



House of Commons  
CANADA

## Standing Committee on International Trade

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CIIT • NUMBER 040 • 2nd SESSION • 40th PARLIAMENT

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EVIDENCE

**Tuesday, December 1, 2009**

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**Chair**

**Mr. Lee Richardson**



## Standing Committee on International Trade

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• (1115)

[English]

**The Chair (Mr. Lee Richardson (Calgary Centre, CPC)):** The meeting will now come to order.

I guess we will all have seen—

**Mr. John Cannis (Scarborough Centre, Lib.):** Mr. Chairman—I must apologize, sir, to intervene—I didn't finish my point.

With respect to all the unions' comments that were made, I don't have a problem, sir. The problem I have is repetitiveness. I think we get paid handsomely by Canadians, and if we could streamline this....

If sixty unions are going to tell us the same sixty messages, I personally don't want to hear it. And I'm being respectful; I'd rather hear from a group of them. From my understanding and my past experience, generally it's the same message, sir. I don't want a repeat.

I say this respectfully.

**The Chair:** Fair enough.

I think the clerk's done a very good job so far in balancing it and providing different points of view. We'll continue in that vein.

Well, with some minor changes, we're going to start this meeting today, our 40th meeting of the Standing Committee on International Trade in this session of Parliament.

As you've noticed with regard to our visitors from Medellín, Colombia, Mr. Walter Navarro, president of the Industry Union of Professional Employees of the Public Utilities, was unable to.... Well, *he* was here, but we weren't able to provide translation. We're going to try to rebook that one, probably at an early date, to hear from some of the unions in Colombia.

I'm going to now introduce, from the Groupe de recherche sur les activités minières en Afrique, Étienne Roy-Grégoire, who will give an opening statement, as well as Jamie Kneen, communications and outreach coordinator from MiningWatch Canada.

We have some time today, so I will give you all the time you need for opening statements, if you would both be prepared to give opening statements. Then we'll proceed with questioning by the committee.

Monsieur Roy-Grégoire, if you would care to provide an opening statement, we'll then move to Mr. Kneen.

[Translation]

**Mr. Étienne Roy-Grégoire (Member, Groupe de recherche sur les activités minières en Afrique):** Good morning.

We are very pleased to appear before this committee today.

My name is Étienne Roy-Grégoire. I am a member of the Groupe de recherche sur les activités minières en Afrique or GRAMA at the Université du Québec at Montreal. My research looks at the role of extractive investments in countries undergoing a conflict or in a post-conflict situation.

I am accompanied by Jamie Kneen, education coordinator for MiningWatch Canada. We are pleased to bring some context to your discussions on trade relations between Canada and Colombia. However, we also hope to have the opportunity to talk in detail about Bill C-23 when it will be studied by this committee.

Our presentation concerns the results of research in 2008 recently published under the title “Lands and conflicts: resource extraction, human rights and corporate social responsibility: Canadian companies in Colombia.” This research was funded by a consortium of Canadian civil organizations and is available on the Web in English, French and Spanish. You also have copies in French and English.

In the report, which is the result of research on the ground conducted over a number of months by MiningWatch Canada, CENSAT Agua Viva—a Colombian organization—and Inter Pares, we look at four cases of Canadian investments in the extractive industry in Colombia. We will refer to the guiding principles developed by the UN special representative on human rights and transnational companies, John Ruggie.

The Canada-Colombia Free Trade Agreement concerns both trade and direct foreign investments. We have concentrated on the issues related to investment. These investments are directed mainly from Canada to Colombia and target specifically, at present, mineral exploration and the acquisition of rights in the mining and oil sectors. The hypothesis underlying the signing of the accord is that, by promoting investment, it will contribute to the development of Colombia; through that very fact, this will minimize the factors behind the conflict.

This hypothesis also seeks, ultimately, a resolution to the Colombian conflict by hoping to improve security, attracting new capital, and thereby taking part in a virtuous circle.

• (1120)

[English]

**Mr. Gerald Keddy (South Shore—St. Margaret's, CPC):** Excuse me, Mr. Chair.

Translation has asked for the witnesses to slow down a little bit.

**Mr. Étienne Roy-Grégoire:** *Excusez.*

**The Chair:** Mr. Harris, on a point of order.

**Mr. Richard Harris (Cariboo—Prince George, CPC):** Mr. Chair, is this the presentation the witness is making? I don't seem to have an English version of it, if there is one.

**The Chair:** There is no English copy.

**Mr. Richard Harris:** Okay.

**The Chair:** All right. We'll carry on.

Again, I'd ask you to speak a little slower so that translation can keep up. They don't have an English copy of your remarks to use.

[Translation]

**Mr. Étienne Roy-Grégoire:** No, unfortunately. I will go on if you like, this is a very important aspect. I will go through it slowly.

The hypothesis underlying the signing of the Canada-Colombia Free Trade Agreement is that, by promoting investment, it will contribute to Colombia's development and through that very fact then have a positive impact on the factors behind the armed conflict. The same hypothesis seeks to ensure a resolution to the conflict by hoping to improve security, attracting new capital, and consequently participating in a virtuous circle.

Unfortunately, because of the very nature of the economic realities inherent to the Colombian armed conflict, this hypothesis does not also translate into reality. Our report clearly illustrates the need to assess in a transparent and independent way the impact on human rights, in order to avoid serious human rights violations resulting from extractive investments. Specifically, investments in areas subject to forced displacements are problematic. We have observed this dynamic very closely in our case study of the Sur de Bolivar region in Magdalena Medio.

Between 1994 and 2007, 53,202 individuals were violently displaced from their lands in Sur de Bolivar and 380 people suffered a violent death for political reasons. Despite that, exploration concessions were or have been granted by multinational corporations for a number of mines in the Sur de Bolivar region...

[English]

**The Chair:** Excuse me, Mr. Roy-Grégoire.

Mr. Harris.

**Mr. Richard Harris:** The translation was breaking up. He just gave some dates there that didn't come across clearly and that I think are important. I didn't quite hear the dates of that displacement.

**The Chair:** Fine.

Monsieur Roy-Grégoire.

[Translation]

**Mr. Étienne Roy-Grégoire:** Between 1994 and 2007, 53,202 individuals were violently displaced from their lands in the Sur de Bolivar region and 380 individuals died a violent death for political reasons. Despite that, the concession agreements for exploration have been granted by multinational corporations, some of which are registered in Canada, for a number of mines in the Sur de Bolivar region.

Our study concluded that such investments ran extremely high risks of benefiting armed groups that had used violence to acquire lands targeted by such investments; promoting the reorganization and reinforcement of previously demobilized paramilitary groups; and, finally, promoting human rights violations committed by such groups against locals and human rights advocates opposed to such investments.

