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# Standing Committee on Citizenship and Immigration

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Chair: Mrs. Salma Zahid





## Standing Committee on Citizenship and Immigration

Wednesday, March 29, 2023

• (1630)

[English]

**The Chair (Mrs. Salma Zahid (Scarborough Centre, Lib.)):** I call this meeting to order.

Welcome to meeting number 57 of the House of Commons Standing Committee on Citizenship and Immigration.

Today we will continue our study of the government's response to the final report of the special committee on Afghanistan. With us is the Honourable David Lametti, Minister of Justice and Attorney General of Canada.

Welcome, Minister, and thanks for appearing before the committee.

He is joined by officials from the Department of Justice. Today we have Robert Brookfield, director general and senior general counsel, criminal law policy section; and Glenn Gilmour, counsel, criminal law policy section.

Welcome, everybody.

Minister, you will have five minutes for your opening remarks.

[Translation]

**Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ):** On a point of order, Madam Chair. I have no interpretation.

[English]

**The Chair:** Okay. Wait just one second.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** It's working now.

Thank you.

[English]

**The Chair:** Thank you.

Minister, you will have five minutes for your opening remarks and then we will go into rounds of questioning. Please begin.

[Translation]

**Hon. David Lametti (Minister of Justice and Attorney General of Canada):** Thank you, Madam Chair.

I wish to thank the members of this committee for inviting me to speak about the government response to the final report of the Special Committee on Afghanistan called "Honouring Canada's Legacy in Afghanistan: Responding to the Humanitarian Crisis and Helping People Reach Safety".

I'd also like to thank my colleagues from the Department of Justice, Robert Brookfield and Glenn Gilmour.

My remarks will focus on those recommendations from the final report that relate to my responsibilities as the Minister of Justice, specifically those that relate to changes to the Criminal Code.

[English]

As you likely know, my colleague the Minister of Public Safety introduced Bill C-41 earlier this month to address the issues raised in this area of the report. It has now been referred to the Standing Committee on Justice and Human Rights, and I hope all colleagues can work together to advance this important legislation expeditiously.

Recommendations 10 and 11 of the final report of the Special Committee on Afghanistan called for two things. First, they called for clarity in the law and, in particular, a specific exemption to the terrorism-financing offence in paragraph 83.03(b) to allow registered Canadian organizations to deliver much-needed humanitarian assistance and other basic goods to the people of Afghanistan without facing the risk of criminal liability. Second, they called for the government to review the terrorism-financing provisions in the Criminal Code and to take the urgent legislative steps necessary to ensure that those provisions do not unduly restrict legitimate humanitarian action that complies with international humanitarian principles and law.

[Translation]

After the terrorist attacks in the United States on September 11, 2001, Canada responded to United Nations Security Council Resolution 1373 and enacted, within months, the Anti-terrorism Act, 2001. Among other things, this act amended the Criminal Code to create several offences designed to prevent acts of terrorism, which included three terrorism-financing offences.

Enacted rapidly to deal with the important threat from terrorism that the world was facing, those offences are broad and strict in their application.

[English]

One of these offences is found in paragraph 83.03(b) of the Criminal Code. That offence makes it a crime to directly or indirectly collect, make available, provide or invite someone to provide property or financial or related services, knowing they will be used by or will benefit a terrorist group. The legislation created in 2001 does not create any statutory exemptions to that offence.

In contrast, the regimes of many of our allies, including the U.S. and the United Kingdom, are more flexible and can accommodate targeted exceptions, which has allowed them to amend their regimes more quickly in response to the current reality in Afghanistan and to contribute to international aid efforts.

This brings us to the situation in Afghanistan today. Before August 2021, many NGOs were working diligently to provide humanitarian assistance and other kinds of assistance to the people of Afghanistan, often with financial assistance from governments.

[*Translation*]

As we are all too well aware, all that changed in the spring and summer of 2021 when the Taliban swept into power. Although Canada does not recognize the Taliban regime as government, the Taliban has de facto authority in Afghanistan and performs normal state functions, such as tax collection.

Looking at it from a Canadian perspective, there are good reasons for concern about the application of the Criminal Code to the activities of Canadian NGOs and government officials who assist them. Should they make payments, knowing that some of those monies would go to the Taliban, a terrorist group, for example by paying for salaries of Afghan employees who are subject to income tax, they could risk criminal liability under the terrorist financing offence in paragraph 83.03(b).

• (1635)

[*English*]

Bill C-41 will create an authorization regime that would allow the Minister of Public Safety to grant an authorization to Canadian organizations to conduct activities falling within a specified purpose, such as providing humanitarian assistance or providing health care or education, in Afghanistan or other areas controlled by a terrorist group. Those who receive an authorization and respect its terms would be shielded from the risk of criminal liability when carrying out those authorized activities. A national security review would be required, and other procedural safeguards would remain in place.

This change would allow Canadian humanitarian organizations to continue operating in Afghanistan and to deliver desperately needed assistance, while continuing to protect Canadians through robust anti-terrorist laws and close oversight.

Thank you again, Madam Chair, for inviting me to speak. I'm available to answer your questions.

**The Chair:** Thank you, Minister.

We will now proceed with our first round of questioning for six minutes.

Mr. Genuis, you can please begin. You will have six minutes for your round of questioning.

**Mr. Garnett Genuis (Sherwood Park—Fort Saskatchewan, CPC):** Thank you, Madam Chair.

Thank you, Minister.

Minister, under Bill C-41, how long do you expect it to take to approve an application from an organization?

**Hon. David Lametti:** That's probably a question better addressed to the Minister of Public Safety when he's in front of you, I believe, in the very near future.

I know, from having heard him present the bill both in the House of Commons and at a press conference, that he would like to move expeditiously in order to allow humanitarian groups that are working in Afghanistan to move as quickly as they possibly can.

**Mr. Garnett Genuis:** Expeditious isn't a timeline. I know that no representative of your government has said this publicly. These timelines are very important for these organizations.

As you alluded, we're far behind our allies. The Afghanistan committee made all-party recommendations in June of last year. The foreign affairs committee adopted a motion calling for action in the fall, and we're already at the end of March here.

The question isn't so much about the timeline for passing the legislation. Once the legislation passes, how long will it take to turn around applications from organizations? We certainly don't want to lose another winter of not being able to have Canadian organizations involved in the humanitarian response.

**Hon. David Lametti:** That's certainly a fair question, Mr. Genuis, but it is a question better addressed to the Minister of Public Safety.

Again, my understanding is that his intention will be to move as expeditiously as possible with those applications once the law is passed.

**Mr. Garnett Genuis:** Could you or your colleagues work to follow up in writing with the committee, either directly from your department or from Public Safety, with what the estimated or the desired timelines would be for approving applications?

**Hon. David Lametti:** Again, it falls within his responsibilities. I will allow him to make the engagement and the undertaking.

**Mr. Garnett Genuis:** How broad will the applications from organizations be able to be? If an organization is making an application to provide assistance, will it have to be for a limited period of time, or will they have a "permanent until revoked" authorization to run similar kinds of projects?

Will the same authorization potentially apply to multiple organizations working together or on similar projects, or will they be narrowly constrained in terms of organization and the amount of time?

**Hon. David Lametti:** The point of the law is to allow a sufficient degree of flexibility for humanitarian agencies working on the ground, while still protecting our ability to combat terrorism and terrorist financing. It's critical that we strike a balance. The law is meant to strike a balance.

My understanding is that humanitarian groups will apply to the minister, so, again, it's probably a question best left to the Minister of Public Safety in terms of how he's going to exercise his discretion. My understanding of the law is that it is flexible and that it will allow for the Minister of Public Safety to make those determinations.

In the likely course of events, it will be humanitarian organizations applying with a description of the activities that they want to undertake. The exemption will be tailored according to that application.

• (1640)

**Mr. Garnett Genuis:** From the perspective of the Criminal Code amendments, what you're saying is that the powers that are given to the minister are extremely broad in terms of whether the minister is going to use that discretion to apply broader exemptions without time limits or narrower exemptions with time limits.

It's essentially entirely a matter of discretion with the minister.

**Hon. David Lametti:** That's certainly my understanding.

Rob, do you want to add to that?

**Mr. Robert Brookfield (Director General and Senior General Counsel, Criminal Law Policy Section, Department of Justice):** The legislation as drafted, if it gets passed, states, in proposed subsection 83.032(1), "to carry out, in a specified geographic area that is controlled by a terrorist 10 group, a specified activity that would otherwise be prohibited". That's the power to the Minister of Public Safety.

There are timelines on that, but his discretion is fairly unbound in that circumstance.

**Mr. Garnett Genuis:** Are there limits to the time he can set it for?

**Mr. Robert Brookfield:** There's a requirement to reapply after five years.

**Mr. Garnett Genuis:** It's five years, okay.

**Mr. Glenn Gilmour (Counsel, Criminal Law Policy Section, Department of Justice):** You can renew the initial time frame for each authorization. It's a maximum of five years, but it can be renewed.

**Mr. Garnett Genuis:** Thank you.

In the time I have left, why not have legislation that generally says that organizations that have the appropriate level of oversight and that are engaged in humanitarian activities that are, in particular ways, minimizing any payments that go to local authorities...? Why not provide that exception on a more general basis, rather than simply having a piece of legislation that empowers the minister to do whatever he or she wants in terms of granting or not granting, or giving it to some organizations or not? That is potentially very costly and labour-intensive on the part of the organizations as well as the government.

Why not do what our allies have done and provide a more general humanitarian exemption?

**Hon. David Lametti:** Again, it's particular to Canada and the way in which we have very tough anti-terrorist financing laws embedded in the Criminal Code. We do still have—

**Mr. Garnett Genuis:** Just to jump in on that, wouldn't the Americans and the British say they have tough laws as well, though?

**The Chair:** Please allow the minister to answer the question.

**Hon. David Lametti:** We do still have to fight against terrorist financing, which is important. We have to balance between the two, so we are giving a sufficient degree of flexibility to humanitarian organizations. We are very happy with the bill, by the way, but it still allows us to fight terrorism.

If you go in the direction you have recommended, Mr. Genuis, you open up the possibility that somebody could try to work around the—

**Mr. Garnett Genuis:** Do you think the American and the British rules are inadequate?

**Hon. David Lametti:** I think we have chosen the best set of rules that apply to Canadian structures.

**Mr. Garnett Genuis:** The implication is that the Americans and the British aren't serious—

**The Chair:** I'm sorry for interrupting, Mr. Genuis. Your time is up.

**Mr. Garnett Genuis:** —or don't have serious and effective regimes on this. I think they're—

**Hon. David Lametti:** No, not at all. It's just that they have different structures, with much more discretion on the part of their elected officials to act. Their discretion is elsewhere.

The Attorney General in the United States is an investigating attorney general, which I am not. It's a very different set of systems. We've tailored the best set for ours.

**The Chair:** Thank you. I'm sorry for interrupting. The time is up for Mr. Genuis.

We will now proceed to Ms. Kayabaga, for six minutes.

**Ms. Arielle Kayabaga (London West, Lib.):** Thank you, Madam Chair.

I would like to start my questions by thanking the minister for taking the time to appear at this committee and for answering these very important questions for the many people in our communities.

