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Chair: Mr. Sven Spengemann

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• (1550)

[*Translation*]

The Chair (Mr. Sven Spengemann (Mississauga—Lakeshore, Lib.)): Colleagues, welcome to the 33rd^x meeting of the Standing Committee on Foreign Affairs and International Development.

The committee is resuming its study on the granting of arms export permits, with a particular focus on permits granted for exports to Turkey.

[*English*]

As always, to ensure an orderly meeting, I encourage all participants to remain muted when they're not speaking. When you have 30 seconds left in your questioning or testimony time, I will signal you manually with this piece of paper.

Interpretation services are available through the globe icon at the bottom of your screens.

We are this afternoon, colleagues, challenged both by the clock and the substance of our agenda, so I ask for your co-operation with respect to timing.

[*Translation*]

Welcome to the witnesses who are in the first panel.

We have with us today Pierre Jolicoeur, Professor in the Department of Political Science at the Royal Military College of Canada, and Jean-Christophe Boucher, Assistant Professor at the University of Calgary.

Professor Jolicoeur, you have five minutes for your opening remarks.

Mr. Pierre Jolicoeur (Professor, Department of Political Science, Royal Military College of Canada , As an Individual): Good afternoon, everyone.

Mr. Chair, distinguished members of the committee, thank you for inviting me to testify before your committee today. This is a first for me.

I want to start by emphasizing that I am not an expert on weapons, armament or arms exports. I work at the Royal Military College of Canada, but I am not a military member. I am a civilian who is interested more in geopolitics and strategic studies more broadly. I'm also an expert on the former USSR and the Caucasus region.

Since we're talking about the Caucasus here, a major 44-day conflict took place in the fall of 2020. It was a war between Azerbaijan

and Nagorno-Karabakh, a secessionist territory that had won de facto independence through armed conflict in the early 1990s. In other words, it seized its independence by military force. However, no state in the international community recognized that independence, unlike in similar cases such as those of Kosovo, South Ossetia and other de facto states.

That conflict nevertheless resulted in a significant, and likely lasting, shift in the geopolitical balance in the region. The consequences of that very recent conflict will become apparent in the coming months and years. All military analysts seem to agree that the use of military drones was a factor that enabled Azerbaijan to reclaim a significant part of its secessionist territory. During the operations, drones were a crucially important weapon used in the developments observed during the fall.

Many of those drones were used by Azerbaijan; some had been purchased from Israel, others from Turkey. Turkey supplied Bayraktar TB2 drones, which are of Turkish design but include parts and equipment from Canada, the United States, Germany and other countries. Canadian equipment includes the L3Harris WESCAM surveillance and targeting system. These components are used to guide and navigate the drones, which are also equipped with propulsion systems built by Bombardier. Canadian components are used in these drones, which Turkey sold to Azerbaijan and which were successfully deployed in the military operation a few months ago.

We can focus on the technical aspect of the operations, but I think the dominant issue here is the drones themselves. An essential feature of the conflict is that Turkey used equipment supplied by Canada to alter the status of a "frozen conflict" in the region and to destabilize that region, thus jeopardizing international peace and security.

Turkey has been more and more active in the region for years now and has adopted increasingly destabilizing behaviour. The conflict in the Caucasus is just one telling example among many of the impact of Turkey's return to the international stage and its new, more aggressive stance.

For example, Turkey has deployed its navy in the western Mediterranean to assert its claims to oilfields and oil resources near Cyprus, territories also claimed by Greece and Cyprus. It has also intervened in Libya, where the same drones are suspected of having been used.

• (1555)

Once again, we suspect that Canadian equipment has been used in this theatre of war despite the fact that there has been an embargo on arms shipments to Syria for a number of years. Turkey also intervenes regularly in Syria.

We can see that Turkey is a source of insecurity, particularly as a result of its increasingly erratic conduct and the fact that Turkish power appears to be concentrated in the hands of President Erdogan, a trend that has been apparent for many years. Indeed, power in Ankara seems to have coalesced around the president since the failed coup d'état in 2016.

We have also observed a shift toward authoritarianism in the country. The government increasingly uses arms to oppress its population, imprison dissidents and violate human rights, particularly those of minorities, including the Kurds.

These are all reasons to doubt the reliability of our partnership with Turkey. Turkey is one of Canada's NATO partners, but it has become an increasing concern for various reasons.

I will close by saying that Turkey has just acquired an antimissile defence system from Russia, despite warnings from NATO member countries, the United States in particular. As a consequence, Turkey has been excluded from the F-35 fighter program.

The reaction of the United States and other Canadian partners is a sign that Turkey is a cause for concern. In fact, we may well wonder whether it shares the same democratic values as NATO. Even though we are partners, and we must assist our allies—Turkey, in this instance—we can justifiably question the reliability and seriousness of our relationship with Turkey.

The Chair: Thank you very much, Professor Jolicoeur.

Now we will hear from Professor Boucher.

Professor Boucher, you have five minutes for your opening remarks.

Mr. Jean-Christophe Boucher (Assistant Professor, University of Calgary, As an Individual): Good afternoon, everyone.

Thank you very much for your invitation to appear before the committee.

[*English*]

As somebody who grew up in Aylmer, Quebec, I can switch between French and English. I'll try to do my talk in French, but we can talk in English afterwards.

• (1600)

[*Translation*]

Since my colleague has focused on the geopolitical issues, and I agree with him to a large extent, I won't revisit the question of Turkey and its role in the region. We can discuss that again later on.

I would like to focus on the national aspects and considerations associated with the granting of arms export permits and on thinking about this issue in Canada.

I think, to a large extent, that the Canadian government has lacked transparency on this subject for some time now. We must try to strike a balance between a dynamic defence industry and respect for human rights.

My thinking on the subject is based on two points. First, my research team at the University of Calgary has spent a lot of time surveying Canadians on defence issues, and we have collected data on the way Canadians perceive arms exports. I think that information is important. Second, members of my research team have also conducted comparative analyses on how other countries similar to Canada, including Australia and the Netherlands, achieve a balance between the two interests, which, in their minds, are a concern for human rights and a desire to have a dynamic defence industry.

First, from an economic standpoint, I believe that, in considering how it will regulate the granting of arms export permits, the Canadian government should find a way to promote development of a viable and dynamic defence industry in Canada, for several reasons: the defence industry is a major economic sector that creates high-quality jobs across Canada, particularly in Ontario and Quebec. On average, workers earn better salaries in this leading innovative sector.

Second, most of the studies conducted on other countries, such as Israel, the United States and Great Britain, generally show that every innovation in the defence sector tends to pollinate other sectors of the economy. The Canadian defence industry improves Canada's economy and competitiveness to a large degree.

Third, the Canadian defence industry must export in order to survive. Exports are thus an essential part of that industry. More than 60% of what it produces is exported, to the United States in particular.

