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• (1105)

[English]

The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)): Welcome to meeting 72 of the House of Commons Standing Committee on Foreign Affairs and International Development.

Today's meeting is taking place in a hybrid format, pursuant to the House order of June 23, 2022. Members are attending in person in the room as well as remotely using the Zoom application.

I would like to make a few comments for the benefit of the witnesses and members.

Please wait until I recognize you by name before speaking. Those of you participating by video conference can click on the microphone icon to activate your mike. Please mute yourself when you are not speaking. With regard to interpretation, those of you on Zoom have the choice at the bottom of your screen of floor, English or French. Those in the room can use the earpiece and select the desired channel.

Although this room is equipped with a powerful audio system, feedback events can occur. These can be extremely harmful to the interpreters and can cause serious injuries. The most common cause of sound feedback is an earpiece worn too close to a microphone.

I remind you that all comments should be addressed through the chair. For members in the room, if you wish to speak, please raise your hand. For members on Zoom, please use the “raise hand” function. The clerk and I will manage the speaking order as best we can, and we appreciate your patience and understanding in this regard.

In accordance with the committee's routine motion concerning connection tests for witnesses, I am informed by the marvellous clerk that all witnesses have completed the required connection tests in advance of our meeting.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Wednesday, September 21, 2022, the committee is resuming its study of Canada's sanctions regime.

It is now my great pleasure to welcome our first two witnesses. As an individual, we have Ms. Elisabeth Braw, senior fellow at the American Enterprise Institute. We also have, from the United Transitional Cabinet of Belarus, Mr. Vladimir Astapenka, deputy representative for foreign affairs.

Each of you will be provided with five minutes for opening remarks, after which we will open it up to the members for any fol-

low-up questions. I should add that, once we get very close to the time limit, I will hold up a card. That means you should be wrapping up as soon as possible. It doesn't just apply to your opening remarks; it's also when the members are asking you questions.

Madam Braw, we will start with you. You have five minutes. The floor is yours.

Ms. Elisabeth Braw (Senior Fellow, American Enterprise Institute, As an Individual): Thank you, Mr. Chairman.

Thank you to the committee for inviting me again to address the subject of sanctions.

I think what is so important to recognize now in the year 2023, when we are assessing the effect of the western collective sanctions, is how different the environment is today compared to the last round when we applied sanctions, or, I should say, in the last generation when we applied sanctions. That was during the Cold War, when we, the collective west, applied sanctions against countries like South Africa.

The reason we could successfully apply sanctions during the Cold War was that we, the collective west, were such a powerful economic force. That, of course, shifted with the end of the Cold War. The end of the Cold War delivered an incredible increase in globalized business.

That matters so much, because today when we apply sanctions, either as a deterrent or as a punishment, countries that aren't willing to toe the line with us, that don't support our use of sanctions, that are indifferent or that simply want to take advantage of another country's predicament because it is under sanctions are in a position to undermine our sanctions. I think that is the biggest challenge we face in administering our sanctions. Yes, we can do so, and we can be very meticulous in designing the sanctions, but there are always countries waiting around the corner to expand their trading relations—I'm talking about economic sanctions—with a country that is under sanctions.

That's what we are seeing, to such a large extent, happening with Russia. We are primarily seeing China increasingly expand its trading relations with Russia. However, it's not just China. India is doing the same. Other countries are doing the same. That, of course, has the effect that our sanctions are not as powerful as they would be if applied against a background of no other business activity with a sanctioned country.

That doesn't mean we shouldn't sanction countries, but we should bear in mind that the effectiveness of what we can do through economic sanctions is not what it was during the Cold War. It's not that we are not going to return to the sort of economic power we had during the Cold War any time in the near future. This is something we have to bear in mind with all sanctions we apply against Russia or any other misbehaving country today and in the near future.

Another thing to bear in mind is why we apply sanctions. Do we apply them as a deterrent or do we apply them as punishment? Of course, in the case that you're discussing in the committee—i.e. Russia—the west has been applying sanctions both as a deterrent and as a punishment.

Before the invasion of Ukraine, we applied sanctions against Russia to warn it against invading Ukraine. If it invaded Ukraine, our message was that there would be much stronger sanctions, and that's what we did. We imposed stronger sanctions, and it is phenomenal that the western alliance has stuck together in imposing those stronger sanctions.

The second main thing I'd like the committee to bear in mind is that sanctions are such an obvious instrument of deterrence and punishment that the leaders of a misbehaving country factor this punishment into their cost-benefit analyses when they consider whether to pursue the action that we, the west, are trying to deter. Russia and the Russian leadership had very clearly factored the risk of substantial devastating western sanctions into their cost-benefit analysis before invading Ukraine and decided they'd do it anyway. That is one of the really big challenges of sanctions. They are such a useful tool that they are still extremely predictable, and that makes them less powerful as a deterrent.

• (1110)

In connection with that, a really important thing to bear in mind is that the leaders of a country that has been put under sanctions—or that is about to be put under sanctions—may not care whether their country suffers as a result. I have found over the years that selfishness prevails everywhere. Leaders of countries will think first of themselves and second of their country. If we, the west, threaten to impose economic sanctions against Russia as a whole, it may not faze Vladimir Putin that much. It may not faze the leader of another country against which we threaten sanctions because they themselves don't suffer too much or they're willing to pay the price.

• (1115)

The Chair: Ms. Braw, could I ask you to conclude your remarks in the next 15 seconds, please?

Ms. Elisabeth Braw: They're willing to bear that punishment, whereas if we can design sanctions that target them individually as a deterrent, that may achieve more effect in a future sanctions package.

Thank you, Chair.

The Chair: You were considerably over, but you will have an opportunity to elaborate when MPs pose questions to you.

We now go to Mr. Astapenka.

You have five minutes, as well, for your opening remarks. The floor is yours.

Mr. Vladzimir Astapenka (Deputy Representative, Foreign Affairs, United Transitional Cabinet of Belarus): Good morning to you, Mr. Chair and all the members of the committee. I am appearing for the first time before this distinguished body, and I am very honoured to have such an opportunity.

I represent the United Transitional Cabinet of Belarus. It is a body established by the national leader Sviatlana Tsikhanouskaya in August 2022 in order to represent, as we believe, the real national interests of Belarus.

Of course, it is widely known that, after the falsified presidential elections in August 2020, Lukashenko lost all legitimacy and the legal possibility of representing our country and people in the international arena. This election caused mass protests—which were peaceful, I should stress—in the streets of Minsk. These lasted about one year, I would say. All of those peaceful protests were brutally repressed by the cronies of Lukashenko, and thousands of people were arrested, tortured, disappeared and even killed. Those actions in autumn 2020 caused a modest reaction, I would say, in the international community, but I should stress that Canada was among the first countries to introduce personal sanctions against the regime of Lukashenko and those officials who were responsible for massive systematic violations of human rights.

Unfortunately, this didn't stop the dictator, who went on to the act of air piracy against an Irish civil jet flying from Athens to Vilnius. It's a well-known story from May 2021, when this jet was forced to land in Minsk and some opposition figures were arrested. That caused another round of sanctions, including sanctions on the part of Canada. I should stress, as well, that as with the first round, this one was coordinated with the European Union and the United States. That is a much more effective way of introducing sanctions against the regime of Lukashenko. Unfortunately, this has had little effect, I would say, on the behaviour of the regime, because it is still fighting against the protests felt all over the country of Belarus.