As Canadians we do take pride in our history of helping other countries, countries that are in the most vulnerable situations. We have a long-standing commitment, as a government, toward Afghanistan. The work that you've done and that we've done reflects our values as Canadians. We have to continue to provide pathways to provide humanitarian aid in ways that don't violate our strong anti-terrorism laws.

Could you comment on what criminal laws apply in Canada with respect to financing terrorism?

**Hon. David Lametti:** As I mentioned in a more cryptic fashion in my opening presentation, there are several financing of terrorism offences in the Criminal Code: providing or collecting property, intending or knowing, so wilful recklessness, that it will be used to carry out a terrorist activity; and providing or making available property, intending or knowing that it will be used by a terrorist activity or terrorist group. Those are the intentional offences. There is also using property for the purpose of carrying out a terrorist activity, or possessing property intending that it be used. Aiding and abetting all of the above are also offences under the Criminal Code.

These offences apply to Canadians outside of Canada, but also to persons who are not necessarily Canadian citizens but ordinarily resident in Canada. All of these are listed in the Criminal Code. We have created the ability to create exemptions and given that power to the Minister of Public Safety, in order to allow humanitarian aid and assistance to happen.

• (1645)

**Ms. Arielle Kayabaga:** We've heard a lot of misinformation that people like to put out there and confuse Canadians on what we're actually doing. Could you tell us why the humanitarian aid regime in Canada is embedded within the Criminal Code?

**Hon. David Lametti:** That was a decision, again, as I mentioned cryptically in my opening remarks, made in the wake of 9/11 to have very strong terrorist financing provisions in the Criminal Code in order to get at the kinds of activities, direct and indirect, that were used to finance terrorist activity. In the moment they were done, they were done for the right reasons.

They were a strong set of provisions, but they were done quickly and we now have a different situation in which we have what was previously a terrorist sect in Afghanistan becoming the de facto regime in Afghanistan. We had already declared them a terrorist entity under the Criminal Code, and they became a de facto regime. We expose, therefore, a number of humanitarian groups to the risk of prosecution under the Criminal Code, given the definitions we came up with in 2001. This is a way to balance, in a safe and secure way, those interests and give them certainty that they won't be prosecuted for what they're doing.

**Ms. Arielle Kayabaga:** Again, for the sake of the misinformation that's out there right now, could you also comment on whether or not this would undermine our ability to combat terrorism in Canada?

**Hon. David Lametti:** No, it shouldn't, because the baseline provision is still a Criminal Code provision and what we carve out is an exceptional regime. A humanitarian group will apply to the minister, detail the kinds of activities they are undertaking or would like to undertake and then the minister will be able to grant an exemption. For other groups, other activities, those Criminal Code provisions will still apply.

**Ms. Arielle Kayabaga:** I still have time, so maybe you can share some insight on what the process would look like. How closely will the departments and agencies be working together to move quickly on this?

**Hon. David Lametti:** That's probably a question best addressed to the Minister of Public Safety when you see him in short order. Again, from what I've seen him say at the introductory press con-

ference, he would like to work closely with the agencies. He's already invited them to start thinking about what they would like to do and apply for. My sense is that he will work closely and expeditiously with each agency as they apply.

**Ms. Arielle Kayabaga:** Could you speak to how this proposed framework minimizes the risk of benefits occurring to the Taliban or other terrorist entities as well?

**Hon. David Lametti:** By asking agencies to think through their activities, it certainly, I suppose, predicts the kinds of activities as well as the kinds of expenses they are going to undertake in Afghanistan, which allows us to tailor what we're doing.

Again, we want first and foremost for these groups to be able to undertake humanitarian activities in a safe and secure way in Afghanistan. If there are some incidental tax payments or other things that might go to the regime, that may be something the minister will take into account and allow to happen. However, as I had stated, the original Criminal Code provisions remain in place for everything else, so it helps us keep an eye on the larger picture of terrorist financing at the same time.

**The Chair:** Thank you.

We will proceed to Mr. Brunelle-Duceppe for six minutes.

Mr. Brunelle-Duceppe, please begin.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Thank you, Madam Chair.

Mr. Minister, thank you for being here. I understand that you were anxiously awaiting your appearance before the committee today and I thank you for that.

At the February 7, 2022, meeting of the Special Committee on Afghanistan, I first asked a question about Canadian NGOs not being able to do their work on the ground in Afghanistan under Canada's Criminal Code. On February 17, 2022, I sought unanimous consent to introduce a motion to permit Canadian NGOs to do their work on the ground without fear of prosecution, and as I understood it, the cabinet blocked that motion. Subsequently, a number of ministers and NGOs appeared before the committee.

So the problem was identified quite some time ago. Why did it take so long for this bill to be introduced, Mr. Minister?

• (1650)

**Hon. David Lametti:** First, I must say that the bill was introduced by the Minister of Public Safety.

Secondly, I—

**Mr. Alexis Brunelle-Duceppe:** Yes, but it has to do with the Criminal Code.

**Hon. David Lametti:** I know that, but many of the amendments to the Criminal Code fall under that minister's responsibility. Obviously, I am responsible for the Criminal Code, but parts of the specific policy we're talking about fall under another minister's and another department's responsibility.

I obviously can't speak to cabinet discussions, as they are subject to cabinet confidence and solicitor-client privilege.

**Mr. Alexis Brunelle-Duceppe:** I just want to know why it took so long. I'm not asking you for privileged information.

**Hon. David Lametti:** It's complex. We—

**Mr. Alexis Brunelle-Duceppe:** It's complex. Okay, perfect; that's what I thought you would say.

When the pandemic hit in March 2020, programs like the Canada emergency response benefit and the Canada emergency wage subsidy were put in place within a few weeks because it was urgent that we act swiftly.

Wasn't it complex to set up those programs?

**Hon. David Lametti:** It was very complex—

**Mr. Alexis Brunelle-Duceppe:** ...and yet, it got done in a few weeks.

**Hon. David Lametti:** ...and I'm very proud to have taken part in the discussions to set up those programs.

**Mr. Alexis Brunelle-Duceppe:** I am too.

In your opinion, is a Canadian who has lost their job and is in urgent need of help more important than an Afghan child who is dying because the situation is so urgent?

**Hon. David Lametti:** We can't compare the two.

We have to work in a context where the situation in Afghanistan is constantly changing. Obviously, we have concerns about institutions and agencies that are currently doing exceptional work in Afghanistan, but we also have laws to counter terrorism financing. In addition, Canada's justice system is unique: we have prosecutors, investigators and police.

It's not necessarily an easy situation.

**Mr. Alexis Brunelle-Duceppe:** Okay. We were able to help when the pandemic struck, but we're unable to help when children are dying and we have a duty to protect them because we took part in the deployment in Afghanistan. That's what I understand.

**Hon. David Lametti:** Respectfully, Mr. Brunelle-Duceppe, that's not what I said.

**Mr. Alexis Brunelle-Duceppe:** You took a long time to step up even though you knew the situation was very serious and you were aware of the problem.

What's more, you talked about Resolution 1373 adopted in 2001 by the U.N. Security Council. You said that it took the government a few months to enact legislation to accommodate and amend the Criminal Code in response to that resolution.

On December 22, 2021, U.N. Security Council Resolution 2615 was tabled to prevent the financing of terrorist entities and to allow NGOs to do their work on the ground.

Why did it take only a few months to respond to a U.N. Security Council resolution in 2001, but it took 18 months in 2021?

**Hon. David Lametti:** First, I must say that I wasn't here in 2001.

**Mr. Alexis Brunelle-Duceppe:** So it was possible to do it in 2001, but it wasn't possible to do it in 2021.

**Hon. David Lametti:** I wasn't in government at the time.

That said, we just introduced a bill that is very much in line with that second resolution.

**Mr. Alexis Brunelle-Duceppe:** That's fine. So it was easier to act swiftly in 2001 than it was in 2021.

**Hon. David Lametti:** That's not what I said. You're putting words in my mouth and that's not really right.

**Mr. Alexis Brunelle-Duceppe:** I'm sorry, I certainly wouldn't want to do that.

Have you consulted with NGOs operating in countries where Bill C-41 would apply?

**Hon. David Lametti:** It's Minister Mendicino's job to do those consultations. To my knowledge, he has done some, based on the interactions I saw between such NGOs and him at a press conference.

**Mr. Alexis Brunelle-Duceppe:** I don't believe we consulted with Doctors Without Borders, which is quite a large humanitarian organization.

**Hon. David Lametti:** I know that organization did submit recommendations.

**Mr. Alexis Brunelle-Duceppe:** I'm going to ask you a fairly simple question that Doctors Without Borders wants me to ask you: Why has this government, which committed to upholding international humanitarian law by ratifying the Geneva Conventions and their Additional Protocols as early as 1965, not suggested that we adopt a blanket exemption to automatically exclude impartial humanitarian actors and activities from the terrorism offences that apply to the entire section of the Criminal Code, and not just to section 83.03(b), as proposed by a number of NGOs and by the Special Committee on Afghanistan in its report?

**Hon. David Lametti:** As I said, we have a framework in Canada where investigations are conducted and prosecutions are brought independently of government. It's something Rob Nicholson did as a minister, and I fully support what he did. So we have to work within that system, which doesn't necessarily work the same way as it does in the United States, England or other countries. We've chosen a regime that can protect organizations like Doctors Without Borders and allow us to meet our other obligations, while also respecting the institutions that were made in Canada.

• (1655)

**Mr. Alexis Brunelle-Duceppe:** Why didn't you suggest that we adopt the blanket exemption? That was my simple question to you.

**Hon. David Lametti:** It's a question best asked of the Minister of Foreign Affairs, Ms. Joly.

**Mr. Alexis Brunelle-Duceppe:** All right, duly noted.

[English]

**The Chair:** Mr. Brunelle-Duceppe, your time is up.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** Thank you.

[English]

**The Chair:** Thank you.

Before we go to Ms. Kwan, I will just remind you that all questions should be directed through the chair and, please, one person at a time.... If a question is being asked, opportunity should be provided to the witness to answer the question.

We will now proceed to Ms. Kwan.

You have six minutes, Ms. Kwan. Please begin.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Madam Chair.

Thank you, Minister and officials, for being here today. I think we've been waiting for a long time to engage with you. We very much appreciate this.

The NDP, of course—through my colleagues Heather McPherson, who is the foreign affairs critic, and Alistair MacGregor, who is the public safety critic—wrote to the government on this issue back in December 2021. Subsequently, a follow-up letter was written, in February, to various ministers, asking why action couldn't be taken.

This was especially in light of the testimony presented to the Special Committee on Afghanistan by NGOs that were unable to provide aid on the ground to people who were in desperate need. In fact, World Vision indicated—as did a number of NGOs that came—that, because of these anti-terrorism laws, children were dying of malnutrition. They had packets ready to go and ready to be delivered on the ground, in order to save lives. They were unable to do so.

I'm really struggling to understand why it's taken, basically, two years for Canada to get to this stage, where this Criminal Code change is finally before us for deliberation.

