foreign Affairs and International Development

FAAE • NUMBER 050 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Wednesday, April 25, 2007

—
Chair

Mr. Kevin Sorenson

Also available on the Parliament of Canada Web Site at the following address:

<http://www.parl.gc.ca>

Standing Committee on Foreign Affairs and International Development

Wednesday, April 25, 2007

• (1535)

[English]

The Chair (Mr. Kevin Sorenson (Crowfoot, CPC)): Good afternoon, ladies and gentlemen.

This is the 50th meeting of the Standing Committee on Foreign Affairs and International Development. It is Wednesday, April 25, 2007. Today's meeting is televised.

I would also ask our other media that are present in this room if they would take the opportunity to exit at this point.

Before we get back into it, I want to say that this is the first meeting back for our member from Vancouver South. Certainly we welcome you back, Mr. Dosanjh.

He's been away for health reasons. He's looking good, and it's good to have him back with our committee.

We are having another briefing this afternoon on the situation in Afghanistan. Appearing for the second time before our committee is the Honourable Gordon O'Connor, the Minister of National Defence. He is accompanied by witnesses from the Department of National Defence.

General Hillier, Chief of the Defence Staff, we welcome you with us.

Also attending is Mr. Ward Elcock, the Deputy Minister, and Brigadier-General Ken Watkin, the Judge Advocate General.

This is the 11th appearance before our committee of a cabinet minister from Canada's government in this 39th Parliament. I thank the minister for graciously making available his time for us. He has been before our committee, as I mentioned before. He knows how this goes.

We would welcome an opening statement from the minister, at which time we would then go into the first round of questions, which is a 10-minute round.

Minister O'Connor, welcome to the foreign affairs committee, and we look forward to your comments.

Hon. Gordon O'Connor (Minister of National Defence): Thank you very much.

Mr. Chairman and members of the committee,

[Translation]

I am happy to be here again today to talk about Canada's mission in Afghanistan and the great progress that the Afghan people are making with our help.

As you already know, Canadian Forces are part of a 37-country team that is deployed in Afghanistan under the command of the North American Treaty Organization, NATO, as part of a UN-sanctioned mission.

Since my last appearance here in October, our forces have faced major challenges in the country. But we have also made significant progress. I visited Afghanistan for the first time in March 2006 and have been back twice since. The progress made in Afghanistan can be seen more and more clearly.

[English]

Today I would like to outline some of the ongoing advancements I have had the privilege to observe firsthand on my three visits to that country: progress within the security environment; progress in the way Canadians from several different government departments are delivering our contribution to the international mission; and, most importantly, progress in reconstruction and development of Afghanistan.

First, though, it's important to put my remarks today in proper context.

Mr. Chairman, Canada is in Afghanistan for reasons that have been enumerated many times. We're there because our national interest is at stake, because our allies need our help, and because the Afghans themselves requested our presence.

Mr. Chairman, the recent deaths of members of the Canadian Forces remind us that the security situation in Afghanistan remains challenging. The Easter weekend attacks on our soldiers took an emotional toll on both our forces and on Canadians at home. As the Minister of National Defence, I confront the human costs of this mission on a daily basis and with every decision I make. This is a profound cost, but it is not one that can sway us, as a nation, from doing what we must do in Afghanistan.

Canadians share a proud tradition of helping those in need. In partnership with our friends and allies, we are continuing this legacy today. Canada is doing its part, carrying out its moral duty to end this cycle of misery and to help build a brighter future for the people of Afghanistan. We can be proud of our men and women in uniform because of their bravery, their unselfish commitment, and their sacrifice. We can also be proud of them because their efforts have allowed Canada to take a leadership role and to make a profound impact on the international stage.

We need to remember that Afghanistan has not seen real stability for over two decades. Too many years of conflict and neglect have taken a crushing toll. Infant mortality, for example, is devastatingly high. One in five children die before their fifth birthday. Basic infrastructure and public services, which we sometimes take for granted in North America, simply do not exist in Afghanistan. Life for ordinary Afghans can be a constant battle. The Afghan people, the men and women and children, who are struggling so hard, are committed to building a better future.

But unfortunately, as Canadians are all too aware, there are a minority of Afghans who do not want us to be there. They are the Taliban extremists, who tyrannically ruled the country before and who plot to do so again. The hard core of the Taliban are determined to undermine the efforts made by Afghans and their elected government. They have a hunger for power. They are scheming and waiting. They're waiting for us to run from their ambushes, and they are waiting for us to abandon our commitment and the Afghan people. They want to scare the population into obedience by holding weekly lashings and executions and by perpetually holding the threat of death over the heads of innocent men, women, and children. They can be devious, and they are capable of adapting their tactics to copy the murderous practices of other terrorists. They're willing to use any means—improvised explosive devices, suicide bombers, and rocket-propelled grenades—to harm our soldiers and nullify the good progress their country has seen. They are ready to do whatever they can to undermine the efforts and credibility of the Afghan government and the international community. It is because of the continuing threat posed by extremists like the Taliban that the Canadian Forces remains a vital part of the Afghan mission. This is also why our men and women in uniform sometimes have to fight.

Also, Mr. Chairman, in that context, our forces on occasion must detain dangerous individuals. I want to emphasize that the proper treatment of detainees is not only a moral and legal obligation for Canada, its allies, and Afghanistan, but it is imperative for the success of this mission. We expect our Afghan colleagues to uphold these commitments. We have signed an arrangement with the Afghan government to that effect. We are committed to treating detainees humanely, in accordance with the standards set for prisoners of war in the third Geneva Convention. As we have always maintained, if Canada were informed of mistreatment of Canadian-transferred detainees, Canada would notify Afghan authorities, seeking their intervention to stop the mistreatment and to take corrective actions.

As the Prime Minister has stated in the House of Commons, officials of our government are following up recent allegations regarding the mistreatment of detainees with the Government of Afghanistan. Canadian officials have expressed our concerns, both to

the Afghan government and the Afghan Independent Human Rights Commission. We have strongly urged them to investigate the allegations and, if required, to take corrective actions. This is an issue that the Canadian Forces, Canada, and our international partners take very seriously.

We should also recall that there is a conflict under way in Afghanistan. The security of the Canadian Forces is at issue. The Taliban will use all means at their disposal, including information, to test our resolve. We are doing our best against a cunning adversary, but we are not alone in our efforts. As I mentioned earlier, Canada is part of a larger multinational mission.

● (1540)

Earlier this month I was honoured to host my counterparts from the seven other Regional Command South troop contributing nations at La Citadelle in Quebec City. This was another opportunity to continue our work on identifying concrete actions to strengthen our efforts in southern Afghanistan.

We rely upon our allies and partners. They, in turn, rely upon us. And the Canadian Forces are ready to do the job.

Every day they demonstrate why they are considered one of the most capable forces in the world, and our government has ensured that they have some of the best equipment available, such as the Leopard 2 tanks, which will be delivered soon. We know this is just one important element. The expertise, the skills, and the training of the Canadian personnel are a major reason behind improvements in the security environment. Their work and dedication sent a clear message to the Taliban of what Canada is capable of, and the Canadian Forces are sharing this know-how with their Afghan counterparts in building their independent capacity.

In Operation Baaz Tsuka, our first major operation in 2007, the Canadian Forces worked with the Afghan national security forces to drive insurgents out of the Panjwai and Zhari districts. The competence and professionalism of the Afghan National Army troops in this operation could be traced, in considerable measure, to the leadership provided by our Operational Mentoring and Liaison Team—otherwise known as “omelette”.

As many of you know, the Canadian Forces are also helping to build up the Afghan National Army through our work at the national training centre. Afghans are eager to take responsibility for their own security and they are dedicated to building a safe and stable future. The Canadian Forces, their international partners, and the Afghan national security forces have all committed to bringing security to the region. It is only through security that progress and development can continue.

I must tell you, Mr. Chairman, that during my last visit I was struck by the signs of progress that were shaped, in part, by the efforts of the Canadian Forces. For the first time, I was able to go to forward-operating bases that were previously considered far too dangerous for civilians. When I talked with Canadian troops during my visit, they kept saying how inspired they were by the Afghan people they see every day. A returning member of our strategic advisory team has commented that once you meet these people, the thought of abandoning them is horrifying.

The positive outlook among Afghans—the thirst for a better future—is hard to ignore. Afghans are facilitating development according to the Afghan culture and Afghan needs. We are helping them to rebuild their country on their terms and through regular *shuras*, or meetings, between Canadians and local elders, Afghans tell us what their priorities are.

[Translation]

This is how a school in the Panjwai district was able to reopen its doors last November.