In response to the European sanctions, Lukashenko instrumentalized the migration crisis on the border of the European Union—on Belarus's borders with Poland, Lithuania and Latvia. Basically, this crisis is still going on. Daily, we have reports saying that 50, 100 or 150 illegal migrants are trying to cross the border between Belarus and Poland or other neighbouring countries. Again, there was another round of sanctions on the part of Canada and the European Union for this development.

Here we come to February 2022, when Putin and Russia invaded Ukraine. The main strike at that time came from the territory of Belarus. As you know, Lukashenko was complicit with Putin in this war of aggression and contributed, to the best of his capacity, to the movements of troops and to logistics, repairs, technical support and infrastructure.

Naturally, the western countries responded to this aggression with another round of sanctions. Belarus was included, but this time, we should admit, they were not that coordinated, since most of the sanctions applied to Russia but not to Belarus. That gave Lukashenko an additional chance to benefit from the situation. Some products that could not be directly supplied to Russia were supplied through Belarus.

• (1120)

I would share the view expressed earlier by the first witness that, indeed, neighbouring countries are trying to benefit from any loophole left in this sanctions regime, if it is not coordinated. In the global world, we believe that for the sanctions to be smart, they need to be coordinated. Otherwise we promote evasions of the sanctions; we promote black or grey schemes to provide the goods.

This is what is happening right now, in the post-Soviet space, when we have the figures for the exports or imports from such countries as Armenia, Kirghizia and Kyrgyzstan skyrocketing in respect of trade with Russia or trade with Belarus.

The Chair: Mr. Astapenka, I would ask that you conclude in the next 15 to 20 seconds, please.

Mr. Vladzimir Astapenka: I've concluded my statement. I'm very open to answering any questions you might have.

Thank you so much, Mr. Chair.

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

We now go to MP Epp. You have five minutes.

Mr. Dave Epp (Chatham-Kent—Leamington, CPC): Thank you, Mr. Chair.

Thank you to our witnesses this morning, or this afternoon, depending on where you are.

I'll begin with Ms. Braw.

You made the statement that the effectiveness of sanctions is dependent on the degree of co-operation from the collective west, or they have been in the past. Can you comment on what degree of asset flight occurs or how common is it in response to a series of Canadian sanctions? For my follow-up question to that, is that degree of flight somewhat dependent on the size of the economy of the country imposing those sanctions?

Ms. Elisabeth Braw: I hope I understood your question correctly. You'd like to know the effect of Canadian sanctions on capital flight as it relates to Canada's sanctions against Russia.

Mr. Dave Epp: That's correct.

The secondary, follow-up question right away is whether that degree of flight from countries imposing sanctions.... Do we see that in response to the size of the economy of those countries and, obviously, the size of trade with the country being sanctioned?

Ms. Elisabeth Braw: The big advantage we have as liberal democracies is that we have a safe business environment where the rule of law prevails. As a result, we haven't seen a lot of flight of the kind that you brought up. We haven't seen a lot of that occur simply because we are very attractive as countries for businesses to operate in.

The challenge we have more as western countries is that our efforts are essentially in vain because other countries can buy up whatever the country under sanctions is trying to sell or needs to buy. This is really the unintended consequence and huge dilemma of globalization. We have countries that don't operate according to the same value standards that we, the west, espouse and that we thought other countries would espouse too, as they developed market economies with our assistance. We could say that it was arrogance to assume they would adopt the value system on the international stage. Either way, it didn't happen and now they are major players and can absorb whatever damage or harm we are trying to impose.

I don't think we need to worry that much about capital flight from our countries, but we need to worry about the effects of our sanctions on the to-be-sanctioned country. We should also remember that other countries will look at Russia and see that they didn't do too badly despite these unprecedented western sanctions because other countries stepped in and essentially blunted the harm. The other countries are going to say they're not going to be deterred by the threat of western sanctions when they want to do something that the west, thinking itself to be speaking for the global community, is trying to prevent them from doing.

• (1125)

Mr. Dave Epp: You also mentioned that Putin and other countries that are being sanctioned often do a cost-benefit analysis and then go ahead for exactly the reasons you just articulated, making our sanctions less effective.

I'm assuming the answer is no, but I'll ask this for the record. Are you seeing any kind of a cost-benefit analysis from our Canadian side or the collective west? Are they doing that kind of an analysis on the retribution consequences of us imposing sanctions? To be quite frank, Minister Joly articulated that it was part of the analysis when we were considering expelling a Chinese diplomat for other reasons. Are you seeing any of that creep into our own analysis of applying sanctions?

Ms. Elisabeth Braw: The cost-benefit analysis is most common on the side or in the country that is planning to do something that it knows other countries won't approve of. When it comes to countries imposing western sanctions, they too look at the cost-benefit analysis or conduct a cost-benefit analysis.

Not being part of the Canadian government, I don't know exactly what has been going on. I would think that the Canadian government has conducted a cost-benefit analysis, not just with regard to the diplomat's expulsion but also with regard to the sanctions more generally, and also with regard to any action it takes in protesting any actions by the Chinese government, because the Chinese government, unlike most other governments, is willing to engage in instant retribution, not against the government that it feels has offended it somehow but against companies. I think this is another area where we have to bear in mind what sort of consequences our sanctions can have.

If we were—

Mr. Dave Epp: I just want to get one more question in.

The Chair: I'm afraid you don't have time. You're well over.

We now go to MP Sarai.

You have five minutes, MP Sarai.

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you, Chair.

My first question will go to Ms. Braw.

How has Russia responded to Canada's sanctions? What is their response? Have you noticed anything in particular?

Ms. Elisabeth Braw: Russia has officially responded to the collective western sanctions of which Canada is a key part by essentially shrugging its shoulders and saying, "You can try whatever it is you want to achieve. We'll just go ahead with our plans anyway." This is a nightmare for diplomats, frankly. We, the west, use sanctions first, as discussed, to deter the hostile actions we are trying to prevent, and then to punish them.

What do we do if the country doesn't care, or rather the country's leadership doesn't care? That's exactly the behaviour that Russia is demonstrating at the moment—demonstrating it not just by continuing to fight this war against Ukraine, in Ukraine, but also by expanding relations with countries that are willing to undermine our sanctions. It's essentially telling us, the wider west, "You can keep trying, but we'll put up with whatever the temporary harm is. We'll expand our relations with other countries, and on top of that, we may punish some of your companies." I know there is an ongoing dispute between Russian and Canadian companies regarding aircraft that were seized after the invasion.

This is, frankly, a nightmare for diplomats. I don't have an answer to it. I just know that regimes today can afford to be very arrogant when the collective west imposes sanctions.

Mr. Randeep Sarai: You brought up airplanes, and their seizing of them. You might have read recently that the Canadian government is disposing of a Russian aircraft. How do they perceive that? Russia has said that was a very critical point in the relationship or, I guess, an infringement upon our relationship. What do you see that their reaction to that could be?

• (1130)

Ms. Elisabeth Braw: It's a dangerous juncture. I remember vividly that when Russia invaded, last year in February, I thought, "Well, does this mean now that western companies doing business in Russia will be punished?" It didn't take long for Russia to seize all those aircraft that were western-owned but leased to Russia, aircraft that happened to be in Russia. You can do that if you're a country that doesn't respect international rules, conventions and etiquette.

Now, as you mentioned, Canada has seized a Russian aircraft as part of its sanctions and has a legal basis for doing so, but Canada is a country that follows rules and regulations and the letter of the law. It will seize one aircraft because it sees a legal basis for doing so, but Russia doesn't operate according to the same rules.

I think if I were a Canadian company, I would worry that I could now become the target of Russian anger and retaliation, just as China has responded to various western government actions by harming random western companies.

Mr. Randeep Sarai: Thank you.

