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Chair

The Honourable Robert Nault

Standing Committee on Foreign Affairs and International Development

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• (1530)

[English]

The Chair (Hon. Robert Nault (Kenora, Lib.)): Colleagues, we'll get started. It's 3:30.

I'd like first of all to bring this meeting to order and remind all my colleagues that we have departmental officials before us. I'd like to have the officials introduce themselves to start with, and then we'll get into clause-by-clause. If there are any questions before we start, please feel free to put them. We'll go from there.

Let's start with Mr. Arbeiter.

Mr. Richard Arbeiter (Director General, International Security Policy Bureau, Department of Foreign Affairs, Trade and Development): Hello, my name is Richard Arbeiter and I'm the director general for international security policy at Global Affairs Canada.

Ms. Wendy Gilmour (Director General, Trade and Export Controls Bureau, Department of Foreign Affairs, Trade and Development): Thank you. My name is Wendy Gilmour. I'm the director general for the trade and export controls bureau at Foreign Affairs.

Ms. Shelley MacInnis (Counsel, Market Access and Trade Remedies Law, Department of Foreign Affairs, Trade and Development): Hello. I'm Shelley MacInnis. I'm legal counsel. I'm with the Department of Justice and I'm assigned to Global Affairs Canada.

Ms. Carolyn Knobel (Director General and Deputy Legal Advisor, Department of Foreign Affairs, Trade and Development): Hello. I'm Carolyn Knobel, director general and deputy legal adviser at Global Affairs Canada.

The Chair: Thank you very much for appearing.

Colleagues, as is generally the case in legislation, in clause-by-clause, if there is any technical advice you'd like to have, we have our officials here to help with it.

I'd like to begin by calling clause 1 of the piece of legislation, Bill C-47, which we are studying and which we are looking to go through clause by clause today and in the future, if necessary.

(Clause 1 agreed to)

(On clause 2)

Mr. Ziad Aboultaif (Edmonton Manning, CPC): This is a question to either of the panellists. How do they see this change or

proposal changing the minister's authority over making the decision on exports?

Ms. Wendy Gilmour: In establishing legal assessment criteria for the administration of export permit applications, the minister will be considering very similar criteria to what we already consider as part of the process. These, however, will be legally binding, so she must demonstrate that she has considered each one of those before making a decision or determining the outcome of a permit assessment.

Wherever we have general export permits in place or other administrative efficiencies, the minister will still have to demonstrate that she has taken these considerations into account, but it would then be with respect to all of the types of permits under a particular general permit.

The criteria are consistent, then, with what we already have, but we're going to have to document the explicit consideration of each of these elements.

Mr. Ziad Aboultaif: How will that benefit the process? Could that process be lengthy sometimes and go beyond the time or contract arrangements?

Ms. Wendy Gilmour: We'll have to do, as a department, a full assessment of the implications of the act once Parliament decides exactly what to adopt.

From an administrative standpoint we will be doing our very best to adhere to the public service standards we currently have for export permit applications, which is 10 days for fairly simple permits and 40 days for more complex permits. Then, for those permits that are to areas subject to sanctions law, there's a two-track process. First they are considered in light of Canadian economic sanctions, and then they go through the export permit assessment.

Mr. Ziad Aboultaif: Thank you.

The Chair: Are there no further questions?

(Clause 2 agreed to)

(Clauses 3 and 4 agreed to)

(On clause 5)

The Chair: Mr. Aboultaif, clause 5 was one of your colleague's amendments, but he's not here. What's your wish?

Mr. Ziad Aboultaif: We would like to come back to it, if that's okay.

The Chair: You would like, then, to table it?

Mr. Ziad Aboultaif: Yes.

The Chair: It's not usual. It's generally not done, to be honest.

Mr. Ziad Aboultaif: It's because my colleague is not here.

• (1535)

The Chair: I noticed that but we start at 3:30 p.m.

Can I get the consent of my colleagues to stand clause 5?

Mr. Jati Sidhu (Mission—Matsqui—Fraser Canyon, Lib.): I would like, Mr. Chair, to deal with it.

Can you speak to it?

Mr. Ziad Aboultaif: I would rather ask my colleague here.

The Chair: Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière (Laurier—Sainte-Marie, NDP): The person who put forward the amendment isn't here to speak to it. At the same time, it's unusual, to say the least, not to discuss an amendment at this time. Before I can say what I think, I'd like to know how you intend to proceed if we don't deal with the amendment immediately. Do you want to come back to it at a future meeting or later today?

[*English*]

The Chair: You're right, it causes significant concern. Because the member is not here, the amendment, then, is withdrawn.

Is there any further discussion on clause 5?

(Clause 5 agreed to)

(Clauses 6 and 7 agreed to)

(On clause 8)

The Chair: We are now on clause 8. I want to bring to your attention that there are two subamendments to the amendment on clause 8. We will hear, on clause 8, from Ms. Vandenberg, who is presenting the amendment, but then we will go to subamendment NDP-SUB1. We will vote on that one and then will vote on the second NDP subamendment before we vote on the Liberal amendment.

Is that understood? Okay.

Madam Vandenberg, please.

Ms. Anita Vandenberg (Ottawa West—Nepean, Lib.): Thank you very much.

I don't think I need to read this one, because I believe everybody has it in both French and English. I'll just talk about the rationale behind it.

This is an amendment that comes significantly from the testimony we heard. Although by law, if the Arms Trade Treaty article 7 is put into regulation it has the same force of law as it would if it were in the legislation, what we heard from multiple witnesses was that this was something that caused some concern. This amendment takes all of article 7 of the Arms Trade Treaty and puts it in the actual text of the legislation.

A number of other things are changed in this amendment. One of them is that in all of the proposed sections that have to do with the

Arms Trade Treaty we have changed the word “may” to the word “shall.” This is a significant change. Right now it says that if any of the article 7 human rights violations in the Arms Trade Treaty are likely to occur, the minister “may” take action. What we're suggesting is that it be changed to say that the minister “shall” take that into consideration. I think this is a significant change to the clauses that have to do with the Arms Trade Treaty.

We did not do this in the first proposed new section, because it is actually not to do with the Arms Trade Treaty, which is something I can discuss when the subamendment comes forward.

The other change in this particular amendment is under “substantial risk”. Right now, we really need conclusive evidence before a permit is not given because of the risk of human rights violations. In the Arms Trade Treaty, the term used is “overriding risk.” That is something that doesn't necessarily appear in Canadian jurisprudence, so I decided to put in “substantial risk”.

I see that in three out of the four amendments the wording is “substantial risk”, but in two of the opposition amendments that came forward... I know there's one that talks about “reasonable risk.” One reason I use “substantial” is, first of all, it is more common in Canadian jurisprudence to say “substantial”. Also, “substantial” is a quantitative thing; “substantial” actually indicates an amount, whereas “reasonable” is a subjective thing.

Those are the three main changes we're putting in. What this really represents, and we saw it in the minister's testimony as well, is a strengthening of the legislation, Bill C-47. It puts the Arms Trade Treaty language into Bill C-47. It strengthens the wording, so that the minister “shall” take into consideration. Also, for the first time it says that if there is substantial risk that something is going to be used for human rights abuses or gender-based violence... That's another thing that would now be in the act, which wasn't before, the words “serious acts of gender-based violence or serious acts of violence against women and children.”

I think this addresses most of the concerns that were raised by civil society and by the witnesses, and that it strengthens the legislation.

• (1540)

The Chair: Is there any further discussion? It's a fairly lengthy amendment, so we can go to further discussion or we can go to the NDP subamendment, and then you can speak to it in its entirety if you like.

Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: I'd prefer to speak to the amendment first because it will make things easier afterwards. Is that okay?

