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Tuesday, November 5, 2013

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Chair

Mr. Scott Reid

Subcommittee on International Human Rights of the Standing Committee on Foreign Affairs and International Development

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• (1305)

[English]

The Clerk of the Committee (Ms. Miriam Burke): Honourable members of the subcommittee, I see a quorum, and we can now proceed to the election of a chair.

Pursuant to Standing Order 106(2), the chair must be a member of the government party. I am ready to receive motions for the chair.

Mr. David Sweet (Ancaster—Dundas—Flamborough—Westdale, CPC): I move that Scott Reid be our chair.

The Clerk: The motion is that Mr. Reid be elected as chair of the subcommittee.

Are there any further motions?

Is it the pleasure of the subcommittee to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Clerk: I declare the motion carried and Mr. Reid duly elected chair of the subcommittee.

Before inviting Mr. Reid to take the chair, if the subcommittee wishes, we can proceed to the election of the vice-chairs.

Pursuant to Standing Order 106(2), the first vice-chair must be a member of the official opposition.

I am now prepared to receive motions for the first vice-chair.

Ms. Jinny Jogindera Sims (Newton—North Delta, NDP): I move that Wayne Marston be our first vice-chair.

The Clerk: The motion is that Mr. Marston be elected as first vice-chair of the subcommittee *in absentia*.

Are there further motions?

Is it the pleasure of the subcommittee to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Clerk: I declare the motion carried and Mr. Marston duly elected first vice-chair of the subcommittee.

Ms. Jinny Jogindera Sims: I move that Irwin Cotler be second vice-chair.

The Clerk: It has been moved by Ms. Sims that Professor Cotler be elected as second vice-chair of the subcommittee.

Is it the pleasure of the subcommittee to adopt the motion?

Some hon. members: Agreed.

(Motion agreed to)

The Clerk: I declare the motion carried and Professor Cotler duly elected second vice-chair of the subcommittee.

I now invite the chair, Mr. Reid, to take the chair.

The Chair (Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC)): What we have here is a list of routine motions that we adopted last time. As you know, you can adopt any set of motions you might wish to adopt, not necessarily these motions. We can also debate each motion in turn.

On the other hand, if someone were to move that we adopt all the same motions we had last time, which is the list here, then we could do that.

That motion is moved by Mr. Schellenberger.

Is everybody agreed?

Some hon. members: Agreed.

(Motion agreed to)

The Chair: Colleagues, having done that, you'll be pleased to hear that I actually worked on a long speech. I'm not kidding, actually, that was for real. You won't be pleased to hear this, but I wanted to try summarizing the operations of this committee.

Would our analysts please come to the table.

I wanted to run through what I think are the practices of the committee and their intersection with how the formal rules of Parliament work. Let me ask for your endurance in going through this with you.

• (1310)

Mr. David Sweet: Mr. Chair, I apologize; I'm getting older, so I can't actually focus. Are we in public or in camera?

The Chair: We're in public.

Mr. David Sweet: We're in public, just to be clear.

The Chair: Before I get into this, let me do a couple of introductions.

We have two analysts with us as well as our long-time clerk. Erin Shaw is our long-time analyst, and Miguel Bernal-Castillero is our other analyst. They are bringing to us the high level of confidence the Library of Parliament always brings.

What I wanted to talk to you about today, colleagues, is the consensus practices of the committee and how these intersect on the one hand with the rules, and on the other hand with the need to be efficient and get work done, which of course is everybody's desire.

This subcommittee is known for its long-standing practice of operating by consensus. Today I want to take a few minutes to outline the ways in which I will attempt to respect this subcommittee's practice while remaining fully compliant with my obligations under the Standing Orders, which are designed to facilitate discussion and decision-making in a non-consensus or partisan environment.

I also want to do a brief summary of the agenda-setting practices that seem to have been articulated by members of this subcommittee, including some practices that were discussed at considerable length last June shortly before we rose for the summer. From the perspective of the rules that dictate its conduct, this subcommittee is exactly like all the others.