At the request of the Afghan people, Canadians hired local workers to repair the broken windows and toilets of the school, as well as to put screens on the windows and install doors, wash basins and taps.

This project, like the others where Canadians are working to help meet the goals of the Afghan government, are in accordance with Government of Afghanistan priorities.

[English]

These are priorities that stem from the Afghanistan Compact that 60 members of the international community, including Canada, signed with the Government of Afghanistan in January 2006. This five-year pact between Afghanistan and the international partners follows the achievement of the political goals outlined in the Bonn Agreement. The compact commits the signatories to achieving specific objectives. The international community, for its part, has pledged to provide the necessary resources and support. The benchmarks laid out in the compact address Afghan security, governance, and development needs, and we have set specific timelines for the completion.

Progress in achieving Afghanistan Compact benchmarks is being made on many fronts. The Afghan National Army, which Canada is helping to train and professionalize, is making great strides in reaching the strength of 70,000 troops required by the compact. The security situation in Kandahar province has improved so much that the World Bank program is more active there than ever before. Assistance to agricultural development has made possible the construction of more than 10 kilometres of irrigation canals and 13 kilometres of drainage systems. Villages in Kandahar province are now being serviced by 150 kilometres of new roads, including four bridges, 50 kilometres of power lines, 10 power transformers, and 42 power generators, all built with Canadian help. And more than 1,000 new wells, 8,000 hand pumps, four large water reservoirs, and kilometres of new water supply networks have been built in Kandahar province with Canadian support.

Progress in Afghanistan remains dependent upon our ability to sustain, over the long term, the support we promised in the

Afghanistan Compact. This, in turn, is dependent upon ensuring security and stability in southern Afghanistan. Security and development objectives are intertwined like the strands of a rope. Security enables development and development enables security. And that is why Canada's approach to the Afghanistan mission involves diplomats, military and police forces, and development and correctional officials. All are playing essential roles in Afghanistan's transition. While the military is working alongside the Afghan forces to help provide security, Canadian civilian officials are making progress on other fronts.

It was obvious on my last trip that Canada has made advances of its own in terms of how we are conducting this mission. The Canadian Forces, the Canadian International Development Agency, the Department of Foreign Affairs, and others have learned in the last year to work much more closely and effectively together, building bridges across departmental lines. They are truly forming what can best be called Team Canada, addressing the challenges they face with an integrated approach and bringing their respective strengths to bear. For example, our embassy staff, including of course our ambassador, are meeting on a regular basis with the Afghan government and international representatives. They are providing advice on a range of key issues, such as effective governance and the protection of human rights, and they are working to strengthen Afghanistan's relationship with its neighbours.

Furthermore, Canada is supporting the Afghan government with the provision of a 15-member strategic advisory team in Kabul. This team is composed of military and civilian officials from DND and CIDA. It provides planning support to Afghan government ministries like the Ministry of Rural Rehabilitation and Development in an effort to meet the goals of the Afghanistan national development strategy.

Canada is among the top three aid donors in Afghanistan, having pledged approximately \$1 billion to Afghan development and reconstruction projects over 10 years. And in February we announced the further \$200 million in funding to be used this year and next.

Mr. Chairman, while we often focus on specific markers of progress—access to health care, education, and basic services—it is their underlying meanings that you can't ignore. You have likely heard me speak previously about the thousands of kilometres of road that now exist in Afghanistan that were not there before. In fact, the major focus for Canadian troops since last fall has been the construction of Route Summit, a two-lane paved road that connects the Panjwai district with Highway 1. Route Summit is only four kilometres long, a few laps around Parliament Hill, but its impact will be immeasurable. The road will make it possible for a farmer to get his produce to bigger markets—a chance at earning a reasonable income for his family. It will mean that previously isolated villages can benefit from visits from doctors. It will give the police and army the ability to respond more quickly to crisis. And more importantly, the road symbolizes the Afghan government's capacity to provide for its population. Route Summit is an accomplishment that Canadians in particular can be proud of. Our combat engineers worked with local construction crews to build a road, while our soldiers protected them. Sadly, some Canadian soldiers lost their lives in an effort to secure the territory through which that road is being built. They have left an incredible legacy.

Canadians can also be proud of what our 330-member provincial reconstruction team has achieved in southern Afghanistan.

• (1545)

[Translation]

The Kandahar Provincial Reconstruction Team is made up of members of the Canadian Forces, a civilian police contingent led by the RCMP, as well as representatives of the Department of Foreign Affairs and International Trade and of the Canadian International Development Agency. The team's mission is to provide essential services to the local population in the name of the Afghan government.

[English]

But we can do more than that. During Operation Baaz Tsuka, for example, soon after the Canadian Forces and Afghan troops had secured a town, elements of the provincial reconstruction team moved in and began providing materials for construction work. In the town of Howz-e Madad, for example, the PRT brought in two containers filled with things like wheelbarrows, diesel generators, fuel, dried fruit, and shovels. This critically timed civilian/military cooperation delivered an important message to local villagers. They saw that Canadians were not there as invaders or occupiers; they were there to support the people and the government, at the request of the Afghan citizens. This is one of the reasons this mission differs so significantly from those of the past.

Now I'd like to share with you a story regarding the hundreds of Afghan workers we employ each day in Kandahar province. Thanks to the efforts of one of our Canadian Forces financial officers, we are now paying Afghan staff in their own currency. We have started a trend that has challenged our allies as well. More and more Afghans are asking to be paid in local currency. The Canadian Forces officer who began this also ordered two automatic teller machines: one for Kandahar city, their first ever; and one for the Kandahar airfield. While ATMs may seem like a frivolous investment, they provide Afghan notes, a development that has more than a symbolic

importance. Every Saturday, Kandahar airfield hosts a lively market, where allied soldiers can spend Afghan money to buy handicrafts from the local merchants. When the merchants step off the base, they use those Afghan notes to buy food at the local market. They use them to buy their produce and school supplies and to pay the doctor. The simple effort of bringing in two ATMs that use Afghan currency has helped stimulate economic development in this country. In the end, even the smallest efforts have a positive effect.

Mr. Chairman, on my recent visit I saw firsthand that life is returning to places that had previously seemed deserted. There is more activity in the villages than there was before. In Kabul, local garbage pickup has resumed. This may seem like a small thing, but it is evidence of much larger progress through return of basic city services. In Kandahar city, there are now traffic jams. Traffic jams were not a problem there before. Traffic is a sign of activity, it's a sign of security, and it's a sign the economy is rebuilding—the hustle and bustle of a community taking its first steps towards prosperity. Prosperity means that children can go to school rather than having to work to provide for their families. In the end, an educated child means a better hope for the future of Afghanistan.

Mr. Chairman, as I said at the beginning, in the last six months in Afghanistan the Canadian Forces have met many challenges. They have distinguished themselves through their commitment to the difficult tasks they have been asked to perform. Security has been our most obvious focus.

I ask our critics, those who claim Canada is not devoting enough energy to reconstruction efforts, to listen to those who have been there and who have seen the progress for themselves: the men and women of the Canadian Forces, our development workers, police officers, and diplomats.

The past few weeks have reminded us all of how difficult the situation remains. A surge in Taliban activity is still possible this spring. But we are making progress, however slow and however different it may look from what we might expect here in Canada. This is Afghan progress.

Canadians should take inspiration from the fact that after so many years of war and poverty the Afghans are defying all opposition and choosing to move in a new direction, towards freedom and democracy. Canada has a significant role in changing Afghan expectations for the future. Canada is making a difference in the world, for Afghans and for Canadians.

• (1550)

[Translation]

Mr. Chair, I must emphasize that we are committed to the Afghan government, the United Nations, NATO and our international partners until February 2009. In due course, as that date approaches, our government will evaluate the decision based on the facts. Until then, Canada will continue to honour its international commitments, and we will continue to support the Afghan people and their government by our words and by our actions. Canadians know that our contributions are essential to our success in Afghanistan, and all Canadians should be very proud of the Canadians working there and the progress that they are making. They should also be very proud of their government, which is resolved to stay the course by supporting our soldiers and by honouring Canada's international responsibilities. Our government is committed to help the Government of Afghanistan to rebuild its society, to create stability and security, but above all, to guarantee Canadians a climate of security on the world scale.

[English]

Thank you very much.

• (1555)

The Chair: Thank you very much, Minister.

We will go to the first round.

Mr. Dosanjh, for 10 minutes, please.

Hon. Ujjal Dosanjh (Vancouver South, Lib.): I will split my time with my colleague, Mr. Wilfert.

It's good to be back.