[*English*]

The Chair: It's perfectly fine. The floor is yours.

[Translation]

Ms. Hélène Laverdière: I want to first say that I support this amendment. I think it's important to specify that the minister has to take these factors into account.

Article 6 of the Treaty uses the language

[English]

“shall not authorize”.

[Translation]

A number of civil society witnesses, including representatives of the Rideau Institute, Amnesty International, and Project Ploughshares, stressed the importance of including this in the bill. Ms. Mason even told the committee that, without this inclusion, Bill C-47 would be contravening both the spirit and the letter of the Arms Trade Treaty, so I think this is a very important change.

I'd like to clarify something else. As things stand, it would be necessary to have strong and compelling evidence showing that the goods would be used to commit human rights violations, when, in actual fact, that isn't how it works. In reality, if a reasonable risk exists, the permit should not theoretically be issued. Given certain comments, I just wanted to set the record straight.

It is essential, in my view, to include this obligation for the minister. As you know, we've really been pushing for this, so I'm glad to see that our colleagues across the way have come around. This is a welcome amendment.

As for including the Arms Trade Treaty criteria in the bill, I don't agree with my colleague that putting it in the regulations gives it the same weight as putting it in the act. That is something else we pushed hard for. I think it's very important to include all of these factors, particularly gender-based violence. This is quite a groundbreaking element of the treaty.

This, too, responds to what witnesses have called for. According to my notes, Anna Macdonald, of the Control Arms Secretariat, was very clear on this point, as was Alex Neve. Although Mr. Neve is familiar to many of you, I should point out that he is from Amnesty International. The Rideau Institute had the same position as well.

Including the criteria in the actual act will allow for greater transparency and provide a better safeguard. Furthermore, as we've heard, it will still be possible to add other criteria to the regulations, so the intended flexibility will remain.

Thank you, Mr. Chair.

• (1545)

[English]

The Chair: Thank you, Madame Laverdière.

We will have final comments from Ms. Vandenbeld, please.

[Translation]

Ms. Anita Vandenbeld: I agree, and that's why we wanted to include in the act the principles set out in article 7 of the treaty. That is the reason we put forward the amendment.

The notion of the term “reasonable” was another issue.

[English]

I'm not sure whether in French and English it means the same thing. I know that in English the word “substantial” is used in the Criminal Code and used in the Immigration and Refugee Protection Act. It's something that has actual legal meaning and that is used in Canadian jurisprudence.

The only Canadian law that the word “reasonable” is in, in English, is the Office of the Superintendent of Financial Institutions Act. Because it has been defined...

In fact, the International Committee of the Red Cross just released a publication that says that the word “substantial” is in compliance with the Arms Trade Treaty and is actually much clearer. There's a publication called “Arms Transfer Decisions: Applying International Humanitarian Law and International Human Rights Law Criteria” that says that the word “substantial” would be the correct and more likely one. For reasons of language, I wouldn't support the particular subamendment that talks about “reasonable”.

The Chair: We will get to that. We haven't moved that subamendment yet. We're just still talking about—

Ms. Anita Vandenbeld: But she spoke to it.

The Chair: She may have veered off the path a little bit.

Ms. Anita Vandenbeld: I'm just replying to what she—

The Chair: Let me stop it there.

Ms. Anita Vandenbeld: Okay.

The Chair: Is there any further discussion on the amendment proposed by Madam Vandenbeld? If not, then we will go to the subamendment changing that amendment, submitted by Madame Laverdière.

Could you speak to that now?

Ms. Hélène Laverdière: For subamendment NDP-SUB1...

[Translation]

Forgive me, I forgot to switch back to French. As long as I don't start speaking Spanish, I'm doing okay.

[English]

The Chair: That's okay, but we'll need an interpreter for you.

[Translation]

Ms. Hélène Laverdière: I think we can withdraw NDP subamendment 1, because Ms. Vandenbeld's proposal seems to cover it.

I would point out, however, that the words “reasonable” in English and “raisonnable” in French do, in fact, have the same meaning and that the concept has primarily been used in policies thus far and not bills.

[English]

The Chair: Thank you.

NDP-SUB1 is withdrawn.

Ms. Anita Vandenbeld: It's NDP-SUB2, actually.

The Chair: No, we are now going to subamendment NDP-SUB2.

Madame Laverdière.

Ms. Anita Vandenberg: Subamendment 2 is the one you just spoke to.

Ms. Hélène Laverdière: Yes.

The Chair: We're on subamendment 1.

Have you withdrawn subamendment 1?

[*Translation*]

Ms. Hélène Laverdière: I am withdrawing NDP-SUB1.

[*English*]

The Chair: We are now on subamendment 2. Could you speak to that, please?

Ms. Hélène Laverdière: Yes. Give me just a minute, please.

[*Translation*]

Actually, I am also going to withdraw NDP subamendment 2.

[*English*]

The Chair: Subamendment 2 has been withdrawn.

We are now on the amendment proposed by Madam Vandenberg. As there's been discussion, we will now put the question.

Ms. Anita Vandenberg: On which one?

The Chair: Both of her amendments have been withdrawn, and we are now on your amendment.

Ms. Anita Vandenberg: Okay.

The Chair: Just follow the chair. It's much quicker.

Ms. Anita Vandenberg: I just want to make sure that they withdrew both, if that was the intention.

The Chair: They have.

Ms. Anita Vandenberg: Good.

The Chair: Yes, Ms. May, you may speak before the vote.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): I just want to clarify the status of my amendment before the vote.

The Chair: It will not be moved once this amendment is passed.

Ms. Elizabeth May: That's why I request the floor now.

The Chair: You have the floor.

Ms. Elizabeth May: Thank you, Mr. Chair.

I'll briefly do what I must do in every situation such as this, which is to remind the committee that I'm here because you passed a motion that requires me to be here, so that I don't have the right to put forward this amendment at report stage, which I would have vastly preferred.

In my brief opportunity to speak to this, let me say that I'm very gratified to see the government move an amendment that strengthens the bill. It obviously would nullify the one that I put forward. I just want to say briefly that it is a significant improvement to ensure that the minister's requirement to consider the risks is now mandatory and not merely discretionary. Assuming that my friend Anita's amendment is passed, it will in fact strengthen this legislation.

I need to put on the record, with your permission, Mr. Chair, the deep regret that we have not fixed the U.S. exemption loophole that remains in Bill C-47, unless someone in the course of this

committee's clause-by-clause is able to amend that section of the bill to say that we will track U.S. sales and close what has generally been described by most of the groups before this committee as the loophole you can drive a tank through.

I appreciate the moment to support the amendment the government is putting forward. My amendment is put forward, and I have no power to withdraw it or not. It is deemed, under the terms of the motion this committee passed, to have been moved, and my opportunity is merely to come to speak to it.

Thank you, Mr. Chair.

• (1550)

The Chair: Thank you very much, Madam May.

Is there any further discussion?

(Amendment agreed to [*See Minutes of Proceedings*])

The Chair: Then we will go to other amendments within clause 8.

Also, as the Liberal amendment is now adopted, amendment LIB-3, which the Liberals are presenting, will also be adopted as a consequential amendment, but we'll remind you of that when we get to it as well.

Ms. Hélène Laverdière: Sorry, Mr. Chair, could you repeat that? I didn't get that very clearly.

The Chair: The Liberal amendment number LIB-3 that is in the package will also be adopted, because it's a consequential amendment, but I will remind you of that once we get to it. I just wanted to let you know in advance. That's the ruling of the clerk.

Also, since the Liberal amendment, Madam Vandenberg's, was just passed, amendments NDP-1, PV-1, and Bloc Québécois-1 cannot be moved, as they amend the same lines.