There is also a connection between the size of businesses and their ability to innovate. The bigger they are, the more money they can invest in research and development. We have a vested interest in finding a way to preserve these companies so they can remain viable.

Fourth, the Canadian defence industry doesn't really exist. We are completely integrated into the American industry and, in a way, the European industry. Most Canadian defence companies are actually subsidiaries of American companies such as Boeing, Lockheed Martin, L3Harris and Raytheon. Consequently, all legislation will have a significant impact on Canada-U.S. relations. The current trend among defence companies is toward acquiring civilian companies. As a result, the division between defence companies and civilian companies is increasingly unclear, and it will therefore become more and more difficult to distinguish between the two.

I think we should find a way to encourage these companies to survive and grow in Canada. Then, with respect to human rights, we must recognize that arms exports are a major political and normative issue in Canada. In the past, the Canadian government has lacked transparency, and I think that lack of transparency has caused confusion and helped politicize the issue.

In September 2020, we asked Canadians what they thought was the most important issue associated with equipment sales. Thirty-one percent said it was human rights, while 22% felt it was international rights; only 23% said we should promote local jobs in Canada, and 10% cited good relations with our allies.

This means that we can neither conceal nor rule out normative issues in this matter, and I think any discussion should focus on how to balance Canada's economic interests with human rights concerns.

• (1605)

The Chair: Thank you very much, Professor Boucher.

Colleagues, we have a minor change to our agenda.

[*English*]

One of our witnesses from the second panel has to leave relatively shortly. He is an important witness, so we have invited him into the room to hear his opening remarks now.

[*Translation*]

With your consent, we will ask Mr. Jacques Maire, Member of the National Assembly of the French Republic, to deliver his five-minute opening remarks.

Mr. Maire, since you are online and are using a microphone, it would help the interpreters if you raised your microphone slightly, if possible.

You now have the floor for five minutes.

Mr. Jacques Maire (Member, National Assembly of the French Republic): Good evening. It's after 10 p.m. here. I'm in my bedroom with my wife, and I can only impose so far.

Colleagues, I would simply like to make a few general remarks.

First of all, the French armament industry is a major industry in our country, both economically and from a strategic autonomy standpoint. Although there's a strong consensus that the armament industry should be protected as a constituent part of our sovereignty and diplomacy, our parliament plays a very minor role in the sector. I would say it has no major process, dialogue or control, although we do have an annual report and statistics.

I don't know whether these matters are of interest to you, but we would obviously like to have more dialogue and control. We're seeing quite serious changes in the national situation, particularly as a result of the potential increase in litigation that we anticipate in Europe as the Arms Trade Treaty and the common position of the European Union increasingly come into force.

The Chair: Mr. Maire, I apologize for interrupting. Would it be possible for you to raise your microphone slightly and centre it in front of your mouth?

Mr. Jacques Maire: Yes, I'll do that.

The Chair: Thank you very much.

Mr. Jacques Maire: You're welcome.

The pressure on our export policy has come from Yemen, in particular, not really from Turkey. Why? Because Saudi Arabia, the United Arab Emirates and Egypt are major clients of France and Turkey is not.

France exports approximately €50 million worth of military materiel every year, and we aren't much involved in any of the major strategic programs for which we've positioned ourselves—major aeronautic, naval, submarine and air defence programs, for example.

That being said, in September 2019, France established a fairly stiff sanction mechanism in the specific context of the partition of Syria and an extensive occupation of the fringe region south of Turkey in Syria to establish a new "Yalta" in Syria between the Syrians supported by the Russians, on the one hand, and the Turks, on the other, all to the detriment of our Kurdish allies in the fight against ISIS.

This sanction situation is actually quite unusual. It was never made public in France. It includes sanctions and regular efforts to exert pressure, but they haven't been made public because publicizing them generally tends to destroy the bilateral relationship and ultimately to jeopardize the entire partnership.

However, in the case of Turkey, since it's close enough to us, complex and disruptive right now, we decided to make the measure public. It wasn't broadly followed by other European countries, which probably would have preferred to employ other methods, including methods based more on the targeting of individuals.

To be clear, since one of the previous speakers referred to the circumstances regarding Armenia and the drone issue, it's true that we're genuinely concerned about Turkey's proliferation policy as it spreads its own equipment into other theatres, either for political purposes—as in Azerbaijan—or for other purposes that are less clear. The same drones as Azerbaijan and Turkey used in Armenia were recently employed in the Ukrainian theatre by Ukraine against the Russians.

These developments caught our attention, and we're now seeing behaviour from the Turks that's clearly hostile toward NATO itself. For example, a serious naval incident occurred on June 10, 2020 in the course of a NATO operation that you are no doubt aware of called Sea Guardian. As you will recall, the situation in Libya involved two parties and NATO, which was determined to interdict arms shipments to Libya, at either Haftar or Sarraj.

Since the Turks had successfully supplied enormous amounts of equipment to the western zone, NATO decided to conduct an embargo inspection operation on a ship, the *Çirkin*, which was being escorted by several naval vessels and refused to identify itself. I simply want to say that, after the ship had been monitored by American aircraft and Italian vessels and hailed by the French navy, the French ships were completely illuminated and threatened by missile and gun batteries, something that's not done between NATO friends.

This caused a crisis within NATO and increased the level of caution at the European Union, which decided, in December, to impose more individual sanctions on Turkish leaders, as a result of which the Turks decided to resume dialogue with the European Union, which has been actively pursuing that dialogue for several months now.

Thank you.

• (1610)

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

[English]

We will now go to our first round of questions by colleagues. They're six minutes each. Leading us off will be Mr. Diotte, please.

Mr. Kerry Diotte (Edmonton Griesbach, CPC): Thank you very much.

My first question is for Professor Jolicoeur. You mentioned that Turkey has had issues in violating human rights, which has become, as you say, more and more of a cause for concern. I believe you said that you wonder if we share the same democratic values. How does Canada address those issues? They're big issues. Turkey is obviously a NATO partner, and so on. That's a huge question for you, if you could weigh in on that.

[Translation]

Mr. Pierre Jolicoeur: Thank you for your question.

It's a very difficult position. We want to maintain good relations with Turkey because it is, after all, a member of NATO. However, prohibiting certain forms of trade could offend the Turks.

I can't give you a better answer than what I'm about to tell you. If, after all, we decided to sell weapons to the Turkish authorities, we would have to ask them for a better monitoring system, or at least to tell us what will be the end-use of these weapons by the Turkish state. All we can do after that is hope for collaboration and transparency with respect to this use.