My next question is for Mr. Astapenka.

Maybe you can tell us what the missing links are in the global sanctions. We're seeing neighbouring countries that are allied to Russia being able to circumvent or increase their relations and their trade with them. What more do you think is needed? Is it in terms of the neutral countries, like India, China and South Africa, or is it to put more pressure on those who are actively trading with Russia?

We can't hear you, Mr. Astapenka. I don't know if you're on mute.

Mr. Vladzimir Astapenka: I'm sorry. I missed the first part of the question due to technical problems with the connection, but I understand the question is where the effort should be directed, to which countries, in order to fight the avoidance of the sanctions.

Is that right?

Mr. Randeep Sarai: That's correct.

Are there any gaps or is there anything that's missing in the global sanctions?

Mr. Vladzimir Astapenka: There are many gaps, of course.

I should mention that the Lukashenko regime has been living under that level of sanctions, basically, since the beginning of the century, so they have their own know-how. They know much better than we do how to avoid the sanctions, including the special operations he made with the Russian products as well. It was a special changing of the codes of different oil products from Russia in order not to pay to the Russian budget, but to keep money for themselves.

They know how to arrange the schemes and they are open to doing it basically anywhere, but of course, they normally start with the neighbours, I would say, who speak a common language, like the Russian language, for example. In the first row, there are countries of the former Soviet Union and the companies from those countries, but with the global world and with global trade, you can imagine they may have some special companies—

The Chair: I'm afraid you're considerably out of time, Mr. Astapenka, but you can elaborate on that point once you're asked a follow-up question.

Mr. Vladzimir Astapenka: Yes.

These operations would have been organized all over the world.

The Chair: Thank you. We appreciate that.

We now go Mr. Champoux.

You have five minutes.

[Translation]

Mr. Martin Champoux (Drummond, BQ): Thank you, Mr. Chair.

I too want to thank the witnesses, Ms. Braw and Mr. Astapenka, for being with us today. I hope they can hear the English interpretation properly. My questions will be in French, of course.

Ms. Braw, you've explained in the past that, in order to seize assets, rather than freeze them, a link to crime must have been established. You suggested that seizing Russian assets without evidence of criminality would have the effect, as clarified earlier, of depriving western companies and individuals abroad of the legal protection that western governments have painstakingly pushed other governments to adopt in recent years.

The question is how to structure asset seizure and confiscation authorities in a way that can address these concerns.

• (1135)

[English]

Ms. Elisabeth Braw: That is a central question of how we can help rebuild Ukraine and establish some sort of functioning order at the same time.

With regard to Russian state and private assets that have been frozen by the west, freezing assets is easy. It's part of the sanctions program. Assets being frozen doesn't have to imply criminality, whereas seizing assets can only be done when the authorities have established reasonable evidence of criminality. That is the challenge.

If we, western countries that are now in the position of freezing Russian assets, say that we have the assets, that we'll just seize them and use them for the reconstruction of Ukraine, that puts our companies operating globally in immense peril. Then other countries can say, "Well, if you don't respect the rule of law, then we won't respect the rule of law. If you do something that we don't like, we'll freeze your companies' assets and immediately seize them, and there will be nothing you can do." The globalized economy is built on the rule of law. Even though other countries don't particularly excel in their adherence to the rule of law, we have to do so. It is the one big advantage that we have, and it's one of the big advantages that make our countries attractive for businesses to operate in.

Because so much Russian behaviour—when it comes to finances, business operations and so forth—involves criminal aspects, there is an opportunity there for western authorities to investigate many more Russian activities so that they can then seize the relevant frozen Russian assets. The Italian Guardia di Finanza is doing great work in that area. I think it's something that holds potential for other countries, as well.

We won't be able to seize enormous amounts of Russian assets by conducting criminal investigations, but we will be able to seize more than we have seized so far, while still adhering to the rule of law.

[Translation]

Mr. Martin Champoux: Thank you.

Mr. Astapenka, earlier you talked about the lack of coordination, which can, from your point of view, indeed be a problem. You are, I think, quite well placed to observe the current consequences of sanctions by Canada, but also by other countries, in the context of the war in Ukraine. Do you feel that the lack of coordination between the various nations, and perhaps a few other blunders due to that lack, mean that sanctions are not very effective, if at all in some cases?

[English]

Mr. Vladzimir Astapenka: Definitely. As you mentioned, there are different decisions on Russia and Belarus, for example. Some countries take additional measures on Russia. Some countries would take one or two additional measures on Belarus. Generally, this regime is not coordinated.

As you may know, Russia and Belarus are in a common economic area or a customs union, which means there is a free circulation of products between these countries. There are no customs checks between Belarus and Russia. When you try to prohibit the delivery of something to Russia and not to Belarus, it means that you leave an open hole. Any product could enter Belarus and then end up in Russia.

That's what we are tracing. That's what we're observing for the moment. This is something that requires a much higher degree of coordination among those who impose sanctions.

[Translation]

Mr. Martin Champoux: Thank you very much, Mr. Astapenka.

[English]

The Chair: Thank you.

We now go to MP McPherson.

You have five minutes.

Ms. Heather McPherson (Edmonton Strathcona, NDP): Thank you very much, Mr. Chair.

Thank you very much to our witnesses for being with us today. This is very important information for us to be gathering.

My first question is going to be for Mr. Astapenka.

You were just speaking to my colleague about the sanctions between Belarus and Russia and how there's a gap there. You spoke a little bit about the fact that Russia and Belarus are coordinated, but the sanction regime is not coordinated. Can you tell us what it would look like if those loopholes were closed? What loopholes are we looking at? Who should be on this list? What should the sanctions against the Belarusian government look like to be more effective in stopping products from getting to Russia?

• (1140)

Mr. Vladzimir Astapenka: It's a technical question that will be difficult for me to answer in much detail.

Generally, these are products of dual use. The European Union and the United States prohibited many products of dual use being supplied to Russia after the beginning of this war, and these decisions were not taken in respect of Belarus. We have information about microchips, some electronic devices, some radio devices or spare parts to produce military equipment being supplied to Belarus in order to finally end up in Russia. This is the main area of preoccupation.

For your information—it's public knowledge—the European Union has already prepared another round of sanctions especially devoted to this coordination practice. Unfortunately, they have been considering this since January but the decision has not been made yet.

Ms. Heather McPherson: Hopefully, all countries will come together on those sanctions so that they are more effective. I think what we've heard very clearly from witnesses, like yourself, is that when the sanctions are comprehensive and when they are collective, it works much better.

Ms. Braw, thank you very much for sharing all of your expertise with us. Certainly, I have learned a lot from some of the information you've brought forward, including the idea that countries are weighing the cost-benefit analysis and then finding that it is still worthwhile because the sanctions are not costing enough for these countries.

How do we make them cost the most? What examples can we take from other countries, countries that are actually doing very well in making those sanctions cost the most? Maybe that's looking at grey-zone warfare or some of those other things that you can maybe speak to, please.

Ms. Elisabeth Braw: One reason the Russian government hasn't considered our western sanctions to be a particularly costly measure against it is that they were predictable. The Russian side could pretty easily figure out what the west would sanction once Russia invaded, and even before Russia invaded.

I think one of the key elements of effective deterrence is the element of surprise. Thomas Schelling won the Nobel Prize in economics for his work on deterrence theory. I'm not pretending to be the first to discuss the element of surprise, but that is a key part.

In the west, we like to do things in an orderly fashion, and obviously when many countries have to agree on something, you can't be particularly impulsive or innovative, but if the side to be sanctioned has no idea and cannot predict what it is that we'll sanction or indeed whom we will sanction, then that fear itself serves as a deterrent. That involves not just economic sanctions, but individual sanctions.