**Hon. David Lametti:** Thank you for the question.

Look, I understand the frustration. Certainly, there was a challenge in front of us, in Afghanistan. It was a rather unique situation: a terrorist sect that then became a de facto government and authority.

My role, in all of this, is to act and look at the legal context. I think we have, now, in this law, a piece of legislation that amends the Criminal Code and works within the Canadian context. It protects these organizations and their very good work on the ground,

while respecting the various structures of investigation and prosecution in Canada. It ensures they won't be prosecuted.

This, in my view, is the best way forward. It is in response to a very complex situation.

**Ms. Jenny Kwan:** Minister, that doesn't answer the question of why it took so long.

In the Afghanistan committee, we had different ministers come forward. Each of us, across party lines—to be honest with you—asked the various different ministers about this. Each of them passed the buck and said it was someone else's responsibility. Ultimately, they pinned it on you, the justice minister, in terms of the law that needed to be dealt with, with respect to the Criminal Code. It's taken two years for us to get here.

I suppose it's water under the bridge, so to speak. It's accepting that lives were lost because Canada took so long. Other jurisdictions managed to do a carve-out without this long, arduous process we have to engage in.

Now we have this legislation before us, and there are still problems.

Doctors Without Borders wrote and indicated they're deeply concerned with the legislation. In fact, they're saying they can't support it. They're saying that it's “incompatible with the level of flexibility and urgency required for delivering emergency humanitarian response.” They indicated that this legislation does not provide for a humanitarian exemption in the Criminal Code to remove any risk that their staff or their organization could be charged with a criminal offence for delivering medical care to a patient in a place where Canadian anti-terror laws apply.

I would love to hear your response to that. Why could we not have brought in legislation to ensure that a humanitarian exemption is being applied?

• (1700)

**Hon. David Lametti:** First of all, I disagree with Doctors Without Borders' characterization. The law, as proposed, provides an extremely large degree of flexibility to the Minister of Public Safety to grant a humanitarian exemption, including for the kind of work Doctors Without Borders provides on the ground. I disagree quite strongly with their interpretation. I think this law is adequate to do that. I think it does, in fact, allow them an exemption from prosecution.

Again, I'm not going to pass the buck, in the sense that I won't talk about things discussed in cabinet. That's a matter of cabinet confidence.

The Canadian legal system is such that there are independent prosecutions undertaken by various Crowns across Canada—federal and provincial. There are independent investigations undertaken by police authorities. They are independent of me and the government. There's no way, as the Attorney General in the government, that I can tell a prosecutor to prosecute or not to prosecute. That is a power other countries have, like the United States, for example. They can carve it out.



We can't carve it out in the same way. We needed a piece of legislation. We now have a piece of legislation. We have, I think, a good piece of legislation.

**Ms. Jenny Kwan:** Okay.

It's still interesting to note that other countries were able to find carve-outs and we couldn't. We lost two years in that process, while there was urgent need for people who were dying.

Now, with regard to the question around the legislation, what Doctors Without Borders is saying is that they would have to apply for a provision to do this work. What if they say no? Should they, then, not provide the medical care?

**Hon. David Lametti:** The Minister of Public Safety—and, again, it's a question you can ask him—has undertaken to look at these applications expeditiously. We understand the needs that have arisen—

**The Chair:** I'm sorry for interrupting, Minister. The time is up for Ms. Kwan. You'll get an opportunity in the second round to answer her question.

We will now proceed to Mr. Maguire for five minutes.

Mr. Maguire, you can begin, please.

**Mr. Larry Maguire (Brandon—Souris, CPC):** Thank you, Madam Chair.

I just want to add a few things to some of your comments that have already been said, Mr. Minister. Thank you for being here, by the way.

Canadian humanitarian agencies have been calling for that legislation for quite some time. I'm deeply troubled that it took your government this long to introduce Bill C-41.

There are millions of Afghans who are in desperate need of food and other supplies, critical supplies. Time is still of the essence. You must have known of the dire straits that Afghan women and children are currently in. This has been asked before, but in light of the fact that, as you say, the minister is going to be here shortly—we're not aware he's going to be here before at least the end of April—I'm going to ask you again.

What's your excuse for taking so long to table a relatively straightforward piece of legislation? Don't you talk to the ministers?

**Hon. David Lametti:** Again, I'm not at liberty to disclose the kinds of things one discusses around the cabinet table. That's a matter of cabinet confidence.

**Mr. Larry Maguire:** You were talking to him. Weren't you?

**Hon. David Lametti:** I think the legal conclusion that's evident in this piece of legislation is that a specific law was needed, given the structures that are present in the Canadian system. As I said, they were brought in by Rob Nicholson—prosecutorial independence. I think they're a good thing, but that means I can't tell prosecutors when to exercise and how to exercise their discretion. Therefore—

**Mr. Larry Maguire:** What took them so long to bring the legislation in?

**Hon. David Lametti:** —we had to resort to a piece of legislation. The Minister of Public Safety has committed to moving expeditiously once this legislation is passed, and I hope you will pass this legislation quickly.

**Mr. Larry Maguire:** It's been years.

When drafting this legislation, your government would have reviewed what other countries are doing to ensure their humanitarian agencies can deliver aid. As has been discussed earlier, they did.

What other allied country has created a process for humanitarian groups to apply for government approval before delivering assistance to Afghans? Have you not talked to other countries to find out what kind of co-operation could take place there as well?

**Hon. David Lametti:** Our officials have been looking at what happens in other countries, and I'll ask them to supplement my answer in a moment. However, what I will say is that, in the Canadian system, with independent criminal investigations, with independent prosecutions, we needed something that didn't rely on a simple carve-out because I can't direct prosecutors to prosecute or not. I can't direct the police to investigate or not.

If there is a question of interpretation, it will be incumbent on those authorities to exercise that discretion.

● (1705)

**Mr. Larry Maguire:** Here's a little different twist to the question that's already been asked.

Joseph Belliveau, the executive director of Doctors Without Borders, stated that Bill C-41 is “unduly restrictive, and it should be replaced with a general humanitarian exemption.” There was a decision made by your government. I'm wondering why it decided to amend the Criminal Code rather than grant a humanitarian exemption.

**Hon. David Lametti:** Granting a humanitarian exemption is still an amendment to the Criminal Code, first of all.

Second, the fight against terrorism is still important. Quite frankly, if we had done that, certain parliamentarians would probably be angry, saying we've become soft on terrorism. We can't have that happen either. It is still important we track terrorist activities, including a government like the Taliban and including other groups around the world. This piece of legislation effects a very important balance.

The fight against terrorism is still important, but the fight to provide humanitarian aid on the ground is also important. We have carved out a pretty good exemption between the two, using the Criminal Code, because that's what we had to do.

**Mr. Larry Maguire:** We and Canadians certainly know that, Mr. Minister, and you've certainly been soft on trying to help the folks in Afghanistan who helped our troops get back here as well.

It's important to note that the process for humanitarian agencies to seek this application to provide aid in Afghanistan is not contained within this legislation and will be determined later through regulations. I know you had a discussion on this with my colleague who was here just a few moments ago, but this, undoubtedly, will result in more delays.

Can you confirm that work is being done drafting those regulations and that you are actively consulting with humanitarian agencies to ensure that the process is as efficient and straightforward as it possibly can be? When will these regulations be available?

**Hon. David Lametti:** I would ask Rob Brookfield to add in.

**Mr. Robert Brookfield:** To clarify, the bill does provide for the possibility of regulations, but the power of the Minister of Public Safety to issue authorizations is not restricted to the existing regulations. The Minister of Public Safety would have discretion to use that power without the need for regulations in the first place.

**The Chair:** Thank you.

The time is up, Mr. Maguire.

We will now proceed to Ms. Lalonde.

Ms. Lalonde, you will have five minutes. You can please begin.

[*Translation*]

**Mrs. Marie-France Lalonde (Orléans, Lib.):** Mr. Minister, thank you very much for taking part in this committee meeting.

I had the honour and privilege of being with you when Bill C-41 was announced. It was very well received by the people who were there. It also shows how important cooperation is to the government, since your department is not the only one involved, as you so rightly said. In fact, several departments were involved in the collaborative effort that led to introducing Bill C-41.

[*English*]

I know that we like to talk here about what's not, but let's not forget that of our commitment of the 40,000 there are close to 30,000 Afghans here in Canada currently

Minister, I know that the Minister of International Development, during that particular conference, referred to how, since August 2021, we have been still providing humanitarian assistance in many forms through various organizations, such as the United Nations and the International Committee of the Red Cross. From that perspective, there may be individuals who could say that the law already did allow for humanitarian aid to be provided.

Can you share some thoughts about that and the importance of Bill C-41 being brought in?

[*Translation*]

**Hon. David Lametti:** Would you prefer that I respond to you in French or English?

**Mrs. Marie-France Lalonde:** You may respond in the language of your choice, I speak both French and English.

**Hon. David Lametti:** I will do the same as you and start in French.

First, thank you for the question.

With respect to the first part of your comments, you're right. It's not true that we haven't done anything for Afghanistan. We've worked a great deal with Afghanistan. We've already welcomed 30,000 of the 40,000 refugees we promised to take in. We've worked a lot with our allies and agencies on the ground to help people immigrate here or to provide assistance in other ways.

• (1710)

[*English*]

In a system where I can't dictate prosecutorial decisions and I can't dictate investigations, when to investigate or not, the only secure way to create an exemption for humanitarian aid on the ground, to the extent that it might touch on anti-terrorist financing, is to do what we've done here.

There were a number of people advancing interpretations who said, "You don't even need to do this; it can be done." That would rely on the discretion of individuals the government has no control over. At the end of the day, if it happens that someone decides to investigate, one prosecutor decides to go ahead, then they get angry with the government and ask, "Why did you let this happen?" It's independent.

This is the way, in the Canadian structure of investigations, that we could do it. We have done it. I'm proud of the bill, and I think it will have a major impact on the ground.

[*Translation*]

**Mrs. Marie-France Lalonde:** Thank you very much for that response.

I represent the Orleans community, which has strong historical ties to Afghanistan, not only in the community but also in members of the military, people who have mobilized to help the Afghan people throughout those 20 years.

[*English*]

I wanted to ask...and you sort of alluded to this. It's interesting how this conversation is happening here, because we're saying, "tough on crime" and "not tough on crime".

[*Translation*]

A deep desire and sensitivity led us to this course of action, but we had to do it within certain parameters.

[*English*]

Could changing the Canadian law here undermine our ability to combat terrorism? I think that's very important and relevant in the context of the global situation.

**Hon. David Lametti:** No, I don't think it does, because the anti-terrorism laws—anti-terrorist financing laws, more particularly—remain in place. They remain the baseline, and it is only through the exceptional regime—the application to the minister and the ministerial exemption—that there's an exemption.

That's critically important. You could easily see a situation—sadly, I have to say—where a group.... If we had gone with a larger basic exemption for all humanitarian work, where somebody under the guise of humanitarian work tries to circumvent the law and the anti-terrorism financing laws.... That's a very real possibility. We didn't choose that route, and I'm glad that we didn't.

I think we will get the same positive impact for all of the same groups that are legitimately working on the ground in Afghanistan this way, without weakening the anti-terrorist financing laws—

**The Chair:** I'm sorry for interrupting, Minister. The time is up for Mrs. Lalonde.

We will proceed to Mr. Brunelle-Duceppe for two and a half minutes.