Our experience in the Caucasus would appear to indicate that Turkey is not ready to demonstrate such transparency. I should mention that the Canadian controls implemented would appear to be satisfactory. The problem is not so much selling weapons to economic partners in Turkey, because these partners did their work properly. It's rather that once the designers of these drones have sold the equipment to their country, it is ultimately the Turkish government that can decide to use it for other purposes than we as Canadians expect.

If the Turkish state is prepared to comply with such rules, then verifiable assurances could be required from them.

[English]

Mr. Kerry Diotte: Good.

Professor Boucher, would you have anything to add on that subject?

• (1615)

Mr. Jean-Christophe Boucher: Sure. I'll be brief.

Other countries in the EU have had Turkey on their radar for a while. The Netherlands, for example, whenever there is any requirement for an export permit, has to notify the Parliament of doing this.

Although they have been an ally, I'd say they're a sketchy ally for Canada or for NATO countries. Other NATO countries have had Turkey on their list of countries to double-check, and to make sure that things are in line.

This is why one of the recommendations I would make is that we should have, in Canada, a list of countries where there needs to be an extra level of authorization and notification to Parliament that we are exporting weapons to these countries. That would allow us to have better transparency in how we are doing this.

Mr. Kerry Diotte: Thank you.

Professor Boucher, you talked about the Canadian government not having been very transparent regarding arms. Could you elaborate a little bit on that?

Mr. Jean-Christophe Boucher: Sure. I think we've been pretty much blindsided by the Saudi weapons exports and everything, and in the grand scheme of things we haven't designed a good process to have these debates in the public sphere.

I think the 2019 bill, Bill C-47, has done a good job at moving us forward in this, but I think there are other things we could have done better to create transparency. For example, much of what we're doing right now is at Global Affairs Canada, which is not really a department that is super keen on transparency, and much of the reporting that has been done is actually terrible.

In other countries where this is done, there are requirements for quality reports. The Netherlands does this. In the Netherlands, every time they have all these quarterly reports, they actually tell you how many export permits were authorized, how many were rejected, where, how much they are worth, and all of this, which we don't have in Canada.

Also, in Canada there are different departments responsible for this—GAC, DND, ISED—which makes it really difficult to follow what people are doing.

I think there is a lot of work still to be done to create an environment where we can have this debate in the public sphere and also create an environment where the defence industry has a really good sense of what they can and can't do, and where they should go and not go. I think moving forward on this is in the interest of the Government of Canada, both to respect human rights and also to allow these companies to flourish.

Mr. Kerry Diotte: Thanks very much.

The Chair: Thank you, Mr. Diotte.

Next we have Dr. Fry, please, for six minutes.

Hon. Hedy Fry (Vancouver Centre, Lib.): Thank you very much, Chair.

I want to thank everyone for presenting to us, and we're sorry to have kept you waiting while we voted, but that's a must, as always.

I think most of us are now listening to witnesses, and we have agreed that there needs to be some way of finding a balance between working with our allies and finding the humanitarian piece that we need to be aware of. I think it's important when you give us recommendations as to what other countries are doing, and what we could do to become a little more transparent and move in line with other people.

I think though that one of the things we note is that when we deal with the United States, we don't go through the same kinds of questions on the ATT as we should. Is it just because the United States is an ally that we cut them this slack, as we would say? Do you think we should do that, or should we just be absolutely clear that it doesn't matter who you are, because we're going to follow the same transparency and the same rules?

Perhaps Mr. Boucher you might want to answer that. I see you laughing, so....

Mr. Jean-Christophe Boucher: Yes, I'm laughing because this is a really difficult question, and I've been struggling with this issue. It seems easier to target countries where our economic relationships are not as great. You're absolutely right that our relationship and how we've developed our defence industry with the Americans is a big blind spot in all of this.

I haven't been convinced yet on taking a stance on either side, I don't know what to do on this. I would like more transparency, but I understand how difficult...and there are a lot of pitfalls.

• (1620)

Hon. Hedy Fry: It's a tough decision.

Monsieur Jolicoeur, do you have something you want to add to that?

[*Translation*]

Mr. Pierre Jolicoeur: I share Mr. Boucher's ambivalence on this matter.

Our relations with Turkey are significant. Turkey is our fourth largest trading partner for military equipment. However, there are bigger players.

Canada and the United States engage in trade in just about every possible economic sector, and not just the military sector. If we

were to question our partnership in the military sector, there could be repercussions in many other areas. This would be unsustainable for Canada given the current and future state of the economy. The economic symbiosis between Canada and the United States does not allow Canada any autonomy in this.

However, beyond these economic partnerships, the Canadian military sector is integrated, as Mr. Boucher mentioned. Our military industry is integrated. Not only do American companies have operations in Canada, but Canada often manufactures parts and equipment that are compatible with those in the American military industry. We couldn't...

[*English*]

Hon. Hedy Fry: Thank you.

It's okay to not have rules, depending on whether it's a friend that you're working with. I understand the economic, the trade, and all of the things in our relationship with the United States. I mean, if we want to borrow a cup of sugar, we reach over the border and get it.

The point is that I think we need to decide whether we're going to be principled in all things or not. When we start picking and choosing what we do, shouldn't we have some clear, objective guidelines that we use for everybody? If you want to argue about this, Turkey is actually very important to all of us when they fight the Daesh. I think, here we go, so there they are. They're doing something we would like them to do, and then they do things we don't like them to do.

This is not an easy question. We dance around it every time we hear witnesses. Everyone's is saying, "Well, yeah, but...." and, "Yeah, but...."

I also wonder if I could then ask a question about whether there is any responsibility, ethically, for the arms industries to have some kind of principled position on.... If they find out that they have been selling to a particular country that has always been a good client and that they've always worked well with and suddenly—like you said Turkey did—that country becomes erratic and becomes difficult to understand, is there a responsibility on the part of those people who make the arms to have a clear set of principles that they also follow?

What we do here is we try to come down on one side or the other, and there is no one side or the other. There is a very difficult problem that we need to think about before we go ahead, jump up and down, and say so and so....

I'd like to hear from you and perhaps from Mr. Maire if he has any ideas. I mean, you've obviously sanctioned Turkey.

What are some of the practical things that we can do that would improve transparency and that would put in place some kind of principled position here—the ATT regardless? Is there something we can do when the geopolitical realities continue to be fluid, flexible and changing every day?

I am not asking this because I am trying to support my government in this. I'm just asking because it is a very difficult question to answer. I don't know about my colleagues, but I know I am struggling with it.

The Chair: Dr. Fry, you are out of time. You have given your witnesses little time to answer.

We'll just invite a very quick answer from whoever wants to take it in 30 seconds or less, please.

Hon. Hedy Fry: Mr. Maire looks like he wants to answer.

Mr. Jacques Maire: In two or three words, yes, there are countries we have sanctioned. The impact of that is very important because they then realize they are dependent on our supplies. There are countries that have alternatives. In the case of Turkey, it has the possibility, of course, of going to Russia, which is the case for anti-aerial defence. It's an issue for the allies and for NATO; that's an issue for them.