It's important to note that in order to support our conclusions, we drew upon, in particular, reports written by the Colombian Human Rights Ombudsman, an institution that had obtained funding from the Canadian International Development Agency. These reports were developed under the preventive warning system framework or the *Sistema de Alertas Tempranas*. They are produced periodically to assess the conflict and the risks of serious human rights violations in specific regions. The ombudsman also issues recommendations to the Colombian executive branch in order to prevent future violations, which can include, for example, troop deployments or the allocation of resources to ensure the protection of human rights advocates.

In the Sur de Bolivar region, an association of artisan miners and farmers, FEDEAGROMISBOL, opposes mining investments by transnational corporations. Its directors have received death threats from remobilized paramilitary groups, and the association vice-president, Alejandro Uribe, was murdered, apparently by the Colombian army, in September 2006. The Human Rights Ombudsman currently considers members and directors of FEDEAGROMISBOL run an extremely high risk of selective homicide, massacre or forced displacement.

In order to prevent such things from happening, the ombudsman recommends giving in to the association's request that this area be declared a mining reserve. This would therefore eliminate the possibility of extractive investments in the region, simultaneously eliminating an additional motive for human rights violators.

The possibilities of forced displacement associated with extractive investments are not restricted to the Sur de Bolivar region and are well-documented. Colombia estimates that armed groups—the majority of which are paramilitary groups—have appropriated 6.8 million hectares through violence. For its part, the UN has revealed that paramilitary groups were appropriating lands in order to take advantage of investments in the oil and gas, mining or African palm sectors. This strategy is one of the reasons why the conflict has continued.

We would like to conclude on various elements that we believe are central to the committee's deliberations. The serious risks we identified in our study are, in large part, independent of the behaviour or policies of a specific company. So such risks cannot be mitigated by corporate social responsibility measures. To that extent, the work done by Canada and Colombia to promote corporate social responsibility does not apply, strictly speaking, to this problem and cannot help to resolve it. This is all the more true since as our study shows, the Canadian Embassy in Colombia does not have the mandate to assess the risks faced by Canadian investors requiring its assistance on human rights issues.

We also note that the agreement on workers' rights signed along with the free trade agreement applies only to cases with a trade impact.

In fact, the Canada-Colombia Free Trade Agreement does not contain any mechanisms that specifically take into consideration the types of risks identified in our study. However, there is a real risk that the agreement will reduce the flexibility of Colombia to implement the kind of measures proposed by the Human Rights Ombudsman for the Sur de Bolivar region.

• (1125)

As things currently stand, if a Canadian company were to be stripped of the rights it acquired over a given territory in order to avoid egregious human rights violations or provide victims of a forced displacement with redress, then that might cause an investment dispute pursuant to the free trade agreement. For example, we are anxiously following the process launched by a Canadian mining company against El Salvador pursuant to the free trade agreement it signed with the United States.

The free trade agreement with Colombia might place Canada in a very uncomfortable position, where its economic interests would be pitted against its efforts to promote human rights and conflict resolution. In June 2008, this committee issued a report on the Canada-Colombia Free Trade Agreement. In it, the committee recommended that a competent body conduct an independent, impartial and comprehensive assessment of the repercussions of a human rights accord, a study that would be subjected to scrutiny and validation. We believe that such a study should be conducted before any agreement is implemented. In order to ensure that Canada's policy with regard to Colombia is coherent.

Thank you.

• (1130)

[English]

**The Chair:** Thank you.

We'll go now to Mr. Kneen, the communications and outreach coordinator.

Do you have an opening statement?

**Mr. Jamie Kneen (Communications and Outreach Coordinator, MiningWatch Canada):** No, sir; Étienne made our collective statement. I'm here to answer questions relating to the institutional framework, and he's presenting as researcher.

**The Chair:** All right.

I hope we can get something from that. It was very quick and a little bit difficult to pick up at times. I'm sorry it was moving along so quickly.

We're going to begin the questioning, then. We'll ask Mr. Brison to pose the first question for the Liberal Party.

**Hon. Scott Brison (Kings—Hants, Lib.):** Thank you very much.

Thank you very much for appearing before us today.

The alleged violations of Canadian companies and the ties of Canadian companies to forced displacement are very serious allegations. They also occurred without a free trade agreement. They occurred in the absence of labour and environment agreements, which we've been informed by the trade negotiators here are the most robust of any labour and environment agreements Canada has ever signed in any trade agreement, and are in fact the most robust signed between any two sovereign countries in any trade agreement.

Given that these alleged violations by Canadian companies occurred without a trade agreement, do you not welcome a rules-based system to try to strengthen our influence in Colombia on these types of activities?

[Translation]

**Mr. Étienne Roy-Grégoire:** I would like to clarify the record. The forced displacement and human rights violations that we describe in the Sur de Bolivar region were not committed by Canadian companies, but by Colombian paramilitary groups. Nevertheless, the Colombian paramilitary groups carry out such actions with the clear and documented objective to benefit from eventual investments made in Colombia by Canadians or other foreign nationals. I think that must be said very clearly, and that is why we underscored the fact in our presentation that those risks are not related to the socially responsible investments or policies of a given company. Our concern with the free trade treaty is that it might become an additional barrier for the Colombian government to take the measures to prevent such violations, as was recommended by the Human Rights Ombudsman.

[English]

**Hon. Scott Brison:** The war in Colombia that has been waged for some 40 years began as an ideological war but is now a drug war. It has very little to do with ideology any more. FARC and the former paramilitary are largely drug gangs. People growing up in rural Colombia need to make a living somehow. In the absence of legitimate economic opportunity, they're going to choose what they can make a living from. The last time I checked, the drug gangs didn't have a labour code or an environment code guiding their activities.

The UN Secretary-General's representative, Walter Kalin, acknowledged in November 2008 that there was a high rate of forced displacement in certain parts of the country. But he also said that important developments had taken place since 2006, and noted the constructive role of the constitutional court. He went further and said that the reasons for forced displacement are multiple and complex: lack of respect for international humanitarian law by various armed groups, including guerrilla groups such as FARC and the ELN; the multiplication of armed actors and criminal activities in the wake of recent paramilitary demobilization—in other words, re-mobilizing as drug dealers or gangsters; and threats and pressures to collaborate with the illegal armed groups, narco-trafficking activities, and aerial spraying of crops, to name a few.

He's talking about aerial spraying of crops and forced displacement around drug production, but he's not talking about forced displacement around mining. Canada, by the way, is very good at mining, and our companies are recognized as practising better corporate social responsibility than most companies engaged in extraction activities abroad. But in the absence of legitimate economic trade around such sectors as the extraction sector, people will choose the drug trade as the only way they have to make a living.