Please begin.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Thank you, Madam Chair.

Mr. Minister, you tell us that Bill C-41 is the solution. I am announcing that the Bloc Québécois will support you and will try to get this bill passed as quickly as possible. If necessary, we will try to negotiate amendments informally. That way, when it comes time to work in committee, things will move forward quickly if all parties agree.

You seem surprised to be asked why it took so long for this bill to be introduced. Since earlier, your only answer to the committee has been that, in order to protect cabinet confidence, you can't reveal what goes on behind the scenes.

If Bill C-41 is the solution, that means it's been there all along, because nothing has changed since the problem was identified. When asked why it took so long, you tell the committee that it was because you were having discussions. So we infer it's your discussions that took a long time before you came up with this solution.

Earlier, you yourself brought up U.N. Security Council Resolution 1373. You're the one who brought it up. You may say that you weren't in office at the time, but you were the one who touted the fact that, after Resolution 1373 was passed, the Liberal government of the day acted very quickly. If they were able to act quickly in 2001, I can't understand why it was any different after that.

If the solution has been there all along, but it was your discussions that took time, does that mean the ministers in place in 2001 were much more competent than the current government?

**Hon. David Lametti:** That's a funny question.

We take—

**Mr. Alexis Brunelle-Duceppe:** There's nothing funny about it. It's a very serious question.

• (1715)

**Hon. David Lametti:** We take our responsibilities seriously. We review and assess situations. We have come up with a solution that works within the Canadian infrastructure, if I can put it that way, and I'm proud of that.

I'm very pleased to hear that you will be supporting Bill C-41. Course, we are not averse to amendments proposed in good faith that might improve it. I will leave the conduct of the process to the Minister of Public Safety. That said, I think we're moving in the right direction and I thank you for your support.

**Mr. Alexis Brunelle-Duceppe:** It's a pleasure. I've been working on this from the start with my colleagues in opposition, so it would be a little crazy not to support this bill.

However, you have yet to answer my question. If the solution has been there all along, I'd just like to understand why it took you 18 months to suggest it.

**Hon. David Lametti:** As I said, I'm not going to reveal the content of discussions we held within cabinet.

**Mr. Alexis Brunelle-Duceppe:** So it's because of your discussions that it's taken so long. That's what you're telling us.

**Hon. David Lametti:** No. You're putting words in my mouth and that is not right.

**Mr. Alexis Brunelle-Duceppe:** It's because you won't say anything.

**Hon. David Lametti:** It's just that I can't answer your question—

**Mr. Alexis Brunelle-Duceppe:** If you won't say anything, then I'm going to put words in your mouth.

[*English*]

**The Chair:** I'm sorry for interrupting—

[*Translation*]

**Hon. David Lametti:** ...due to parliamentary principles that must be respected.

**Mr. Alexis Brunelle-Duceppe:** Thank you.

[*English*]

**The Chair:** I'm sorry for interrupting. The time is up.

We will now proceed to Ms. Kwan for two and a half minutes.

Please begin.

**Ms. Jenny Kwan:** Thank you.

I want to point out one glaring piece. I know Canada provided humanitarian aid through international organizations. What we're talking about is the barrier for Canadian organizations, and that's why this is needed.

Please don't conflate the two aspects, because I think it does a disservice to the Canadian organizations that are trying their very best to do this important humanitarian work. I wanted to point that out.

**Hon. David Lametti:** That's precisely why we're here, Chair.

**Ms. Jenny Kwan:** Precisely, but I think to suggest that “Oh, but we're already doing this, so why is there this anxiety?” it—

**Hon. David Lametti:** No, I think you're misinterpreting what I said.

**Ms. Jenny Kwan:** I'm sorry, Minister. I wasn't—

**Hon. David Lametti:** If you don't mind—

**Ms. Jenny Kwan:** No, if you don't mind—

**The Chair:** I'm sorry for interrupting.

Please, let's have one person at a time.

**Ms. Jenny Kwan:** If I may finish with my time, Minister, the Parliamentary Secretary to the Minister of Immigration made that comment and inferred that, and then you replied to that question. I just don't think that's helpful.

Why we're here today is that we're talking about Canadian humanitarian groups that have been blocked from providing aid, and I think it's unfortunate to go down that road in this strange defence of inaction.

What I would like to ask, Minister, on this question is this: Does this legislation apply to Canadian citizens working for non-Canadian organizations, such as UN agencies or other organizations?

**Hon. David Lametti:** I can respond first to that comment because I think you've misinterpreted. Sadly, you've misinterpreted—and in good faith, I would imagine—what I said.

What I said in response to my colleague was that we were doing what we could to help Afghan people through other international organizations. It wasn't meant to replace what could be done to help Canadian organizations. It was doing what we could do at the time in the face of a humanitarian crisis. We did that, and that's all I meant. I have worked in good faith to try to bring forth this current piece of legislation and I will continue to do that—again, to help Canadians.

With respect to Canadians who might be working for other international organizations, my understanding is that they would already be covered by the country of that exemption, but I would ask Robert or Glenn to add to that.

**The Chair:** The time is up for Ms. Kwan.

We will now proceed to Mr. Redekopp—

**Ms. Jenny Kwan:** I'm sorry, Madam Chair. Could I please have a point of order?

I noted that with other members, such as the Conservative, Mr. Genuis, and such as Mrs. Lalonde, who asked a question of the minister, you gave him extra time finish the questions they asked, but somehow, when it comes to me, that never happens. That's twice that it didn't happen today.

**The Chair:** No, Ms. Kwan, that's not the case.

**Ms. Jenny Kwan:** That is the case.

**The Chair:** I am just trying to be fair with everyone, and everyone having the time. I am just allowing everyone to have their time.

**Ms. Jenny Kwan:** I'm sorry, Madam Chair—

**The Chair:** That's what I'm working on.

We will now proceed to Mr. Redekopp.

**Mr. Alexis Brunelle-Duceppe:** I have a point of order.

[*Translation*]

Actually, why am I saying this in English? I guess I'm angry.

**Voices:** Oh, oh!

• (1720)

**Mr. Alexis Brunelle-Duceppe:** I agree with my colleague Ms. Kwan. The minister had extra time to answer questions asked by Mr. Genuis and Ms. Lalonde. I feel Ms. Kwan at least deserves to have the minister finish answering her question, Madam Chair. Otherwise, it would be unfair and I'm sure you aren't that kind of person.

[*English*]

**The Chair:** I take that Mr. Brunelle-Duceppe, but if you go into the blues, you will see that Ms. Kwan has at many times gotten extra time.

Right now, we have to start our second panel. We are tight on time.

I will go to Mr. Redekopp for five minutes, and then we will end the panel with Mr. Dhaliwal for five minutes. Then we have the second panel.

Go ahead, Mr. Redekopp.

**Mr. Brad Redekopp (Saskatoon West, CPC):** Thanks, Madam Chair.

As long as she's quick, I will let Jenny ask her question and get an answer from the minister.

**Ms. Jenny Kwan:** Thank you very much for that courtesy.

The question has been asked. I'm just waiting for an answer.

**Mr. Robert Brookfield:** The answer is most likely that through, as the minister said, their own mechanisms for international organizations they would be covered, but if a Canadian citizen abroad, for whoever they're working for, wished to apply, they would be able to apply. The legislation applies to Canadian persons and organizations.

**Mr. Brad Redekopp:** Thank you.

Madam Chair, from what I understand, the Attorney General is the chief law officer of the Crown, which means he represents the Crown and not individual departments or agencies of the government and, therefore, seeks to protect the interests of the whole government.

For the Attorney General, I want to better understand how delegations of authority work in the department.

For those who might be listening, the delegation of authority is an official process that defines exactly who has the authority to make certain decisions, such as committing to spending money or issuing citizenship and that sort of thing. Generally, a minister, from what I understand, delegates authority down to the deputy minister, who in turn might delegate it down further to another senior staff.

Minister, is it the practice of this government for a minister in one department to delegate authority to a political staff member in another department?

**Hon. David Lametti:** The Attorney General's role is different. I act as the chief law officer, so in this capacity I will give legal opinions to the government, although I also can give legal opinions to the government as the Minister of Justice, and I have a number of lawyers who work in that capacity. As the Attorney General, I am the named person on every piece of litigation with the government and against the government, so in that capacity, we will make litigation decisions. I will make litigation decisions, or those lawyers who are working in that line of authority will make litigation decisions. We work collaboratively, but I guess technically I'm responsible for all of them as Attorney General.

**Mr. Brad Redekopp:** Do you not know how the delegation of authority works in the government, then?

**Hon. David Lametti:** I do know how the delegation of authority works in the government, but you asked me in my role of Attorney General.

**Mr. Brad Redekopp:** Okay.

Then can you comment on whether it's normal in this government for a minister in one department to delegate their authority to a political staff member in another department?

**Hon. David Lametti:** I'm not going to answer a hypothetical question.

What I can say is that there are lawyers from the Department of Justice who are embedded in a number of different departments across government, a number of different ministries. They are still technically under my govern, if you will, but they respond to particular ministers in that regard.

**Mr. Brad Redekopp:** I understand. Let's try this a slightly different way. Is there a mechanism within Canadian law to extend ministerial delegations of authority to people such as members of Parliament or senators?

**Hon. David Lametti:** It depends on what you're doing. If you're asking me, as Attorney General, if I can delegate the authority to prosecute, we've already hived that off as an independent prosecution service in Canada. We have also hived off the ability to undertake criminal investigations. We've given that power to the police.

In terms of my portfolio, these things have already been done. As I said, they were done by a Conservative government. I am very strongly in favour of their having been done. I think we have a better system because of it. We have a much more neutral and much less political system because of it.

**Mr. Brad Redekopp:** I guess what I'm getting at here is the situation with Senator McPhedran, where the Minister of Immigration and the Minister of National Defence, who hold the authorities of those departments, were supposedly, allegedly, used by Senator McPhedran. What I'm trying to find out is whether there's any mechanism in the government for that delegation of authority to somehow end up in a senator's hands.

**Hon. David Lametti:** I had nothing to do with that situation. I'm not going to comment on it.

**Mr. Brad Redekopp:** I'm not accusing you of anything. That's why I'm asking a more general question.

Is it possible, in your knowledge of the law and how it works in the government, for that authority to be delegated in such a way from one department to another like that?

**Hon. David Lametti:** Global Affairs Canada, I know, was issuing certain documents in order to help people get out of Afghanistan. My understanding is that there were other false documents that were also circulated.

• (1725)

**Mr. Brad Redekopp:** Is it possible for the senator to have had authorization from any department to do anything that would be in the delegation of authority?

**Hon. David Lametti:** Again, I wasn't party or privy to any of those conversations.

**Mr. Brad Redekopp:** How much time do I have?

**The Chair:** You have five seconds.

**Mr. Brad Redekopp:** Thank you.

**The Chair:** We will end this panel with Mr. Dhaliwal for five minutes.

Mr. Dhaliwal, you can begin, please.