The way the U.S. manages the situation.... They just prevented the sale of the F-35 to Turkey. This had a big impact on Turkey because there was also the possibility for them to develop the industry locally. It's a mix between these: Do we want Turkey to be part of NATO, or do we want to get rid of this partner? I think the issue is that we want to keep them, of course; then, what is the balance between economic and military sanctions?

• (1625)

[Translation]

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

We'll go now to Mr. Bergeron for six minutes.

Mr. Stéphane Bergeron (Montarville, BQ): Thank you, Mr. Chair.

I'd like to thank the witnesses for being here and contributing to our work by clarifying various matters for us on how to proceed.

I particularly want to thank Mr. Maire for being here so late in the day and would ask him to thank his wife on our behalf for her understanding, cooperation and concern.

We have to make all sorts of attempts at squaring the circle insofar as we need to reconcile interests and goals that may appear divergent. On the one hand, we need to support a viable and substantial weapons industry that creates jobs and innovation. We therefore need to export weapons. On the other hand, we need to make sure that everything is consistent with our values.

And when we act on our values, we also need to realize that if we don't sell weapons to certain countries, other less scrupulous companies will fill the gap left by Canadian companies.

Not only that, but frequently, as time goes by, we come to the realization that today's friends can become tomorrow's enemies. I'm

mentioning this in connection with the geopolitical issue that Ms. Fry mentioned a few moments ago.

We mustn't forget that the Americans armed the Mujahedin only to realize that they had armed the Taliban and al Qaeda against western countries. It's easy to end up in situations where, because of the involvement of other countries, we end up causing significant damage to allies. I'm thinking for example of France, which for many years sold Mirages and Exocet missiles to Argentina. The British Navy paid the price for that during the Falkland Islands war.

We find ourselves with an ally that can be, to say the least, unruly. Turkey is in fact becoming increasingly unstable and less and less reliable. Canada, among others, had been assured that the equipment would never end up anywhere than Syria. I'd like to add a footnote to what Ms. Fry said, when she pointed out that we were very happy to be able to rely on Turkey to fight the Daesh, but we weren't quite so happy when Turkey attacked our Kurdish allies, who are also fighting against the Daesh. Turkey is therefore becoming a progressively less reliable ally.

How then are we supposed to behave in what is, to say the least, a singular environment in which, as I was saying, we are trying in various ways to square the circle.

Mr. Jean-Christophe Boucher: It's an important and vital question. It's essential to come up with a protocol that gives the government flexibility and the ability to react quickly. In the current circumstances, that's not what we have.

Global Affairs Canada submits a report once a year. However, the report is late this year. By and large, what's in the report does not really allow for an exhaustive analysis of what is being sold and where it is being sold. The report doesn't indicate how we might get an inkling of what is being done.

I think that the Netherlands has a better approach. In their system, the Dutch Ministry of Foreign Affairs is required to publish a report every three months. It has to report what is happening every three months to the Dutch Parliament and to the government. Not only that, but if an export permit is granted for a country on the list, like Turkey, the ministry must tell the Dutch Parliament about it within two weeks. If Dutch companies try to sell weapons to Turkey and a permit is authorized, Parliament has to be told about it within two weeks.

This enables Dutch parliamentarians and civil society to respond much more quickly, and it allows for much more transparency, which would not be the case if they had to wait for a year. When reports are published more regularly, adjustments can be much more responsive to events.

One of the problems we have today is that contracts are signed without knowing what will happen in ten years, nor how the equipment will be used. We need to be more agile and to have a better way of doing things.

• (1630)

Mr. Pierre Jolicoeur: Personally, I can only agree wholeheartedly. More transparency would give Canadian citizens a better understanding of our agreements with our various trade partners, both within the alliance and elsewhere.

Not long ago, we discussed the sale of weapons to Saudi Arabia. I use Saudi Arabia as an example because it is a rather blatant case. It was also the biggest military contract ever signed by Canada. It was for light armoured vehicles that Canada sold and exported to Saudi Arabia.

It shows how difficult it is to strike a balance between the need to export products and exporting them to a trade partner that does not have many shared values with Canada in terms of human rights. This is clear from its behaviour. We were told that the weapons were being used in the conflict in Yemen, on the Arab Peninsula.

Canada's decision on April 12 to suspend the export of weapons to Turkey is the right decision. It sends a signal that Canada acts upon concerns like these and does not want to be associated with repression or with the illicit or inappropriate use of such weapons.

Combined with what Mr. Boucher was saying, measures like these are also a very good approach. They send a signal that Canada does not want to be associated with repressive movements.

The Chair: Thank you very much.

Thank you, Mr. Bergeron.

[English]

We will now turn, for the final intervention in this panel, to Mr. Harris, for six minutes, please.

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

Thank you to all of our witnesses.

Mr. Jolicoeur, you've talked about Azerbaijan's military buildup, which has been taking place not only recently, but for the last 10 or more years, at a high level. You would have been aware of that, and presumably Canada would be aware of that too. The conflict is considered a frozen conflict, I suppose, with an imposed ceasefire and four UN Security Council resolutions saying that the occupation of the additional territories in the Nagorno-Karabakh is not legal. We would have been aware of that. We would have also been aware of Baykar's activities. The Turkish government did not hide its support for Azerbaijan.

Shouldn't Canada have been more careful in selling this drone equipment or in allowing the targeting equipment to be sold, in a domino effect, to Baykar, then to the Turkish government and then to Azerbaijan? Should alarm bells have been going off in Canada already before those drones ended up in Azerbaijan?

Mr. Pierre Jolicoeur: I think the Canadian government could have been more proactive in trying to identify this potential use of the drones. That said, as you just mentioned in your question, Azer-

baijan made very clear that it wanted to reconquer the secessionist entity. The threat has been mentioned many times in past years. For the military budget of that state, billions of dollars have been raised in past years, to the point where the military spending of the state is equal, if not superior, to the entire budget of Armenia, which is next door. To explain the context, it was a clear message that if diplomacy doesn't work out, by military means the state will reconquer its dissident territory.

That said, Turkey has been an ally of Azerbaijan right from the start. For the past 30 years, Turkey has been supporting Azerbaijan at all times. However, it has done so in a limited way. In the previous iterations of the conflict in the early 1990s, Turkey limited its involvement to organizing an embargo around Armenia. The military support was limited to some military advisers and officers helping Azerbaijan to train. It did not participate directly in the conflict, other than those aspects on the side.

What was new last year was the more intense involvement of Turkey in that conflict. This has something to do with the new assertive policy of Turkey—

• (1635)

Mr. Jack Harris: But that would have been known, presumably, to the government as well.

