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Chair: Mr. Sven Spengemann



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• (1740)

[English]

The Chair (Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.)): Thank you, Madam Clerk.

Colleagues, we are back in session for this second briefing on the situation in Nagorno-Karabakh.

We are in a public setting and we have one item of business, which is to give Mr. Harris the floor to move his motion.

I will ask colleagues during the debate section of this session to use the “raise hand” feature, for those who are dialled in virtually. I will work with the assistants of the clerk to bring in our two colleagues who are working from the floor, physically, on Parliament Hill.

Mr. Harris, the floor is yours.

Mr. Jack Harris (St. John's East, NDP): Thank you very much, Chair.

Thank you, colleagues, for this opportunity.

The notice of motion has been circulated but I should read it into the record, Chair. I move:

That, pursuant to Standing Order 108(2), the Committee undertake a study of the granting of arms exports permits and the controls, protocols and policies that inform the granting of such permits and the imposition of export freezes; that particular attention be given to any permits granted while Canada's freeze of arms exports to Turkey that began in October 2019 was still in effect, including WESCAM sensors; that, pursuant to Standing Order 108(1)(a) the Committee order Global Affairs Canada to produce all documents, briefing notes, memorandums and emails between the department and the Minister of Foreign Affairs' Office, the Privy Council Office and the Prime Minister's Office related to the granting of any such permits within 30 days of the adoption of this motion; that these documents be provided to the Committee without redactions except to protect Cabinet confidences; and that the Committee in consultation with the Office of the Law Clerk and Parliamentary Counsel commit to protect the confidentiality of the documents in consideration of commercial sensitivity, national security and international relations as required; and that the committee report its findings to the House.

That, sir, is related very much to our current briefing and arises predictably, I suppose, out of the hearing we had last week where a representative from Global Affairs was present and—I won't say “was unwilling”—did not respond to questions asked about matters that were of significant interest to the committee, and to Parliament and the country, on the approach taken by Canada in granting export permits to Turkey. There is very credible evidence to show these exports have potentially been used in the conflict between Azerbaijan and Armenia in Nagorno-Karabakh to a particular ef-

fect, and that is something this committee and this Parliament have an interest in.

I don't know what level of argument I need to make on this, but it's pretty clear from previous rulings in the House of Commons, in particular, a ruling by Speaker Milliken on April 27, 2010, in relation to a major matter of Parliament seeking documents initially at the request of the committee with respect to the detainee situation in Afghanistan. I quote him in that decision, where he quotes himself from December 10, 2009. He says:

By virtue of the Preamble and section 18 of the Constitution Act, 1867, Parliament has the ability to institute its own inquiries, to require the attendance of witnesses and to order the production of documents, rights which are fundamental to its proper functioning. These rights are as old as Parliament itself.

That provides a constitutional basis for what we often talk about as the fundamental right and purpose of Parliament, which is to hold government to account, and it does so not only by itself but through its committees. He quotes as part of his ruling that:

Parliamentary privilege is not affected by provisions in statutes which prohibit in general terms the disclosure of categories of information....

Statutory provisions of this type do not prevent the disclosure of information covered by the provisions to a House of the Parliament or to a parliamentary committee in the course of a parliamentary inquiry.... They...do not prevent committees seeking the information covered by such provisions or persons who have that information providing it to committees.

He goes on to affirm the right of Parliament, which he says is unfettered, and that the Standing Orders and other statutes do not fetter the right of Parliament to do that.

This motion is directed specifically, as pointed out here, to the case of the export permits to Turkey, which were granted and changed despite the ongoing prohibition and an arms embargo. We would like to see the committee follow this up and have information disclosed to the committee with the proper protections.

We would have the documents unredacted but would make a commitment to protect the confidentiality required, in consultation with the law clerk and parliamentary counsel, in order to determine how we should best do that.

The Chair: Mr. Harris, thank you very much.

Members have heard the text of the motion and have heard Mr. Harris's comments on the motion. We will now go to further debate on the motion.

I have Mr. Oliphant next on the list.

Mr. Robert Oliphant (Don Valley West, Lib.): I think Mr. Bergeron will be happy that the government side is supportive of this motion. I think we also had some concerns with the information we were able to get as parliamentarians. We think it's important to get this information, so we're broadly supportive of the motion.

I have a couple of concerns. I'll just speak about the motion, and I'm going to present a very modest amendment to it. I would hope that we don't redo the work that this committee did when it considered Bill C-47 in the last Parliament and made significant amendments to that, which the government accepted from the committee.