**Mr. Sukh Dhaliwal (Surrey—Newton, Lib.):** Thank you, Madam Chair.

Madam Chair, I would love to thank the honourable minister for appearing before the committee. It has always been an honour to work with him in his role as a minister and in his role as a parliamentary secretary before that.

Madam Chair, the Special Committee on Afghanistan has done great work. Members of all different stripes came together and made those recommendations. Those recommendations are being put in place.

I have some questions before I give the minister plenty of time to respond to any of the issues he wanted to speak to but was cut off from during other remarks. First, how is this legislation better than the status quo? That is what I would like to hear and have Canadians listen to.

**Hon. David Lametti:** Thank you, Mr. Dhaliwal, for that question. Again, it's a pleasure to work with you, as well, although our time way back in international trade ages both of us, probably me more than you.

The status quo creates uncertainty. It creates legal risk for Canadian humanitarian organizations working on the ground in Afghanistan, because it would rely on the discretion of both police investigators and prosecutors to not prosecute them under the fairly clear terms of the Criminal Code of Canada.

While one would hope, I suppose, in an ideal world, that discretion would be exercised in a way that benefits Canadian humanitarian organizations, one can't guarantee it. The organizations were looking for certainty. They want to be able to say to their workers, the people who are collaborating with them and the people who are working for them on the ground that they will be protected from being prosecuted under the Canadian anti-terrorist financing regime.

What this law does is give certainty. How? It does that by allowing an organization to apply to the Minister of Public Safety for an exemption from the provisions of the Criminal Code. That happens, and hopefully, it will be done. Hopefully, the law will be passed quickly. Hopefully, the organizations are already preparing their applications to the Minister of Public Safety, and then immediately they'll be able to get that approval, an exemption, and they'll be able to do the good work that they do on the ground without fear of prosecution in Canada.

**Mr. Sukh Dhaliwal:** Minister, you mentioned dealing with terrorism when it comes to this legislation. Could changing Canadian law here undermine our ability to combat terrorism?

**Hon. David Lametti:** No. As I mentioned to Madame Lalonde, I think maintaining the anti-terrorist financing legislation as the baseline prevents, frankly, the potential for the abuse of a larger carve-out for all humanitarian work, because it allows the organization in question to apply and it allows the minister to look at the work that is proposed to be done on the ground, all the while keeping the anti-terrorist financing legislation in place so that it can be appropriately monitored.

**Mr. Sukh Dhaliwal:** Thank you.

Minister, there were many instances in which you were cut off when you wanted to make remarks. Would you like to take the minute and a half that I have left—

**The Chair:** You have one minute left.

**Mr. Sukh Dhaliwal:** —to address anything that you haven't addressed?

**Hon. David Lametti:** You've been corrected by the chair.

Thank you. It is a good piece of legislation. It is a compromise that respects the structure of Canadian investigations, prosecutions and the Canadian Criminal Code. It allows us to allow that humanitarian work to take place, and it allows those anti-terrorism financing laws to remain as the baseline.

I hope this committee will support the passage of this legislation. I hope all parties will support the passage of this legislation so we can allow those good organizations to do their work as soon as possible.

● (1730)

**Mr. Sukh Dhaliwal:** Thank you, Minister, for being here and for all the great work you do. Continue to do that. I wish you the very best.

Thank you, Madam Chair.

**The Chair:** Thank you, Mr. Dhaliwal.

With that, this panel comes to an end.

On behalf of all the members of this committee, I really want to thank you, Minister, for appearing and taking the time.

Thank you to the officials also.

With that, the meeting is suspended for a few minutes to allow the next panel to take their seats.

● (1730)

(Pause)

● (1735)

**The Chair:** For this panel, we are joined by the Honourable Anita Anand, Minister of National Defence.

Thank you, Minister, for joining this committee.

We are also joined by the officials from the Department of National Defence. We have Mr. Bill Matthews, deputy minister; General Wayne D. Eyre, chief of the defence staff, Canadian Armed Forces; and Major-General Paul Prévost, director of staff, strategic joint staff.

Minister, you will have five minutes for your opening remarks. Then we will go to our round of questioning.

Welcome to this committee. You can please begin.

**The Honourable Anita Anand (Minister of National Defence):** Good afternoon. Thank you for the invitation to appear today to update you on the Department of National Defence's response to the final report of the Special Committee on Afghanistan.

Under Operation Aegis, the Canadian Armed Forces responded swiftly to support federal efforts to evacuate Canadian citizens and Afghans eligible for resettlement, providing strategic airlift capabilities to help bring them to safety. In the final report, National Defence is implicated in recommendations 1, 2 and 18. Today, I will discuss the actions that we have taken to respond to each.

First of all, recommendation 1 calls for the government to re-examine our lessons learned from our missions in Afghanistan and to apply those in future planning and response.

The Canadian Armed Forces conducted a number of exercises, at all levels, after Operation Aegis ended to identify areas for improvement in relevant policies, programs and operations. As a result, our coordination mechanisms have grown stronger, and we have built on the success of our strategic airlift operations in Afghanistan, as well as in co-operation with allies and partners, which was so critical to that success.

● (1740)

[Translation]

We see this in the work that continues today in Ukraine, as the Canadian Armed Forces provide technical airlift capabilities to support military aid donations in Europe.

[English]

We have deployed the Royal Canadian Air Force to Prestwick, Scotland, a hub from which our aviators have transported over seven million pounds of Ukraine-bound military aid.

The second recommendation calls for the federal government to establish “a structure for interdepartmental coordination” to respond to future crises, with Global Affairs Canada as the lead.

National Defence participates in the interdepartmental task force that brings together the departments from across government implicated in a given crisis to enable a timely, effective and comprehensive whole-of-government response. We have seen time and time again that, during international crises, the Canadian Armed Forces rise to the challenge and provide critical capabilities for the government and the country. I thank them from the bottom of my heart.

[Translation]

But we know these are just one part of the broader toolkit to address complex global issues.

[English]

We will continue working closely with Global Affairs Canada and collaborating with our other government partners to respond to emergencies at home and abroad.

Finally, recommendation 18 calls for Global Affairs “to assemble a whole-of-government team” to help bring Afghans to safety.

Since the outset of the crisis in Afghanistan, National Defence has worked closely with other government departments to bring as many Afghans as possible to safety. We continue to support IRCC with their goal of resettling 40,000 Afghans by 2024.

[Translation]

This includes validating applications in support of IRCC's new policy to help reunite former language and cultural advisors with members of their extended family outside Canada.

[English]

In conclusion, Canadian Armed Forces members have shared their stories about what Operation Aegis meant to them.

Corporal Mackenzie Birch recalls evacuating a child on the second-to-last flight out of Kabul in August. The child carried by his mother was exhausted and drained of emotion. Many months later, Corporal Birch saw that child once again, this time on a flight from Toronto to Vancouver. The young boy was one of many Afghan refugees on the plane who were headed to Vancouver to build a new life.

[Translation]

Corporal Birch felt so much optimism seeing that child who months earlier could barely manage a smile, but was now happy and full of hope for a better, brighter future.

[English]

Corporal Birch realized he had become part of the story of Operation Aegis, and part of the effort and sacrifice of thousands of Canadians and Afghans over the past 20 years: the CANSOFCOM

members helping the vulnerable and the elderly; the aircraft officers working tirelessly to help the scared passengers; and the medical team tending to those who needed it most. That is the story of Operation Aegis.

That connection is what drives us to keep working hard, every day, to advance peace and prosperity around the world.

Thank you so much.

**The Chair:** Thank you, Minister.

We will now begin our rounds of questioning. We will begin our first round with Ms. Rempel Garner for six minutes.

Ms. Rempel Garner, please begin.

**Hon. Michelle Rempel Garner (Calgary Nose Hill, CPC):** Thank you, Chair.

Thank you, Minister.

I want to provide some context for my questions.

My husband is an American combat veteran, and he served in Afghanistan. It was something to watch his reaction to the fall of Afghanistan, from my campaign office, while many of my constituents were pouring in with requests for Afghans' evacuation and while the government was in caretaker mode.

That's something... I'd like to get you on the record that it's not a situation our country should be placed in again.

• (1745)

**Hon. Anita Anand:** First of all, thank you for telling me this very personal and emotional part of what you were experiencing in 2021. Certainly, I knew your spouse served, but I didn't know many details, so thank you for sharing that with me. I thank him for continuing to step up. I think it's a global service that people are actually doing.

**Hon. Michelle Rempel Garner:** Going forward, though, has anything been put in place, so that, if we have another duty to evacuate a country, there would be advice given to the PMO, perhaps, when they were considering triggering an election?

In terms of recommendation 8, has there been any formal advice that, perhaps, it wasn't a great idea to go to an election, knowing the country was about to fall to the Taliban?

**Hon. Anita Anand:** I can only say that it was an extremely difficult and unpredictable situation, and nobody recognized that Kabul would fall so quickly.

There are so many lessons to be learned. Indeed, after every operation, the Canadian Armed Forces takes care to evaluate lessons to be learned and—

**Hon. Michelle Rempel Garner:** Was going to an election a lesson learned?

**Hon. Anita Anand:** This was a time when I was not in the role of minister so, of course.... I had just, as you know so well, been procuring vaccines for the country, but I will turn to my deputy minister—

**Hon. Michelle Rempel Garner:** That's okay. Thank you.

I'll ask a question broadly.

Are you aware of anyone in your department, or in the previous minister's office, who delegated authority to any parliamentarians, on behalf of your department or any other government agency, to issue visa facilitation letters?

**Hon. Anita Anand:** No, I am not aware of any such activity. These—

**Hon. Michelle Rempel Garner:** Would anyone in the minister's office have the authority to delegate that authority to a parliamentarian?

**Hon. Anita Anand:** I do not believe so.

The facilitation letters were only issued by GAC and IRCC, using official government email addresses sent directly to applicants. There's—as you know—an ongoing investigation, but my office and I have no special knowledge of this.

**Hon. Michelle Rempel Garner:** Thank you.

The last time you appeared on this issue—I think it was several months ago, at the special committee—there were still, by all accounts, several thousand Afghans with bona fide connections who served in our country's efforts in Afghanistan and who had not been evacuated.

I reviewed the federal budget, yesterday. Why wasn't there significant additional funding for the Canadian Armed Forces, particularly given there was clearly a capacity gap in this area?

**Hon. Anita Anand:** The last time I appeared at this committee we did discuss the goal of IRCC and our government to bring at least 40,000 vulnerable Afghans to Canada. We have now made even more progress towards that goal, with 28,000 Afghans who can now call Canada home.

This progress is going well. It's an ambitious target. It is one that we take very seriously, and we'll bring as many Afghans to Canada as quickly and safely as possible. That remains our priority.

**Hon. Michelle Rempel Garner:** How many of those persons did we have to rely on other nations or allied nations to evacuate for us?

**Hon. Anita Anand:** The evacuation, as I said, was very tense. It was moving very quickly, and we worked very hard to secure the air bridge and to bring out as many Afghans as possible.

**Hon. Michelle Rempel Garner:** Thank you.

Again, on the federal budget, given the geopolitical situation, it has a glaring omission in terms of any sort of significant increase in funding to address our capacity gap.