What disturbs me, sir, is that, at the end of the day, even the government study by GAC can't confirm that there were actual end-use assurances given and that Baykar did not violate any end-use assurances. Even though it went from the Government of Canada to Baykar, which put it on a UAV and sold it to the Government of Turkey, from whence it went to Azerbaijan and got used, there was no diversion.

Is there something wrong with the optics of this? The logic doesn't make sense. Either the rules are not right or the government is not applying them right. Does it make sense to you that this is not a diversion?

Mr. Pierre Jolicoeur: It seems to be because of the synchronicity. Right before the start of the conflict, in the spring of 2020, contacts had been established by the Turkish government asking to reintroduce the sale of that equipment, which had been suspended for the previous year.

A few months before the start of the conflict in the fall of 2020, Canada authorized the sale, and that's been done. If we look at the chronology of the events, it seems to be that the Canadian government has been manipulated by the Turkish government. That is a hypothesis that is difficult to check if we don't have access to the conversations between the Canadian government and the Turkish government.

It seems to be that the synchronicity confirms this potential—

Mr. Jack Harris: Are you saying that we don't know whether the rules are inadequate or whether Global Affairs was adequately watching what was going on?

Mr. Pierre Jolicoeur: I think Global Affairs watched correctly the sale of that equipment and the Turkish partners did what they needed to do correctly. It was the use by the Turkish government at a later stage that we didn't.... Maybe we lack a good mechanism to follow up on what has been done with Canadian equipment of military purpose.

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

Colleagues, as I said, we're being challenged by the clock this afternoon.

[*Translation*]

Unfortunately, there's not much time left for the second round of questions.

On behalf of all the committee members, I'd like to thank the witnesses for being here, for their expertise, their testimony, and particularly their contribution to our study. We are truly grateful.

[*English*]

Thank you very much for being with us, even under tight time frames. Please keep safe.

We will allow our witnesses from panel one to disconnect and, Madam Clerk, we will suspend briefly to sound check our incoming witnesses and then continue.

• (1635) _____ (Pause) _____

• (1645)

[*Translation*]

The Chair: Dear colleagues, we are now resuming the meeting.

I'd like to give a few instructions to the new witnesses.

I encourage all participants to mute their microphone when they are not speaking. When you have only 30 seconds left, I will signal you with this card, as I always do. For access to interpretation, click on the icon at the bottom of your screen.

[*English*]

I'd like to welcome our witnesses for the second panel.

[*Translation*]

Today we have Mrs. Dominique Babin, lawyer and partner at BCF Business Law.

[*English*]

We also have Dr. James Fergusson, who is a professor at the Centre for Defence and Security Studies, department of political studies, University of Manitoba.

[*Translation*]

We'll begin with Mrs. Babin.

Mrs. Babin, you have three to five minutes for your opening statement.

You have the floor.

Mrs. Dominique Babin (Lawyer and Partner, BCF Business Law): Thank you, Mr. Chair.

Good afternoon, everyone. I'd like to thank the members for their invitation to appear before the committee today.

I must admit this is my first time appearing before a parliamentary committee. Please forgive me if my level of decorum is not up to scratch. I'm very happy to be here today.

My greetings also go to Mr. Fergusson, who is also appearing before the committee.

Allow me to introduce myself. My name is Dominique Babin, and I'm a lawyer and partner in business law with the Montreal firm BCF. I have practised business law for more than 20 years. For five of these years, I was the director of legal affairs for an American defence sector company. In this capacity, I administered export permits on a daily basis for this defence company.

Now that I'm in private practice, defence sector companies, and companies from other sectors as well, consult me to ensure that their transactions and exports are in compliance. I'd like to point out at the very outset that as a lawyer, my role is really to advise companies to ensure that they are in compliance with legislation enacted by Parliament.

I would like to point out very humbly that I'm not here to give advice on what foreign policies Canada should be adopting with respect to Turkey. However, as Dr. Fry mentioned, I am in a good position to make practical suggestions for improvements that could mitigate some of the negative impacts that might result from enforcement of export controls, which are indeed barriers to trade.

Before coming, I consulted some of the companies and partners with whom I do business on a regular basis. However, I am here as an individual and not to do any lobbying or to send any messages that I may have been asked to transmit. I am truly here in my own capacity and as a professional.

I had prepared a very long speech before I knew that our time would be limited. I asked myself about the two main messages I wanted to get across in my opening statement. As it happens, they are practical issues.

The main challenge that is often faced by the companies I work with is being able to identify which goods are subject to controls.

Once goods have been identified as subject to controls and known to be dangerous, then the proper thing to do is go through the whole approval process to obtain a permit. What I've noticed is that companies often make the effort to follow the process when it's not even necessary to do so. I'll give you some examples of this.

In Group 2 of the Export Control List, a number of concepts cover goods specifically designed for military purposes or for military equipment. It's sometimes difficult for companies to know whether their goods meet the criterion of having been specifically designed or modified for military use.

Some technologies are also combined. Commercial technology can be combined with the military technology, for example. Sometimes, whether out of ignorance or for practical reasons, a commercial portion is listed as controlled, even when it is exported separately. In some cases, this is simply to avoid delays at the border. An export permit is therefore requested, which is a more straightforward process than having to explain why there is none.

- (1650)

My first practical recommendation would be to encourage access to advisory opinions, which would be binding or have probative value for clearing customs.

You've thoroughly discussed the second issue, which is to make the issuing of permits predictable. I have often heard it said that rather than deny a permit to export companies that submit a permit application, they are asked to withdraw their application to avoid having to deny the permit.

I believe that it would be better for a country to be a little more transparent and to have clearer measures that more accurately identify certain aspects of the Export Control List. That brings me back to the importance of properly identifying controlled goods.

Thank you.

The Chair: Thank you very much, Mrs. Babin.

[English]

We will now go to Professor Fergusson.

I understand that we were not able to revive the video, but we will give you the floor to present your opening remarks.

Professor Fergusson, go ahead, for between three and five minutes, please.

Dr. James Fergusson (Professor, Centre for Defence and Security Studies, Department of Political Studies, University of Manitoba, As an Individual): Governments that are considering controls must weigh strategic, political, economic, technological, cultural and moral or ethical concerns, and in many cases these do not easily line up together. On the surface, these are never easy decisions.

However, for Canadian governments, these are not as difficult as they appear. In fact, in some ways, Canadian military and dual-use export controls are not really of its own making. As a function of long-standing principles underlying Canadian foreign policy, one might actually suggest that others make the decisions, or at least set the basic parameters of Canadian decisions in which Canada fills, in the details or the blanks.