I just want to say, Mr. Minister, if the language of my questions is harsh, it is because the issues are difficult. No offence is intended and none should be taken.

It is now common ground, Mr. O'Connor, that you misled the House with respect to the status of the International Red Cross vis-à-vis their ability or willingness to monitor the detainees and their plight after transfer. You misled the House with respect to the ability and the willingness of the Afghanistan Independent Human Rights Commission. They don't have enough resources and they don't have access to all the jails or all the cells.

Yesterday, Mr. O'Connor, you said, in response to the *Globe and Mail* allegations of abuse and torture of the detainees, that you had no such information and no such evidence. Yet, today, we see the report entitled *Afghanistan 2006*. Initially, of course, the existence of that report was denied by officials, and that report reads in part that in Afghanistan, "Extrajudicial executions, disappearances, torture and detention without trial are all too common."

Not only you, but the Prime Minister also misled the House by saying the government had no such evidence in their possession.

The question I have for you, Mr. O'Connor, is this. When did you know that this report entitled *Afghanistan 2006* existed? When did you read it, if ever at all? Who else read it, and when?

The Chair: Thank you, Mr. Dosanjh.

Mr. Wilfert, do you want to ask your question?

Hon. Ujjal Dosanjh: No. I have one more question after this.

The Chair: All right.

Minister O'Connor.

Hon. Gordon O'Connor: Thank you, Mr. Chairman, and welcome back, no matter how painful it is.

I must take issue with some of your assertions about misleading the House. I did publicly say in the House that the information I provided with respect to the capabilities of the International Red Cross and whether they would report back to us was based on the information I had at the time. As soon as I found out the information was wrong, I apologized to the House.

With respect to the other assertions, I don't accept that I misled anything at all. We have been in constant contact with the Independent Human Rights Commission. We have asked them if they have any problems. They have basically said that whatever challenges they have, they're well within their capacity to solve, and they have not asked for our help. We have done this on a continuous basis.

With respect to your last point about the report that is referred to in the *Globe and Mail*, I haven't seen that report. I'm not aware of it, and I don't know how it was transmitted through the government. But it's a Foreign Affairs report, and you'd have to talk to the Minister of Foreign Affairs.

Hon. Ujjal Dosanjh: Let me just say, of course, that the access to information request was responded to with negative comments about Afghanistan blacked out in that report, and that's quite well known.

There is another matter. There was a CP wire story yesterday that alleged that under your watch, Mr. Minister, you have discontinued the practice of receiving written ministerial briefings with respect to the capture of each and every detainee who may have been captured by our troops. The question is, why was that done?

Let me put that into context. If you take into account the misleading about the Red Cross, the misleading about the ability and the willingness of the human rights commission to monitor the situation, and if you take into account the denial of the existence of the 2006 report and then the blacking out of substantial portions of it, that is, sir, the making of a massive, colossal, systematic cover-up. You stand accused, along with the Prime Minister and the Minister of Foreign Affairs, of perpetrating a fraud on Canadians and on the House of Commons by concealing all of this information from Canadians and not being honest with them.

Hon. Gordon O'Connor: I know when you're in opposition you think of cover-ups or conspiracies and all these things, but as you know, because you were in government, it doesn't actually happen that way.

I don't know anything about the handling of the report out of Foreign Affairs. Typically, as you know, there's an ATI system in every department and there's somebody responsible to go and get the information. There are lawyers in every department to determine what gets severed and what doesn't. I can only assume that this process was followed in Foreign Affairs, but there's no conspiracy out there.

With respect to this talk about written reports, I have to tell you, I didn't know there were any written reports. You're telling me that the previous occupant of my office got written reports. Well, nobody ever told me they had written reports. I get daily briefings on operations and intelligence. Sometimes if there is a detainee I'm informed there's a detainee. If there are detainees who are injured, I'm informed of their injury, I'm informed that they're in our medical system and that we're taking care of them, and then I'm informed when they're out. But I'm not aware of any written reports, and I'm quite satisfied with the system I have right now.

•(1600)

The Chair: Thank you, Mr. O'Connor.

Mr. Wilfert.

Hon. Bryon Wilfert (Richmond Hill, Lib.): Thank you, Mr. Chairman, Mr. Minister, gentlemen.

I will first of all say that I want to acknowledge the tremendous work that our soldiers do on the ground. Having been there in May 2006, I can say, quite frankly, that I'm very proud of the work they do, and I think all Canadians are proud of the work that our soldiers and reconstruction team are doing.

I just want to say, Minister, that after the Somalia situation in 1993, written reports were the order of the day, so if it's been discontinued, I'm really surprised to hear that.

I want to ask, Minister, a question through you, Mr. Chairman, and that is about capacity building. It's extremely important. The work that our soldiers are doing on the ground is very significant, but without capacity building we will not leave Afghanistan a better place.

I'm quoting from your own minister, and this is the minister for the House, Mr. Van Loan who said:

Part of our program there is to help build the strength and capacity of that government, including the question of human rights.

Now I'm sure, Minister, you're aware of the attack on the Afghan Tolo TV station ordered by the Attorney General, Mr. Sabit, on April 17. I'd point out too that he is a Canadian resident. When this issue was brought up both by the media and the opposition, there was basically no response. In fact, the Prime Minister responded on April 19 that he hadn't really heard about it, and nothing was followed up.

If we truly believe in capacity building, whether in this incident or in others, why is it that you and your colleagues are not being more transparent, more accountable, and more open with regard to these issues? And certainly following on my colleague's comments in the *Globe and Mail*, if there is nothing to hide, then why is it that we hear this doublespeak and double-talk with regard to a report that apparently—as noted in the 2006 report on Afghanistan that was mentioned by Mr. Dosanjh—has no national security issues involved and no issues with regard to personal privacy concerns?

When we see these incidents we'd like you to be upfront and open, and then I think Canadians will have more support for the kinds of operations we are doing, I think pretty effectively, on the ground.

Hon. Gordon O'Connor: In answer to your question, I believe our government is open and upfront. There's no grand conspiracy. I know when you're in an opposition you imagine these conspiracies.

There is no conspiracy. We've picked up the task that you gave us in Afghanistan and we're trying to do it the best we can. We're trying to make sure that the lives of Afghans get better, and we're trying to make sure that our troops—I'm the defence minister—do what they're required to do at the highest standard, and that's why we provide them with great training and equipment. And the other elements of the government are the same.

But when you get into specific items like this, I think you have to get the Minister of Foreign Affairs here and talk to him, because it's his precise issue and not mine.

Of course, I would ensure from my side that the military would do nothing to affect anybody's human rights. And I think you'll find that the reputation of our military, and the reputation provided formally by the Red Cross and even the human rights commission, shows that our soldiers handle the Taliban and detainees with the utmost care.

So you're going to have to talk to the foreign affairs minister to get the answer to that specific issue.

Hon. Bryon Wilfert: Minister, it's not the integrity of the troops on the ground that I'm questioning. I'm questioning the fact that as part of a government, if in fact there is nothing to hide, transparency, which your government claims to be very strong on, is extremely important. Isn't it a fact that if these cases are raised, which they are, we do not seem to get satisfactory answers either in the House or at committee? I have not talked about conspiracy. No one's talking about conspiracy. What we're talking about is that there are allegations made at times or there are incidents that have been proven and we do not get the answers to them. That's all we want, and I don't think we can be faulted for that, Minister.

•(1605)

The Chair: Thank you, Mr. Wilfert.

We'll go to Madam Lalonde.

[*Translation*]

You have 10 minutes, Madam.

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Thank you, Mr. Chair.

Even though the things I have to say to you are not very pleasant, I do thank you for being here. I have many other questions to ask you, but, exactly for the reasons you mentioned, I am going to start with the enormous efforts being made by the men and the women in the army, be they from Quebec or from Canada, as well as with the considerable needs the Afghan people and these soldiers have and the grave dangers they are exposed to.

Because of that, Mr. Minister, it seems to me that you have a responsibility to them, to the Canadian people and to the Afghan people, to tell the truth and to do what you say. So, what have we been talking about for so long?

I know that General Hillier signed the first agreement, I remember. Of course, I am talking about the agreement on the handover of prisoners. I have done some negotiating in my time. I have read a few documents. This is not a complicated document, except that it is missing Afghan acceptance and Canadian commitment to allow, like the Netherlands agreement...

My copy of the agreement is in English only. So I am going to translate. In section 4, it says that representatives of the Afghanistan Independent Human Rights Commission, representatives of the Netherlands embassy, including members of the military acting on behalf of the embassy, and others as required “will have full access to any persons transferred by the Netherlands military forces to Afghan authorities while such persons are in custody”.