Why weren't you able to secure that funding with your cabinet colleagues for our armed forces? Particularly given the outcome of

this report, it's clear that we need more resources. Why isn't that in there?

• (1750)

**Hon. Anita Anand:** I'd like to take you to the fact that we put on the table almost \$40 billion for NORAD modernization and continental defence last June, in addition to \$8 billion in the budget of 2022, in addition to a 70% increase in defence spending beginning in 2017 under “Strong, Secure, Engaged”, and the fact that we are undertaking—

**The Chair:** I'm sorry for interrupting—

**Hon. Anita Anand:** —a defence policy update and we will have that—

**The Chair:** I'm sorry for interrupting. The time is up.

We will now proceed to Mr. El-Khoury.

Mr. El-Khoury, you will have six minutes, and you can please begin.

[*Translation*]

**Mr. Fayçal El-Khoury (Laval—Les Îles, Lib.):** Thank you, Madam Chair.

Madam Minister, welcome to our committee. Thank you for all the great work you do in the department.

As you know, the situation in Afghanistan is complex. Why? It's because peacemaking and peacebuilding missions are not possible like they were in Syria after 2014 with the U.N.

Can you tell us more about that and about your department's role in that, in particular?

**Hon. Anita Anand:** Thank you for the question.

Of course, it's very important to do a review of missions and operations. As I said, the situation on the ground in summer 2021 was very challenging. We now have ambitious goals and we've made significant progress toward achieving that. The goal of resettling at least 40,000 Afghan nationals to Canada as quickly and safely as possible remains our priority.

That is the situation for all of our operations. No matter what operation or country we are talking to, the question is always what we can do in that specific situation.

For further comment, I will turn it over to the chief of the defence staff.

**Gen Wayne D. Eyre (Chief of the Defence Staff, Canadian Armed Forces, Department of National Defence):** Thank you very much, Madam Minister.

I will say a few words about peacekeeping missions in the context of Afghanistan.



I must admit that the situation in Afghanistan is too complex for a traditional peacekeeping mission, because we need the approval of all parties to carry out a mission like that. I myself have been deployed a few times to Afghanistan, and I can tell you that it was not possible.

**Mr. Fayçal El-Khoury:** If I may, I will ask General Eyre a question to better illustrate the situation.

General, you served as chief of the defence staff in 2021, so you're uniquely positioned to talk about the events leading up to the fall of Kabul, the airlift operation and the experience of Canadian Armed Forces personnel on the ground.

Could you give us a sense of what happened? How did you respond? What were the challenges? What lessons did you learn there as chief of the defence staff?

**Gen Wayne D. Eyre:** On May 9, 2022, I sat before the Special Committee on Afghanistan and testified with some emotion about my pride in our personnel for what they had accomplished during that mission.

I will continue in English, given all the technical terms.

• (1755)

[English]

From our perspective, we had not had a sizable—or any—military force on the ground since 2014 when we withdrew from Afghanistan. In fact, I was at ISAF headquarters in Kabul when we lowered the flag.

For a period of seven years, we had no sizable military presence there, and our ability to project force across the globe into a highly contested environment with our air capabilities, with our special operations capabilities and with our global signals capability, and to extract as many Afghans as we did, speaks to the ability, the passion and the proficiency of our members.

Madam Chair, I'm very proud of what our members accomplished in some extremely difficult conditions. We've learned and we've continued to apply the lessons over the last number of years.

[Translation]

**Mr. Fayçal El-Khoury:** Madam Minister, this report includes many recommendations to implement special emergency measures within the various departments involved in this crisis. Chief among these recommendations is the establishment of an emergency unit.

What do you think about this sort of thing?

[English]

**The Chair:** Your time is up, Mr. El-Khoury. You will get an opportunity in the second round.

With that, we will now proceed to Mr. Brunelle-Duceppe for six minutes.

Mr. Brunelle-Duceppe, please begin.

[Translation]

**Mr. Alexis Brunelle-Duceppe:** Thank you, Madam Chair.

Thank you very much, Madam Minister.

I'd also like to thank the witnesses for their work and their military service. I'm very grateful to them for taking the time to attend today's committee meeting.

Madam Minister, in your opening remarks, you mentioned recommendation 18. It was originally the Conservatives' idea to move a motion to create the Special Committee on Afghanistan, but you should know that the Bloc Québécois introduced an amendment that, with the concurrence of the Conservatives, called for the committee to be tasked with issuing recommendations with a focus on what needed to be done not only to help Afghans in the immediate term, when the committee was sitting, but also to improve our response to other international crises of this kind in the future.

Recommendation 18 calls for you to establish a whole-of-government team. How are intergovernmental discussions about this team going?

**Hon. Anita Anand:** Thank you for the question.

Of course, we're working hard with our partners in government to continue to build on the lessons learned from this and other crises. This is what our government does every time, whether it's in Ukraine, Haiti or Afghanistan. We share the lessons learned.

Every recommendation from this committee is very important to us, because this committee's work is important too.

We continue to work very hard with our partners in government to ensure that next time we will have learned from these lessons to improve our response.

**Mr. Alexis Brunelle-Duceppe:** Of course, on this whole-of-government team, you work closely with Department of Immigration, Refugees and Citizenship.

Even before the Special Committee on Afghanistan made its recommendations, the Bloc Québécois had proposed that a permanent emergency mechanism be established at IRCC in the event of a natural disaster or armed conflict of international proportions, such as the earthquake in Haiti, for example, or the fall of Kabul.

We learned that the Department of Immigration, Refugees and Citizenship had asked its officials to look into this avenue. It does affect you because when you attempt to get people out of certain countries, you actually must work with IRCC to get them into Canada.

Do you find it takes too long? Are you hopeful that this mechanism will be put in place swiftly?

• (1800)

**Hon. Anita Anand:** Once again, thank you for the question.

We continue to support the work of our partners like IRCC. So if that department decides to have a committee like this for another crisis, we will, of course, continue to support their work.

I don't know if our department has had any discussions about this recommendation, but I could ask the deputy minister to respond to that as well.

**Mr. Bill Matthews (Deputy Minister, Department of National Defence):** Thank you, Madam Minister.

There are always discussions, yes. That said, most of the challenges that all governments around the world face involve more than one department. Therefore, cooperation between departments is really par for the course. However, one of the departments involved has to take primary responsibility and in this case it's the Department of Foreign Affairs. We continue to cooperate to learn from our experiences.

If there's time, perhaps Major General Prévost would like to add something with respect to his work.

**MGen Paul Prévost (Director of Staff, Strategic Joint Staff, Department of National Defence):** Thank you, Mr. Deputy Minister.

We are not privy to progress made inside the Department of Immigration, Refugees and Citizenship, but we do hold discussions on all of these crises weekly, if not daily. The Afghanistan issue is a unique crisis. The interdepartmental governance system involves deputy ministers and assistant deputy ministers, of which I am one. Just yesterday, I discussed the Afghanistan issue with my counterparts at the Department of Immigration, Refugees and Citizenship.

To give you an example, after the Russian invasion of Ukraine, the Department of National Defence and the Department of Immigration, Refugees and Citizenship worked quickly. The Minister of National Defence approved the deployment of 100 Canadian Armed Forces personnel to Poland to assist the Department of Immigration, Refugees and Citizenship in dealing with the flood of refugees crossing from Ukraine into Poland. So these are—

**Mr. Alexis Brunelle-Duceppe:** So that's a lesson learned from what happened, and now we're going to move forward even further.

**Hon. Anita Anand:** I would like to add that—

**Mr. Alexis Brunelle-Duceppe:** It's just that I don't have that much time, and I would be remiss if I didn't ask you a question about Bill C-41.

We just heard from the Minister of Justice, who was unable to explain to us why it took so long, despite the fact that the solution was there. He told us that there's been a lot of discussion behind closed doors, but that he had to respect cabinet confidence.

Were you involved in those discussions? I'm not asking you what was said those discussions; I just want to know if you were part of them.

**Hon. Anita Anand:** As I said before, prior to the start of this special committee, I was the Minister of Public Services and Procurement.

With respect to those discussions, no, I wasn't—

**Mr. Alexis Brunelle-Duceppe:** When were you appointed Minister of National Defence?

**Hon. Anita Anand:** Let me finish my response, please.

I wasn't involved in discussions on Bill C-41, but it's important to remember that—

[English]

**The Chair:** I'm sorry to interrupt, Minister, but the time is up for Mr. Brunelle-Duceppe.

We will now proceed to Ms. Kwan.

Ms. Kwan, you will have six minutes for your round of questions. Please begin.

**Ms. Jenny Kwan:** Thank you very much, Madam Chair.

Thank you to the minister and the officials for being here today.

I'd like to get a little bit into the DND referrals, specifically the individuals who are, for example, interpreters for the Department of National Defence or who have served Canada in some way.

Could the minister advise regarding how DND referrals were made and how these referrals are vetted?

**Hon. Anita Anand:** Defence serves as a validating partner to support IRCC's policies, including its new policy to facilitate the reunification of former advisers who worked with the defence team and members of their families. It is a supporting role that we play as a validating partner.

**Ms. Jenny Kwan:** DND makes referrals, though, for IRCC's consideration. How did you determine who you would make those referrals for?

**Hon. Anita Anand:** Let me ask the chief of the defence staff to pick up where I left off.

**Gen Wayne D. Eyre:** Madam Chair, we started up a team in our strategic joint staff under General Prévost to help process all of these files. From there, we were able to validate the files and then make a referral from that perspective.

For the exact details, I will turn it over to General Prévost to elaborate.

• (1805)

**MGen Paul Prévost:** Thank you, Chief.

Madam Chair, thank you for the member's question.

The files that DND, CAF and my team vet for IRCC are files where applicants apply to the SIM program. We didn't refer on our own files to IRCC as a department. We just make sure that the files submitted to immigration have a significant nexus to CAF—members who have served in Afghanistan with us. We have to establish that link, and the way we do that is by looking at the referrals. Sometimes the Afghan national will submit the names of people he worked for and we contact those individuals. We look at the contracts we had with all the Afghans.

We go through a whole bunch of databases to make sure there was a significant relationship with the CAF, after which we validate that and provide the answer to the Minister of Immigration.

**Ms. Jenny Kwan:** Given the period in which Canada had armed forces and personnel in Afghanistan doing a variety of different tasks in support of Canada, in the service of Canada, and because these contracts are signed by your department and individuals are put on these various contracts, you have a record of all of that. Therefore, you have a record of how many people served Canada in different capacities in your system—do you not?

**Hon. Anita Anand:** Of course, we are continuing to support IRCC in this process, but it is primarily run out of IRCC. In terms of numbers and past files, etc., those numbers would need to be gleaned from IRCC.

**Ms. Jenny Kwan:** Thank you, Minister. I appreciate that the work is being done by IRCC. What I'm trying to get at, though, is the number of Afghans who worked for Canada under your department, under the Department of National Defence, both by contract.... Some of them were interpreters and some of them worked as security guards or in other capacities.

Is there a figure that the department can provide to the committee of how many Afghans served Canada during that period?

**Hon. Anita Anand:** I personally do not have that number with me. I will ask the chief of the defence staff to indicate whether record-keeping occurred and the quality of that record-keeping.