It should involve individual sanctions not just against the decision-makers themselves, but against their families. That's an area where we in the west have been reluctant to go because we don't want to punish children for the sins of their fathers, but I think we do have to think along those lines, not just when the war we were trying to prevent is already well under way, but as a deterrent.

What would have happened, for example, if in the lead-up to the war, when we were trying to prevent Russia from invading, we had sanctioned Putin's mistress and her two children straightaway? What if we had sanctioned the children of various leading Russian officials who live in the U.K., in Canada, or in the United States and have a good life there? Yes, it's not their fault that Russia was planning to invade Ukraine, but they are enjoying the benefit of our hospitality. I think all of us who are parents, and indeed everyone, know that a parent's love for their children is stronger than their love for themselves. If Russia or other decision-makers have to worry that if they do something of which the west disapproves their

children might lose their right to live and work and enjoy life in the west, I think that would be a powerful way of using sanctions.

Not all the children—

• (1145)

The Chair: I'm afraid you're out of time, Ms. Braw. We're going to have to move to the next member for their question.

We now go to Mr. Genuis.

You have three minutes.

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

I want to thank both of the witnesses for being here. I think it's very valuable that we delve more into the Belarusian situation.

In particular, I want to thank you, Mr. Astapenka, for your testimony and also for your personal work and sacrifice. I read a little bit about your background and see that you've been personally targeted as well. I want to salute your courage and share that I had an opportunity here in Ottawa to meet with Ms. Tsikhanouskaya, and I greatly admire her incredible leadership and courage.

The main focus today is sanctions, but I'd like to give you an opportunity to share a little bit about what you think Canada can do to positively support the Belarusian people and the Belarusian opposition. In addition to applying tough and consistent sanctions to the existing regime, how can we support you in your movement for freedom and justice?

Mr. Vladzimir Astapenka: Thank you so much for your words and for your question.

I'll try to be brief. We have different strategies, and, as I have already stated, the sanctions already applied have not changed the course of Lukashenko. Now it looks like he is going to stay there as long as he can, because it is important for him not to leave somewhere.

Politically, I would answer your question very briefly. Since Lukashenko has no legitimacy, there should be someone who should have the legitimacy to represent the people of Belarus. We believe that, for the moment, it's Tsikhanouskaya, who stood for the elections, who basically won the elections as we believe, and who created the United Transitional Cabinet.

It's a big challenge and a question for the international community how to deal with this cabinet, how to recognize it and how to acknowledge its existence. We are really open to any co-operation that we may have with different countries. If Canada would be the leading country in this respect, we would be very happy to co-operate.

Mr. Garnett Genuis: Fundamentally, you're looking for other countries to recognize that the person who won the election is the legitimate president, and all the things that would logically flow from that.

Mr. Vladzimir Astapenka: As you may know, for the moment, it stops at the point that the elections were not recognized as legal, binding and obligatory. There are no official results of this election that are recognized. It's a question of the recognition of Tsikhanouskaya.

Mr. Garnett Genuis: Exactly. I agree with your assessment about who clearly had the support of the people and who got the most votes.

If you have a moment, could you just comment on recent U.K. sanctions and how Canada could strengthen its sanctions to line up with the strengthening of sanctions in the U.K.?

Mr. Vladzimir Astapenka: In short, this is exactly what we expected because these are the sanctions to harmonize and to coordinate the regime with the Russian sanctions. We expect that the European Union could do the same and Canada and the U.S.A. would support this development.

The Chair: Thank you.

We now go to MP Bendayan.

You have three minutes.

Ms. Rachel Bendayan (Outremont, Lib.): Thank you, Mr. Chair, and thank you to the witnesses who are here for their testimony.

Obviously, the political situation in Belarus is of concern to our government and to Canadians. In addition to the problems that we see with the last election, of course, there is also the issue of Putin seeing Belarus as a borderland or perhaps even as a buffer against NATO. Certainly Putin has made no secret of Russia's intent to further integrate Belarus into its sphere of influence and possibly even integrate Belarus holus-bolus into Russia itself.

I wonder if you might expand upon the role that you see Canada and other NATO allies playing in order to further advance democracy in Belarus in view of the Belarusian people asking for free and fair elections.

• (1150)

Mr. Vladzimir Astapenka: Thank you so much.

It's not a sanctions policy; it was a strike, but I really appreciate the ability to speak on this subject.

We believe that Lukashenko turned the country into a concentration camp. In one of the reports of the human rights organizations, it was called "an open-air prison". It's really rather difficult for the people living inside Belarus now to manifest something different or something that Lukashenko doesn't like. On top of that, Putin came to Belarus with the troops, the tanks, the rockets and the aircraft and launched the war of aggression against Ukraine. We believe that under these circumstances, Belarus could and maybe should be considered an occupied territory, when the people cannot really decide their destiny.

Of course, I should mention—I should have mentioned this earlier—the recent development of deployment of tactical nuclear weapons, which Lukashenko claims is done by his initiative, but it is done by Putin. They promised that the nuclear weapons would be delivered on July 8. That will be a very dangerous factor for region-

al security, at least, and of course, it undermines the non-proliferation treaty and all the obligations in this sphere.

We believe that such a development could be the cause of a real, strong response from the collective west, and that, maybe, specially designed sanctions should be planned if such a development occurs.

Ms. Rachel Bendayan: If there is any time remaining, I would give it over to my colleague, Mr. Zuberi.

The Chair: No, there are seven seconds remaining. He is going in third.

We will go to Mr. Champoux now for three minutes.

[*Translation*]

Mr. Martin Champoux: Thank you very much, Mr. Chair.

Ms. Braw, you pointed out before the Senate Committee on Foreign Affairs and International Trade that the application of Magnitsky's Law has been heavily focused on Russia and, in some cases, China, while there have been almost no cases of sanctions being imposed under this law on representatives of Southeast Asian states, for example.

You've argued in favour of applying Magnitsky's Law to all countries where state officials violate the rights of their own citizens. To date, have political, geopolitical or commercial considerations influenced Canada's application of this type of sanctions? Do you have any examples or explanations to give us on this subject?

[*English*]

Ms. Elisabeth Braw: Yes, I remember that evidence session. I'm delighted you brought up the Magnitsky sanctions.

Again, if we look at where the Magnitsky sanctions have been applied to date, as we discussed in that previous evidence session, it's essentially mostly countries that are foes of the west. That's fine. It's within western countries' prerogatives to impose Magnitsky sanctions as they like.

My concern is that if the sanctions—the Magnitsky sanctions in particular—are seen as being imposed disproportionately on countries that are the west's enemies, then these sanctions, which are really very important, will become tainted and, as a result, lose some of their power. They will be seen as a tool of western power, rather than as a tool in favour of democracy and the rule of law in any country where democracy, human rights and the rule of law are violated. I think that's where we are today.

It is, I realize—

The Chair: Ms. Braw, I'm so sorry. I'm afraid we're out of time.

We have to go to the next member.

Ms. McPherson, you have a minute and a half.

Ms. Heather McPherson: Thank you very much.

Ms. Braw, we keep cutting you off, so I feel like we need to let you finish some of your answers.

If you could also add to that, one of the things you said the last time I was asking you questions was that the unpredictable nature of sanctions makes them more effective. Of course, as an opposition member, my job is to make sure that I'm holding the government to account, so we want to understand why the government is imposing sanctions.

There has to be both the unpredictability to make them effective, but also some transparency, perhaps after the fact, so that we understand why those decisions are made. How do we balance that?