These groups will have full access to the transferred prisoners all the time they are in custody. It is also agreed that the Red Cross and the Red Crescent can visit them as well.

In the agreement signed by General Hillier in December at the beginning of the 2005 election campaign, no similar commitment is to be found. It simply says that the participants will “advise the International Committee of the Red Cross through appropriate national channels” and that “the legitimate role of the Afghanistan Independent Human Rights Commission is recognized”.

Of course, there is a statement of principle saying that the participants will treat detainees according to the terms of the Third Geneva Convention, but there is nothing that says that the Government of Canada, represented by General Hillier at the time, agrees to hand over prisoners but reserves the right to visit them, or any other group, at any time. That is what is in the Netherlands agreement, and not in the Canadian one.

After all the protests in the House, you finally said that Canada had signed an agreement with the Afghanistan Independent Human Rights Commission, the AIHRC. But the only thing in the agreement is this:

If the AIHRC is made aware, the Commission agrees to notify the Joint Task Force Afghanistan, or the Canadian embassy, of any poor treatment suffered by a detainee who has been transferred to Afghan authorities by Canadian Forces.

I repeat “if it is made aware”. Did you give them the authority at all times? No. So why? Answer me.

Mr. Minister, you are an intelligent man. We have two documents each of two pages, plus the Netherlands one, also two pages. The Netherlands keeps coming up. Did you take the trouble to read the documents? Answer, please. If so, why did you not demand the same requirements? This is important. We wasted all that time in the House because we were angry. We were angry because the Government of Canada was lying to us and because this government, which claims to have values, does nothing to prove it. This is serious. It is serious for the soldiers, and for the Afghan people, who not only need to be told what our values are, but to be shown them by our actions. It is also serious for the people of Quebec and Canada.

Why did you not read this document? And if you did, why did you not demand the same requirements in our agreement?

• (1610)

The Chair: Thank you, Ms. Lalonde.

Mr. Minister, you have the floor.

[English]

Hon. Gordon O'Connor: Thank you very much.

Somewhere in there you actually gave me a compliment.

Some hon. members: Oh, oh!

[Translation]

Ms. Francine Lalonde: What did he say?

A voice: That you paid him a compliment in there somewhere.

[English]

Hon. Gordon O'Connor: When we look at the agreements, and

[Translation]

Ms. Francine Lalonde: Ah, yes, I said that you knew how to read. OK. Yes, that is true, but all I did was recognize it.

[English]

Hon. Gordon O'Connor: I look for nuggets.

The Chair: She's very complimentary. I can vouch for that.

Go ahead, Mr. Minister.

Hon. Gordon O'Connor: Regarding the two agreements, the basic agreement with the Afghan government and the agreement with the human rights commission, I discussed them with the ministers for ISAF Regional Command South, who met in Quebec City a few weeks ago. The British and the Dutch have very similar agreements; I think maybe word for word they're just about the same.

[Translation]

Ms. Francine Lalonde: Not at all.

[English]

Hon. Gordon O'Connor: I have to tell you that both of them said they liked our arrangement with the two documents we have, as we have more guarantees with our two documents than they have.

However, that being said, we have an agreement with the Afghan government and we have an agreement with the human rights commission, and we expect them to live by their agreements. That's why a number of our officials are involved now with the Afghan government and the human rights commission to confirm, for instance, the validity of recent allegations—which are media allegations—and if there is validity, what corrective actions will be taken. So that's going on.

But in addition to that, within the last few days, we basically have made an arrangement with the government in Kandahar province so that we can have access to our detainees. So, henceforth, our military—but it can be anybody—can have access to our detainees. But we want these agreements enforced. We want the Afghan government to live by their word; we want the human rights commission to live by their word. And contrary to what is said in the newspaper about the Afghan human rights commission, our people have been in constant contact with the human rights commission, and they have said to them that if there are any problems, if they need any help.... They said they had, in effect, some minor problems they would deal with themselves. They have never asked for our help.

We have been going back at them again in the last day or two to confirm the facts that have been put forth in the media, to find out if there's any truth to what you're saying, because we have a different story.

[Translation]

Ms. Francine Lalonde: Mr. Minister, I asked you if you had read the document. Basically, your answer should have been no, because you have just told me that Canada's two documents and the Netherlands one are the same. But the Netherlands one is different in that it gives the right of full access to specific groups. It is written there "will have full access". I read it in English to be sure that you understood. So you haven't read it.

How can it be more reassuring to hand over prisoners in accordance with the Geneva Convention if we cannot be assured that the conditions of the Geneva Convention will be fulfilled? We must not forget that soldiers can be prosecuted for not fulfilling their obligations under the Geneva Convention. This is not helping or supporting our troops.

Mr. Minister, I do not understand. You have just told us that you signed an agreement with the government in Kandahar that gives access...But why? Produce it for us, please. At the moment, I don't believe anything verbal. Why not put it right in the agreement? Listen to me, please. There are agreements like that, this is the time to make it clear.

If you don't want to resign, change, reassure us, please.

•(1615)

[English]

The Chair: Thank you, Madame Lalonde. We have to give some time to the Minister; your time is up.

Hon. Gordon O'Connor: Madame, you can do your histrionics all you want. I only speak the truth, and I said that the U.K. agreement and the Netherlands agreement are virtually identical. I said they are virtually identical; I didn't say the Canadian one is identical. And I said that when they reviewed our agreement with the Afghan government and our agreement with the human rights commission—which, by the way is unique, as they don't have an agreement with the human rights commission to report back—they said the arrangement, in their opinion, was better and that they would like to have it.

The Chair: Thank you.

We'll go to Mr. Obhrai.

May I also remind all committee members to address your questions through the chair. That way we can run a little better committee meeting, I believe.

Mr. Obhrai.

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

I'll be sharing my time with my colleague, Wajid Khan.

Thank you, Minister, for coming.

Our soldiers are dying on the battlefield. Therefore, Canada is at war. During the time of war, we need very strong leadership. I must say that you have provided that leadership to the country. We are very proud of your leadership.

During a recent television debate with a Liberal member, when I pointed out that it was during the Liberal regime that this agreement

dealing with detainees was signed, he denied it. He said they were losing the election and they did not know anything about it. They had no idea about it.

I'm a little confused. I would like to know when this agreement was signed. How can the Liberals say they were absolutely ignorant of what was happening with this agreement that today they are making all this noise about? If such is the case, then there is incompetence on their part.

Minister, you talked about the compact, which is the main agreement we have with the international community, the UN and everybody. Perhaps if your office could provide the agreement to the members of the committee we could understand what the compact is and the milestones we have achieved.

The Chair: Thank you, Mr. Obhrai.

We'll go to the minister and then back to Mr. Khan.

Mr. Minister.

Hon. Gordon O'Connor: The agreement signed by General Hillier was signed under the aegis of the previous government. I don't even think the election had occurred when that was signed. My understanding, but I'll have to confirm with General Hillier, was that there were inputs from different departments. For an agreement at that level to be signed, there would have been ministerial agreement. I'll ask General Hillier.

The Chair: General Hillier.

General R.J. Hillier (Chief of the Defence Staff, Department of National Defence): In fact, sir, the agreement was signed in December 2005. I was in Afghanistan on a visit. Given the long time that we've worked together, I was requested by Minister Wardak, who was signing on behalf of the Afghanistan government, to sign on behalf of the Government of Canada. That was agreeable to the Department of National Defence and the Department of Foreign Affairs, which had worked together to develop the agreement. I signed it on behalf of the Government of Canada, with full knowledge of both those departments, in December 2005.

The Chair: Mr. Khan, please.

Mr. Wajid Khan (Mississauga—Streetsville, CPC): Thank you very much, Mr. Chairman.

General, Minister, thank you for being here.

We've talked a lot about the Afghan business. I want to compliment the Canadian troops, who on several occasions have captured Taliban. Yet, they have not handed them over to the Afghan military who have threatened to kill them. They went nuts and said, "We warned them, now we want to shoot them." The Canadian troops protected them, saved them, and turned them over to the appropriate authorities.

My questions, Minister, are about the 2A6 tanks. I saw your interview on television. Some of the opposition are saying this constitutes an escalation. Sir, is this part of our inventory? Is this escalation? What is the purpose of these tanks?

•(1620)

Hon. Gordon O'Connor: Our government is committed to rebuilding the armed forces—the army, navy, and the air force. With rebuilding, we're talking for the long term. You have to look 20 years or so into the future.