For Canada, its export controls are informed by UN Security Council sanction regimes, a host of international and multilateral agreements, and a set of common preferences and interests that are shared by like-minded nations, Canada's NATO allies and the United

States in particular. The latter is, of course, extremely important. Canada's defence and dual-use technology and production capabilities are integrated into what may be termed the North American defence industrial and technological base, and as component and sub-system suppliers within American complicated corporate structures and supply chains, a significant portion of Canadian goods are subject to the U.S. international traffic in arms regulations.

Naturally, difficulties arise if all these forces are not aligned together. This is especially the case when differences emerge between Canada's NATO European allies and the United States.

Even so, Canada cannot, and arguably should not, be out of step with the international community, allies and the U.S., except on the political margins. This is especially relevant in the recent decisions to suspend new export permits to Turkey and subsequently prohibit export permits. At one level, this was a made-in-Canada solution on the legal grounds that Turkey had violated, to some degree, the end-user prohibition, in response to evidence that Canadian surveillance technology embedded in Turkish drones had been provided to Azerbaijan and then employed in the recent war over Nagorno-Karabakh. Canada cannot sit idly by when a legal agreement is violated, and, from this perspective, the Canadian decision should not be interpreted as expressing any position on the conflict or any other aspect of Turkish behaviour.

At the same time, it is not difficult to interpret the decision as more political than legal. In this regard, Canada is in step with its European allies and the United States, albeit perhaps a step or two ahead.

Concerns about Turkish behaviour long predate this violation. For example, the EU and NATO allies have expressed a range of concerns about Turkish internal and external behaviour, and talks have begun between the EU and NATO on possible coordinated prohibitions on military and dual-use exports. The U.S. is entertaining similar prohibitions and has frozen F-35 sales to Turkey.

Of course, while Canadian, American and EU motives share some general similarity, they are also distinctly different. The difficulty for all concerned is Turkey's status as a key geostrategic member of the alliance, the implications of coordinated allied military and dual-use export controls on Turkish membership, and in particular its importance relative to NATO deterrence activities on the southern flank and in the Black Sea. It also has implications for peace and stability in south Europe and the Aegean Sea.

The central issue with regard to Turkey is the clash between the legal in-area commitments of alliance members, as embodied in articles 3, 5 and 6 of the Treaty of Washington, and national out-of-area interests.

In particular, I would note that article 3 states:

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid, will maintain and develop their individual and collective capacity to resist armed attack.

Turkey has distinctly different interests in the Middle East that are not entirely shared by the rest of the alliance. Balancing these differences is not an easy task, but it's clear that a Turkey within the alliance is more preferable to a Turkey outside of the alliance. I suspect that this view is also held by the Turkish government.

In this regard, Canada's prohibition of defence exports is not going to drive Turkey over the edge. Canada is simply not that important, nor is Turkey dependent on Canadian defence exports. The same cannot be said for the United States and other NATO allies, which could push Turkey over the edge if widespread prohibitions are undertaken. However, this is unlikely. What is important for Canada is to negotiate a quick resolution with the Turkish government, which would positively contribute to managing this intra-alliance issue.

• (1655)

I look forward to answering any of your questions on the Turkish issue, or broader issues concerning military and dual use export controls.

Thank you.

The Chair: Professor Fergusson, thank you very much for your opening remarks.

Colleagues, we're extremely tight for time. We have some committee business afterwards. Hopefully, it'll be very quick.

We will go straight to questions from members now. The opening round goes to Mr. Morantz, for six minutes, please.

Mr. Marty Morantz (Charleswood—St. James—Assiniboia—Headingley, CPC): Thank you, Mr. Chair.

Professor Fergusson, I want to welcome you to the committee. I wish I could say it's nice to see you, but it's nice to hear you. I'm a University of Manitoba alumnus; I majored in political studies. That was back in 1983, so I don't know if we would have crossed paths, but there were some wonderful professors in those days, Paul Thomas among them. It's nice to see you and have a fellow Manitoban here, or hear you, sorry.

One of the areas that I'm quite interested in is this conflict, if you will, between foreign policy interests of countries and their international obligations when it comes to export permits. For example, Canada, as is Turkey, is a part of the Wassenaar Arrangement. The ATT, domestic legislation, all basically cover the same ground on issues in terms of making sure there aren't human rights violations, that there are risk assessments and so forth. Do you see this as an issue, or should these decisions be made strictly based on our international obligations?

Dr. James Fergusson: The straightforward answer is no. It was very nice, and I think part of the issues that have emerged over the past 30-odd years, or I would say 25 years, took place and evolved in a different world from today. They gave countries like Canada, and Canada in particular, the luxury to push forward a universalist, if you will, humanitarian agenda with little real opposition because of the nature of the international system at the time. That world has now changed, and we continue the luxury of talking about these international obligations, but at the end of the day.... Here I would refer you to a recent report that came out of Global Affairs that looked at all of the various elements of Canada's international agreements, a checklist, if you will, and related them to whether or not Canada's exports to Turkey really had significantly violated any of them. When I read them, I was a bit surprised, given our prohibitions. The answer was no, they didn't; they had no significant impact.

Interpretations of issues of humanitarian human rights relative to recognition of diversity—and by “diversity”, I mean differences in national cultures in the global international system—are always open to political interpretation and political manipulation. For some reason, it's easy in some cases; in other cases—and Turkey I think falls into this—it is much more difficult and problematic, but at the end of the day, it's relatively easy. I don't think outside the legal issues involved with end-user agreements with Turkey, and if you put it in the context of the Turkish environment—I like to say they live in a bad neighbourhood—and Turkish interests relative to our strategic interests, I don't necessarily see that the international obligations are being violated, because many of them are simply open to sovereign state interpretation. As long as we as sovereign states, Canada included, are free to interpret these as we will, then the political realities will continue to be at play.

• (1700)

Mr. Marty Morantz: To be clear, you're saying it is possible, even in a country like Canada, that political considerations on matters of foreign policy interests could affect the decision on whether or not to issue an export permit?

Dr. James Fergusson: Of course, you can't ignore them. In fact, most times I would argue they trump the others.

Mr. Marty Morantz: That's very interesting, because we've had a number of witnesses on both sides of this argument, but I tend to think that in a realistic world, it would happen.

On another matter, back in 2018, I think you were a witness for Bill C-47, and you described that bill as “a solution looking for a problem”. Essentially I'm probably paraphrasing what you said, but you said something to the effect that the existing regime for export permits was working well. Given the diversion that's taken place now with respect to this particular piece of equipment that wound up somehow in the Nagorno-Karabakh conflict, has your opinion changed with respect to that point?

Dr. James Fergusson: Not at all—it remains the same.

I mean, I don't know the evidence. I've read the evidence that has come out of Foreign Affairs and all the reports that have come out with regard to this technology, and it just seems to be very strong evidence, but the exact details, how it was done and what the specific role of the Turkish government was remain difficult to know. At the end of the day, my views have not changed at all.