Would you like to speak to this before we move on?

Mr. Thériault.

[*Translation*]

Mr. Luc Thériault (Montcalm, GPQ): Mr. Chair, Ms. Vandenberg's amendment concerns lines 11 to 22. Our amendment would make an addition after line 22, so I don't see why we wouldn't discuss our amendment.

Mr. Philippe Méla (Legislative Clerk): Ms. Vandenberg's amendment replaces lines 11 to 22.

Mr. Luc Thériault: It replaces lines 11 to 22 on page 4.

Mr. Philippe Méla: Yes, lines 11 to 22 on page 4. Your amendment replaces lines 13 and 14, so the lines you're trying to amend have, in fact, disappeared, so they can no longer be amended. It's possible to amend a line only once. That's why it's not possible to amend—

Mr. Luc Thériault: Forgive me, but are you referring to our first or second amendment?

Mr. Philippe Méla: I'm referring to your first amendment.

Mr. Luc Thériault: Very well. It's fine.

[English]

The Chair: Is there any further need for explanation? If not, then, of course, we will go to NDP-2.

Hon. Erin O'Toole (Durham, CPC): I have a point of order, Mr. Chair.

It's my understanding—and I have to admit that it's with a bit of surprise—that the first amendment, rather than having been tabled with a whole series of work on our agenda, was somehow withdrawn. I would ask for the unanimous consent of my colleagues, who are all present here. As we all will recall, before Christmas, we took Bill C-47 off our action list because we were advised that a series of amendments were coming from the government. We worked in the spirit of goodwill to see that through. Today, given the tariffs imposed by President Trump on our aluminum and steel industries, I did a brief media discussion after question period, which held me up by a couple of minutes from coming to this meeting. In many ways, I was standing up for the thousands of members of the United Steelworkers, and organizations like that, that are concerned about these tariffs.

In light of that, and with my friends in the NDP here, I would hope that they would see that it's our responsibility, following such rash action from our largest trading partner, to be part of the solution to push back. Considering that was why, we would have tabled CPC-1, which was out there as a suggestion from the stakeholders we heard from. Why it might have been withdrawn would be called sharp practice, in the legal profession, or certainly, you could say, unfairness.

I'm trying to be very respectful of people's time and presence here today, but I'd like unanimous consent from our group to say that we can now deal with that because we certainly had enough things we could have worked on while I was doing the media interviews.

• (1555)

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

We'll have Mr. Wrzesnewskyj, please, and then Madam Laverdière.

Mr. Borys Wrzesnewskyj (Etobicoke Centre, Lib.): Thank you, Chair.

To my colleague, Mr. O'Toole, this is an example of the government working collaboratively with the opposition on a very important piece of legislation. We've listened to witnesses. We've listened to the opposition parties' concerns and in that spirit, we've proceeded with this. I believe that we should continue, in that same spirit, and hopefully, we'll see the same spirit displayed right around the table, as we go through this whole process. I would actually be supportive to allow—notwithstanding that, yes, Mr. O'Toole wasn't here when things started, and regular procedures—in the spirit of collaboration and co-operation, that we be able to proceed.

[Translation]

The Chair: Ms. Laverdière, you may go ahead.

Ms. Hélène Laverdière: Mr. Chair, I realize that it's not regular procedure, but I think all of us here, at the table, understand that being an MP can be a bit complicated and that our primary role and

responsibility is to act in accordance with our own views. Sometimes those views overlap, but not always. We have to do everything in our power to stand up for the interests of our country, our people, and our workers. That's definitely one thing we can all agree on.

I have to say that I don't support the amendment. That said, out of respect for the explanation we just received and the discussions we've had on the issue going back weeks now, I think it would be useful to take the time to discuss the amendment.

Thank you very much, Mr. Chair.

[English]

The Chair: Okay. That's clear. Is there unanimous consent, then, to nullify the vote on clause 5 and return to clause 5?

Some hon. members: Yes.

(Clause 8 allowed to stand)

(On clause 5)

Hon. Erin O'Toole: Thank you very much, Mr. Chair, and thank you very much, colleagues, for your indulgence.

I know that certainly the members of the USW appreciate your understanding as well, Madam Laverdière. This certainly did catch us by surprise, and that's why I apologize for being a bit tardy.

As you will recall, colleagues, this single and fairly simple amendment was the result of considerable testimony provided by the Ontario Federation of Anglers and Hunters, as well as the Canadian Shooting Sports Association. You'll recall the debate at the time. Also, I appreciate that we have witnesses from the department here, because our professional civil service, which we've been talking about a lot in the House of Commons lately in terms of what high regard we have for our professionals, was a part of the United Nations discussions on the Arms Trade Treaty for many years.

We can recall that a previous government had some concern that the preamble would not provide sufficient protection for cultural aboriginal sports shooting and hunting uses of legal firearms. We tried to present a fairly simplistic way to provide that degree of clarity within the legislation itself. People may recall that on the day we had those witnesses testifying on Bill C-47, I quoted Professor Kent Roach from the University of Toronto law school on his position with respect to preambles that do not provide legal certainty when you can provide such legal certainty within the pith of the legislation. That's the intention here, friends and colleagues.

The intention comes from direct consultations, particularly with the Ontario Federation of Anglers and Hunters, which I know the minister's office has been in touch with in respect of this bill. I will say—and then I'll end and hear debate from my colleagues—that these are very specific exemptions that give the certainty that a wide cross-section of Canadians would like to see, because they agree with the spirit of this legislation. As you'll recall, we did not march in hundreds of witnesses. We tried to make sure that this was done in a respectful way to provide a degree of certainty that people in rural Canada—first nations, sport shooters, and those sorts of people—can have by a direct provision in the act.

This gives them that clarity. It's been reviewed by the witnesses who appeared that day. It does not interfere with the intention and certainly the considerable commentary on what the intention of this legislation is with respect to conflict zones and violence around the world.

I would ask you to consider this to give that large cross-section of Canadians the degree of certainty that I think both sides—as I remember from our witnesses being here—wanted to see. There was a sense early on that the government might propose this themselves. We would have enjoyed seeing that. Since they have not, I think that in the spirit of co-operation that my friend Borys so eloquently expressed earlier, this modest clause could be accepted by all who are here today.

• (1600)

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

Is there any further discussion?

We'll have Mr. Levitt, and then Madam Laverdière.

Mr. Michael Levitt (York Centre, Lib.): I was pleased to extend a spirit of co-operation to bringing this back onto the table, but I have to tell you that we heard repeatedly during testimony that Bill C-47 does not in any way create a burden on domestic gun owners through the brokering control list. The record-keeping requirements for importing or exporting controlled weapons already exist, and they are the same as they were under the previous government.

These requirements of the Export and Import Permits Act, the EIPA, have been in place for 70 years. We've also heard that the ATT preamble very clearly recognizes “legitimate trade and lawful ownership, and use of certain conventional arms for recreational, cultural, historical, and sporting activities, where such trade, ownership and use are permitted or protected by law”.

The Conservatives have continuously raised this spectre, but I have to tell you that nowhere is this mentioned in the body. It's simply untrue that this is at all the intent.

I also want to recognize amendment Liberal-2, which will be tabled shortly by MP Sidhu. He submitted an amendment that will add for greater certainty the confirmation that Bill C-47 does not create any new regulatory burdens on domestic gun owners.

While we have some of the officials in the room, I also want to quote Richard Arbeiter, the director general of the international security policy bureau, who said, “The ATT also does not impact, and I would like to underline this, domestic gun control laws or other firearm ownership policies.”

I think we've heard this repeatedly. I would like to suggest that this particular amendment is not necessary in this situation. I would like to encourage the members in this particular case to vote against this amendment.