The rules that govern us whenever we are not operating on a consensus basis are exactly the same as the rules that govern every other committee. A consensus requires universal consent. So any member may at any time at his or her exclusive discretion require a vote, require that a vote be recorded, seek to amend a motion that may not have been approved by the mover of that initial motion, or any other non-consensus activity.

Whenever any member does this, my job is to respect the rules, which means moving away from the consensus model to what I'm calling the partisan model. I will never prevent members of the committee from commenting on the change of the model, or from encouraging their colleagues to seek consensus, but the end result will always be the same. Every member has the right to act in a non-consensus manner whenever he or she chooses, and should not be criticized for that, because that's how our system is established.

My practice will be to seek a return to the consensus model as soon as possible once a non-consensus item of business has been disposed of or dispensed with. I think that's the model preferred by everybody when it is available to us.

Now I'll proceed to the second topic.

At the time the House rose, my sense was the subcommittee wanted to adopt five practices. Although we didn't enumerate them, it seemed there were five practices we wanted to adopt for choosing the subject matter to undertake for our study. I bring this up now because we have to choose our subject matter all over again.

Three of these practices were ones that I had articulated at the beginning of the session. The fourth and fifth emerged from the discussions of last June.

One, when possible we, which means you, should choose subject matter on which a consensus seems likely to exist. It's my experience that any hearings in which the human rights issue at hand becomes a proxy for some other issue will inevitably depart from the consensus

model. A review of our records suggests that we have remained most consensual when dealing with subject matter that has not been seen as drawing its importance from broader considerations about any "ism"—capitalism, socialism, neo-colonialism, Bolivarianism, etc.

Two, when possible the subject matter should be timely. That is to say, it should be possible to conduct hearings and prepare for them in a fashion that will not be made irrelevant by the passage time. This means that sometimes we must accept that events in this country or that country are too fluid for a committee like ours to consider effectively.

It also means that we have to take into account the fact that we will simply run out of time at some point in 2015. My guess is that the 41st Parliament will not sit any later than June 2015, as the election will take place in October 2015, and there's a summer break in between. That's my guess, but remember, our deadlines will be tighter than that, as any report we prepare must be reviewed by the foreign affairs committee before being made public and sent to the House.

• (1315)

The first such deadline we face of course is this Christmas break, which will happen all too soon. This committee will have only eight meetings between today and the day on which the House rises for the holidays. That gives you some sense of how precious time is to us.

Three, when possible we should focus on situations where Canada has international clout. Of course, we're not one of the world's great powers and there are many parts of the world where what Canadians think and feel is of little practical consequence, but there are other areas in the world where Canadian influence is significant, and it's towards those states, so it seems to me, that we ought to direct our attention.

Canada gets its influence in a variety of ways: commercial links, alliances, shared history, such as, for example, the Commonwealth, la Francophonie, etc. It's up to you to decide whether we Canadians have a chance of actually making a difference on the ground.

Two new items that came out of discussions in June are items four and five.

Four, we should keep our inquiries tightly focused. In the past, there have been circumstances in which tangential issues have been introduced into hearings which had started out with a fairly narrow focus; that is to say, we've stretched the bounds of whatever motion had been placed before the committee and adopted by the committee. This seems to be unsatisfactory to the subcommittee, but it's easier to want to avoid this situation than it is to actually avoid the situation. Here's what I suggest.

If the committee is supportive, in the future I propose the chair should interpret all motions to study this or that situation in as narrow a manner as the wording of the motion permits. If the subcommittee regards the interpretation that I've given as being too narrow, any of you will be in a position to correct me and say that I'm going too much in the other direction. I will not regard that as a slight; I'll regard that as helpful advice.