To Mr. Morantz, I think that—I haven't ever met you, Marty, good to meet you—when you raised the question of the knowledge that a country might have about exports and whether or not that should deny their being sold, that's critical to the former Bill C-47 and to the arms treaty that we had acceded to, but we've gone farther in our own legislative requirements. I think that we may want a briefing on those amendments, which were to both the Criminal Code and another bill that I can't remember the full name of. I just don't want to get into that because I think we could spend the whole fall on work that was done last Parliament, so I think we could refer to it.

However, as I said, we are in support of this. Our one concern is the 30-day limit, and I say that not because the government particularly has a concern about it, but because there are over 20 requests now that have been made to the law clerk and parliamentary counsel. I think it could be unreasonable to get a fairly large number of documents, have them translated and have them reviewed by the law clerk so he can confirm all of that. We're not doubting that Parliament has the right to see the documents. We get that, but we just want to make sure that we have enough time for the office to do it. I believe there are only eight people in that office, and there are thousands of pages of documents that other committees have already asked for in the last couple of weeks.

I am going to suggest, Mr. Chair, if it's appropriate, I would amend the motion. It looks like this is all one sentence, so it's hard to say, but the line should say, “related to the granting of any such permits within 60 days of the adoption of this motion”, just to give all of those offices a little more time to do it so we get the work done and done well. That would be the amendment. As I said, as amended, this side of the virtual table would be in support of the motion.

• (1745)

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

There's an amendment on the floor to amend the section that reads “within 30 days” to “within 60 days”. Is there any debate or discussion on this amendment?

Go ahead, Mr. Harris.

Mr. Jack Harris: Thank you, Chair.

I have two comments on Mr. Oliphant's remarks. First of all, I appreciate the fact that the government is intending to support the motion. I think I should clarify, though, that we don't intend the documents to be vetted by the parliamentary counsel. The intention is that we would work with the counsel to ensure that we have a

mechanism to protect the confidentiality. We're not asking them to redact them for us. We would like to have them work with us to ensure that we are able to protect the confidences in terms of what matters are confidential and what matters aren't, but we would want to see the documents unredacted. That's just to clarify that.

In terms of the 60 days versus 30 days, I don't want to lose the sense of importance of this and would prefer to see an amendment that said “as soon as possible, but within 60 days”. That would give an outside range, but also, if they are available within 30 days, 20 days or 35 days, we would want to have them available to us.

If Mr. Oliphant would agree to add, before his “within 60 days”, the words “as soon as possible”, or “practicable”, whichever you choose, I would be very happy to agree with it.

Mr. Robert Oliphant: With unanimous consent, I would be happy to do that, Mr. Chair.

The Chair: Thank you, Mr. Oliphant.

Would that read “as soon as possible but no later than” or somewhere along those lines? Does that work?

Mr. Jack Harris: Yes, it would be “but no later than 60 days”. That's correct.

The Chair: Okay. Is there any further discussion on what's essentially the same amendment?

All in favour of the amendment as presented?

• (1750)

[Translation]

Ms. Christine Normandin (Saint-Jean, BQ): Mr. Chair, before we vote, could we read the motion and the amendment again? I just arrived.

The Chair: Yes, we can do that.

Mr. Harris, can you reread the motion and the amendment?

[English]

Could you reread it with the amendment included?

Mr. Jack Harris: Should I read the whole thing?

[Translation]

Ms. Christine Normandin: You can simply read the amendment and tell me where it goes in the text, so that I can see what it says.

I was on the wrong channel.

Can you read the amendment again and tell me where it goes in the text so I can put it in context? You don't need to read the whole text. Thank you very much.

[English]

Mr. Jack Harris: Sure. I would be happy to do that.

There's a long sentence, as was pointed out, and now it reads, "produce all documents, briefing notes, memorandums and emails between the department and the Minister of Foreign Affairs' Office, the Privy Council Office and the Prime Minister's Office related to the granting of any such permits as soon as possible and no later than 60 days of the adoption of this motion".

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

Thank you, Madame Normandin, for the intervention.

Is there any opposition to the amendment as presented?

(Amendment agreed to)

(Motion as amended agreed to [*See Minutes of Proceedings*])

Mr. Jack Harris: Thank you, colleagues.

The Chair: Thank you, Mr. Harris.

I believe there's no further business for the evening, so thank you very much, colleagues, for joining this public portion of today's session. We stand adjourned until our next meeting next week.

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