• (1605)

The Chair: Thank you, Mr. Levitt.

Ms. Laverdière, and then Ms. May.

[*Translation*]

Ms. Hélène Laverdière: Thank you very much, Mr. Chair.

Although I was willing to discuss the amendment in the spirit of co-operation, I cannot support it, unfortunately.

Before discussing the substance of the amendment, I'd like to point out that, under the previous government, gun owners and sporting groups often had the opportunity to take part in negotiations in the U.S. I think that's great. The more civil society groups are included in those types of negotiations, the better it is. The problem, however, was that many civil society groups were never invited, and I hope that kind of selective approach won't be taken in the future.

Turning now, to the amendment, I don't think it's necessary. A number of witnesses told us that, even witnesses from the arms industry. In particular, Christyn Cianfarani, of the Canadian Association of Defence and Security Industries, comes to mind. Anna Macdonald told the committee:

[*English*]

I think it would be unnecessary. The Arms Trade Treaty is about the international transfer of arms and ammunition between countries and territories that import, export, transit, and transship. It's not about domestic gun ownership, so I would see such wording as unnecessary.

[*Translation*]

If we were to go ahead and include an amendment that was not necessary, we could include all kinds of other things that were not directly tied to the Arms Trade Treaty. It would certainly be quite the bill, like some of the budget bills we see.

The problem is that, not only is the amendment unnecessary, but it could also be used to circumvent the rules. What's more, the amendment does not recognize that the brokering provisions in the bill apply to exports, and not domestic use.

Thank you very much, Mr. Chair.

The Chair: Thank you, Ms. Laverdière.

[*English*]

We'll have Ms. May, please, and then Mr. Aboultaif.

Ms. Elizabeth May: I'm enormously grateful, Mr. Chair, that you're allowing me to speak to this amendment, because it is your discretion.

I support this amendment. The mover may not appreciate it when I go on to say that it's the silliest amendment I've ever seen. It's manifestly not only unnecessary; it's absurd. When you read the Arms Trade Treaty, it's clear that nothing in the Arms Trade Treaty could possibly apply to the categories of use covered by this amendment.

There is malicious intent, and not on the part of the mover, because he's a lovely man. I find within the political partisan machinations around this bill that I've wasted a lot of time in the House defending Bill C-47 when I wanted to point out its loopholes, because I had to keep going back to the Arms Trade Treaty and reading out all the provisions to make it clear that this wasn't the gun registry domestically in disguise.

The best way for all people around this table to ensure that this is never an election issue is to pass this silly amendment from the Conservative Party.

Thank you.

• (1610)

The Chair: Thank you.

Mr. Aboultaif, please.

Mr. Ziad Aboultaif: Thanks, Ms. May, on behalf of my colleagues.

I'm not so surprised by the position of Ms. Laverdière. I've heard the speeches. I spoke to this bill in the House of Commons. One of the main areas that we raised all the time was this clause. We got assurances from the government side at all levels that Bill C-47 will not come near or deny those amendments or at least what that clause speaks about.

That's just to freshen the memories of our honourable colleagues on the government side about those discussions. Hopefully, the assurances that we got during discussions will apply here and they will agree to pass this amendment.

The Chair: Thank you.

Seeing no further debate, we will move to a vote on Mr. O'Toole's amendment.

Hon. Erin O'Toole: Could we get a recorded vote?

The Chair: We will have a recorded vote on the amendment by Mr. O'Toole to clause 5.

(Amendment negatived: nays 6; yeas 3 [See *Minutes of Proceedings*])

(Clause 5 agreed to)

(On clause 8)

The Chair: We are back on clause 8. There is an amendment by Madame Laverdière that Bill C-47, in clause 8, be amended by adding, after line 22 on page 4, the following....

I turn the floor over to Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: Mr. Chair, perhaps I spoke too quickly earlier. Since some of the Liberals' amendments seem to cover what

we are trying to accomplish with this amendment, I'm prepared to withdraw it.

I want to say that, although the bill still needs work, I'm happy to see that these improvements were put forward, few though they may be. Clearly, the bill needs a lot more improvement, but we can deal with that later.

[*English*]

The Chair: Thank you very much, Madame Laverdière.

The amendment proposed by Madame Laverdière is withdrawn.

We will now go to Mr. Thériault.

[*Translation*]

Mr. Luc Thériault: Thank you, Mr. Chair.

I want to reassure my colleague that our objective is to include, in the bill, three of the most virtuous principles for parliamentarians. First of all, we'd like to see a better balance between executive and legislative authority. Second, we want greater accountability. Finally, greater parliamentary oversight and transparency are therefore needed at the legislative level.

As it stands, the bill's implementation rests entirely in the government's hands. It is not subject to any parliamentary oversight, aside from oral question period. That was clear in the case of Saudi Arabia, among others.

When the committee is of the view that a country's situation has changed and military equipment should no longer be exported to that country, the committee should have the authority to deal with the matter. In our view, the committee should be able to report to the House and, if appropriate, recommend that the permit be suspended or cancelled.

If the minister fails to implement the committee's recommendations, the minister would be required to explain the reasons why before the House. Note that the amendment does not take away all of the executive branch's authority. All we are asking is that the minister publicly state the reasons for their decision before Parliament. In that way, our amendment would achieve the three objectives I mentioned: accountability, transparency, and a better balance between executive and legislative authority.

• (1615)

[*English*]

The Chair: Thank you, Mr. Thériault.

Mr. Wrzesnewskyj.

Mr. Borys Wrzesnewskyj: Thank you, Mr. Chair.

With respect, I'd like to point out that this particular amendment has a redundancy in it, because committees are the masters of their own destiny. Committees choose their own areas of study. It isn't just in question period that we can have answers. Committees in fact have the ability. They don't require legislation to tell them what they should or should not be studying. There's a redundancy in this particular amendment when it comes to that particular issue.

There's also a concern because it seems to apply a certain onus, and there is commercial confidentiality in many of these cases. It's a very competitive business. Departments have to review confidential information in sometimes very strategic areas. So there's a problem with that particular aspect as well.

Consequently, I would suggest that this is not an amendment we can support.

The Chair: Okay.

[*Translation*]

Ms. Laverdière, the floor is yours.

Ms. Hélène Laverdière: Thank you, Mr. Chair.

Unlike my colleagues across the way, we are most definitely prepared to support this amendment.

As you know, on this very important matter, we have made several attempts to obtain more accountability—some type of parliamentary oversight of arms exports. This is an issue Canadians are very concerned about. In the past few years, months even, we have seen too many problematic cases, whether we are talking about the situation with Saudi Arabia or the sale of helicopters to the Philippines. It is not a small minority of Canadians who find this troubling, but, rather, a large portion of the population.

We put forward what would have been a simple and effective solution, one that would have easily achieved the transparency the government is always promising but often fails to deliver on, unfortunately. Our proposal was to establish a subcommittee of sorts, made up of industry, defence, and foreign affairs stakeholders, to regularly examine issues related to Canada's arms exports.

Some of the members across the way may not have been here when we voted on the proposal, a few times, in fact, in a variety of forms. Unfortunately, it did not go through.

It is, however, a model being used elsewhere. Great Britain, for example, has such a committee. There are other examples we could easily look to for guidance. This would be an ideal solution. The committee we are envisioning could examine not just specific cases, but also major trends, and do so on an ongoing basis. For instance, it could look into the reasons why Canada's arms sales to the Middle East have doubled, or why we export more to the Middle East and less to NATO countries. We could have put that kind of committee in place.