Do you not agree that a substantial part, if not the majority, of the displacement occurring in Colombia is a result of the drug trade?

• (1135)

[Translation]

**Mr. Étienne Roy-Grégoire:** There is no doubt that the drug trade is an important factor. However, the UN also refers to—the references are in the presentation I gave as well as in the English language reports that were handed out to you—the motivations of armed paramilitaries to profit from investments in the mining, oil and African oil palm sectors. That is all well-documented by the UN.

Furthermore, our study also presents the assessments of the Human rights Ombudsman, who clearly identifies investments in the mining and oil sectors as a motivation for armed paramilitaries, particularly in the Sur de Bolivar region.

I share the findings of the UN reporter, but I do not think that there can be any assurances that investments in those areas do not pose a risk of human rights violations. And we are talking about extremely serious violations.

[English]

**Hon. Scott Brison:** I met some Colombians living in rural communities, and they told me why they initially entered the paramilitary, and in another case why they entered FARC. They said it was the only way they had to make a living.

In the absence of legitimate economic trade in the extraction sector, what would you propose they do? Or would you just suggest they go into the drug trade? Have you done any analysis of forced displacement by the drug trade, or some comparative analysis so we have an idea of who the players really are and who is really doing the forced displacement?

The UN is saying that, overwhelmingly, the forced displacement is occurring as a result of the drug trade and not the extraction sector. Have you compared the economic value of the drug trade to

Colombia versus the current economic value of the extraction sector, for example? It would help us put it into perspective.

**Mr. Jamie Kneen:** You're talking about two different things in the sense that the economic value of the drug trade and the economic value of the extractive industries are of themselves not the same as an index of employment or the distribution of that economic activity—and I think the drug trade is probably as highly centralized as the extractive industries in terms of the risks and the benefits.

The other—

**Hon. Scott Brison:** Sir, I'm sorry; in terms of risks and benefits, are you equating the drug trade that's going on now in Colombia to Canadian companies doing business in Colombia in mining? Are you saying that they're about equal?

**Mr. Jamie Kneen:** No, sir. I was referring to the centralization of the benefits and the decentralization of the risks, and making no attempt to relate them in any other way.

Our study was not intended to look at the entire Colombian economy or the entire Colombian conflict. It was intended to look at the specific case of Canadian investment in the extractive industries, and in particular in mining, and to look at the human rights risks that could have been implicit in this activity.

I think the important conclusion is that we could not find a mechanism of ensuring that a Canadian mining investment could be made with any sense of security that there was no previous violation of human rights, that the investment would not be potentially supporting people who had engaged in human rights violations, potentially encouraging them to continue that activity, and reinforcing their position, or that the land tenure of the leases, the mineral leases and so on, could be assured to be conflict-free—in other words, that they in good faith....

We did find the best of intentions, shall we say, in those mining companies' activities. We could not find that, with good faith, purchasing land and securing mineral leases, they could ensure that those titles were all clean and clear, if you will.

• (1140)

**Hon. Scott Brison:** Respectfully, buying land in rural Nova Scotia, sometimes it's very tough to say whether or not that land is completely free and clear of any illegal activities at some point in its history as well. The fact is that you're asking Canadian companies to do that, which is probably impossible, because I would expect that almost all of Colombian land has at one point or another been implicated in some form of illegal activity.

Has there been specific forced displacement that has provided land to Canadian companies so we can talk to those companies? I'd like to call those companies and speak with them and investigate where Canadian companies have been involved in or have benefited from forced displacement. It would be very helpful to have the names of the companies and the plots of land that went to those Canadian companies as a result of forced displacement. That would be very helpful. That kind of granular detail would enable us to contact those companies and to demand some answers to us in terms of corporate social responsibility.

**Mr. Jamie Kneen:** I think you'll find in the study itself that we're not making a direct link. What we're trying to do is identify the risk of being implicated in very serious violations. We did try to find the mechanisms that would have allowed companies or the Canadian government implementing a free trade agreement to ensure that this was not the case.

I'm not sure that I would equate the situation in rural Colombia with the situation in rural Nova Scotia. Having grown up there myself—Nova Scotia, that is—I know that not everything is entirely above board all the time.

We can talk later about the road contracts.

**Voices:** Oh, oh!

**Hon. Scott Brison:** I'll tell you, I know every member of this committee, and if you were to provide us with information, granular information, linking a Canadian company to specific displacement, I think we would, as a committee, want to talk to those companies and hear their side of it. We are interested in the corporate social responsibility, but we can't have phantom allegations. We need to have specific ones that we can take to those companies.

We're genuinely interested in that, Jamie.

**Mr. Jamie Kneen:** Again, the distinction I'm trying to make is that if we had that kind of information, if we had discovered that in the course of this study, it would have blown up already. We have other cases of legal action and international complaints and so on—with the OECD national contact point and so on—that have been brought forward and where those specific details are available.

I think the purpose of the study was to try to pin down, following the work of this committee on the human rights impact assessment, how exactly that risk could be minimized—ideally, eliminated—in the course of business.

Again, we found a gap. In some cases the gap was more serious than others. We found companies that weren't even familiar with the available mechanisms and protocols. We found other companies that were, as I say, doing the best they can in a difficult situation.

The other point is on where I started a little while ago; I think Étienne can probably speak to this. In the Sur de Bolivar, one of the employment options, if you will, for people is small-scale mining. One of the issues we looked at was the displacement of the small-scale miners in Marmato. You're talking about tens of thousands of people, in this case, who would be displaced by a proposed large-scale mining operation that would employ a few hundred people.

The question there is that as the displacement proceeds, what are those small-scale miners supposed to do?

We're not advocating for small-scale mining as an activity, because it is dangerous for the miners and the environment. It is a topic of discussion on its own, as to whether appropriate technology and investment in small-scale mining can make it productive and safe, but—

• (1145)

**Hon. Scott Brison:** So you're against large-scale mining and small-scale mining.

**Mr. Jamie Kneen:** No, sir. We're—

**Hon. Scott Brison:** Medium-sized mining is all right? You're against the small ones and the large ones, but the medium ones are all right?

I'm just trying to ascertain what kind of mining you like.

**Mr. Jamie Kneen:** We're in favour of—

**The Chair:** I'm sorry, we're right out of time, Mr. Kneen.

**Mr. Jamie Kneen:** Well, no, I'd like to answer, if I may, Mr. Chair.

**The Chair:** You can answer Mr. Cardin, then.

**Mr. Jamie Kneen:** Okay.

**The Chair:** We're out of time for this session.

Monsieur Cardin.