• (1155)

Ms. Elisabeth Braw: That's an excellent question because it also speaks to the timing of the sanctions. In order for sanctions to be unpredictable, they have to happen quite quickly so as to take the other side by surprise.

Something I've thought about—I haven't seen it implemented anywhere—is whether there could be a consultative body composed of the government and parliamentary representatives of all factions in a given Parliament. They would form the authoritative body that would have to approve sanctions that could then be imposed swiftly.

I don't think such a body should have the right to veto sanctions, but it should be involved so that sanctions, especially very swift ones, don't come as a surprise to it. This matters, especially when the issue is one of sanctioning people who are not involved in the aggressive action we are trying to deter or punish, such as children of officials. However, if there is a consultative body, an advisory body, involving both the government and Parliament, I feel that would give some scrutiny and legitimacy to such decisions.

Ms. Heather McPherson: One would think, too, that once someone is on the list—

The Chair: Ms. McPherson, you're over time. Thank you.

Mr. Epp, you have three minutes.

Mr. Dave Epp: Thank you, Mr. Chair.

I'm going to continue on this point.

Earlier, you stressed the importance of the rule of law in the application of sanctions, particularly as it relates to the freezing or seizing of assets. With regard to your comments on extending sanctions to the children of others being sanctioned for direct offences, is there any risk that the rule of law will be interpreted as beyond the scope of the rule of law?

Ms. Elisabeth Braw: That's an excellent point, and that's why I think sanctions against the children of officials, specifically children who are not involved in the aggressive actions themselves, should be limited to visa bans and travel bans. We should remember that visas aren't just anybody's right. I know from experience... I think every member of this committee has applied for a visa at some point in their life and has had to anxiously wait to find out whether they would be granted the visa to whatever country. It's nobody's right to get a visa to any country, which makes it, I think, a perfect tool for countries seeking to sanction other countries: to withdraw visas at their pleasure, because they're under no obligation to issue visas.

A good example of that is what Switzerland did in 2009 when Hannibal Gaddafi, one of the sons of Colonel Gaddafi, beat up a number of hotel employees at a Swiss luxury hotel. Switzerland arrested Hannibal Gaddafi, whereupon Colonel Gaddafi swiftly seized two Swiss businessmen who happened to be in Libya, so he engaged in hostage diplomacy. How do you respond to that as Switzerland? Switzerland, in one go, suspended all Libyan visas to Switzerland, and that had an incredible effect. Not long after that, the two businessmen were released. I think that is a good case study of what can be done.

The Chair: Ms. Braw, we have some technical difficulties.

I apologize. I think we're going to have to wrap up this first round.

I apologize to Mr. Zuberi and also to Mr. Epp for having lost a minute.

Ms. Braw and Mr. Astapenka, thank you very much for your time, your insights and your expertise. Your testimony has proven very valuable, and we're very grateful for it. In particular, Mr. Astapenka, please rest assured that our government and Canadians in general are very grateful for your efforts, and you can always count on our goodwill.

Thank you.

We'll now suspend for approximately five minutes.

• (1155)

(Pause)

• (1210)

The Chair: Welcome back, everyone.

We will now resume and commence our second hour.

Mr. Garnett Genuis: Chair, I just want to raise a point of order before you start off.

The Chair: Yes, Mr. Genuis.

Mr. Garnett Genuis: Chair, I missed the tail end of the last meeting. I note that the committee minutes list a press conference on one of the studies taking place on Monday at 4 p.m. For what it's worth, I don't know that it makes a lot of sense to table a report this week and to do a press conference next week. If it's in the minutes, it's in the minutes, but I would just say that if there is to be a press conference, it has to stick to the parameters of the agreement. To deviate from that would be to do something that has not been agreed to.

The Chair: Just to let you know, Mr. Genuis, you're absolutely right on that. We had agreed on Monday. Tuesday worked better for the members, but since you are insisting on the Monday, we will have it at 4 p.m. on Monday.

Mr. Garnett Genuis: Yes. Further to that point, I don't know if other members have thoughts on this—again, I wasn't here—but I don't understand the logic of tabling a report this week and doing a press conference next week.

The Chair: It's been agreed to already.

Mr. Garnett Genuis: I suspect everybody will have said their piece by then anyway.

The Chair: Yes, Mr. Hoback.

Mr. Randy Hoback (Prince Albert, CPC): Chair, we were going through that relatively quickly at the very end of the meeting on Monday. What I heard was “press release”, which is a common practice of the committee.

The Chair: No, that was one segment, and then there was a press conference as well.

Mr. Randy Hoback: I didn't understand it was a press conference. I assumed it was just a press release, which is common for a committee. I guess that's why I voted the way I did. I didn't think it would be a problem because I thought it was just a press release. Now finding out that it's a press conference does create some issues with regard to the House and the sitting of the House. Everything is so fluid right now. How do you do stuff like this, especially next week, in light of how busy next week is going to be?

I'm not sure what the wisdom is in actually going ahead with this press conference. Maybe we would be better off just doing a press release. You're going to introduce it today, I believe, and do a press release today or tomorrow.

The Chair: That is not my sense.

Ms. McPherson, did you want to say anything about this?

Ms. Heather McPherson: I haven't put my hand up, but I'm quite comfortable having a press conference. I think it's important we have that opportunity. Frankly, we can't really stop doing the work we have to do as parliamentarians because of the mayhem that sometimes ensues in the House. I think we have to be aware and work around it.

The Chair: Yes, Mr. Oliphant.

Hon. Robert Oliphant (Don Valley West, Lib.): I just have a point of order. Are we done with that one?

The Chair: I believe so, yes.

Hon. Robert Oliphant: It's a happier one.

I have habit of having interns from various missions around the world in Ottawa join me for a day to see how we do as parliamentarians. I just want to introduce to the committee Ines Serghini from the Moroccan embassy, who is with me today watching each of us. We have a wonderful bilateral relationship with Morocco, and we should be on our best behaviour, because she is.

The Chair: Welcome. It's very good to have you here.

Mr. Oliphant, let me thank you for your mentorship as well.

Now we will revert back to—

Mr. Randy Hoback: Chair?

The Chair: Yes, Mr. Hoback.

Mr. Randy Hoback: Back to this press conference on Monday, then, are you going to give us a script of what will be said at the press conference beforehand, or a speaker lineup?

The Chair: There is going to be a press release, which is being done by the clerk.

Mr. Randy Hoback: Okay, but as far as the press conference goes, what is that going to consist of?

The Chair: I don't think there's any specific agenda.

Mr. Randy Hoback: What are the requirements that all the members can expect?

The Chair: There's no set script, I assure you, Mr. Hoback, but there can only be 10 people in the room, so I propose that every party put one person forward, or perhaps a maximum of two people. The capacity of that room is for 10 only, no more than 10.

• (1215)

Mr. Randy Hoback: Okay, then, do you have a layout of who's going to speak, the speaking order and things like that?

The Chair: It will be one person per party.

Mr. Randy Hoback: Okay. Do you have a speaking order?

The Chair: You get to propose whom you would like to see speak to the issue.

Mr. Randy Hoback: Okay, so are we all going to speak for a minute, two minutes, five minutes or 20 minutes?

The Chair: That depends on how many questions there are.

Mr. Randy Hoback: Okay, so if there's a scrum, who's going to take the questions in the scrum?

The Chair: It will be five minutes per party, and then we'll open it up for 30 minutes of questions by the media.

Mr. Garnett Genuis: If the last press conference is a precedent, there will be robust and chaotic debate, which is why these things seem to have gone out of fashion, but it is what it is.