**Gen Wayne D. Eyre:** Madam Chair, I will try to add some context to the question. This is a very complex situation, and I'll use my own experience there.

**Ms. Jenny Kwan:** I'm sorry. I'm going to interrupt for a second. I don't have a lot of time, and I'll get cut off momentarily. I just need to know whether or not we can get at this number and whether or not it's as fulsome as it could be.

As best you can, can you provide committee with a number?

**Gen Wayne D. Eyre:** Madam Chair, given that some of the Afghans who were working with us were contracted through other nations or organizations, settling on a final number, in my view, is probably impossible.

**Ms. Jenny Kwan:** Does DND not have the records of the contracts you've signed?

**MGen Paul Prévost:** Madam Chair, we'll look into whether we can provide a number, but, like the chief explained, some of those people were never under contract with anybody, but had a significant relationship with the CAF. This is part of the verification we do as well.

**Ms. Jenny Kwan:** Maybe, for the ones who did have a contract with DND, we can be provided with that number and in what general capacity they worked. That would be a good place to start. There are many others who were subcontracted who were not counted—that's for sure.

Daily, I receive emails. Just yesterday, I hardly knew what to do. I received an email from a former interpreter of the Canadian Armed Forces who applied back on August 26, 2021, and their application went nowhere. It was never vetted. They have sent me contracts, all that kind of stuff, and pictures of their family being

beaten by the Taliban. I don't know what to do. I honestly don't. I don't know how it is that Canada had contracts with these individuals who served Canada, and we don't know who they are. We don't know where they are or how many there are.

**The Chair:** I'm sorry for interrupting, Ms. Kwan. Your time is up. Thank you.

We will now proceed to Mr. Bezan.

Mr. Bezan, you will have five minutes for your round of questioning. You can please begin.

**Mr. James Bezan (Selkirk—Interlake—Eastman, CPC):** Thank you, Madam Chair.

I want to thank the minister for being here along with members of the defence team. I want to thank those who served in the Canadian Armed Forces for the work they did in getting out who they were able to. I can only describe what happened there as chaotic, dangerous and precarious. It was unbelievable watching it on TV, so for being on the ground and having to deal with it, and making sure that all those who served over there got out and helping those Afghans get out, you share our gratitude.

To follow up on what Ms. Kwan was saying, both Deputy Minister Matthews and General Eyre appeared before the special Afghanistan committee. He said at that point in time back on May 9 that 7,500 Afghans had contacted the Department of National Defence and said that they were either interpreters or had been locally engaged staff. Of that, 3,800 made the cut. What's changed in a year so that you don't have the number?

• (1810)

**Hon. Anita Anand:** I'll start. The number that we have approximately is that 3,700 were actually evacuated. We had 555 Canadian Armed Forces members across the board supporting this. We were dealing with a very tense situation on the ground, but the Canadian Armed Forces, and I'll let General Eyre speak to this, remained nimble on the ground even though the situation at the Hamid Karzai airport was extremely difficult.

**Mr. James Bezan:** Where are we at? I know at one point in time we were talking about 900 interpreters. These are people who served alongside our forces, who made sure they were aware of the dangers around them and who stood shoulder to shoulder with our soldiers.

Where are they? Are they getting here? Have you vetted them? Is IRCC inviting them? Where are we at?

**Gen Wayne D. Eyre:** The numbers have evolved since May 9, 2022. I'll turn it over to General Prévost for the details.

**MGen Paul Prévost:** Thank you, Chief.

Madam Chair, on the numbers of files that we've confirmed, for which we've established a link with the CAF, we have vetted nearly 4,500 files—4,498 to be exact. We've established a direct link. I cannot provide the member with how many of them are interpreters or contractors of any...but we've established that link for 4,500. Of those files, because the program is at 18,000 and is nearly full, we are ready to submit files as IRCC is asking for those files. Right now, we've submitted 1,850 files for IRCC to invite Afghans. Obviously you have to multiply by the number of family members, but now we're nearly close to the 18,000 Afghans to be called.

Even this morning, I provided an extra 160 files to IRCC so they can maximize the room left in the 18,000.

**Mr. James Bezan:** You're couching this by saying there's definitely a limit that we're hitting here. Why would we leave anyone behind who served our forces, who tried to make a difference and who are now enemies of the Taliban, enemies of the state in Afghanistan. Why would we leave any of them behind?

We have the special immigration measures program, which is supposed to be a priority. I think all Canadians understand they're supposed to be a priority. Why aren't they coming?

**Hon. Anita Anand:** I'll say that there is every effort being made to continue to evacuate, as IRCC has said, 40,000 Afghan nationals, and that will include the reunification of former advisers who worked with National Defence in Afghanistan with members of their extended families who are outside of Canada.

As I said, National Defence is validating applications when and as requested by IRCC, and we are doing whatever we can to facilitate the evacuation and—

**Mr. James Bezan:** Minister Anand, have you been having conversations with Minister Fraser at IRCC to ensure that he is going to prioritize those who served with our veterans, those who served with our current serving members of the Canadian Armed Forces?

**Hon. Anita Anand:** We are continuing to advocate for a coordinated effort by the international community, including the Government of Canada, to support all those who advised the DND-CAF but also to ensure that families are reunited. There are a number of families that need to continue to be reunited and that's really our focus.

• (1815)

**Mr. James Bezan:** That's what a lot of the families here want. The families who did get out early on the first special immigration program came in 2013, 2014 and 2015. They're trying to reunite with their families. A lot of those families were also locally engaged staff or were interpreters, and they can't get out of Afghanistan.

Are we going to let the—

**The Chair:** I'm sorry for interrupting, Mr. Bezan. Your time is up.

**Mr. James Bezan:** —immigration department do what is easy, or are we actually going to do the hard work to get out those who did the hard work for us?

**The Chair:** I'm sorry for interrupting. You will get time in the second round. Your time is up.

We will now proceed to Mr. Dhaliwal.

Mr. Dhaliwal, you will have five minutes. Please begin.

**Mr. Sukh Dhaliwal:** Thank you, Madam Chair.

I would like to thank the honourable minister, her deputy minister, the chief of the defence staff and the director of staff for being with us today.

Minister Anand, your name, “Anand”, means bliss and happiness. It's always blissful and happy to work with you on compassionate issues such as Afghanistan. Not only do you work really hard to address those issues, but you work very passionately.

On this, Minister, you appeared at the Special Committee on Afghanistan. During your appearance, you spoke about the effects of the Canadian Armed Forces being pulled out of Afghanistan in 2014 and the impact that had on the evacuation in 2021. You mentioned that, with all things considered, we worked with our allies very efficiently, although we did not have quite the same type of presence on the ground as some of our allies.

Could you please speak about the operation and the threats to our personnel and assets on the ground and how the armed forces were able to move efficiently, with all things considered?

**Hon. Anita Anand:** Most definitely, and thank you for the words at the opening of your question.

Canada had no military assets on the ground at the outset, nor did it have access to a secure alternative site on the military side of the airport in Kabul, as other NATO allies did. That has to be remembered.

The effective operation of our personnel comes down to their professionalism. It comes down to their expertise. It comes down to the high level of preparation that they were able to exhibit through exercises, through training, through the rigorous planning that goes into an operation like this one.

Moreover, I would say this speaks to the strength of our alliance and the strong level of coordination among NATO allies writ large. We train with our allies regularly. We have personnel embedded with our allies, and they have personnel embedded with the Canadian Armed Forces. All of this means that the Canadian Armed Forces not only can operate effectively as a team, but they can also operate in a highly coordinated manner with our NATO allies in the most strenuous and the most dangerous of circumstances.

I will ask the chief of the defence staff if he would like to speak to the particularities of this effort with our allies.

**Gen Wayne D. Eyre:** Madam Chair, I would just add one point, and that's the importance of the global network of exchange positions—liaison positions—we have that greatly facilitated this operation.

Let me give you a few examples. First, the U.S. headquarters that was overseeing this was its central command. We had a general officer who was the deputy director of operations in the headquarters—great access. In the Middle East, in the coalition air operations centre, we had a general officer who was one of the senior members in that position. General Prévost here actually did that position several years ago. He can speak to details about the coordination of the airflow that was so important.

Our joint task force impact is located in Kuwait. Having the base in Kuwait provided us a footprint on the ground, a place to be able to move Afghan refugees into. Knowing the size of that camp, it was busting at the seams when we moved way more Afghans in there than it had capacity for.

The relationships that we have with various allies, with conventional and special operations forces, greatly facilitated the work on the ground. Personal relationships matter. They take away a lot of friction that is otherwise inherent in coalition operations.

That, Madam Chair, from my perspective, is one of the very important lessons that we take away from this and that needs to be sustained.

• (1820)

**Mr. Sukh Dhaliwal:** Minister, from many of my constituents and during the Special Committee on Afghanistan, there were some suggestions that Canada is treating Afghan refugees and Ukrainian refugees very differently.

Could you please speak to those differences from the operational perspective of dealing with these two situations?

**Hon. Anita Anand:** Thank you for the question.

I'd like to start by saying that we have seen tremendous compassion and generosity from Canadians in welcoming refugees from Afghanistan and Ukraine alike. These are individuals and families who are fleeing unimaginable circumstances and hardship, and Canadians have always welcomed and supported them. This is something that we see time and time again in this country, and it is inspiring to see and to know that Canadians will always step up when people are suffering.

As for your question, you're exactly right. These are different situations—

**The Chair:** I'm sorry for interrupting, Minister, but the time is up for Mr. Dhaliwal.

We will now proceed to Mr. Brunelle-Duceppe for two and a half minutes.

Mr. Brunelle-Duceppe, go ahead, please.

[*Translation*]

**Mr. Alexis Brunelle-Duceppe:** Thank you, Madam Chair.

Madam Minister, in my final question to you in the last round, you said that you were not yet Minister of National Defence at the

time of the discussions. I think we misunderstood each other, because—

**Hon. Anita Anand:** Yes, I hadn't quite understood the question.

**Mr. Alexis Brunelle-Duceppe:** Okay.

Actually, you are appointed to this position in October 2021 and we started talking very intensely about the issue of humanitarian assistance on the ground in February. Through your discussions with the various government departments, I imagine that you were aware of the NGO issue; because of Canada's Criminal Code, they could not do their work on the ground.

Can you tell me quickly if you were aware of the situation?

**Hon. Anita Anand:** Yes, of course I was.

**Mr. Alexis Brunelle-Duceppe:** Perfect.

We were told that there were many discussions between the various departments.

In December 2021, the U.N. Security Council passed Resolution 2615, which called on the countries involved to amend their criminal codes to allow humanitarian organizations to do their work. Yes, despite their good understanding of the situation on the ground, Canadian NGOs were unable to do their work due to Canada's Criminal Code. After that resolution was adopted, the government took 15 months to come up with a solution. It's 82 pages long. The solution has been there all along if it's there today. And yet, the government is unable to tell us why it took so long.

The Bloc Québécois will support the bill. We will try to improve it quickly so that it can be passed quickly as well.

However, can anyone in the government explain to me why it took so long, when the solution was there from the start, because nothing about the situation has changed since then?