[Translation]

**Mr. Serge Cardin (Sherbrooke, BQ):** How much time do I have, Mr. Chair? Fifteen, twenty minutes?

**A voice:** Three minutes.

**Serge Cardin:** Good morning, gentlemen, and welcome to the committee.

This is a very sensitive issue. I get the impression that you are being somewhat careful in your remarks, and I also understand that there is a link between investments made and human rights violations committed in Colombia.

Essentially, you are saying that an increase in Canadian investments, through the implementation of investment protection measures, could create the conditions for greater human rights violations.

Could you explain to us exactly how that could occur?

**Mr. Étienne Roy-Grégoire:** In the Sur de Bolivar region, a Colombian government human rights protection agency issued very clear recommendations, i.e., that eliminating large scale investments in the region would help avoid egregious human rights violations. In particular, that would protect the people we talked about earlier, the members of the Agromining Federation of Sur de Bolivar, or FEDEAGROMISBOL, who live in that region, conduct farm production and mining activities and earn their living in the Sur de Bolivar region, despite its very difficult human rights conditions. That is one of the regions in Columbia that has been most hard hit by armed conflict.

We are concerned about the exploration concessions granted to Canadian companies in the region. The names of those companies are listed in the report. Far be it from me to claim that those companies are complicit in human rights violations and the actions of paramilitary groups.

Mr. Bryson was wondering how we could ask Canadian mining companies to ensure that their concessions be free from the risks that we describe in our report. In fact, it is not necessarily up to a mining company to give that assurance. Here is the question: does the Canada-Columbia Free Trade Agreement give the Colombian government the leeway it needs now and in the future to implement the recommendations of the human rights ombudsman in order to protect the human rights of people in Sur de Bolivar? That is the gist of the issue.

One of the mechanisms that should be addressed, and this is our recommendation, is that the free trade agreement be subjected to a human rights impact study. Such a study would go far beyond the scope of what we were able to conduct. It would eventually lead to the establishment of mechanisms guaranteeing the right of the Colombian government to revoke an exploration concession on lands that were clearly identified as having been a place of forced displacement or massive human rights violations.

• (1150)

**Mr. Serge Cardin:** Basically, the question we should be asking ourselves concerns the Colombian government. Is the government incapable or unable to protect its citizens or does it have the will to do so?

A paramilitary group might move into an area and displace the local residents. The evacuated lands do not belong to the paramilitaries. Companies can then come and launch extraction operations. We should rather question the government's capacity or unwillingness to do something under those circumstances.

**Mr. Étienne Roy-Grégoire:** Indeed, this concerns the Colombian government's willingness and capacity, but also the leeway it is given as well as the coherent approach of the international community, in particular of Canada, in supporting its efforts.

Efforts are being made to foster human rights in Columbia. In my opening remarks, I quoted the recommendations that Canada made to Columbia as part of the universal periodic review process at the UN Human Rights Council. I find that the recommendations that Canada made to Columbia are very interesting. The recommendations for Colombia are very positive.

The question is whether the message that was sent is consistent. Would Canada eventually be in a position where its trade interests, as governed by a free trade agreement, would be at odds with its efforts to build a constructive relationship with the Colombian government in order to promote human rights? That is the question that should be at the heart of your deliberations.

**Mr. Serge Cardin:** How would you respond to that question?

**Mr. Étienne Roy-Grégoire:** Clearly, Columbia is receiving firm, consistent and clear support from the international community, which must strongly urge Columbia to respect human rights and take very specific measures to repair the damages of the past. That is absolutely essential. Moreover, the current Colombian government

will eventually be replaced. We have to make sure that agreements signed by the current government do not bind future governments, which could have different human rights policies.

**Mr. Serge Cardin:** Let's talk about investments. At one point, we heard about an apparently controversial Colombian law that affected investments.

Can you tell us a bit about that piece of legislation?

**Mr. Étienne Roy-Grégoire:** That is another point that raises concerns and would be well worth further study. The Colombian legislation allows the State of Colombia to sign juridical stability contracts with companies. We should be asking ourselves how the agreement affects treatment, how the principle of national treatment could extend these juridical stability contracts. This implies stability as far as the issuing of leases, conditions, environmental regulations, labour regulations, taxation, and so on are concerned.

How could the free trade agreement contribute to the extension of these stability contracts that limit the future flexibility of the Colombian state as far as Canadian investments are concerned, for example, that might be in competition with Colombian investments in the country? It is one of the many measures that the Colombian government has established in order to promote direct foreign investment and economic liberalization.

• (1155)

**Mr. Serge Cardin:** The right to mine land is issued by the government and the government also issues the exploration rights of companies that set up operations on lands from which people have been displaced.

**Mr. Étienne Roy-Grégoire:** Yes. I think we can certainly speculate that this happens quite regularly. As far as statistics on lands that the paramilitary have seized using violence are concerned, the government statistics refer to 6.8 million hectares. Other estimates from civil society or victims' groups refer to 10 million hectares in a country with an area of 100 million hectares. It is easy to do the math; 10 million hectares of land obtained through the use of violence represents 10% of the Colombian territory. Obviously, these lands are not generally of the poorest quality; they are generally the most productive and the most interesting as far as future investment is concerned. We can state that the risk of an investment or a concession being granted for lands that were the subject of forced displacement...

**Mr. Serge Cardin:** In all good social conscience and responsibility, how could the Canadian government accept that a Canadian company invest in a territory that has been the subject of displacements or other actions that go against all human rights? In some situations, people were killed during these conflicts.

[English]

**Mr. Jamie Kneen:** I think that is why the conclusion of our smaller study is supporting the need for a full-scale human rights impact assessment before moving ahead with the agreement: it's to have enough of an investigation of the different aspects, the different types of investment that could be foreseen, the different mechanisms of investment, and the range of human rights impacts before Canadian lawmakers decide to enter into an agreement that could have such implications.

[Translation]

**Mr. Serge Cardin:** That is very much in keeping with the recommendations of the report that was adopted by the committee. The Liberal members also supported carrying out a study on the developments in the situation, so that we would know if the situation was more stable and acceptable before signing anything at all.

My colleague may have questions at this point?

**Mr. Claude Guimond (Rimouski-Neigette—Témiscouata—Les Basques, BQ):** During your presentation, you spoke about the committee report that my colleague has just mentioned. The report recommended that a competent body carry out an independent review.

What would that competent body be? Have you thought about which body or organization could be given the mandate to carry out a real, complete and above all credible impact study? Do you have anyone or any group to propose to us?