Mr. Marty Morantz: In terms of this practice of diverting equipment, which isn't really supposed to happen, what can we do to try to control that? Do you have any suggestions or an international practice that could be used by GAC to try to clamp down on our arms technology being diverted to places where it shouldn't be?

Dr. James Fergusson: Outside of decisions that are made on political grounds—and I emphasize “political grounds”—particularly when one considers the significance of Canadian military defence exports, or the lack thereof, which is the nature of our industry, there's not much GAC can do.

One can try to predict the future, but if the future.... As we know, as it has unfolded, if we think back 20 or 30 years—and this has been talked about, I believe, with the committee before—today a friend may tomorrow be an adversary. Politics shift, and of course you cannot predict it. All you can work on is the basis of the current situation and the current reality—

The Chair: Thank you very much, Professor Fergusson.

I'm sorry to interrupt you. Just in the interest of time, we'll need to go to our next member of the committee.

Ms. Sahota, you have six minutes, please.

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Mr. Chair.

My first question really is going out to anybody.

What countries would you identify as shining examples or benchmarks in terms of their export control regimes, and for what reason? I can tell you that in the last panel the Netherlands was mentioned as a country that had a list that they must double-check, or certain countries were put on a list such that if they were to agree on an export permit for that country, I believe Parliament needs to be notified. Also, then, the previous witness mentioned that there are quarterly reports that they also undertake.

Would you see the Netherlands that way? Or do you have other examples of countries that you think are shining examples that we should follow?

• (1705)

Dr. James Fergusson: Very briefly, my answer to this is that I can't answer that question, clearly because I'm not an expert on national foreign export controls. I would suggest to you, however, that at the end of the day most countries are shining examples within the political realities and the strategic realities of the world they face.

I think the United States could be understood as a shining example...it's different from us. The Dutch.... Others all have, as a function of different political cultures and different political institutions, different perspectives of where they sit in the world.

I'll be honest with you. I don't think Canadian export controls are in trouble at all. They're not problematic. They—

Ms. Ruby Sahota: Thank you, Mr. Fergusson.

Ms. Babin, please.

[*Translation*]

Mrs. Dominique Babin: I don't know what the legislation in every country is either.

[*English*]

I have no shining examples.

[*Translation*]

That said, the United States has done very well in terms of predictability. They identify products through the use of an Export Control Classification Number, or ECCN. Export restrictions for certain countries are also indicated.

[*English*]

For example, ECCN X cannot be exported to country Y because of this and that.

[*Translation*]

In terms of transparency, it's a good example. The United States may not be a shining example, but the main industry issue is that our export control system needs to be harmonized with the United States' system to facilitate trade between the two countries. It would also be useful if the systems on both sides of the border were exported beyond North America.

[*English*]

Ms. Ruby Sahota: That's interesting. We've had witnesses who obviously feel differently than both of you do here today.

In terms of harmonization, would you say that Canada should be getting more in line with U.S. export controls or vice versa? The ATT has 110 ratifying states. In some of the opening remarks I heard, how do we get.... I think the U.S. alone might not be adequate. How do we get everyone in line? Or is that just too much of a difficult task? I did hear Mr. Fergusson talk about that a bit as well.

We have independent states that have signed on to this. How do we get one interpretation and a consistent regime that's followed?

Dr. James Fergusson: In my view, the simple answer is you don't and you won't. It's just not going to happen, because the political interests of the wide range of states within the international community vary so much. That's why when you read the documents—and it's not just in the areas of the Arms Trade Treaty, the Wassenaar or others—what can always be agreed upon as a consensus by states, and why states sign them, is that the language remains vague and ambiguous. It can be interpreted in different ways. That is as far as you're going to get, because of the cultural political diversity that exists, and Canada and no one else can overcome that. We can just try to manage it.

The second point I would raise here is that when you look at consistency, the consistency for Canada at the end of the day is consistency with the United States, because of the economic and political reasons that underpin our close relationship with the United States. There is also consistency with our NATO allies.

That's the best we can hope for, and when we get to North America-Canada-U.S. versus NATO-Europe, you're still going to have difficulties and problems trying to bring them together. It's a great desire, but it's not going to go.

• (1710)

Ms. Ruby Sahota: Can I also follow-up then with this question? How do we move forward in our approach to export permits with Turkey?

Dr. James Fergusson: I think the Government of Canada needs to resolve this bilaterally with the Turkish government as a means to indicate to the Turkish government that this, for Canada, is not an issue about trying to punish Turkey for disagreements, or differences about internal Turkish behaviour, or differences over Turkish behaviour in Libya and Syria, or in Azerbaijan.

For Canada, this is a simple legal issue. It should develop in discussions with the Turkish government some form of firmer arrangements to ensure that this does not happen again. That's what we should be talking about.

The Chair: Thank you, Ms. Sahota and Mr. Fergusson.

We'll have to leave it there.

[*Translation*]

Thank you very much.

Mr. Bergeron, you have the floor for six minutes.

Mr. Stéphane Bergeron: Thank you, Mr. Chair.

I'd like to thank the witnesses for being here and for their comments, which are extremely helpful to the work of this committee.

I'd like to mention to Mrs. Babin that she could always send us the notes she prepared, which she was clearly unable to deliver in full given the time constraints. They would contribute to the work of this committee.

I'd like to continue with the same line of questioning pursued by Mr. Morantz and Ms. Sahota, and more specifically by Professor Fergusson, who appeared to be doubting Canada's ability, in today's world, to wishfully continue to promote the protection of hu-

man rights and values that previously guided Canadian foreign policy.

My first question will be about the following facts. The Stockholm International Peace Research Institute, the SIPRI, estimated that the number of weapons imported into Azerbaijan from 2011 to 2020 was approximately 8.2 times higher than the number of weapons imported into Armenia during the same period. An article published in Defense News on June 25, 2020, said that Azerbaijan was planning to purchase the famous Bayraktar TB2 drones made in Turkey. We also know that a United Nations panel of experts on Libya submitted a report to the Security Council in December 2019 indicating among other things that Turkey regularly supplied weapons to parties engaged in the conflict in Libya .

So, based on what happened, you told us that governments could, independently of whatever rules are established, make decisions on a political basis. According to you, has the government of Canada turned a blind eye to what is obviously happening, or has Turkey genuinely led Canada up the garden path?

[*English*]

Dr. James Fergusson: That's a difficult question to answer in the absence of getting access to the primary documents or talking to the people who were directly involved in this.

Let's remember that if we look at the specific technology that the Canadian companies.... It's very important to recognize that this is not an issue of Canadian companies violating export permits or doing anything illegal. This is the end-user side of the problem. Technology in the world diffuses regardless of export controls. The surveillance and targeting technology—which is the key issue here—and the process by which it's diffused, of course it can be diffused by simply taking a Canadian product, in this case, and putting it in a Turkish drone and selling it to Azerbaijan. It can also be re-engineered very easily.