I'd like to pick up on what my fellow member said. Although commercial confidentiality may be a concern, some things are very clear. Just take the case of Saudi Arabia. We don't need all the financial details in order to evaluate the situation in the country or the risk that Canadian arms could be used, possibly making Canada complicit in the events in Yemen. That would be a huge black mark on Canada's reputation.

Parliamentarians can and must address the issue. It is our role as representatives of the population, one that finds these situations very troubling.

In the absence of a standing committee with the ability to examine these issues, we can get behind the proposal put forward by my fellow member from the Groupe parlementaire québécois.

Is that the right name, Mr. Thériault?

• (1620)

Mr. Luc Thériault: Yes, that's right.

Ms. Hélène Laverdière: I apologize, the new name is going to take some getting used to.

It's a half-measure, but at least it's something. The committee should really support this amendment.

The Chair: Thank you, Ms. Laverdière.

[*English*]

Mr. Thériault, please.

[*Translation*]

Mr. Luc Thériault: I'd like to follow up on what the honourable member said a moment ago. With all due respect, I would argue that requiring the minister to explain the decision not to implement the committee's recommendations puts some power back in the hands of the legislative branch, as the public would want. In a parliament such as ours, it is always a struggle for the legislative branch to fulfill its role, with the executive branch encroaching on the legislative space.

I think this is an important element, especially in an area as critical as this one is. This measure would make people happy. It would bring greater accountability, a better balance of power, and more transparency, all of which the public would welcome. I don't see how this proposal throws the entire process into question.

[*English*]

The Chair: Thank you, Mr. Thériault.

Madame Laverdière, would you like to add more?

[*Translation*]

Ms. Hélène Laverdière: Yes, I have a quick comment, Mr. Chair.

I forgot to address commercial confidentiality. I would again refer to Great Britain, which has such a committee. There are models out there we can follow. In Great Britain, they respect commercial confidentiality, so there is a way to do this while respecting commercial confidentiality.

[*English*]

The Chair: Thank you very much.

Colleagues, you've heard the discussion on the amendment proposed to clause 8 by Mr. Thériault. All those in favour?

[*Translation*]

Ms. Hélène Laverdière: Could I please have a recorded division?

[*English*]

The Chair: Yes, of course you can, Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: Thank you.

[*English*]

The Chair: We'll have a recorded vote, please, to the amendment put forward by Mr. Thériault.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 8 as amended agreed to)

(Clause 9 agreed to)

The Chair: Now, we have new clause 9.1, as presented by Madame Laverdière.

The floor is yours.

[*Translation*]

Ms. Hélène Laverdière: Thank you, Mr. Chair.

This is the first amendment I will be able to speak to with a bit more substance, so I hope to have the support of my fellow members on this extremely important amendment. It deals with a crucial issue. The amendment would require the minister to reassess an export permit when the circumstances on the ground had changed.

To begin with, this is very much in keeping with the spirit of article 7 of the Arms Trade Treaty. Sorry, but I have only the English version. As a francophone, I feel terrible, but I'm going to read the text in English.

• (1625)

[*English*]

It says:

If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State.

[*Translation*]

It's very clear to me that, if new information emerges, meaning that the situation changes on the ground, the minister has an obligation to reassess the authorization that was given.

When the minister appeared before the committee a few weeks ago, she seemed to indicate that she wasn't willing to reassess certain cases. I find that troubling. Perhaps I misunderstood. If so, I welcome any clarification on the matter.

In the case of Saudi Arabia, we saw video showing Canadian arms, or similar arms, being used both in the eastern part of the country and in Yemen. That represents a change in circumstances on the ground. When that happens, on a practical level, we have to do a reassessment, so that we are not just talking about human rights around the world, but also doing something to actually protect them. We do that every day in our daily lives, for that matter. When we make a decision based on information, and then contradictory or new information arises, we revisit our decision.

On the one hand, it's simply the common sense thing to do. On the other hand, article 7 of the Arms Trade Treaty is perfectly clear on the subject.

Why include certain elements of the treaty in the bill, but not others? I can't understand that. I'd very much like for someone to explain it to me.

[*English*]

The Chair: Is there any further discussion?

Mr. Wrzesnewskij, please.

Mr. Borys Wrzesnewskij: Thank you, Mr. Chair.

Once again, I appreciate the spirit with which this amendment is proposed. I believe it actually speaks to the spirit with which this legislation is being proposed. It clearly speaks to the minister's having to see whether or not he or she would amend, suspend, etc. It provides different ways that the minister can react if circumstances change. That's a very important tool for a minister to have at his or her disposal because it helps us to negotiate if sometimes we think things are perhaps heading in a direction that we don't believe is the right direction.

Because of the way this is worded, that opportunity is taken off the table. The minister has no opportunity to negotiate, to use diplomacy to say, "Listen, we don't particularly like the direction that that country is taking." I'm not sure that removing that opportunity for diplomacy and to influence people that we might be co-operating with in a positive way—although I understand the spirit with which this amendment is proposed—actually helps us in those sets of circumstances. When wording in legislation is so stark, it creates additional difficulties. If there's positive change, the minister must react. Do we increase our co-operation?

It's not the way we typically would word things, and it also removes our ability to actually influence events, should they be heading in a direction that we do not like. I would once again suggest that we look at the spirit of how all of this legislation has been put together and worded. I think our intent is quite clear.

Thank you.

• (1630)

The Chair: Thank you.

Is there any further discussion?

Madam Laverdière.

[*Translation*]

Ms. Hélène Laverdière: There is a fundamental problem here. There is nothing in the bill stipulating that the minister has to reevaluate when there are changes on the ground. We have made adjustments in some cases, but not enough, unfortunately. The bill under consideration still does not respect the spirit or the letter of the treaty.

Mr. Chair, I would like to read article 7 of the treaty:

[*English*]

"If, after an authorization has been granted, an exporting State Party becomes aware of new relevant information, it is encouraged to reassess the authorization after consultations, if appropriate, with the importing State."

[*Translation*]

From a very practical point of view, my colleague seems to be saying that by doing that we would strip the minister of any negotiating power. I disagree. Actually, it is the opposite. I believe it was Churchill who said that:

[English]

“Speak softly and carry a big stick”.

Hon. Erin O’Toole: It was Roosevelt.

Ms. Hélène Laverdière: It was Roosevelt, okay.

Hon. Peter Van Loan: It was Teddy Roosevelt.

Ms. Elizabeth May: Peter and I agree on something. It was Teddy Roosevelt.

[Translation]

Ms. Hélène Laverdière: I’m sorry. I have the bad habit of attributing everything to Mr. Churchill.

The fact that the minister can say that a permit will not be granted under certain circumstances or that permits will have to be reassessed enables the minister to exert pressure on countries where there are developments that would be problematic for us or that we would not approve of.

[English]

The Chair: Thank you.

Colleagues, you’ve heard a substantial discussion on—

Mr. Peter Fragiskatos (London North Centre, Lib.): Mr. Chair, I’d like to add one quick comment. I’m not a sitting member of this committee, but I do take tremendous interest in its work. Just in case there’s any confusion, I think for the record it should be clarified that a recent independent, objective opinion offered by Canadian public servants makes clear that there is no evidence that Canadian light-armoured vehicles were used to perpetrate human rights abuses in Saudi Arabia. The topic of Saudi Arabia has come up here a number of times. I think there is a need to clarify that important point.

The Chair: Thank you.

Having heard substantial discussion on the amendment proposed by Madame Laverdière of creating a new clause 9.1, let’s go to the vote.

We will go to a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 10 agreed to)

(On clause 11)

The Chair: For clause 11 there is a Liberal amendment under the name of Mr. Sidhu, so we will turn the floor over to Mr. Sidhu, please.