• (1200)

[English]

**Mr. Jamie Kneen:** I don't know if we're in a position to make that specific recommendation.

The methodology that we in part based this study on was that of Rights and Democracy, a parastatal organization set up with the mandate to do this kind of work. They have models for research, methodology, and the development of new studies. That would be one possibility. I would imagine that Parliament could also name its own commission or body to do this.

But no, we didn't look at that specifically; we just looked at the issues themselves.

[Translation]

**Mr. Claude Guimond:** Something in your presentation really struck me, Mr. Roy-Grégoire. You stated that Canada's ambassador to Colombia does not have a mandate to analyze the risks that Canadian investors are facing.

Can you explain what that means to me?

**Mr. Étienne Roy-Grégoire:** The risk analysis relates to human rights. In other words, the Canadian Embassy—like all embassies in the Americas, to my knowledge—has the mandate to promote corporate social responsibility. Its mandate is not to audit or monitor corporate practices. Furthermore, it does not have the capacity, or the mandate, to assess the risks that companies face in terms of human rights. The embassy lends commercial services to the companies that need them for reasons related to the environment, business, etc., but not for human rights issues.

This is surprising in Columbia given the seriousness of the human rights situation and the risks that we have observed, although we are not the first ones to have observed them.

**Mr. Claude Guimond:** You are a part of a research group and today we are talking about Columbia. If I'm not mistaken, you have also studied Guatemala and probably other parts of the planet as well.

Are there anywhere on the planet agreements that could be called sustainable free trade agreements, that are respectful of human rights and the environment? Sometimes you have to step back from the tree in order to be able to see the forest. Over the course of your studies have you found any interesting practices?

**Mr. Étienne Roy-Grégoire:** I haven't looked at that issue in particular but this is an issue of consistency. We can assess any free trade agreements that Canada signs with other countries but they have to be assessed in light of Canada's mandate to promote human rights abroad. It's important that that connection be made. Our study has shown that there is a connection.

The hypothesis that more investment equals more development equals more conflict resolution and that this is a virtuous circle for investments, should not be accepted at face value. It has to be challenged and analyzed. It should be examined in light of the facts, which our study attempted to do. Our study shows that this is not a hypothesis that is valid in all situations and especially not in a situation such as that of Sur de Bolivar, which is a particularly difficult situation in Columbia but far from being a unique situation.

I think that a connection has to be made between tools for promoting investment and the mandate to promote human rights and development abroad.

[English]

**The Chair:** Thank you.

Mr. Julian.

[Translation]

**Mr. Peter Julian (Burnaby—New Westminster, NDP):** I would like to thank our witnesses for their work. This is very important for us.

Mr. Grégoire, I'd like to begin by reading from an excellent document on free trade between Canada and Columbia that you wrote and that was published in June 2009. In your document you tell us that "Álvaro Uribe himself is one of the main Colombian drug traffickers on a list drawn up in 1991 by the American Defense Intelligence Agency, the DIA, when he was a senator." Please correct me if I'm wrong but I think that he was 81<sup>st</sup> on the list of the main Colombian drug traffickers because of his support to drug traffickers and to drug networks.

You also refer to the links between the paramilitary and the Uribe regime. In fact, you talk about Uribe government representatives and their close ties with the paramilitary who kill individuals on a regular basis and increasingly so.

• (1205)

[English]

I'm wondering, then, given those links with the drug trade, both as part of Mr. Uribe's career, but also today, with the representatives of the Uribe regime who are linked to paramilitaries, and the known links between the paramilitaries and the drug trade, if one of the fundamental problems is that the regime is tied so closely with the drug trade. Is it possible that rewarding the regime by allowing this trade agreement to be put into effect would be in a way encouraging those links with the drug trade that already exist with the regime?

[Translation]

**Mr. Étienne Roy-Grégoire:** Once again, I would say that consistency and clarity have to be front and centre in relations between Columbia and the international community. This is particularly true for Canada. There's no doubt that the power of the paramilitary within the state is a problem. This situation has been documented in several reports. Human Rights Watch, in particular, has considered this issue closely.

The problem should be one of the international communities' and Canada's main concerns. I think that is the heart of my message. We need to acknowledge that this is a real and known problem and we need to define a consistent strategy based on that.

[English]

**Mr. Peter Julian:** I want to continue. Your report is excellent, and certainly all members of this committee should read through it.

The point that you make, I think, is made in the executive summary very effectively:

Colombia continues to suffer widespread human rights abuses, including extrajudicial executions, disappearances, extortion, and threats.

We have also learned in the most recent report from a couple of weeks ago about regular torture done by the Colombian regime.

You also note in the executive summary:

Striking correlations have been observed between where investment—both domestic and foreign—takes place and rights abuses, ranging from murder and massacres and related massive land and property theft to violations of the rights to freedom of movement and to a healthy environment.

Human rights violations are linked to efforts by those behind Colombia's murderous paramilitaries to create conditions for investment from which they are positioned to benefit.

So you are very clearly signalling that the problem here is not a direct correlation, necessarily, between Canadian companies and the brutal attacks and violence and theft of land of poor Colombians, but that in a sense the paramilitary gangs that are linked to the regime are land laundering.

Is that not true, that essentially what they're doing is taking the land—

**An hon. member:** On a point of order, Mr. Chair—

**Mr. Peter Julian:** —and once they take the land, that is when they could potentially sell, and do land laundering—

**An hon. member:** —the witness has clearly said there was no link to any Canadian companies. You just can't make that accusation here.

**The Chair:** Order, please.

Mr. Julian has the floor. You will have your opportunity in just a few minutes.

Mr. Julian.

**Mr. Peter Julian:** So is not the concern that in effect a Canadian company, not as a result of their own responsibility but because of what has already transpired—as you very clearly indicate in your report—could be involved in that land laundering?

[Translation]

**Mr. Étienne Roy-Grégoire:** It would not be reasonable to exclude the possibility that a company is acting in a way that is not socially responsible, one cannot exclude that from the outset. On the other hand, the main problem that our study identified, as you pointed out, was a problem of context. When it comes to investing, Columbia is a particularly problematic location. You summed up the problem very clearly.

• (1210)

[English]

**Mr. Peter Julian:** You said in the report that, “increased investment in the extractive sector is at risk of entrenching and even expanding the already astonishing toll on the human rights of Colombians”. So increased investment could very well lead to increased problems with human rights as a result of what these regime-connected, murderous, paramilitary thugs are doing.

Now, could you come back to the issue of Sur de Bolivar and what happened to the union federation, or the agro-mining federation, that's cited in your report? What was the impact there? What happened to those union members once they decided to organize in the mining sector?