Mr. Randy Hoback: I'm wondering who is going to moderate it.

The Chair: That's not up to us; we're in the hands of the press gallery.

Now we go back to the second hour of our study on the sanctions regime.

My apologies to our two witnesses, who are joining us via Zoom. We're very grateful to have with us Professor Michael Nesbitt from the University of Calgary, as well as Ms. Amanda Strayer, who is a supervising staff attorney with Human Rights First.

Thank you very much for joining us today. You will each be provided five minutes for your opening remarks, after which we will open it up to questions from the members.

Please keep your eyes on the screen. Once you're very close to the time limit with respect to your opening remarks or with respect to the questions that are asked of you from the various members, I will hold up a card, and that means you should be wrapping it up within 10 seconds. Please do pay attention to the monitor.

That having been said, Mr. Nesbitt, you will go first. You have five minutes for your opening remarks. The floor is now yours. Thank you.

Professor Michael Nesbitt (Professor of Law, University of Calgary, As an Individual): Thank you so much.

Thank you to everyone here. It's such a pleasure to be here. It's always an honour to be before a standing committee of the House of Commons.

Thank you also to those working behind the scenes to make this happen. I know there's a lot of hard work going on with Zoom and making all these meetings happen. It's greatly appreciated from everyone's end, I'm sure.

I'll start by saying that I'm an academic in the field of criminal and national security law, where I also study autonomous sanctions, but I have had an opportunity to work in the field as a former diplomat for Global Affairs Canada on the legal side and have worked on sanctions on both Iran and Syria. Given my background, the bulk of my commentary today is really going to focus on the relevant sanctions regimes from a practical, legal and, particularly, criminal law enforcement perspective.

With that, let me tell you briefly the story of autonomous sanctions enforcement in Canada. In Canada, good and responsible large private actors like big financial institutions are primarily, indeed almost exclusively, responsible for our autonomous sanctions enforcement, the corollary being that there is little transparency as to how this is taking place. On the government side, enforcement and punishment are almost entirely absent.

How do I know that? How do we know that? We know publicly that we have never charged an individual under the Magnitsky act with a sanctions violation. In now over 30 years since SEMA, the Special Economic Measures Act, was first introduced, by my count we have charged one individual and one company for violations. The charge against the individual fell apart almost before it began. The charge against the company resulted in a plea agreement, which I would suggest exhibited some misunderstanding of the regime as a whole almost across the board.

Under the United Nations Act, the regulations pertaining to Libya and Mr. Gaddafi are now making headlines in *The Globe and Mail*, of course. We likewise have, by my count, a single prosecution in decades and decades of various country-specific regimes.

Keep in mind that we have had tens of thousands of sanctions on the books under SEMA, the Magnitsky act and the various UN Act regimes. There are hundreds of millions or more in frozen assets. There is criticism from U.S. agencies about a lack of enforcement, and similar criticism from respected international organizations speaking to Canada's failures to stem the tide of money-laundering and sanctions-busting activity.

I'll add to that that every once in a while, what feels to me like every six months or so, we see a Canadian arrested in the U.S. for sanctions evasions, the details of which often appear to indicate that Canada, too, might have enforced it under our laws had we been doing so. Right now, the U.S. seems to be doing more enforcement

of sanctions-busting activities happening in our jurisdiction than we are.

This failure to enforce is a rule of law failing. It sends a message to would-be sanctions busters that we are open for business at little expense, and it sends a message to allies like the U.S. that we are not a serious partner on the file.

As a starting point, I'll give you three really practical recommendations for how to begin to remedy our enforcement problem.

First, we need a comprehensive review of the legislative regime pertaining to autonomous sanctions, with domestic law and domestic enforcement as the focus. In the past, this file has been led by Global Affairs with a view to international law. I do not deny an albeit small role for international law to play nowadays, particularly with respect to enforcement, but this is primarily a domestic Canadian law enforcement problem, a domestic criminal or civil law problem. I would suggest, and it should and will play out in domestic courts applying domestic law.

As but one example of a possible legal change we could see here, to my mind, there is no legal reason, domestic or international, that would prevent us from changing SEMA and the Magnitsky act, and perhaps the UN Act, to provide for the power to list known transshippers and the like. To be really clear, we are already able to capture transshippers in our regime, so this would not be a change in terms of enforcement. It would be a change just in terms of whom we're listing. If we do not have the courage to go after known transshippers for targeted countries, that is and must be a political decision but one that should be made consciously.

Second, we need a civil law enforcement sanctions regime with significantly higher fines available to coincide with the freezing and seizing provisions we've seen recently. Under a strict criminal regime, as exists, we will run into what we call in the national security space the "intelligence to evidence dilemma", if we have not already done so, and I suggest that it is a possible and probable reason for the collapse of our last sanctions case.

● (1220)

Criminal enforcement against companies, as we saw from our one enforcement action against a company in the history of any of these files, is already dealt with through fines, but small ones. A civil regime would allow for greater fines, which would have more of a deterrent effect and provide benefits associated with avoiding some of the troublesome aspects of our criminal disclosure regime and the elevated standard of proof in criminal trials.

Third and finally, I think we need to think differently about how the autonomous sanctions regime file is managed within government. Right now, our reviews of autonomous sanctions seem limited by assuming that GAC, Global Affairs, should continue to be the sole lead on the file and the money should, in general, follow. It is time to question that assumption. CBSA needs money and the opportunity to renovate its work on sanctions. The same is true of the RCMP. CSIS and FINTRAC need heavier involvement and information-sharing powers. The same may be true of CSE and the Treasury Board.

Similarly, it's often overlooked that the Public Prosecution Service of Canada will ultimately prosecute these offences, and yet, bluntly speaking, they have no internal expertise. We have seen no monetary or human resource commitments—

The Chair: Mr. Nesbitt, I'm afraid you're considerably over time.

Prof. Michael Nesbitt: My apologies.

The Chair: If you could include all these comments in your responses to the questions that will shortly follow, I would be most grateful.

Ms. Strayer, you have five minutes for your opening remarks. The floor is yours.

Ms. Amanda Strayer (Supervising Staff Attorney, Accountability, Human Rights First): Mr. Chair and honourable members of the committee, thank you for the opportunity to testify today on Magnitsky sanctions.

Human Rights First is an independent, non-profit advocacy organization dedicated to promoting and protecting human rights and urging the U.S. to take a leading role in this effort, both at home and around the world.

For the past six years, Human Rights First has built a global coalition of 300 civil society groups to advocate for the use of targeted human rights and anti-corruption sanctions, both in the U.S. and in other jurisdictions with Magnitsky-style sanctions programs. We're proud to have the Raoul Wallenberg Centre for Human Rights, which testified last week before this body, leading the coalition's work in Canada, as well as partners in the U.K. and the EU.

From the first U.S. global Magnitsky sanctions in 2017, civil society has been integral to their effectiveness. By our estimate, one-third of all U.S. global Magnitsky sanctions have had a basis in recommendations from civil society.

Today, I'd like to highlight three ways civil society provides critical contributions to governments implementing targeted human rights and anti-corruption sanctions, which Human Rights First would encourage the Government of Canada to build on.

First, civil society groups are a key source of information that governments need to impose sanctions. Civil society has unparalleled evidence of abuses and insight into who bears responsibility based on years of research, monitoring, interviews with victims and on-site documentation. These are sources government officials often don't have.