•(1635)

Mr. Jati Sidhu: Thank you, Mr. Chair.

I think by amending this clause, it might help my colleague across the aisle with what he was trying to accomplish a little earlier in paragraph 5.

My amendment in clause 11 is to add after line 6, on page 6, the following:

For greater certainty, this section applies in respect of a firearm only if the firearm is included in the Export Control List; Brokering Control List or Import Control

List and it is the subject of an application for a permit, certificate or other authorization under this Act.

For a bit of clarification on this amendment, the “for greater certainty” clause addresses the concern raised by Canadian Shooting Sports Association and the Ontario Federation of Anglers and Hunters. It makes certain that brokering control does not include record-keeping for firearms that are not being brokered, moved from one third country to another third country. As confirmed by testimony from officials before this committee on Bill C-47, it is not affecting the domestic use of guns. Record-keeping, as required for importing and exporting firearms, is not introduced in Bill C-47. That has existed since 1947, even under the government of the Conservative Party.

This clause would provide greater certainty on those points.

The Chair: Mr. O’Toole, please.

Hon. Erin O’Toole: I’d like to thank my friend Mr. Sidhu for the amendment.

Colleagues, I haven’t been in politics too long, but my time in government has taught me that usually when a government wants to usurp an idea from the opposition or stakeholders and claim credit for it, they vote down the Conservative amendment. Normally, you then introduce an amendment that stakeholders actually want. This wasn’t the amendment that stakeholders wanted, and I think that is not lost on my friend. I think it’s less than they wanted. It’s something, but considering we thought—as Ms. May suggested—that we were removing the politics from this entirely and moving on, I was a little disappointed that it wasn’t what the Ontario Federation of Anglers and Hunters and the Shooting Sports Association wanted. It’s disappointing, but, what’s the term, I guess it’s better than nothing.

I want to thank my colleague for at least having something. I think it would be important for the minister and perhaps the parliamentary secretary to explain, after the delay and the appearance of our witnesses—and I know they’ve contacted the witnesses—why they did not proceed in a fashion that gave the witnesses certainty. At the very least, at least this is something.

The Chair: Okay.

[Translation]

Ms. Laverdière, you have the floor.

Ms. Hélène Laverdière: Thank you, Mr. Chair.

I oppose this amendment. As in the case of the Conservative amendment, I think this amendment is simply not necessary, given the nature of the Arms Trade Treaty.

For weeks, my colleagues opposite have been saying that the Arms Trade Treaty does not affect individual owners and so forth. We have heard plenty of testimony and now suddenly they put forward this amendment. It is quite ironic and a bit strange, but perhaps they will have the opportunity to explain their rationale.

I do not think this amendment is necessary. More importantly, it eliminates the requirement to report on the sale or transfer of arms without a permit, certificate or other authorization. The basic problem I see is that this obviously exempts all of our arms sales to the United States, which we do not agree on.

It is essential for us to have much greater transparency and complete reports on our arms sales to the United States. Exempting our arms exports to the United States violates articles 5 and 12 of the Arms Trade Treaty.

Article 5 reads as follows:

• (1640)

[English]

Each State Party shall implement this Treaty in a consistent, objective and non-discriminatory manner, bearing in mind the principles referred to in this Treaty.

[Translation]

Let me read you the first paragraph of article 12:

Each State Party shall maintain national records, pursuant to its national laws and regulations, of its issuance of export authorizations or its actual exports of the conventional arms covered under Article 2(1).

So there is no reason to exempt our arms exports to the United States. The Arms Trade Treaty is very clear in this regard: this also pertains to effective exports, so it should apply to our exports to the United States.

For the record, I would like to read out what Mr. Andrew Stobo Sniderman, who was the advisor to Stéphane Dion, former minister of foreign affairs, said about human rights. Since we have not had the opportunity to hear testimony from him in this committee, I will read out what he said in this regard.

[English]

The federal government says its new legislation to implement the international Arms Trade Treaty will increase transparency and accountability. That would be welcome news, given that we are talking about how Canada sells weapons that kill people.

Unfortunately, the proposed legislation leaves an exception as big as the rule.

Canada sends about half its arms exports to the United States—maybe more, maybe less, nobody really knows. That is because current rules do not require reporting on arms sales to the United States. It is probably more than you think, and our hands may be dirtier than you know.

There are two main reasons given in support of our current approach. First, it is best for business. The border barely exists for the defence industry, and that is the way integrated supply chains want it. Many jobs, families and seats in the House of Commons depend on a seamless flow of military goods, often parts and components.

Mr. Borys Wrzesnewskij: I have a point of order, Chair. Although this is all very interesting, I don't see the relevance to the particular amendment before us.

• (1645)

The Chair: Madame Laverdière, are you going to wrap it up at some point?

Ms. Hélène Laverdière: Yes, I'm nearly finished. It's not very long, and I think it's very relevant to the current exercise, because it talks about exempting those who are not a subject of an application for permits, certificates, and other authorizations under the law. That's about half of our exports and our exports to the United States, so I think this is very pertinent.

Thank you. I will continue:

Second, we like and trust the United States. Sure, Americans are the world's largest arms dealers and consistently provide weapons to useful monsters. And yes, for those who care to inquire it is rather easy to find American-made weapons shooting, bombing, and crushing civilians worldwide. But the Americans are our buddies, and they pay a lot of bills, so there are clear incentives to suggest their arms-export policy is more defensible than it really is.

Let me remind everybody that we're talking about the former human rights adviser to Minister Dion. He continues:

I am not arguing that arms should never be sold, and believe that properly regulated arms sales can be justified. Canadian weapons empower some dubious allies, but our enemies are often worse.

But the sale of weapons is clearly the kind of thing that must be tightly regulated. They are by their nature dangerous and liable to misuse. As we benefit from their sale, we have a responsibility to minimize harm. Profit is complicity.

As the human-rights policy adviser to this government's previous foreign affairs minister, my job was to ask questions like: if we really believe in increasing transparency and accountability in Canadian arms sales, does it make sense to exempt all sales to our biggest customer by far?

Or: shouldn't Canadians know more, for example, about how Americans are selling Super Tucano ground attack aircraft with Canadian-made engines to Nigeria? Fearsome military planes, for an often ruthless government, powered by the maple leaf: this is business as usual and we keep no public record of it.

Whether or not—

Mr. Peter Fragiskatos: Chair, can I inject a point of order? I'm sorry to interrupt.

The Chair: Go ahead, Mr. Fragiskatos.

Mr. Peter Fragiskatos: I think the point has been made. Ms. Laverdière is clear in the argument and we know where it's going. I go back to what my colleague Mr. Wrzesnewskij said. Frankly, I think we should call the question.

The Chair: Madame Laverdière—

Mr. Peter Fragiskatos: There are other amendments that need to be dealt with.

[Translation]

Ms. Hélène Laverdière: I'm sorry, Mr. Chair, but my understanding was that, in this kind of situation, there is no limit on a committee member's speaking time.

I have nearly finished reading...

[English]

The Chair: Madame Laverdière, it's not completely correct that it's unlimited. If the committee wishes to pass a motion to restrict the time for clauses, they certainly can do so. We've not chosen to do that, but if there's shown to be an abuse of this, the members can move a motion to reduce the amount of time for each clause. It's been done many times before. For the record, I just want to let you know. Please wrap it up.

[Translation]

Ms. Hélène Laverdière: Okay.

I will arrange for my colleagues to receive this very interesting article. It makes the important argument that there is absolutely no transparency about more than half of our arms exports. That is a serious issue, Mr. Chair.

[English]

The Chair: Thank you, Madame Laverdière.

It's Mr. Sidhu's amendment. I'd like to give him the floor before we move the question.