In the case of tanks, the army and the Chief of Defence Staff recently came to the conclusion that we require main battle tanks into the long future. If future governments commit the military to insurgencies of the nature of Afghanistan, we're going to need, among other things—we also need LAVs and everything else—battle tanks to provide protection for our troops and to deal with certain tactical situations where it requires heavy fire power.

We had two challenges. We had an immediate technical problem we had to overcome in Afghanistan. That's why we're leasing 20 tanks for Afghanistan. They will be there in a few months. But the tank purchase isn't, per se, for Afghanistan. It's for the long term for the armed forces. It's like replacing the CF-18; it's not necessarily for some operation offshore.

Mr. Wajid Khan: Thank you, Minister.

Secondly, what is NATO doing to map out the Taliban activity in the area? Keeping security considerations in mind, could you answer that?

Hon. Gordon O'Connor: As you know, NATO is the agent basically of the UN in Afghanistan and they maintain a number of headquarters that maintain an intelligence network—human intelligence and communications intelligence. They try to build up pictures of what the Taliban are doing. What they try to do is get ahead of the Taliban so if they have some awareness or indication that the Taliban are going to attack in some area, they try to move into that area first. That's why in the so-called spring offensive NATO moved into Helmand province to try to deal with the challenge of the Taliban in Helmand province. NATO is trying to stay ahead of the Taliban activities.

Mr. Wajid Khan: After the operation in Qatar, was there any development following right after the military operation? I was told by General McNeill, the ISAF commander, that the Canadians did some development right after the operation. He was very complimentary of that. Could you shed some light on that, sir?

Hon. Gordon O'Connor: When the Canadians moved into the Panjwai and Zhari districts, immediately behind them came the PRT with aid—immediately distributing to people blankets, food, and that kind of stuff, and then coming later with projects to develop roads, bridges, houses, schools, or whatever.

Our main thrust in Kandahar province is development. We want development to take place, because if development is successful, the support for the Taliban will fade away and the security problem will decrease. Our security forces are there to try to make sure that not only our development goes ahead, but the development of the Afghan government, the UN, and NATO.

Yes, our forces, once they go through a military operation, follow up with aid programs.

The Chair: Thank you, Mr. Minister.

We have some more time. We'll go to Mr. Goldring for a quick question, please.

Mr. Peter Goldring (Edmonton East, CPC): Thank you very much.

Mr. Minister, I too want to congratulate your and the military's efforts. I think one of the proofs of how well things are going is not only the good reports that are coming through and the advancements seen at the community level, with schools and other infrastructure, but also comments from those in the military who have retired, who have been there and have come back and still remain committed to it. I referred the other day to Colonel Pat Strogan. We had quite a discussion on it, because as we're studying the issue, we learn from him how they interact in the villages and the tribal areas.

The security is one aspect of it, but of course security without a social structure won't work, and neither will a social structure succeed unless you have the security for the environment of it. I'm very pleased to hear from retiring soldiers of the progress that is being made and the very optimism that is being exhibited by everybody who has been close and involved.

One of the concerns I have is that a recent witness who appeared here, a professor from RMC, exhibited pessimism. Is that not a concern in the military, to have your Royal Military College, which is teaching and training these soldiers, have an element of pessimism there? How can they project optimism in a climate like that? I find that hard to understand.

•(1625)

The Chair: Thank you, Mr. Goldring.

Could we have a very quick answer either from Mr. Hillier or Mr. O'Connor?

Hon. Gordon O'Connor: In the world of academia, people have the right to express their opinion. If the gentleman was a pessimist, he's a pessimist. Overall the armed forces is very positive about Afghanistan. I think you'll find nearly 100% support for Afghanistan among the Canadian Forces.

The Chair: Thank you very much.

Mr. Hillier, did you want to add to that?

Gen R.J. Hillier: No, sir.

The Chair: We'll go to Madam McDonough, please, for ten minutes.

Gen R.J. Hillier: I was going to say that we in uniform defend democracy; we don't practise it, normally. This is a rare case, obviously, where it is being practised.

The Chair: Madam McDonough.

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

Thank you, gentlemen, for appearing today.

I'd like to direct a brief question to General Watkin before I turn to the minister, who is supposed to be in charge and who, I'm sorry to say, I think has lost the confidence of a great many Canadians, including a good many military in this country today.

General Watkin, you're an acknowledged expert in the law of armed conflict discipline in human rights. You're well aware of Canada's flawed agreements respecting the transfer of detainees, and I know you've written about this subject extensively in the past.

These agreements have created substantial grounds for fearing that our troops are being placed in an untenable legal and moral position that they deserve to be protected from and also that is causing a great deal of damage to Canada's reputation internationally.

I have two brief questions. Does the government not, in your view, have an obligation to protect our armed forces personnel from being placed in this untenable position? And secondly, what specific measures would you prescribe for bringing Canada into compliance with our obligations—obligations under both the Convention against Torture and the Geneva Convention.

The Chair: Thank you very much, Madam McDonough.

Mr. Watkin.

Brigadier-General Ken Watkin (Judge Advocate General, Operations, Office of the Judge Advocate General, Department of National Defence): Thank you very much, Madam McDonough, for the compliment at the beginning.

I have written a bit on international—

Ms. Alexa McDonough: I have several articles here where it was very persuasive and impressive.

BGen Ken Watkin:—humanitarian law and human rights law. I have not written about the arrangement, so I may have just misunderstood the way you phrased the question.

This is a very complex environment, and there is much that you've put forward that I want to clarify in terms of the issue of putting Canadian troops...as to what their legal obligations are.

We are operating, as you can just see on TV, in a very complex security environment. We are also operating in an exceedingly complex legal environment.

When our troops deploy overseas on any type of operation, whether it's to Afghanistan for engagement in armed conflict or on a peacekeeping mission, we traditionally deal with four different bodies of law: international humanitarian law, or the law of armed conflict as we would call it in the military; international human rights law; Canada's own domestic laws; and the domestic laws of the state within which we're operating. So in that context it's an exceedingly complex environment.

And I have no doubt there are a number of learned lawyers in the room, and I note the Honourable Irwin Cotler at the far end of the table.

In that sense it's complicated, but in some senses it's very simple in terms of what we require our soldiers to do.

For example, there has been much in the media about the issue of torture and the question of torture as prescribed not only by human rights treaties, not only by international humanitarian law, Canadian domestic law...it's also in the constitution of Afghanistan. And the question is even much broader than that, because we're not simply

limited to torture. We're talking about inhumane treatment, abuse, and all of those issues.

The Canadian Forces have taken tremendous strides in the past decade, and the leadership of the Canadian Forces have taken tremendous strikes—and hopefully my office has been able to help them—in setting out the rules and regulations that govern the conduct of the Canadian Forces.

In every pocket of every deployed soldier is a prescription against torture and against the abuse of people who come in their care. In the pocket of every soldier who deploys is a requirement that they report war crimes and abuses.

I think we've seen in the past week, in terms of what's in the media, the extent to which that effort by the leadership within the Canadian Forces has gone—the tremendous steps—to ensure that Canadian Forces members are not exposed to the liabilities and the Government of Canada is not exposed to those liabilities.

• (1630)

Ms. Alexa McDonough: I wish I could pursue it further because the question is not about our Canadian soldiers engaging or even being directly observant of torture and abuse in any way. It's a question of whether they are finding themselves placed by this government in a position of being complicit in handing over prisoners where we cannot be assured abuse and torture are not taking place.

But I'd like to turn to the minister, because I know my time is short, and with all due respect, to the man who should no longer be minister of this department, in my view.

Mr. O'Connor, I think there is very widespread reasoning for feeling that you have failed, starting right back with failing to read your briefing notes, which you admitted before this committee. You've failed to follow procurement rules. You've failed to fix flawed detainee transfer agreements, even though the NDP began hammering on this issue literally in the first week of the sitting of Parliament and brought this to light after your government was elected.

Again today I think you've really failed to acknowledge the horrors of the increasing civilian deaths and the numbers of displaced persons. And certainly in referring to the Afghanistan combat, you have failed to accurately reflect the many, many serious problems that have been cited in the evaluation that has taken place.

I'm just going to briefly refer to the report coming out from the recent review that took place in January, and this is with respect to Kandahar:

...the spiralling violence has exacerbated tendencies among the government and its international backers to favour short-sighted, quick fixes such as auxiliary police, which risk being little more than poorly trained militias, and to work around, not through, the new democratic institutions.

Why should you not resign, and why will you not resign, given all this evidence of failure?

Hon. Gordon O'Connor: Ms. McDonough, what I'd prefer to do is talk about your stand and your party's stand. You are basically hypocrites—

Ms. Alexa McDonough: You can ask me questions on another occasion. I'm here to ask questions to the minister about the seven items I identified.