We've worked with civil society groups to bring more than 160 well-documented files to the U.S. government, recommending specific perpetrators for Magnitsky sanctions. This pipeline is reflected in about one-third of U.S. global Magnitsky cases, including ones the U.S. government cites as among the most impactful sanctions. This speaks to the quality of evidence and analysis civil society provides and the fact that sanctions in the name of human rights and anti-corruption are more credible when they reflect the priorities of independent human rights and anti-corruption groups.

As more jurisdictions have adopted Magnitsky sanctions, we've encouraged other governments to take a similar approach to engaging civil society. As one example of how this can work, we helped coordinate the submission of detailed sanctions recommendations for the arbitrary detention of Russian opposition leader Vladimir Kara-Murza in multiple jurisdictions. We are pleased that Canada was the first to announce sanctions in Vladimir's case in November, followed by the U.S., the U.K. and the EU. These all followed submissions from civil society. We'd encourage the Canadian government to build on this positive engagement with civil society.

Second, civil society plays a vital role in understanding the impact of sanctions and their enforcement. In the wake of U.S. sanctions against Bangladesh's Rapid Action Battalion for human rights abuses in 2021, civil society groups tracked the abrupt halt in extrajudicial killings by the unit, as well as the eventual resumption of those abuses. They highlighted how the sanctions cut through government efforts to suppress speech and sparked unprecedented calls for accountability. They documented threats from law enforcement pressuring families of victims to recant reports of disappeared loved ones and increased surveillance and harassment of human rights groups. This information is critical for governments as they monitor sanctions enforcement, consider additional measures and address calls for the lifting of sanctions.

Finally, civil society groups identify gaps in the implementation of sanctions programs and urge governments towards more equitable use of these tools. In November, we released a joint report with our partners, “Multilateral Magnitsky Sanctions at Five Years”, analyzing how the U.S., Canada, the U.K. and the EU have used their Magnitsky sanctions. We found key gaps across the four jurisdictions. These included significant shortcomings in how Canada uses sanctions for human rights abuses and corruption under the JVCFOA and SEMA, such as missing opportunities to multilateralize and strengthen the impact of the sanctions, rarely imposing sanctions for corruption, excluding close partners and allies from sanctions even when merited, and failing to provide accountability for marginalized victims of human rights abuses.

On this last point, we found that in five years Canada had never imposed Magnitsky sanctions for human rights abuses against LGBTQ+ or indigenous persons. In its public announcements, only 7% of its Magnitsky cases mentioned female victims and just 1% mentioned children. If these sanctions are tools for accountability, we found they're overlooking most of the world's victims.

Canadian officials have thoughtfully engaged with these findings and we understand Global Affairs plans to take them into account in the future. We're eager to build on this engagement, to share the perspectives of those fighting human rights abuses and corruption in their countries and around the world and to strengthen the use of Magnitsky sanctions to hold perpetrators accountable.

On behalf of Human Rights First, thank you and I look forward to your questions today.

● (1225)

The Chair: Thank you very much, Ms. Strayer.

We now turn to the members for their questions.

As I understand it, Mr. Genuis is up first.

You have five minutes, Mr. Genuis.

Mr. Garnett Genuis: Thank you, Chair.

I want to thank the witnesses for their presentations.

Actually, the bulk of this round will be taken by Mr. Hoback. I just want to use this opportunity to briefly put a verbal notice of motion on the record, as follows:

That in relation to its study of Russia's invasion of Ukraine, the committee hold 3 meetings looking specifically at Russia's collaboration with other rogue states such as Iran, North Korea, and Myanmar, with a particular emphasis on weapons technology sharing and on efforts to circumvent western sanctions.

With that, I'll turn it over to Mr. Hoback.

The Chair: Thank you, Mr. Genuis.

Mr. Hoback, go ahead.

Mr. Randy Hoback: Thank you, Chair.

Thank you to the witnesses for being here this afternoon. Unfortunately, I think we could be here for an hour talking about what you just talked about in the last 10 minutes.

Ms. Strayer, I'll start off with you. When you work with these 300 civil societies and identify somebody who should be sanc-

tioned, how do you find the response of Canada versus that of the U.S. or other countries that have a similar style of sanctions in place?

● (1230)

Ms. Amanda Strayer: Thank you very much for your question.

Typically, our work has been focused on the U.S. for the past five years. It's only more recently that we've been able to expand it to the U.K., the EU and Canada. I will say, though, on the responsiveness of the U.S. government we've been able to track to date, that we've been very proud of and very encouraged by the fact that one-third of the sanctions we see coming from the U.S.'s global Magnitsky program seem to have a basis in recommendations that we're aware of from civil society.

The numbers are a little bit harder to track on the EU, U.K. and Canadian side. We know there's a lot of information sharing among the different governments. That's something we're working on with civil society groups to try to improve as well and ensure that information that is submitted to the U.S. government for consideration—for example, for sanctions—is also submitted to the Canadian government in a timely fashion, and the U.K. and EU as well—

Mr. Randy Hoback: I'm sorry. I don't mean to cut you off, but I have only five minutes.

When you report to the U.S., is the process very simple? When you report to Canada, is it an equally simple process? How do you plug in and say that this individual should be sanctioned? How do the different countries compare in terms of that?

Ms. Amanda Strayer: I think it's a little bit different in each country. We work very closely with partner organizations in Canada. We work with the Raoul Wallenberg Centre, and they have direct connections with the sanctions officials and teams—

Mr. Randy Hoback: But how do you notify? I'm trying to figure out how you plug into government. How do you actually take that information and give it to the government? How do you say, for instance, “This person needs to be sanctioned”? How do you find that process? Could it be improved? What does it look like?

Ms. Amanda Strayer: I can speak to the U.S. side. From our perspective, in the U.S., we've been able to identify the offices at the treasury department—the office of foreign assets control—and the offices at the State Department that are involved in sanctions decision-making. Over the years, we've built a close, trusting relationship with those offices. They understand that the documentation and detailed evidence files that civil society provides can be incredibly valuable to their work. We have secure information-sharing portals set up with the treasury department in order to be able to provide those files securely to them for consideration.

Mr. Randy Hoback: They've made accommodation for you. That's great to hear.

Mr. Nesbitt, in your work, how have you found Canada's ability to take that information from civil society or from other people—let's call them whistle-blowers, for lack of a better word—who want to report somebody who should be on a sanctions list or somebody who's breaking the sanctions? If I see somebody in the business community who I know is willingly breaking sanctions, what's the process for actually getting the light shone on that individual and some action taken?

Prof. Michael Nesbitt: I can answer that really quickly: Canada's a black box, so I have no idea.

Mr. Randy Hoback: [*Technical difficulty—Editor*] to Ukraine, a Canadian business, or they're shipping pencils or whatever, whom do I report to?

Prof. Michael Nesbitt: Again, I have no idea. In theory, Global Affairs Canada has a sanctions division that is running this file. In practice, we've seen on a number of fronts that it can be extremely slow to respond, if at all. One doesn't know if it's open to contact. Public engagement is virtually non-existent, and has been for 30 years, both on this and with respect to explaining what our sanctions are, how they might work and how they might be applied to non-financial institutions particularly, those smaller institutions that might want to conduct trade internationally. They might bump up against sanctions but don't have the resources to hire the biggest law firms in the country to try to determine and interact with Foreign Affairs about whether they have the capacity to do what they're hoping to do.

We just don't know.

Mr. Randy Hoback: Then how does Foreign Affairs go about seizing assets? How do they decide that this person's assets should be seized and this person's assets shouldn't? If I'm a Canadian company that does business with that company and all of a sudden I find out their assets have been seized, how do I conduct business there? How am I supposed to conduct business without breaking the sanctions? Where do I seek that advice?