It may also turn out that the committee will decide what really should happen is the motion should be reworded and amended to allow a broader discussion to occur, but we'll start by treating these motions narrowly. In practice, this will mean disallowing witnesses who are likely to be presenting outside the scope of the motion. It also will mean if a witness comes before the subcommittee and starts presenting off the topic that we thought they were going to present on and on some other topic—I can think of one example; I suspect we can all think of the same example, where we thought a witness was going to talk about the situation in country A, which was the subject of the motion, and instead talked at great length about country B, which does share a border with country A, but was definitely not part of that motion—in the future I will be much firmer about that, and just cut them off.

Now, that doesn't apply to questions you ask. You're free to ask about anything. Seeking out implications are part of your job, but they're not part of a witness's presentation when they have essentially contracted with this committee to stay within the range of the motion that we had presented them.

I think this will help somewhat, but I can only do it if there's a consensus that it's appropriate for me to act in this fashion, and if I get feedback indicating whether or not I am doing it in a way that's satisfactory to the committee. If it isn't, then I'll return to the past practice of being very permissive, allowing wide latitude, and things, I think, will simply be as they were previously.

Five is the last point. We should keep the number of subjects on our agenda lower rather than higher. This is a resolution that was expressed very strongly at the end of our session last June. I think we're all aware that a resolution is easier to establish than it is to actually follow.

I think we all understand the basic problem. People from this or that community approach one of us, sometimes it's several of us, with a genuine human tragedy somewhere in the world, and we seek to show our compassion by proposing a motion that this particular tragedy be the subject of a hearing or a series of hearings. This is a natural and humane sentiment, but the danger is, as one member of the subcommittee put it last June, that we can fall victim to what he referred to as “committee ADD”.

• (1320)

I have no specific recommendations to make on this point. It's not the role of the chair to place limits on the right of members to move additional motions on additional topics. I merely alert you to the presence of a point of consensus from last June that is going to be at perpetual odds with the humane instinct that I know is the prime motivation of every member of the subcommittee.

However, I do propose to do one thing in this regard. I propose to routinely ask subcommittee members when they are introducing a motion, and of course you can't introduce a motion without 48 hours' notice anyway, whether they have taken the additional action of speaking to their colleagues prior to bringing the item forward, not prior to moving it or prior to introducing it to the clerk, but prior to actually introducing it here.

If it becomes part of our culture to accept that these discussions ought to occur offline before these things get moved, I think that will

save us a certain amount of administrative time as we negotiate in committee. A lot of that could be done offline. That would be good. It may also result in the total number of motions coming forward being reduced. I suppose that additionally—and I didn't think of this until just now—it might also result in our refining the motions as to how many meetings will be allowed for each topic. As I said, I think a considerable amount of time could be saved.

I think I'm accurately summarizing the five basic principles or practices that have evolved. I've suggested a couple of ways that I could administer them. I have no further comment in this regard, and I'm happy to accept commentary on this. Also, I'm happy to accept any other commentary that relates to committee business. If you don't have any, we'll adjourn.

Mr. David Sweet: Okay, I was giving my colleagues a chance there, but I'll just say, Mr. Chair, that your observations are to some degree self-evident, and in some cases painfully so, particularly in the sense of fewer subjects. You are right in that we are all faced with the dilemma of too many human rights violations in the world, such an abundance that they pull at our heartstrings. That's why we're involved in this committee, because we do care. It makes it extraordinarily difficult to stay focused on one or two items when that happens, but at the same time, as we've seen, we get spread so thin that we have multiple topics going on and we never produce a report or statement, and then it's self-defeating anyway.

I don't want to speak for all of my colleagues, but certainly in my regard I will do my best. I think it's a good plan to try to stick to the five that you've outlined, do our best to find one or two subjects to begin with in this session that we're going to be able to leverage most effectively, and before we rise maybe even have some completion in those eight short meetings that you mentioned.

Thank you for the guidelines. I appreciate them and we'll do our best to abide by them and work with them.

• (1325)

The Chair: Ms. Sims.

Ms. Jinny Jogindera Sims: Chair, on the whole we're okay with the guidelines, but with the understanding that there are times when you have some pretty key people visiting our capital whose testimony we may want to hear. That may require some extraordinary measures, such as an extra meeting put together quickly, or for a meeting that's happening, playing around with the agenda in order to hear from those people.