Hon. Gordon O'Connor: The NDP are basically hypocrites because of what they want. They want us to pull our troops immediately from Kandahar. If we pulled our troops out of Kandahar—and I assume they want the rest of NATO to pull out of Afghanistan—the Taliban would return. A murderous regime would return to Kandahar province and impose the rules of the past, where women had no rights, executions were a regular diet.... They don't give a damn about human rights. And your party allegedly stands for the rights of women and for human rights, but you're hypocrites because you want us to—

Ms. Alexa McDonough: Mr. Chairman, I directed questions to the minister about the seven areas of major concern—

The Chair: Order.

Madam McDonough—

Ms. Alexa McDonough: —and he's refusing to address any of those questions about the flawed mission.

The Chair: Madam McDonough, just let him finish. He sat and listened to you go through quite a tirade on what you were bringing forward. Now let him finish his statement.

Hon. Gordon O'Connor: The NDP's position on Afghanistan is just not logical. They should go either one way or the other. Either they don't stand for human rights and the protection of women or they do. Okay? And if they stand for the protection of human rights and the protection of women, then there's need for a solid security environment in Afghanistan so the Taliban don't return.

If they don't care about human rights or women, then let us come home, and then I guess the NDP's position will be declared illogical.

Ms. Alexa McDonough: Mr. Chairman, my question concerns seven aspects of the flawed mission and the failure of leadership to deal with the flaws in this mission. If the minister refuses to address any of those items I raised, then I rest my case as to why he no longer deserves to be minister and why he's not prepared to acknowledge that there are flaws in this mission that need to be addressed, and hence the waning confidence.

Hon. Gordon O'Connor: There are no flaws in this mission, Madam. This is a very well-run mission. The Canadian Forces are doing an excellent job in Afghanistan. Security has improved, the development situation has improved, and governance has improved. There is improvement there on a constant basis.

You can make these assertions all you want, but those are not the facts on the ground. The facts on the ground are that the situation in Afghanistan is improving, and it's improving in the whole country. Afghanistan is a success story.

It doesn't matter what positions you've made—

• (1635)

Ms. Alexa McDonough: Mr. Chairman, could I ask the minister to respond specifically to the facts that have been widely established, many of them documented in this report that just came out on the Afghanistan compact? There were 2,732 fatalities between September 1, 2006, and February 25, 2007. Violent incidents in January

2007 were more than double those in January 2006. There were 15,000 families displaced in the south from ISAF military operations. And according to recent reports, popular support for the Taliban in Kandahar is growing. Why? Because with some of our actions we're fuelling the support for the Taliban rather than the opposite.

I ask the minister again, on what basis would he ask parliamentarians and the people of Canada to have confidence in his continuation as minister?

The Chair: Thank you, Ms. McDonough.

Hon. Gordon O'Connor: On what basis would I have confidence in your report?

Ms. Alexa McDonough: Well, I'm not the minister. This is the report.

The Chair: Your time is up.

Ms. Alexa McDonough: The minister asked me a question, Mr. Chair.

The Chair: That's fine, but your time is well over.

Ms. Alexa McDonough: I look forward to answering in the next round.

The Chair: Just let Mr. O'Connor finish.

Again, we will direct the questions through the chair. I may also remind the guests to answer through the chair, as this would prevent this one-on-one, nose-to-nose confrontation.

Mr. Minister.

Hon. Gordon O'Connor: When the representative of the NDP talks about violence in the south, the violence is being provoked by the Taliban, a murderous regime. She basically takes the approach that NATO is bad and the Taliban are good. I'm saying it's the opposite. It's the Taliban who are trying to disrupt the life of Afghan people and it's NATO who is there providing security and development. The source of the violence is an insurgency that will not give up its hope of taking over the country.

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

We'll go to the government side.

Mr. Casson, and then Mr. Obhrai, on a split, please.

Mr. Rick Casson (Lethbridge, CPC): How much time do we have, Mr. Chair?

The Chair: Five minutes in the second round.

Mr. Rick Casson: I'm not sure Mr. Obhrai is going to have much time.

Mr. Chairman, one thing I won't do is to ask any of these gentlemen to resign, because I think they're all doing a hell of a job in leading our troops in a very difficult situation.

Recently we had the opportunity to visit Afghanistan with the defence committee. I'd like to run over a couple of things we learned there.

One of the things that really impressed me was the complexity of our involvement there. We're not talking strictly of combat troops engaging the Taliban; we're talking about a full-blown effort at all levels to rebuild that country. It wasn't just the infrastructure or homes and things that had all been beaten down to nothing, but the governance, the legal system, and law and order. There was nothing; it was flat. And we took on, with 36 other countries, a pretty tough job to go there to try to help rebuild.

I must say it was the former government that gave that job to us, and it's this government who's carrying on under the guidance of the CDS to see that it's carried out to the best of our ability. So congratulations to the minister and to all involved in getting the equipment that our soldiers need to do that job.

One of the things I saw was Warrant Officer Henley, I think his name was, going out with his little silver suitcase to talk to the *shuras* or councils. They talked about ink spots, about building a little spot of support out somewhere in the district and letting that grow. I admired that guy for his courage, that he could go out and do that on a daily basis and create that rapport at the ground level.

I know we're working at all levels, from the minister's office down; however, I think it's the grassroots involvement at that level that's going to win this for us. We're going to win the hearts and minds—and we are. When we talked to the Afghan people there they were very, very confident in what was happening and very, very optimistic.

When we were there, there was an RIP just starting, a rotation in place. In talking to the troops who were leaving in their rotation, I found they were optimistic about the changes that have been made. They told us this time and time again, and these weren't hand-picked people who came to talk to us, Mr. Chairman. We sat down every meal with a different group of Canadian soldiers, and they told us that what they were doing was the right thing and that they were making a difference. That to me is an indication.

We can talk about spending a dollar on the military or a dollar on reconstruction, but it all works together. I think we need to spend more dollars to get that country secured. Once that's done, we can spend more money on reconstruction, but it's happening at all levels now.

So I'd like to ask the minister about capacity building. When I talk about capacity building, I want to talk about it at a basic level, and that's the Afghan auxiliary police and the Afghan National Police Force. In order for us to be able to get out of that situation any time in the future—and I know we're committed to February 2009—these forces are going to have to be able to step up and take over the security of that country, along with the army.

I'd like you to comment about our involvement in that. Are we going to meet the plateaus that have been set forward? They're talking of some pretty large numbers for the army—70,000 to 80,000 trained and equipped and ready to do. Are we dreaming, or is that attainable?

• (1640)

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

Mr. Minister.

Hon. Gordon O'Connor: Yes, the goal for the army is to attain 70,000, and I think they're at about 35,000 now. Yes, I think that goal is quite attainable, though I think the goal is for a year or so after our commitment. But the army is growing every year, not only in numbers, but also in quality. There's all the confidence in the world that it's going to meet those goals.

A 70,000-man army backed up by a police force—and I think the goal is 62,000 for the police force—will provide sufficient security throughout the country to allow people to carry on with their normal lives.

So, yes, the army is on track at this time.

The Chair: Thank you, Mr. Casson.

Mr. Obhrai, very quickly, please.

Mr. Deepak Obhrai: I just want a little clarification here.

General Hillier said that you signed the compact when the Department of Foreign Affairs and the Department of National Defence clearly knew what was happening, which, then, in turn, would tell me that the Liberal ministers, the Liberal Minister of Foreign Affairs and the Liberal Minister of Defence, clearly knew what was in that agreement that they had signed in reference to detainees. So if that was the case, then how can you stand up, Mr. Dosanjh—

The Chair: Mr. Obhrai, through the chair, please.

Mr. Deepak Obhrai: Sorry.

How can the Liberals stand up and then accuse Mr. O'Connor, when he has already gone and said he made a genuine mistake? If they knew exactly what was in there, they should have known a long time ago.

Hon. Mark Eyking (Sydney—Victoria, Lib.): I have a point of order, Mr. Chair.

The Chair: Let them have a chance to answer.

Mr. Deepak Obhrai: So my question here is that, obviously, the Liberals were well aware—well aware—of what they had signed, and now they want to just close their eyes and say nothing has happened and try to throw all aspersions here. That's something that is really confusing to me.

The Chair: Well, if it's confusing to you, Mr. Obhrai, we'll ask one of our guests if they could answer that question.

Hon. Gordon O'Connor: Which one of us is supposed to answer that?

The Chair: You have your choice, Mr. Minister.

Hon. Gordon O'Connor: My understanding is, of course, that an international agreement has to be approved by the government of the day, and the Liberal government of the day approved that agreement. It wouldn't be signed otherwise.