[Translation]

**Mr. Étienne Roy-Grégoire:** First of all, these are communities that were particularly affected by the forced displacements in the middle of the 1990s. These people were victims mainly of paramilitary violence, but they were also victims of various types of attacks that took place in the context of their work. I mentioned in my presentation the threats from former paramilitary groups that have now reorganized under the name of Águilas Negras, and these can still be called paramilitary groups. So there have been threats. With respect to their leaders, I mentioned the name of Alejandro Uribe Chacón, who was apparently assassinated by the army. This case has been well documented by organizations like Amnesty International. At the beginning of this year, a well-researched article appeared in the weekly, *Semana*, in Columbia on that case.

**Mr. Peter Julian:** Just so that I understand, you're saying that the union leader was killed by the army.

**Mr. Étienne Roy-Grégoire:** He was the vice-president of the association.

**Mr. Peter Julian:** The vice-president of the association was killed by the Colombian army that is tied with the regime.

**Mr. Étienne Roy-Grégoire:** There was no judgment on the case but several factors indicate that he was the victim of an extrajudicial execution. However the Colombian army claimed that he was a guerrilla member who died during fighting. He disappeared right after a meeting of FEDEAGROMISBOL where there was a discussion about the association's position on foreign investment. On pages 32 and 33 of our report, you will find the details of the attacks against FEDEAGROMISBOL members. The president of FEDEAGROMISBOL, Teofilo Acuña, who was interviewed over the course of our study, had to leave the region because he feared for his safety. He himself was illegally arrested by the Colombian army in April 2007. These are two examples amongst a multitude of attacks and threats against FEDEAGROMISBOL members and leaders.

There is one particularly worrying aspect to these attacks. In Águilas Negras's threats, FEDEAGROMISBOL's opposition to investments or the presence of transnational companies is given as one of the reasons why its members are military targets, as expressed by Águilas Negras members. This is a particular concern for us.

Also, during interactions with Colombian army troops, comments were made by troop members to the effect that the Colombian army's work is to allow the presence of these companies. These are comments that were made by members of the Colombian army troops. That is a particular concern in that it leaves some doubt about the ability or even interest on the part of the Colombian state to protect rights and to impartially assess the rights and obligations of investors and local communities, etc.

• (1215)

**Mr. Peter Julian:** In your report, it clearly states: "... that soldiers have told local residents that its operations are designed to protect the interest of international mining companies in the area." That is on page 33.

**Mr. Étienne Roy-Grégoire:** These are indeed comments that have been made by members of the Colombian army and that were noted by members of FEDEAGROMISBOL and by a Canadian organization called Christian Peacemaker Teams.

**Mr. Peter Julian:** Do you know how many people who work for the union have been killed or threatened?

**Mr. Étienne Roy-Grégoire:** No. I can't give you an exact figure.

**Mr. Peter Julian:** They are part of the people of that federation who have been killed and tortured. The union was set up and people were tortured and killed by the paramilitaries linked to the regime and by the Colombian army led by the regime, is that correct?

**Mr. Étienne Roy-Grégoire:** Yes. In that region, the links between the Colombian army and the paramilitary groups have been clearly proven.

**Mr. Peter Julian:** Can I ask one last question?

[English]

Thank you, Mr. Chair. You're being very patient with us today.

You're making a very clear case for an independent and impartial human rights assessment. That is very clear. Any member listening to what you've said or reading this report could do nothing but wonder, if they are sincerely reading the report, what the impacts

will be and whether we will indeed be provoking further human rights violations if we move ahead.

Why do you think there is some resistance to a human rights assessment on Colombia before moving forward any further?

**Mr. Jamie Kneen:** On the part of...? I'm not inside other people's heads. It's difficult to—

**Mr. Peter Julian:** Well, the government seems to be resisting it.

**Mr. Jamie Kneen:** What one can say is that there is a resource there that can be exploited, whether it's gold or uranium, and there is an interest in going forward and not in delaying the implementation of investment protection measures that would be available through a free trade agreement. That much I can say.

In terms of attributing motives to other people, it's somewhat difficult.

[Translation]

**Mr. Peter Julian:** Do I have any more time?

[English]

**The Chair:** Yes, go for one more.

**Mr. Peter Julian:** Wow. Thank you very much, Mr. Chair. I appreciate that.

You have documented a whole series of violations and concerns—the killing of union representatives, torture on behalf of the military arm of the Colombian regime, the paramilitary arm of the Colombian regime. You have documented that thoroughly. You've put this report out, and hopefully people around this committee table will be reading it thoroughly.

You are saying that we need to do an independent and impartial human rights assessment. What is your fear if we simply push ahead, as some would have us do, despite the fact that there is very little commercial benefit to Canada? Certainly there is a huge downside on the human rights side. What is your fear if we push ahead with the agreement without any idea of whether or not we're provoking increased violence and human rights violations?

[Translation]

**Mr. Étienne Roy-Grégoire:** The main concern is that the risks identified in the report materialize. The greatest risk is that the potential violations identified here take place and that the investments planned or provided for make these violations possible. In my opinion, that is the risk that should be the focus of all our concerns.

Another concern is that the Canadian state should ensure that it does not rob Peter to pay Paul. It must be consistent in its relationship with Colombia.

[English]

**The Chair:** I think we're going to have call it at that.

I have been lenient. I just didn't want to subject our witnesses to undue torture today by going two hours. I thought we may get the most out of it by allowing each of the parties 15 minutes. Each of you has now gone over 15 minutes.

I'll ask the final party to see if members can wrap it up in 15 minutes. You can share your time.

•(1220)

**Mr. Gerald Keddy:** Thank you, Mr. Chair.

I'll be sharing my time with my colleague Mr. Holder.

Welcome to the witnesses today. There are several issues that have been stated here that I quite fundamentally disagree with, not necessarily from your answers but from the questioners. I have a couple of areas that I want to try and drill down a little deeper into.

You made a comment, Mr. Grégoire, that foreign direct investment somehow led to this assassination in September of 2006. The translation, at least, said this was apparently by the government. Do you have proof that it was by the government? I mean, anyone can make an allegation. Either you have proof or you don't have proof. So did the government in 2006 assassinate the person you were talking about, or is it simply an allegation?

**Mr. Jamie Kneen:** It is in the report. It was the Colombian army who produced his body, and they, in that public statement, took responsibility for his death. Now, that was not investigated, and that's why we can't say with any certainty what actually happened. All we have are those statements to go on.

**Mr. Gerald Keddy:** But that's not what you said. You said he was apparently assassinated by the government. What you're saying is there's some discretion here that needs to be allowed. Either he was or he wasn't.

Perhaps it should be investigated—I don't know—but I don't know any of the circumstances.