**Hon. Anita Anand:** Thank you very much for this question. I now understand your question.

First of all, I'd like to say that my colleagues have worked very hard to balance two things: providing this humanitarian assistance and making sure that we comply with the Anti-terrorism Act—

**Mr. Alexis Brunelle-Duceppe:** Madam Minister, I'm truly sorry to interrupt, but I don't have much time.

I don't want you to tell me about balance and all that. I know the bill. I want to know why it took so long. That's the only question. No one can answer me. I want to know why, people want to know why, humanitarian organizations want to know why, Afghans on the ground in Afghanistan right now want to know why this government has been so slow to respond to a problem that's been known for very long time. That's the only question I want answered, Madam Minister.

Thank you very much.

**Hon. Anita Anand:** I understand the question. As I said, my colleagues worked very hard to strike a balance between two things: First, how can we deliver this humanitarian assistance and second—

[English]

**The Chair:** I'm sorry for interrupting, but your time is up.

[Translation]

**Hon. Anita Anand:** ...how can we comply with the Anti-terrorism Act?

[English]

**The Chair:** Thank you. The time is up.

We will now proceed to Ms. Kwan for two and a half minutes.

Ms. Kwan, go ahead, please.

**Ms. Jenny Kwan:** According to an ATIP response, between August 2021 and June 2022, 9,512 DND applications were received. On that basis, what we just heard is that 4,498 files have now been processed. That's about half of the applications that have been received or confirmed by DND. We are now reaching that 18,000 number. We're nearing the end of them. That means there's no more room to add more people, when half of the files have not yet been processed.

On this basis, we understand that these individuals are people who served Canada, who put their lives at risk, who put their loved ones' lives at risk and who are now being hunted down. Does it make sense to the minister that the government has put in place this arbitrary cap of 18,000?

Where did this 18,000 cap come from, and does that reflect the actual number of people who served Canada?

• (1825)

**Hon. Anita Anand:** I look at the 40,000 number, which is the overall number of vulnerable Afghans we want to bring to Canada—

**Ms. Jenny Kwan:** I'm sorry, Minister, but I'm going to interrupt for a second. I'm going to be very specific. I'm now going to be talking specifically about people who served Canada, and in this instance, who served DND. We're talking about them and not about other categories.

**Hon. Anita Anand:** Okay. I understand.

Our role in this process is to support IRCC. IRCC comes forward with, for example, the special immigration measures program for Afghan nationals and their families who assisted the Government of Canada, and DND supports them in the execution of that program where possible.

**Ms. Jenny Kwan:** Thank you, Minister. I appreciate that, but you are the minister and these are people who served CAF, who served Canada. In many ways, they are extended family members of Canada's military. Do you not think that Canada should extend that 18,000 to bring all of the people who are at risk to Canada?

Until that's done, our job is not done. Would the minister agree with that?

**Hon. Anita Anand:** We are working really hard to reach this ambitious target. We have made significant progress on meeting it, and reaching the goal quickly and safely is going to be the top priority.

**Ms. Jenny Kwan:** Thank you, Minister, but you have already reached that goal of 18,000. Yes, we need to bring them here, but for all those who have been left behind.... At least half of the applications have not even been processed, and that's not accounting for the people who never got the referral, Madam Minister.

**The Chair:** I'm sorry for interrupting, Ms. Kwan, but your time is up.

Thank you, Ms. Kwan.

We will proceed to Mr. Bezan for five minutes.

Please begin.

**Mr. James Bezan:** Thank you, Madam Chair.

I want to pick up where I left off. We're talking about the most vulnerable and targeted Afghans who were left behind—those who served with the Canadian Armed Forces. They empowered us. They enabled us. They kept us safe. They worked with our provincial reconstruction teams, and they were more than just local contractors. They became part of the family, and our veterans and those who are currently serving care deeply about them.

We know that you're coming up on the 18,000 limit. We know that the goal is to get to 40,000, and there are a lot of Afghans easily reached as refugees who are already out of harm's way. I think what Canadians want to know, what members of the armed forces want to know and what our veterans who served alongside them—many of whom are suffering greatly because they're still in contact with them—want to know is when we are going to invite the rest of those who have been vetted and accepted to join us here in Canada.

**Hon. Anita Anand:** I'll begin by saying thank you for the question.

Our 40,000 number is one of the highest per capita targets in the world—

**Mr. James Bezan:** That's fine, and I think that's great, Minister—

**Hon. Anita Anand:** —and we are focused on vulnerable Afghans. We are focused on doing this evacuation and continuing to bring Afghan nationals through as quickly as possible. It is a priority for IRCC, and DND is assisting wherever and however possible.

**Mr. James Bezan:** We know for a fact that those who served with our forces.... Even when we talk about the language and culture advisers, who are Canadian Afghans who went back, there are over 40 of them. They have over 1,000 family members back there who also want to come. We know they're being targeted, along with those who were interpreters and their families, by the Taliban. They're being arrested, interrogated, tortured and executed.

Are we going to protect those people? Are we going to make sure they get a chance to come to Canada and be safe?

**Hon. Anita Anand:** The scenario you are pointing to is deeply disconcerting, and we are working to support IRCC's policy to facilitate the reunification of former advisers and vulnerable Afghans and members of their extended families, in fact. We are validating applications when and as requested by IRCC, and IRCC is really best placed to speak to the specific—

• (1830)

**Mr. James Bezan:** Are you advocating for those Afghans to Minister Fraser and saying that these people should be our priority, so let's help get them out and let's give them advice on how to get to a safe haven so they can be brought here as refugees?

I know that our offices, including my own.... One of my staff said her cell number has gone all through Afghanistan. We're getting calls all the time. We don't have the resources to vet, and we rely heavily on the list that has come from the Department of National Defence. Will you make sure those people are the target audience we're trying to rescue, rather than going after the ones who have already reached a safe refuge?

**Hon. Anita Anand:** We are all in agreement that we need to continue to support vulnerable Afghans in getting to Canada as safely and as quickly as possible. As a government, we are continuing to explore additional avenues to bring more Afghans to safety as quickly and as safely as possible.

**Mr. James Bezan:** General Prévost said in the last round that over 1,850 people, who were vetted by National Defence, have been provided to IRCC.

Do you know if IRCC is going to provide an invitation for them to come to Canada, including those who were at Graceland?

**Hon. Anita Anand:** Let me ask General Prévost if he would like to add anything here.

**MGen Paul Prévost:** Thank you, Minister.

To answer the member, these 1,840 files, which were provided to IRCC, are the files for which IRCC has extended an offer for application. As more space becomes available, we continue to push files that we have vetted within the department, and IRCC continues to look at how we can bring more vulnerable Afghans. The language and cultural adviser file—

**Mr. James Bezan:** Do you feel confident that the department, Immigration, Refugees and Citizenship Canada, will extend the invitation to those vulnerable Afghans who are coming through the special immigration measures program?

**MGen Paul Prévost:** I am very confident. As I mentioned before, this morning we pushed another 160 files we had vetted for IRCC. It is in turn pushing—

**Mr. James Bezan:** Minister Anand, has Minister Fraser given you assurances that those invitations will be issued?

**Hon. Anita Anand:** We're working as a government here. It is our government's policy—

**Mr. James Bezan:** I don't like the obfuscation here.

**Hon. Anita Anand:** —to support vulnerable Afghans in getting to Canada as safely as possible. It is a priority for us. We're working very hard to get to the targets that we have set.

**The Chair:** Thank you.

We will now end this panel with Mrs. Lalonde for five minutes.

**Mrs. Marie-France Lalonde:** Thank you very much, Madam Chair.

I have the privilege of actually having the last five minutes, so I will take them to say thank you, Minister, for being here. However, I would also like to recognize and thank the men and women who served during the Afghanistan war.

I also want to recognize all the hard work that was presented to everyone who was involved during the extraction, and I certainly want to say thank you for the work you do every single day to protect our great nation. I want to make sure of that.

I know, Minister, I'm speaking a bit on the right side from my view here, but thank you for everything you are all doing.

We went through many questions. Maybe, Minister, you could share with us the next phase, where we're at and maybe explain to this committee, as we move forward, more about the importance of those recommendations and why we're having this conversation today, but also what's next. What I hear is a great desire to continue to contribute.

[Translation]

**Hon. Anita Anand:** Thank you for your question. It is very important that it be answered.

First, I'd like to say that there have been lessons learned for everyone. I want to know how your committee feels about the recommendations.

[English]

On recommendation 1, of course, we always want to learn from the past and apply greater knowledge to future crises, recognizing that there is no one-size-fits-all solution to every crisis. The Canadian Armed Forces conduct lessons learned exercises after every operation, whether it's Ukraine, Haiti, Afghanistan, etc., and there is no exception here. With the work your committee is doing, it's extremely important for us to also take that into account. I will be encouraging my department and the Canadian Armed Forces to make sure that we are hearing the words in your report.

On recommendation 2, whole of government co-operation is what we do. We are always working together across departments, whether it is hurricane Fiona here in Canada, or whether it is an international operation, including Operation Aegis.

Finally, as I've said a number of times, on bringing Afghans to safety, recommendation 18, we will continue to work and support IRCC in reaching the 40,000 number. This work is difficult. It's ongoing but, again, I look forward to the words of your committee.

• (1835)

[*Translation*]

It's important for us to listen so we know what we can do now and what we can do in the future.

[*English*]

**Gen Wayne D. Eyre:** Thank you, Minister and Madam Chair.

Maybe I'll just add some context in conclusion.

I think the fall of Afghanistan, indeed our own involvement in Afghanistan and then the subsequent fall seven years after we left, just shows how dangerous the world is becoming. Between what we see the Taliban doing and what we see the Russians doing in Ukraine, we can see that civilization is just a thin veneer that is very easily ripped off.

Your Canadian Armed Forces have been involved around the world in many places, and the world is only getting much more dangerous. We have to be ready, and we have to learn and pull from the lessons, because we'll be using them in the future.

Your Canadian Armed Forces needs to be ready. As our elected parliamentarians, I would ask all of you to go to your constituents and convince them to join our ranks, because this is a great institution. It's filled with great people. They're here to serve you and the people of Canada.

**A voice:** Hear, hear!

**Mrs. Marie-France Lalonde:** I really want to give you the floor. I think it's important that we hear from you.

**Hon. Anita Anand:** I might just add, Madam Chair, that when we talk about intergovernmental co-operation, we should remember that military capabilities are only one tool in the overall tool box. We need to continue to build on the experience with our governmental counterparts in different departments, which is exactly what we're doing.

In terms of Canadian Armed Forces lessons learned, these include non-combatant evacuation operations. In March 2023, the Canadian Armed Forces is participating in an exercise called Noah's ark, in Israel, to practice interoperability among allies and partners for the conduct of a NEO in this region.

I'll just say that speaks to the fact that the lessons learned continue for the Canadian Armed Forces. Having said that, as I said, the lessons learned from this committee are also very important.

**The Chair:** Thank you. With this, the panel comes to an end.

On behalf of all the members of this committee, I really want to thank you, Minister, for appearing before the committee. Thank you for all the work that you do on behalf of Canadians.

With that, the meeting is adjourned.

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