I'll ask General Hillier to confirm. He wouldn't have the authority to sign an international agreement unless the government agreed to it.

Gen R.J. Hillier: I think I answered, Mr. Chair, when I responded before. I signed the agreement, of course, more because I was there at the time. If I had not been there, the ambassador to Afghanistan would have signed the agreement on behalf of the country. So it was signed as an agreement of the Government of Canada. The Department of Foreign Affairs and the Department of National Defence were involved, to develop that agreement.

The Chair: Thank you very much, General Hillier

We will then go to the opposition side, to Mr. Eyking and Mr. Cotler, on the split, and again I remind you that it's a five-minute round.

Hon. Mark Eyking: Thank you, Mr. Chair. I'll be sharing my time with Mr. Cotler. I'm going to be quick here.

Minister, in your opening statements you stated that you expect proper treatment of detainees, of course, and that you work closely with your NATO partners. But, you know, our partners, our NATO partners, are putting their money where their mouth is and we're not. Just in the last year alone, 2006, Denmark gave \$1.2 million; Finland, \$1.1 million; the U.K., \$1 million; and the U.S., \$2 million to the commission. The Conservatives last year pledged \$2,200, but none of it was received by the commission.

My first question would be, how do you expect the Canadian public to believe we're a partner and we care about the treatment of these prisoners with this disgraceful contribution?

Concerning my second question, you stated in your opening statements also that the commission did not request funds from us, but I have a quote here, in the *Globe and Mail* from your visit to Kandahar on March 23 of this year. You say, "I think it would be improper to give them any money". So those two statements contradict each other. Even if they asked for the money, would you give them the money? And my first question, as you know, is why are we not giving any money when our other NATO partners are giving over \$1 million?

On that, to the members opposite, when the Liberals were in power, we pledged over \$1 million in 2003 alone.

•(1645)

The Chair: Thank you, Mr. Eyking.

Mr. O'Connor.

Hon. Gordon O'Connor: Thank you very much.

Yes, I'll clarify that. I was asked by a reporter on the ground about DND providing money to the human rights commission. I said I thought that would be improper, for DND to provide the money, because we're asking them to monitor detainees that we've handed over, and it would look like we're paying for some kind of result. It doesn't mean that some other element of government can't pay for it. CIDA, for example, to my knowledge—you'd have to bring the minister for CIDA here, because I'm not absolutely certain—is negotiating now with the human rights commission to provide them with a substantial sum of money.

But my reference, when I talked, was in response to a reporter's question, and I was talking about DND not providing money. But I

did say that we will provide any other support—logistics support or access support—to the human rights commission.

Hon. Mark Eyking: Just on that point, I finish your quote. After you say, "I think it would be improper to give them any money", you say "because it would appear that this is not an unbiased organization". So that contradicts you again.

The Chair: No, Mr. Eyking, that completely substantiates what he says—

Hon. Mark Eyking: No, it doesn't.

The Chair: He said DND was not going to pledge money to this because it should come from a different department. He has now said that CIDA is in the process, and perhaps has. Certainly that quote substantiates what he says.

Mr. Cotler.

I'm sorry, Mark. Were you completed?

Hon. Mark Eyking: No, I was surprised, Chair, that you would jump in on questioning and my time, but that's fine.

The Chair: Mr. Cotler.

Hon. Irwin Cotler (Mount Royal, Lib.): Thank you, Mr. Chairman.

Minister, the Judge Advocate General correctly summarized international law and domestic law with respect to the prohibition on torture, which is the reason that the Geneva Convention, as a principle and corollary, prohibits the transfer of detainees into situations of torture and inhumane treatment, and that was also the basis of the agreement that was signed by General Hillier on behalf of the Canadian government on December 18, 2005, with respect to the observance of the Geneva Convention.

The problem, however, is compliance with that agreement, and what we have been witnessing is a preponderance of evidence, not just allegations, from such diverse sources as the United Nations, the U.S. State Department, human rights organizations—I can go on—of such torture and inhumane treatment. Indeed, the Afghanistan Independent Human Rights Commission, in the person no less of Abdul Quadar Noorzai, who is the regional manager in Kandahar for the commission, not only corroborated some of these reports but has said very recently that abuse and torture—these are his words, not mine—is an ongoing problem in Afghan prisons, that one in three persons transferred by Canadians were beaten in local—

The Chair: Get to your question, Mr. Cotler.

Hon. Irwin Cotler: I'm getting to that. I have to give context so they can appreciate why I ask the question.

The Chair: Your time is up. I'll give you a little extra time.

[Translation]

Hon. Irwin Cotler: Is the Government of Canada going to respect its international obligations and stop these handovers immediately?

[English]

There's a related question, and with this, I'll close.

We not only have an obligation with respect to not transferring detainees into torture, but for those already transferred, we have to secure their protection or seek their return into our own protective custody. That's also part of the Geneva Convention.

My question to you is this, Mr. Minister. Are we going to comply with these international obligations?

The Chair: Thank you, Mr. Cotler.

Mr. Minister.

Hon. Gordon O'Connor: Mr. Cotler, we are and we do comply with the international obligations, and in fact I'm going to have the Judge Advocate General confirm that.

We do. I think you were the justice minister at the time. That's right, so you went over that agreement and made sure it was what it says it was, and I assume, at the time, you had confidence that the Government of Afghanistan would comply with it. Is that correct?

Anyway, I'll ask the Judge Advocate General to answer.

BGen Ken Watkin: Sir, there were two parts to your question that struck me. One is the question of the human rights reports. I'd like to note that ISAF consists of 37 nations, 30,000 personnel, and the ISAF policy is to hand over to the Afghan society. So clearly there are challenges in the human rights reports. There are challenges in operational security environments. And these are not new challenges that the militaries of the world face when they deploy to some parts of the world.

The question of whether the degree and the extent is a problem in Afghanistan, and clearly it's identified in the reports, is a matter that will be before the courts in litigation. So I certainly don't want to go much farther with respect to that.

I think the hub of the question is a follow-on from Ms. McDonough's question. It's not so much the question of the issue of torture, but it's the question of transfer. There has been much in the media this week, and there have been no allegations that CF personnel have tortured. There has been, over the course of the last couple of months, an allegation with respect to the fact that some detainees may have been abused. The department has reacted to that, including the Canadian Forces National Investigation Service and Military Police Complaints Commission's Board of Inquiry. There's a process set up to deal with these issues.

One of the things I've learned—I've been a lawyer now for 26 years and I've been a military lawyer for 25 years—is not to rush to judgment. I really like to have facts before I reach a conclusion with respect to whether laws have been breached, particularly when we're talking about the breach of potentially criminal laws and laws that are this serious. Certainly I would give advice to the government at such time that this occurred. Certainly there's an announcement that investigations are under way.

Perhaps to make another important point, because there's been the reference to war crimes and clearly the question is a breach of the Geneva conventions. We have the Rome Statute. We have war crimes that would apply not only in international armed conflict, but war crimes that would apply in conflicts not of an international character. I can get a number of academics to categorize how they see the conflict in Afghanistan, but I think there's a general

consensus that, at a minimum, common article 3 would apply to a conflict not of a national character, which includes a prohibition against torture, and that of course is an offence under the Rome Statute.

But there's also an issue of complementarity with respect to that statute, at which the national government would take a look at, investigate, and react on sufficient facts, in which to find whether action should be taken or not. When I hear people in the media talk about the Rome Statute and war crimes, it's very important that it's put in context and that it's put in context of what the law says. That also is important for our soldiers who are operating overseas.

• (1650)

The Chair: Thank you very much.

We'll go into the next round.

Mr. Khan, quickly.

Mr. Wajid Khan: Thank you, Mr. Chair.

I want to focus on the work that our troops and the development people are doing. While I was in Afghanistan, I talked with Colonel Dixon, who has extended the writ of the government by taking the ministers out to 17 provinces. I talked to women and children who were very pleased, particularly with the Canadian troops and the development people. Some hundred-odd judges have been trained. There are women judges trained. There are six million boys and girls in schools. There are military operations that are trying to secure electricity for two million people in Afghanistan through the Kajaki dam. There are foreign countries—the United States, Canada, and India—that are trying to invest moneys just south of Kabul in a copper mine and bidding up to \$1.8 billion and more.

So I am a little surprised that we're extremely critical of ourselves, and we should be because we want to maintain high standards, but at the same time it would be really appreciated if the troops are given a compliment once in a while. We just buried eight recently, these people who are there.