In my view, in terms of your point about Azerbaijan and the conflict over Nagorno-Karabakh, there are two things to be considered here. One is that Azerbaijan has oil and thus it had more wealth to be able to deal with expanding its military capabilities. Armenia seized Nagorno-Karabakh back in 1991-92 and I don't recall the Government of Canada ever saying anything about it. The Azerbaijan Republic, which was part of its territory as successor to the Soviet Union, was simply prone and could do nothing about it. The negotiations failed. It was obvious that, down the road, this was going to occur.

I don't think the Canadian government—Global Affairs, National Defence or ISED—or any other Canadian institutions involved in this could see through a crystal ball that this was going to happen. That's the issue here. We can't predict this.

• (1715)

[Translation]

Mr. Stéphane Bergeron: We know that both Canada and Turkey are members of the Wassenaar Arrangement, a group of 42 states whose goal is to contribute to regional and international security and stability by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilizing accumulations.

We also know that in April 2020, the Minister of Foreign Affairs received assurances during a phone call with his Turkish counterpart, Minister Cavusoglu, that pending WESCAM permit applications concerned equipment that had been used on drones in north-western Syria for Turkish defensive activities in Idlib.

So I'll ask you the question again. Did Canada turn a blind eye, or was it led up the garden path by Turkey?

[English]

Dr. James Fergusson: No, I don't think Canada has been led up the garden path. I don't know if the situation—in terms of the decision-making process in Azerbaijan relative to its relations with Turkey—set what you basically hint at as some sort of conspiratorial thinking.

It's probable that a series of events continuously occurred, which drove Turkey to make these decisions. Relative to Wassenaar, my final point about this is that it all depends, from your political perspective, what is destabilizing and stabilizing. The Turkish government may very legitimately think and believe that the Azerbaijan military actions to regain the province Nagorno-Karabakh is a stabilizing feature. It may believe that its behaviour relative to Syria and Libya is stabilizing the region and, in fact, is in their interests and in the interest of broader stability.

The Chair: Merci, Monsieur Bergeron.

Thank you very much, Professor Fergusson.

The final questioner today is Mr. Harris for six minutes, please.

Mr. Jack Harris: Thank you, Chair.

Thank you to both of our witnesses for joining us today.

Professor Fergusson, leaving aside Canada's relationship with the United States, where there is a defence production agreement that covers a lot of territory and a lot of our industry going back many decades, you seem to have the view that the Arms Trade Treaty is...I won't say of no consequence, but you seem to think it doesn't add anything to the mix. I'm concerned about that view. I'm questioning it to some extent, obviously. Looking at the treaty itself, there's very significant attention paid to the whole issue of diversion. A whole article is devoted to it, with many provisions suggesting how one could handle this and how to make it possible for it to work.

I want to ask I guess an open-ended question. It's not specifically related to Turkey, although Turkey shines a bright light on this whole issue of diversion and end-user assurances. Let me put this to you: If you don't have a proper end-user regime, you don't have a program, and you don't have effective rules and measures to control

and prevent diversion, then effectively you have no arms control at all. Is that a fair proposition?

Dr. James Fergusson: It's essentially fair, except with or without the Arms Trade Treaty, the issue of diversions and the issues surrounding the problems of monitoring and enforcing diversions in export controls still exist. They don't go away. All the ATT does in this context is codify a set—relatively ambiguous—of what the group of sovereign states can agree to. It in turn reflects their national interests, which in turn reflects their national policies on export controls.

With or without the ATT, the diversion issue remains in place. The ATT will not have any significant effect on these issues or how states deal with them. It's a lesson like Canada's lesson with Turkey over the drone issue and Canadian surveillance and technology. That's the lesson. It's those types of lessons that each state learns and then tries to manage and deal with down the road.

• (1720)

Mr. Jack Harris: But given that, Professor, you suggest that the treaties are open to interpretation, but they're also open to application or not. If you don't have any proper or effective rules in your own regime that try to meet the questions that arise there, then you're not doing your job. I put it to you that in the case of Turkey, given the results of the facts that are known, there were no effective end-user assurances and there were no proper rules, or they weren't followed, in allowing this to happen.

I suggest to you that the provisions of the Arms Trade Treaty provide a means, if you decide to follow them, to comply with the obligations you're taking on. Do you see the fact that the Canadian government has not actually prevented the diversion of these goods, and that if this is the approach it's not going to be able to do it in any other circumstances either?

Dr. James Fergusson: If national governments don't have any rules, and they all do—sometimes enforced properly, sometimes not—the existence of the Arms Trade Treaty is not going to have any effect on that whatsoever, because the treaty reflects consensus behaviour.

In my view, these obligations are interesting and they are driven by other political considerations. In the case of Canada, if we stick it in the context of Canadian foreign policy, multilateralism, we sign on to something that really has no clear implications for a country like Canada, which always has rigorous export controls. That there will always be problems and that there will always be cheating, from either an internal or an external perspective, is nothing that will be resolved by an international treaty.

I know I'm a bit extreme and a bit of a Canadian heretic, but that's me. Signing the treaties makes us feel good, but they don't do much more than that, at the end of the day.

Mr. Jack Harris: Compliance may do that, sir, and I'm perhaps one who believes that if you sign an agreement to do something, you go out of your way to make sure you put rules in place to make that happen.

I think the treaty may bind you morally and politically, but in reality, it's the rules you put in place, how you enforce them, and whether you bother to enforce them, that really matters. That's the question before this committee, as opposed to whether or not the treaty itself, by itself, makes a difference.

We have to agree, I guess, to disagree on that point.

My time is rapidly running out, according to the sign from the chair, so I'll end there.

Thank you very much for your responses.

Dr. James Fergusson: One quick comment—

The Chair: Go ahead, Professor Fergusson.

Dr. James Fergusson: Treaties don't have any enforcement measures. There's the collapse right there.

The Chair: Thank you very much, Mr. Harris and Professor Fergusson.

Colleagues, we've been extremely challenged by the clock. I want to thank you for your co-operation and being disciplined regarding time.

I'd like, in our collective name, to thank our witnesses for being with us this afternoon.

[*Translation*]

We thank you for your expert opinions and your testimony. We are very grateful.

[*English*]

Please be safe, and we very much will take your comments into consideration as the committee develops its report.

We will let you depart.

Colleagues, I'm wondering if I could ask for your indulgence to duck into what will hopefully be a very quick in camera meeting. There are two important and time-sensitive points that should ideally not take much more than five to 10 minutes.

If that's agreeable, you have a link in your inbox for the in camera portion of the session. If we could connect very briefly, that would be much appreciated.

I'll see you in a few minutes.

[*Proceedings continue in camera*]

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