[*Translation*]

**Mr. Étienne Roy-Grégoire:** I urge you to read in details the indicators and information available on this case on pages 32 and 33 of the report. You're right, the case has not gone before the courts. There has not been a satisfactory investigation and that's why we cannot say for sure that he was indeed assassinated by the army. I cannot prove that to you.

The fact that the investigation has not taken place is a problem in itself which was identified by numerous organizations. Canada and the UN in particular have recognized that impunity in Colombia is a problem. What is not being debated is the responsibility for the death of this person. The Colombian army has indicated that he is a guerillero who died on the battlefield.

[*English*]

**Mr. Gerald Keddy:** Exactly. But we don't know, and I'm surprised that anyone without knowing would insinuate that somehow or another this was an assassination, because it may or may not have been. So that's my point.

I'd like to maybe ask the clerk to stop me at the seven- or eight-minute range, because I do want to leave my colleague some time here. We get all wrapped up in our own questions and never allow anyone else our time.

One of the questions I've asked to every group, whether they're neutral, for, or against the free trade agreement, is about the fact that we're already trading with Colombia, and we have been trading with Colombia for some time. How can putting rules to the trade agreement that's already there, how can putting clauses in this trade

agreement that are beneficial to the environment and to labour—maybe there are groups who want to see these go further—how can that hurt Colombia, and how can that do anything but improve our trading relationship?

**Mr. Jamie Kneen:** I think Étienne has answered that, in a sense, as part of the presentation. As you say, there is the problem of how far those rules go and whether protecting the environment and labour will also protect the broader human rights that are at issue here. But

•(1225)

**Mr. Gerald Keddy:** I appreciate that. I'm just going to pursue this for a second—

**Mr. Jamie Kneen:** —that's a separate concern.

**Mr. Gerald Keddy:** —and then I'm going to come back.

I appreciate what you're saying there, but I don't think you understand. There are no rules at all there now. It's just basically that you're another country operating in a foreign area.

Go ahead.

**Mr. Jamie Kneen:** The concern, I think, is principally that the rules that could be introduced would restrict the ability of the Colombian government to take some of the measures that have been recommended by the ombudsman, or that could be recommended in the future, to redress some of the issues that have been identified. That's a very specific concern, and—

**Mr. Gerald Keddy:** What you're saying is that it's fine to continue without rules, but don't try to put rules in place. That's what I'm hearing you say.

With respect, I just simply don't agree with that. We may disagree—and that's fine—on how stringent the rules should be, but at least we're talking about trying, attempting, to put some rules in place.

As well, I do take some exception to your statement that no investment could be made without potential human rights abuses. Well, of course not. You can say that, and someone can listen to you say it, and believe it; it's easy to say. But, my goodness, you must have enough faith in mankind somewhere along the line to believe that every company that works abroad is not inherently evil, that every person isn't just after the almighty dollar, that actually some of them have a social conscience and are trying to do their jobs in a fair and equitable manner. Surely....

That's seven minutes. I've got one more question.

**Mr. Jamie Kneen:** Can we respond?

**Mr. Gerald Keddy:** Yes, of course.

**Mr. Jamie Kneen:** I'm not in disagreement with you at all. We're not in disagreement that there should be rules in place. We're active elsewhere promoting rules around investment, human rights protection, environmental protection, and corporate and social responsibility attached to investment and trade—absolutely.

I think the point we've tried to make clearly here is that we're not attributing any specific failure of due diligence or good intentions on the part of the investors. There may or may not be. We weren't able to uncover evidence that would let us say somebody was acting badly on purpose. As I said before, if we had found that evidence, we absolutely would have brought it forward.

The reason it's particularly germane in the case of Colombia is because of the history of conflict, the layers of uncertainty, so that a company exercising what would be a normal level of due diligence, in the Colombian context, could still find itself implicated in these abuses. And that is precisely the danger we want to identify.

**Mr. Gerald Keddy:** I appreciate that.

My last question is very brief, and it's to do with the actual footprint. There have been a couple of statements made, you know, about so many square kilometres, hundreds of square kilometres, thousands of square kilometres, of land being forcefully vacated—you know, forcing the people off this land—because of mining or business interests. I've been around a lot of mines across Canada and in parts of the rest of the world, and the footprint when you're doing exploration.... And you'd be familiar with this, I would expect. You may explore 100 kilometres of property, but you don't build roads over it, and you don't force people off it, and you don't get in property conflicts in every square inch of it.

Quite frankly, it's the opposite of that. You explore a large area and you develop a very tiny—often only hundreds of acres—footprint. I don't understand how you force....

In the Highland Clearances, people were forcefully expelled from their property. But that's not the case here. There's no reason to do that. So I don't understand how this occurs. If there's narco traffic, if there's illegal criminal activity, if there's something else that people are fleeing for their own personal safety, yes, that I understand.

• (1230)

**Mr. Jamie Kneen:** I think it's important to keep the layers in mind. We're not talking about the mining company that has purchased a lease clearing people off that land. We're talking about military or paramilitary activity, prior to that happening, that then creates a situation where you can go in and it doesn't matter where you want to explore or mine, because the area is now clear for you to move into.

Again, it's not the mining activity, per se, it's the conditions that allow the mining interests to come in.

**Mr. Gerald Keddy:** I'll follow up later with some other questions.

**The Chair:** Mr. Holder.

**Mr. Ed Holder (London West, CPC):** Thank you, Mr. Chair.

I will share half my time, because I know Mr. Harris has a couple of quick questions.

My thanks to both of you for attending today.

I'd like to follow up on Mr. Bryson's comment. He talked about mining industries, and whether you supported the large or small. He was getting to the point of asking whether you support any mining industries.

There were a couple of things you said, Mr. Kneen, that I thought were very compelling, and I'd like to play them back to make sure that I understood them correctly.

Just a moment ago, Mr. Keddy was talking to you about trade. You have a consistent theme that I think bears repeating. You said that if you had found the evidence, you certainly would have brought it forward. I think that is very sincere, and I think it's a very honest comment.

With respect to Mr. Bryson's comments, when we talked about a direct link between Canadian mining industries, extraction industries, and violence in Colombia, I heard you say that if we had that kind of information, it would have blown up already. I believe that's what you said in your testimony.

It seems that your comments, as well-intended as I believe they are, contain lots of conjecture and much supposition. We all hope that there's more error than truth in this. If I had I received this report in advance, I would have read it in more detail and I could have responded more directly to what appear to be serious allegations.

I would like to ask you a very specific question. Do you believe there is a direct link between Canadian companies doing business in Colombia and murders and violence in Colombia?