Mr. Jati Sidhu: Thank you to my colleague for actually bringing the U.S. in. However, my amendment is strictly the witnesses' and stakeholders' response. We want to make sure that their concern is addressed. I want to repeat that Bill C-47 will not affect the domestic use of guns. The record-keeping is not required in this sentence. It's been there since 1947. That's the whole guts of the amendment.

Madame Laverdière is going on a different path, so I'll call the question.

• (1650)

The Chair: Thank you, Mr. Sidhu. We've had a very robust discussion on this particular amendment put by Mr. Sidhu.

All those in—

Ms. Hélène Laverdière: I would like to have a recorded vote.

The Chair: We will.

(Amendment agreed to: yeas 8; nays 1)

(Clause 11 as amended agreed to)

(On clause 12)

The Chair: We will now go to clause 12. You will notice that the Liberal's third amendment is consequential so it is approved.

(Amendment agreed to [See *Minutes of Proceedings*])

The Chair: We will now go to the NDP's fourth amendment, which is under Madame Laverdière, that Bill C-47, in clause 12, be amended by deleting lines 26 to 29 on page 6.

The floor is yours, Madam Laverdière.

[*Translation*]

Ms. Hélène Laverdière: Thank you.

The purpose of this amendment is to delete the lines that would add organizations to the list of exemptions in the Export and Import Permits Act.

I see a problem with adding the word “organizations”. First, it is very vague. I do not think it has been explained why it was put in Bill C-47. In the case of the sale of helicopters to the Philippines, we noted that the Canadian Commercial Corporation was involved. That corporation is an organization. Would that open the door wide for similar entities to circumvent the system we are trying to establish?

Honestly, I don't think there should be any such exemptions, especially since the treaty stipulates that it must be applied across the board and without exemptions. That is another weakness of the bill. It makes no reference to the Canadian Commercial Corporation or to the Department of National Defence. As I said, there was the case of the sale of helicopters to the Philippines, but how many other cases might there be? So I do not see any need whatsoever to add exemptions.

Thank you very much, Mr. Chair.

[*English*]

The Chair: Thank you, Madame Laverdière.

Is there any further discussion?

Mr. Levitt.

Mr. Michael Levitt: I think that, with the way this amendment is written, removing the word “organization” creates some problems. Removing section 12 from the EIPA would be highly impractical. The EIPA deals with regulations, not just for conventional arms, but also for things like softwood lumber, meat products, sugar, eggs, and even peanut butter. Reducing the government's ability to create exemptions could cause problems for cross-border trade. I think that if we want to look at other examples of other countries... For example, the Netherlands does not require a permit for any transfers to Belgium and Luxembourg, and vice versa. I think, for low-risk countries, we need to be able to continue to have that option available. Canada and the U.S. have a highly integrated market. The permit-free movement of goods for the benefit of the Canadian economy is long-standing, and it is something that we need to make sure this does not impede.

• (1655)

The Chair: Is there any further discussion?

Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: I'm sorry, Mr. Chair, but I think there is some confusion here. We are not talking about removing words from the current act, but removing words that Bill C-47 would add. The question was raised, but it would have no effect on the transportation of wood or steel. I see that my colleague is looking worried. We are talking about words that Bill C-47 would add and that we do not want. We do not want to change the current act.

I know my colleague will be speaking again, but first I would like to tell him that the arms trade between Belgium and Luxembourg and the arms trade between Canada and the United States are completely different. I am not alone in saying this; many experts have said it. We can always find someone who is not doing what they are supposed to do, but that is not an excuse, in most cases.

I see that my colleague would also like to pick up on this.

[*English*]

The Chair: Mr. Levitt, go ahead please.

Mr. Michael Levitt: I thank my honourable colleague for her comments there, but I have to say that the ATT requires that state parties assess all potential exports. It does not rule out the use of expedited procedures for low-risk countries. Again, I think that brings great relevance to the examples given.

Having said that, because there seems to be concern around the intent of this amendment in terms of adding or subtracting language, I'm wondering if I can ask for the indulgence of the officials to just give us some clarity on this point.

The Chair: Ms. Gilmour.

Ms. Wendy Gilmour: The amendment proposed in Bill C-47 is simply to add organizations into the existing language in the Export and Import Permits Act, because when we're considering brokering, brokering could cover the activities of partnerships and other types of organizations, beyond simply the definition of “resident of Canada” in the act, which is a company incorporated under the laws of Canada.

I would just note that when we did a historical search of the use of this particular provision in the act, we found that the only time a regulation has been established to exempt certain persons from the EIPA was when individuals were acting in the course of their employment—for example, certain employees of a foreign state, visiting forces, air marshals, and so on, and certain Canadian officials acting in the course of other pieces of legislation. These are the only times that an exemption has been enacted as a regulation under this act.

The Chair: Is there any further discussion?

Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: That confirms my argument. The intent of Bill C-47 is to add an exemption for organizations, but we do not want that exemption added to the current act.

With us here today are some former colleagues, as well as people from Global Affairs Canada. It is always a pleasure to see them. I would ask them therefore to confirm that the exemption would also apply to organizations such as the Canadian Commercial Corporation.

[*English*]

Ms. Wendy Gilmour: The Export and Import Permits Act does not cover the activities of the crown, and as a crown corporation, the Canadian Commercial Corporation is not covered by the EIPA.

• (1700)

The Chair: Having had a robust discussion, we'll now move to put the question on amendment NDP-4 to Bill C-47, clause 12, by Madame Laverdière.

Would you like a recorded vote, Madame Laverdière? A recorded vote it shall be.

(Amendment negatived: nays 8; yeas 1)

The Chair: We will now go to amendment NDP-5, which is the next amendment put forward by Madame Laverdière. It reads:

That Bill C-47, in Clause 12, be amended by adding after line 32 on page 6 the following.

It's quite extensive, so I'll turn it over to Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: This amendment requires all regulations to be approved by Parliament.

During the discussions on this bill, there was a lot of talk about including things in the regulations. Members from the government party constantly told us that it would be more flexible, more practical, more this, more that. In order to give ourselves real transparency, this amendment asks for the government to table the regulations in Parliament and for them to be referred to a committee for consideration before they come into force.

This is an amendment that we should all be able to accept. We have a government that is constantly saying that it wants to make the business of Parliament more transparent. This amendment, which ensures that parliamentarians will genuinely be able to review these matters in greater depth, is a step in that direction.

Thank you.

[*English*]

The Chair: Madam Vandenbeld, please.

Ms. Anita Vandenbeld: Thank you.

I commend the spirit of this particular amendment, but now that my amendment LIB-1 has passed and put the text in the legislation as opposed to regulations, I think the need for this amendment... It was when we were looking at having it all in regulations and then having a chance to be able to scrutinize that.

Having said that, I also note that we have a parliamentary committee for the scrutiny of regulations. Committees can take up that kind of study at any time; it creates restrictions on the executive powers of the Governor in Council.

There are technical problems with this particular amendment. I also think it isn't needed as much because we've now taken the bulk of it—article 7—out of the regulations and we've put it into the legislation.

The Chair: Madame Laverdière, please.

[*Translation*]

Ms. Hélène Laverdière: Mr. Chair. I do not understand.

In all sincerity, there seem to be some clear contradictions. For weeks, we have been told that criteria are wanted in the regulations because that would give more flexibility if, at any stage, we wanted to add something, and then something else, and so on. We agreed that the criteria in the treaty will be included in the act. That is great, because the treaty itself is not going to change any time soon.