With Ottawa being the capital, as you know, and with people coming here who are really concerned and are experts in these areas, I think we wouldn't want to miss those kinds of opportunities. As long as we have that shared understanding, we're okay with the other guidelines that you've laid out.

The Chair: Go ahead.

Mr. David Sweet: Ms. Sims brings up a good point. In fact, that probably should be number six, because we have discussed that many times. There is a significant cost saving to the committee when folks are in town, and sometimes we get very notable people.

If I remember correctly we had Ms. Ebadi before our committee. She was not brought in by our committee. She was on a tour. We normally wouldn't have that capability of having people of such note if we didn't capitalize on their being here. I certainly agree. That would be another guiding principle, with the caveat that, again, if it happens repeatedly.... I mean, there's a precarious balance with the six, but the caveat is that we capitalize on it when it really is substantive and we make sure that it doesn't muddy the waters too much for the other five.

The Chair: Ms. Sims also mentioned the option of additional meetings at times outside of our regular schedule. That could prove to be necessary anyway, given the tight schedule some of these folks have.

Mr. Regan, if you're ready to go, please do.

Hon. Geoff Regan (Halifax West, Lib.): Thank you, Mr. Chairman.

First of all, as a visitor to this committee in place of Mr. Cotler, and in view of this committee's title and nature, I would encourage the committee to be a model of democratic procedure, obviously, to our visitors to the committee and witnesses.

Also, I agree with Madam Sims that there may be times when there are notable visitors arriving and it may be difficult, or you may want to arrange a meeting more quickly than you had indicated.

Also, I suggest that when one party or another may assume that they might not have agreement on something or a consensus, I don't think you should assume that. It might be worthwhile to create an opportunity at least for the discussion on the basis that you might be able to find more agreement than you think about the approach to these things.

Last, if you don't mind—

The Chair: Yes, thank you—

Hon. Geoff Regan: Pardon me. Last, since he's not here and it's my impression that you might possibly have a text of your comments, you might be able to send those to Mr. Cotler so he could review them and make his own comments in due course.

The Chair: We can do that for sure.

I want to say with regard to the point where I indicated anyone has the right to switch back to the normal non-consensual.... My point with that is that those are the rules. These are practices. Rules always

trump practices, and my formal job is to enforce the rules. Enforcing the practice of keeping up the consensus model is ultimately the responsibility of other people. I think I would venture in the direction of starting to manipulate things if I were to take a more activist role in that regard.

Monsieur Jacob.

[Translation]

Mr. Pierre Jacob (Brome—Missisquoi, NDP): I would just like to add that the consensus is perfect. Mr. Reid, I fully agree with your position, and I also agree with Ms. Sims' comment. In short, these two positions are not contradictory. I also agree with Mr. Sweet's remarks.

● (1330)

The Chair: Fine. Thank you.

[English]

Colleagues, is there anything else?

Turning to the subject matter for us to discuss, we have a 48-hour notice period which means.... You can introduce anything, of course, with unanimous consent, here or anywhere else, but as a practical matter it means that at our next meeting on Thursday, if you want to bring forward some subject matter, you should have notice in prior to that meeting. Obviously as well, as we just agreed, you should probably chat with each other offline, buttonhole each other in the House of Commons or phone each other and see which of these things seem best, because at our next meeting I will start the practice of asking people whether they've talked to each other or not.

Once we have some subjects before us, we'll begin that and that will be the focus of the meeting next Thursday.

Hon. Geoff Regan: On a point of clarification, Mr. Chair, at your first discussion of topics to discuss, don't you have an open discussion about that, where people can introduce topics?

The Chair: People are free to do that if they wish. There's no limitation at all. I'm only suggesting that if you want to actually have a motion brought forward.... Everybody has the right, of course, to move a motion, but we have a 48-hour notice requirement; otherwise, you have to get unanimous consent to move it.

Thanks very much, everybody.

The meeting is adjourned.

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