**Mr. Jamie Kneen:** We did not find a direct link between any Canadian companies and any specific acts of violence. We did find the potential that this could be the case and we could not exclude it. And we did not find that either the actions of the Canadian government, the Canadian embassy, or the companies themselves were sufficient to preclude that association.

There are mechanisms that have been developed internationally—the voluntary principles being one—that look at the use of military and former military personnel as private security. Not all of the actors were even aware of these mechanisms; still less were they implementing them.

That, I think, is a fair summary of what we found, but the paper goes into this in much more precise detail.

**Mr. Ed Holder:** I will make a point of reading it. In your last comments, you used the word “potential”—so once again, supposition and not clear.

Could I ask you a separate question? We have different perspectives, but I think this is fair. Most of our guests to date—in fact, all of them, I would say—support trade. They may not support a free trade agreement, per se, but they support trade. And I thought I heard some reference to that. Quite honestly, we do trade today. We do significant trade. What we're trying to do is draw the barriers down to the advantage of Canada and Colombia alike.

They also, to a person, said that they saw a need for an enforceable rules-based system. The absence of rules, as I believe Mr. Keddy was trying to suggest, ultimately leads to less fairness and potentially more chaos.

Maybe I could flip the question around. What do you see as the positive, or the upside, of increased trade with Colombia?

• (1235)

**Mr. Jamie Kneen:** I'm not a trade specialist, so I'll have to be careful. My organization focuses on the mining industry.

By the way, what we advocate for is responsible mining.

**Mr. Ed Holder:** Do you believe, sir, Canadian extraction industries are corporately socially responsible?

**Mr. Jamie Kneen:** Not in all cases, unfortunately.

**Mr. Ed Holder:** Can you give us specifics?

**Mr. Jamie Kneen:** Yes, but I think that has been the subject of discussion at another committee over the last month or two, so—

**Mr. Ed Holder:** Is there anything you could put on the table today that would be very specific to your allegation just now? Actually, it wasn't an allegation; it was a direct comment. Do you have something specific that you could share with this committee?

**Mr. Jamie Kneen:** With the time we have available, I'm not sure it's constructive to go into details country by country, or company by company, of the cases and allegations. The linkages that have been brought forward—

**Mr. Ed Holder:** Unfortunately, we do have limited time, and I know Mr. Harris has a couple of questions. The problem with this, as you'll appreciate, Mr. Kneen, is we've now heard another allegation. It seems spurious and feels to me that all we've done is malign Canadian companies in Colombia that are, I think in good faith, trying to do the right thing through corporate social responsibility.

They're certainly trying to make a profit, improve their corporate lives, and at the same time do some positive things in Colombia and Canada. By throwing a comment out there without a direct response, it feels to me that we've cast serious aspersions on Canadian industries in Colombia, and I think that's unfortunate.

I'll turn my time over to Mr. Harris.

**Mr. Jamie Kneen:** Sorry, your question was about the Canadian mining industry as a whole—

**Mr. Ed Holder:** No, I was very specific, sir. I was very specific.

**Mr. Jamie Kneen:** I was commenting initially, and trying to be very precise, on Colombia. But if you're asking whether I think Canadian companies are acting in full corporate social responsibility all the time, I did say no. If you would like to look at the case of New Gold in San Luis Potosi, Mexico, that was just found to have been operating illegally for the last three years, I'd invite you to do so.

**Mr. Ed Holder:** Perhaps I can tell you what my Cape Breton mom used to say: "Ed Holder, you were not a bad guy most of the time. From time to time you were just a little bit of a kid on the edge, but I think you've turned out okay."

Generally what I'm looking for is an on-balance comment. I think I've heard what you've had to say.

May I just pass it over to Mr. Harris, please.

Thank you.

**The Chair:** Wrap it up, please.

**Mr. Richard Harris:** Thank you very much.

Mr. Grégoire, in your opening comments you made a statement that from 1994 to 2007 there were about 53,000 people displaced and a number killed. That's a period of 13 years. I think it's fair to say that what results out of these committee meetings and future trade relationships with Colombia will be focusing on the current government and governments to come.

I would have preferred it if you had broken it down into the period pre-Uribe, and the period currently with Uribe. The president was elected in 2002, so it would have been fair to give us some numbers on these types of displacements and people who were killed.

The UN Human Rights Watch folks have stated that things have improved dramatically over the last five or six years in Colombia. The murders are down, and they seem to be on a good path.

I'm just throwing it out that perhaps you should have broken that down, considering we're dealing with the current government. It would have been fair.

To both of you gentlemen, throughout your presentations you use a number of words, such as "suppositions" and "conjectures"; "apparently" the Colombian army assassinated this person; human rights violations "could have been implicit" in this industry". You use words like "could have", "may", "likely to", "it is possible", "apparently", and "potential to".

Okay. Given all that, I have to ask you this question directly. This will be my one question. Can you state unequivocally that Canadian companies that are engaged in the extraction industry in Colombia are guilty of knowingly being involved in some activities that aid and abet human rights violations?

Yes or no, sir. It's a simple question.

• (1240)

[*Translation*]

**Mr. Étienne Roy-Grégoire:** We have addressed this question on several occasions, and the answer is that we cannot give an answer. However, we can say that there are clearly identified risks.

In response to the other part of your question concerning forced displacements, there is something that must be kept in mind. These violations may have occurred, for example, in 1998 or in the early years of 2000, which were the worst years for forced displacements.

There has not yet been any redress for these violations because people have not been able to return to their homes. So that is information that must be kept in mind not only as concerns the rate of displacements, but also the ability or will of the Colombian state to remedy the violations committed against these people.

[*English*]

**Mr. Richard Harris:** Thank you very much.

With all due respect, the question I asked you did demand a yes or no, and you failed to give me that. I'd suggest that given the innuendo and the allegations, both soft and hard, throughout your report, surely, if your report indeed was a result of some intensive study, you would have been able to come to the conclusion unequivocally of whether Canadian companies have knowingly aided and abetted in any way the promotion of...the instance of human rights in any of their activities.

Obviously you cannot answer that yes or no, so I suggest that many of the assertions that you've made in your report in fact.... If you are serious researchers, then your report does a disservice to your efforts.

Thank you, Mr. Chairman.

**The Chair:** All right. We'll conclude at that point.

I want to thank the witnesses. It has been a very interesting morning, and I appreciate your patience with all of the questions and the thoroughness with which you responded.

I have a couple of short housekeeping issues. It will only take a second here....

Okay, we don't have to do it. I'll simply say we're going to continue this on Thursday. We'll continue this discussion then, with our witness list as provided by the Bloc. Hopefully we'll get Mr. Navarro back with translation.

That will conclude the day. Thank you.

The meeting is adjourned.

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