I don't think people in this room really understand what we're dealing with in Afghanistan. I understand the region. I've lived next door to it and I know their thinking. When you see a woman with a blue burka with a bullet in her head, women not allowed to go out anywhere, all kinds of restrictions, kidnappings, people being assassinated, hung in trees, and shot.... Let's get the perspective here, please.

I think there will be perhaps some lack of compliance on the part of the Afghan people. We're trying to correct the circumstances. There are going to be these...so let's not get into a situation where we become so critical and politicize this entire operation. It's really sad.

I'd like you to comment on our operation in Kajaki and the Kajaki dam, Mr. Minister, if you have the update on that.

• (1655)

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

Mr. Minister.

Hon. Gordon O'Connor: Yes, there's a dam to the northeast of Kandahar. It hasn't had much maintenance over the last decades. The silt is building up there, and as a result, it can't generate the proper power.

CIDA and other elements are looking at cleaning up the dam and increasing the power supply to Kandahar city. It will require security forces from a number of NATO countries, including ourselves, to make sure that the route to that dam is clear of insurgents.

But just quickly, you talked about power. When I first went to Kandahar city, I flew out in the evening, and there were hardly any lights. On my last trip, the whole city was illuminated. You could see the progress in the city.

The Chair: Thank you.

Mr. Goldring, you have three minutes.

Mr. Peter Goldring: Thank you.

Mr. Minister, when you look at all the projects and the progress that has been made on the many issues, and we look at the report here, the Afghanistan Compact, and we see how the projections on those are given years.... Most of them seem to be using the year 2010 as the time to have most expectations accomplished.

My question is, are we relatively...? Or are there particular areas that perhaps are more problematic than others? It would seem to me, from the reporting, that most of our progress is quite in keeping with those periods of time.

The other comment I'd like to make, to add to what the other gentlemen have been saying, is that it seems to me this action by Canada, where the military has the real support of the Afghan people, which is very crucial to being able to accomplish many of the other civil society structures and the infrastructure.... In speaking to a former military person, he's equated it to the liberation of Holland, from the tyranny and oppression of that time. And he's saying that Afghanistan is doable, and that much the same results can be obtained too, if we keep proceeding in the way we have been.

Could you comment on that, on the overall...?

The Chair: Thank you, Mr. Goldring.

Mr. Minister.

Hon. Gordon O'Connor: Very quickly, as a result of the compact, certain nations were given responsibilities to coordinate certain efforts. For instance, the United States was responsible for building the Afghan army. They have the prime responsibility, and they're supported by other nations, including us. Germany was given responsibility for building the police force. The justice and legal system has been given to the Italians. And it goes on like that. The British have been responsible for dealing with the poppy drug problem. Nations have been given primary responsibilities.

If you go through the whole range of the compact, you'll find that some areas are progressing better than others. But basically they all have a common goal to reach those standards in 2010-11. So it's a mixed bag of progress at the moment.

Development is proceeding very well. The army is proceeding very well. The police aren't as advanced yet. The drug problem is

still serious there. And they're working on the justice system to try to have a sound legal system so that when somebody is arrested by a policeman, he gets due process. I think that has a long way to go, and they've got a lot of effort between now and 2010-11 to get to those standards.

The Chair: Thank you, Minister.

We will go to Madame Barbot.

[*Translation*]

Mrs. Vivian Barbot (Papineau, BQ): Thank you, Mr. Chair.

It is really ironic that we are unable to get a clear answer on the matters before us, in particular on the matter of torture.

A little earlier, Mr. Watkin said that we had to base ourselves on facts. It seems to me, since you are the man on the spot, that you ought to be giving us facts. So, what did you do when you were told that Colonel Saddiqui, who is charge of human rights, not only confirmed the use of torture on a prisoner of war, but justified it?

If at least we could get something along those lines, that as Minister of Defence, you did something concrete in admitting that torture takes place, and if you told us what steps you took, we might perhaps get somewhere.

● (1700)

[*English*]

The Chair: Thank you, Madame Barbot.

Minister O'Connor.

Hon. Gordon O'Connor: Madame, I can assure you that, if through the military system, there was any specific report of abuse, torture, or abuse of human rights, we would act on it. But I'm going to ask the chief to confirm that. Certainly at my level, I've not received any substantive, precise reports. You may get a document or a report that says that overall there are some problems, but I'm talking about specific problems.

Chief.

Gen R.J. Hillier: In fact, I have not received any reports myself, Minister, or we would have acted on them.

[*Translation*]

Mrs. Vivian Barbot: Do you have to be given the name of the person, and be told when it happened and how many times? In a war situation, what do you mean by a specific complaint?

[*English*]

The Chair: I think what she's asking for is a little more clarity on if there was a concern, or if someone brought forward....

[*Translation*]

Mrs. Vivian Barbot: I don't need a translator. I think we have an interpreter here.

[*English*]

The Chair: Yes, we'll give you extra time.

But just the process that they would go through, the process....

Hon. Gordon O'Connor: Okay. I'll turn that over to the chief, but if we were aware of any specific allegations of abuse of this sort of horrific nature that is being described here, we would act immediately. We cannot work on general assertions that it's out there. We have to know specific cases. And if our troops were aware of specific cases, they would act, and they're under instructions to act.

Gen R.J. Hillier: In fact, Minister, I would second that by saying our troops have already acted. I think you saw a TV clip about a year ago, maybe a little less, when one of our non-commissioned officers in the middle of a combat operation with Afghans had some concerns that the safety of a detainee was at question, and he acted. He prevented that detainee from being put in the hands of some very emotionally charged Afghan soldiers who had just had their buddies shot—and indeed some killed—and he prevented certainly any chance of anything occurring. So they have acted.

If something was brought to the attention of any soldiers in Afghanistan, we would immediately run that through the chain of command. We would immediately contact the appropriate Afghan authorities, locally where it would be occurring, and immediately start action with them to ensure that it was stopped, and then progress through the rest of the government agencies, using, obviously, the Government of Canada as our vehicle there to make sure that corrective actions were taken permanently.

The Chair: Thank you.

Madame Barbot, I'm going to give you some more time.

[*Translation*]

Mrs. Vivian Barbot: We also saw prisoners on television who said that they had been tortured. You are telling us that you have not seen it and that you have not received any complaints about it. What are we to believe? How do we interpret the information we are getting?

[*English*]

Hon. Gordon O'Connor: Madam, where there is a specific case...for instance, the media reports of the last few days...we are actually checking these out. We have officials connecting with

government officials and human rights officials and prison officials in Afghanistan to find out the veracity of these assertions. So we are acting on it.

But we actually have to know of a specific case. If somebody alleges that one of the detainees we handed over was tortured, we will absolutely investigate it and we will take action. But we cannot react on some report that says that in Afghanistan some people get tortured.

The Chair: Thank you, Minister.

Madame Barbot, I'll give you 30 seconds.

[*Translation*]

Mrs. Vivian Barbot: You don't ever feel responsible for going and checking yourself what happens to the prisoners whom you hand over to Afghan forces? When you hand over prisoners, you think that everything is over, that you are not responsible anymore.

[*English*]

Hon. Gordon O'Connor: We have the responsibilities and that's why we've entered into two agreements. We've entered into agreement with the Afghan government and with the human rights commission, and that's why I said earlier that we have, in the last few days, entered into a local agreement in Kandahar province to enter the detention facilities any time we want to.

The Chair: Thank you, Minister O'Connor, for giving us your time today. You've gone five minutes over, and I apologize for that.

To all of you—General Hillier, Brigadier-General Watkin, and Mr. Elcock—we thank you all for being here at our committee. Certainly we will be going over your testimony, and it will be part of the report that we will have a little later on.

Committee members, we do not have committee business on the agenda, and Mr. Patry is not here. Can we adjourn?

Some hon. members: Agreed.

● (1705)

The Chair: The meeting is adjourned.

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

**Also available on the Parliament of Canada Web Site at the following address:
Aussi disponible sur le site Web du Parlement du Canada à l'adresse suivante :
<http://www.parl.gc.ca>**

The Speaker of the House hereby grants permission to reproduce this document, in whole or in part, for use in schools and for other purposes such as private study, research, criticism, review or newspaper summary. Any commercial or other use or reproduction of this publication requires the express prior written authorization of the Speaker of the House of Commons.

Le Président de la Chambre des communes accorde, par la présente, l'autorisation de reproduire la totalité ou une partie de ce document à des fins éducatives et à des fins d'étude privée, de recherche, de critique, de compte rendu ou en vue d'en préparer un résumé de journal. Toute reproduction de ce document à des fins commerciales ou autres nécessite l'obtention au préalable d'une autorisation écrite du Président.