I had understood that members of the government party wanted to keep a measure of flexibility in case we wanted to add new criteria that would be too complicated to add to an act. So I assume that, if criteria that go beyond the treaty have to be added, they will be placed into the regulations. This amendment covers the possibility of having subsequent regulations. It would provide more transparency because it would really allow the Standing Committee on Foreign Affairs and International Development to come to grips with the issue. It would be done in a more public forum.

The amendment from the Groupe parlementaire québécois already been rejected; it asked for a system allowing parliamentarians, particularly those from this committee, to have the opportunity to consider these issues in greater depth. That was rejected. Parliamentarians providing follow-up of that kind would have provided quite a simple way of ensuring transparency. We will have to see.

Could someone explain to me why we suddenly no longer want more flexibility in the criteria? We have been told for weeks how important it is.

• (1705)

[*English*]

The Chair: Madam Vandenbeld, please.

Ms. Anita Vandenbeld: Very quickly, I'll go back to the fact that we have a parliamentary committee that scrutinizes regulations.

There are some technical issues with this amendment. I don't know if the officials want to go into detail about it but, for instance, with the requirement that a regulation can only be made 30 sitting days after being tabled, you then have the problem that regulations couldn't be made when the House isn't sitting during the summer. There are issues with this particular one.

I think that Parliament's ability to scrutinize regulations is already very well set out. I don't see that this is necessary.

The Chair: Okay. Seeing no further discussion—we've had a robust discussion on NDP-5—do you want a a recorded vote, Madame Laverdière?

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

(Clause 12 as amended agreed to)

(Clauses 13 to 20 inclusive agreed to)

(On clause 21)

The Chair: We are now on clause 21.

Hon. Peter Van Loan (York—Simcoe, CPC): Chunk of clause by chunk of clause.

The Chair: Chunk of clause by chunk of clause, if that's the wish of the committee.

Mr. Ste-Marie, go ahead, please.

[*Translation*]

Mr. Gabriel Ste-Marie (Joliette, GPQ): Good evening, everyone. Good evening, Mr. Chair, Mr. Parliamentary Secretary, distinguished colleagues.

I would first like to set this amendment in context. The government publishes an annual report on the military material exported in the previous year. As those exports have already taken place, the information comes too late for any problems at all to be usefully raised. We want more transparency here. It is the same as groups like Oxfam, Project Ploughshares and Amnesty International asked for when they met with officials from the office of the Minister to discuss the matter.

The amendment asks for a report to be tabled each month in the House listing the exports approved in the previous month. As I told you, that would be a simple measure of transparency which, in my opinion, is an indispensable condition for public debate in all democratic societies. So this is about tabling a report each month.

Perhaps you are going to tell me that a lot of things are approved. But if the government can issue approvals monthly, it is also capable of submitting a report monthly. We are not talking about a huge pile of technical details, if we go by what is already being done.

Despite the amendments that have already been passed today, the government is still keeping discretionary powers for itself. We are asking to be informed each month so that monitoring can be done in real time, rather than one year later when everything is over and done with.

Thank you.

[*English*]

The Chair: Thank you, Mr. Ste-Marie.

Is there any further discussion?

Mr. Wrzesnewskyj, go ahead, please.

Mr. Borys Wrzesnewskyj: Yes, once again, I would ask our Bloc colleagues to take a look at the intent and what we've done with the legislation, the way we've proposed it.

Previously, there was no onus on the minister to report. It was voluntary. This legislation makes it mandatory and the importance of doing this on a regularly scheduled annual basis is that the tabling of this report, I believe, will become a very important date in the parliamentary calendar, which Parliament and the NGO community will watch very carefully and be seized with.

Every time there's an export permit issued, every time having to table within 30 days....Shipments may take 30 days to arrive at their location. We don't know whether sometimes equipment might be stockpiled for three months or six months. The intent of greater oversight will, in fact, be lost and you would have pro forma tabling of reports on export permits on a monthly basis.

I understand what the intent is, and I agree with the intent, but I believe an annual mandatory report from the minister to Parliament will become a very important tool for Parliament to review arms trade, and for the NGO community, as well.

Although I support the intent, I cannot support this amendment.

● (1710)

The Chair: Is there any further discussion?

Madame Laverdière.

[*Translation*]

Ms. Hélène Laverdière: I support this amendment. In my opinion, it will add transparency to the process. After the discussions we have had today, that is really clear. It will provide a minimum of transparency at least.

I do not think that the government can boast that it is adding transparency voluntarily. It is not even meeting the treaty's basic transparency criteria. Excuse the expression I am about to use, but this is no reason for them to toot their own horn. I am sorry, but the expression has the advantage of being clear.

They seem to be telling us that it is all transparent. But actually, and I repeat this because it is so important, all exports to the United States are not included. We have no information about that. Maybe it is more than 50%, maybe it is less than 50% of our exports, but they are not included.

So, if we can add some transparency, I feel that it is an excellent idea. I have no concerns about the NGOs. The ones I am familiar with are very efficient. I would be curious to find out, but I am almost certain that they would be very happy getting regular reports, rather than one report per year, which all too often arrives late anyway.

[*English*]

The Chair: Thank you, Madame Laverdière.

You've heard the robust debate on the amendment proposed by Mr. Ste-Marie. We'll now pose the question.

Ms. Hélène Laverdière: I'd like a recorded vote, please.

The Clerk of the Committee (Ms. Erica Pereira): The vote is on amendment GPQ-3, clause 21.

(Amendment negatived: nays 7; yeas 2 [See *Minutes of Proceedings*])

The Chair: We will now go to amendment NDP-6, put forward by Madame Laverdière. We're on the same clause.

The floor is yours.

[*Translation*]

Ms. Hélène Laverdière: Thank you, Mr. Chair.

This intent of this amendment is so that the bill to implement the Arms Trade Treaty should reflect the spirit and the letter of that treaty, at least in part. Without information about exports to the United States, this bill fails completely to reflect the spirit and the letter of the Arms Trade Treaty.

• (1715)

[*English*]

The Chair: Madam Vandenberg, please.

Ms. Anita Vandenberg: Given the very eloquent intervention of Ms. Laverdière earlier, it's very clear that obviously this kind of thing is not actually tracked—for good or for bad; we could debate that, but I don't think this is the time and place. It's very hard to report on something that isn't tracked. I think this amendment is completely impractical. It can't work, because it's impossible to report on something that isn't currently tracked.

The Chair: The last point will be by Madame Laverdière.

Ms. Hélène Laverdière: It should be tracked.

The Chair: Thank you.

I understand this will be a recorded vote, so we will go to amendment NDP-6 for a recorded vote.

(Amendment negatived: nays 8; yeas 1 [See *Minutes of Proceedings*])

The Chair: The amendment is defeated, so we will now vote on clause 21.

(Clause 21 agreed to)

(Clauses 22 to 24 inclusive agreed to)

The Chair: Shall the title carry?

Some hon. members: Agreed.

The Chair: Shall the bill as amended carry?

Some hon. members: Agreed.

The Chair: Shall the chair report the bill as amended to the House?

Some hon. members: Agreed.

The Chair: Shall the committee order a reprint of the bill as amended for the use of the House at report stage?

Some hon. members: Agreed.

The Chair: Colleagues, that concludes our business on Bill C-47. I want to thank you very much for a very decent discussion about a very important matter to Canada and the Arms Trade Treaty.

Colleagues, before you leave, we're going to go in camera for five minutes just because we have no choice. We have 10 minutes before we have to wrap up, but I think I can do it in two minutes.

I would just ask all of those who don't belong when we're in camera to have a nice day, and thank you very much for your participation.

To the officials, Ms. Gilmour and your colleagues, thank you very much. It was an honour to work with you.

We will move in camera. We will take a couple of minutes to clear the room and then we'll get right to it.

[*Proceedings continue in camera*]

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