The Chair: Could we have a very brief response, please? We're over the time limit.

Prof. Michael Nesbitt: Foreign Affairs doesn't do any of that. That will all be done by others, which is why I say you have to start having others—much like in the U.S. with the office of foreign assets control within the Treasury—with the business acumen to follow boards, directors and where the money is going work directly with law enforcement to enforce that seizure.

Right now, when you say “seizure”, what you're actually talking about is that the bank, based on its own internal list, has decided mostly not to let money flow in some way or another. We don't have a whole lot of visibility on that.

The Chair: Thank you.

We now go to MP Oliphant.

You have five minutes.

• (1235)

Hon. Robert Oliphant: Thank you, Mr. Chair.

I'm just trying to dial the clock back a little bit on Professor Nesbitt's testimony.

First of all, you said that “tens of thousands” of people have been sanctioned. Where did you get that number from? Currently, we have about 3,000 sanctioned and over half of those, 1,700, relate to Russia and Belarus. We have always been in the hundreds. I'm just wondering where you got the number “tens of thousands”.

Prof. Michael Nesbitt: My apologies, I can't remember off the top of my head.

Dr. Andrea Charron has done a lot of work over the years on this, so I'd refer you to her, if you want. If you haven't spoken to her, she is an—

Hon. Robert Oliphant: I just want to make sure that we don't have in testimony “tens of thousands” when it is a grossly inaccurate number. Having followed sanctions—

Prof. Michael Nesbitt: It's grossly inaccurate today. That's 30 years of different sanctions and sanctions regimes coming into and out of place. If you add all those up over the years, you're talking about a number that is far more than the 3,000 that exist, as you are saying.

I am not sure if that 3,000 that you're talking about includes all of the nine to 12 UN Act regulations, as well as all the Magnitsky and SEMA sanctions.

Hon. Robert Oliphant: It's in the hundreds. Even when we pushed strong sanctions on Zimbabwe, it was in the 100 to 200 range. I will ask our analysts to get some help on that number, because it just seems high.

I also want to know where your proof is that the financial institutions are not doing their job. You said it's because there are no prosecutions, so you must have proof that they're not doing their job. Could you enlighten us on that? If they're not doing their job, we want to know because they are chartered institutions that have legal responsibilities. If they're breaking the law and not doing it, I'd like to know.

Could you give me some proof on that?

Prof. Michael Nesbitt: I am terribly sorry if that was unclear. I believe what I said was that they're the only ones enforcing sanctions in a meaningful way. If somehow that became unclear, I sincerely apologize.

Hon. Robert Oliphant: We need to be very careful about impugning the reputation of those institutions, which may or may not be acting. If they're not acting, we want to know, so I think that is important. I need some proof that they're not doing something, as opposed to casting an aspersion.

Prof. Michael Nesbitt: Again, I am absolutely not saying that.

Hon. Robert Oliphant: Okay.

When asked by Mr. Hoback about Global Affairs' role in the enforcement, you said that it was “a black box”.

We've had testimony here that it's very clear that Global Affairs does not do enforcement. That is not its legislative responsibility. It's the legislative responsibility of bodies under Public Safety, which are CBSA and the RCMP, as well as the regulators of the financial institutions.

Is it clear to you who does enforcement? You sort of said that Global Affairs wasn't doing it, as though Global Affairs was inaccurately doing its job, but it's not their job to do anything on enforcement.

Ms. Heather McPherson: I have a point of order, Mr. Chair.

It seems to me that the member is attributing words to the testimony of our witness that he didn't say. In fact, it was quite clear to me from his testimony—perhaps Mr. Oliphant missed it—that Global Affairs was not responsible for enforcing. He made that very clear in his testimony.

It seems a little like badgering, Mr. Oliphant.

Hon. Robert Oliphant: Your point is taken.

I wanted it to be very clear, because it wasn't clear to me. There were two things. When a “black box” was mentioned, it was as though the black box is somehow a mystery of what Global Affairs is not doing. It needs to be really clear that Global Affairs does not have the responsibility for enforcement. That's all. I wanted it very clear.

Prof. Michael Nesbitt: If I am given an opportunity to respond, which I think I have the right to in this situation, I will simply say that I was very clear in my statements that CBSA, RCMP and PPSC, which are doing the enforcement, also require both monetary assistance and greater involvement in this because they are the ones that do the enforcement.

Again, if that was somehow unclear, I apologize.

My intention was to make it very clear that I am aware—and everyone else who studies this is aware—that CBSA and the RCMP are doing it at the front end, and PPSC, the Public Prosecution Service of Canada, will be the one that will prosecute it at the back end.

Hon. Robert Oliphant: I think it was also said that there was no sanctioning done under Magnitsky, when there actually has been a sanction under Magnitsky in Canada with respect to Myanmar. I wanted to make sure that was on the record.

• (1240)

Prof. Michael Nesbitt: I said there was no enforcement that I knew of. If you're aware of a criminal case, I'd be happy to hear it.

Hon. Robert Oliphant: We have had a Magnitsky sanction. I wanted to make sure we have on the record that we have used Magnitsky.

Prof. Michael Nesbitt: Again, we have sanctioned under Magnitsky. What I was speaking about was enforcement.

I haven't seen that, but I'm happy to be corrected in that regard, if we've had a criminal prosecution.

The Chair: Thank you, Mr. Nesbitt.

We now go to Mr. Champoux.

You have five minutes, sir.

[*Translation*]

Mr. Martin Champoux: Thank you, Mr. Chair.

It is now my turn to thank the witnesses for being with us today.

Mr. Nesbitt, I'm going to continue with you on the same subject. In the hour prior to your arrival at the committee, we were discussing the effectiveness of sanctions, particularly with regard to the relationship between Russia and Belarus. The witness who spoke to us about this was referring to the lack of coordination which in some cases renders sanctions all but ineffective.

Listening to your testimony and the questions from my colleagues, I also remember the answers of some officials who came before the committee to testify on the application and implementation of the various sanctions. There seemed to be a vagueness as to who was doing what in all this.

This leads me to ask myself a question, which I'm going to ask you too, because I imagine you may have an answer: If Canada's sanctions are poorly applied abroad, where they should be applied, and they're poorly managed or poorly understood in Canada, don't our efforts amount to a shot in the dark, as we say?

[*English*]

Prof. Michael Nesbitt: I would leave that to the government.

The point of my testimony is merely to say that the other side of having sanctions in place, of saying that it's important that we recognize wrongdoing abroad, that we don't contribute to it and that we don't have Canadians or those operating from our territory contributing to it, is to ensure we enforce it. That's important from a rule of law perspective and from a messaging perspective to our partners.

I don't think that means they're useless. That's a personal opinion. I do think the other half of the equation for Canada is that it's beyond time that we start to take that seriously and really look at how the complex issue of enforcement can take place here.

[Translation]

Mr. Martin Champoux: Thank you, Mr. Nesbitt.

Ms. Strayer, when the committee did its legislative review a few years ago, in 2016-17, it was said that sanctions could be used to compel a target country to change its behaviour, to limit its ability to act, or to express our disagreement with a violation of an international norm by that country. In your opinion, does Canada's sanctions regime achieve at least one of these three objectives, be it coercion, hindrance or expression of our disapproval?

[English]

Ms. Amanda Strayer: It's an area that we're studying a lot at the moment in terms of how to best evaluate the impact of sanctions. Obviously it's a very case-specific evaluation and can be a little bit difficult to overgeneralize.

We find that governments use sanctions for a variety of different reasons, as you mentioned. Sometimes it's to try to deter the behaviour of actors overseas. Sometimes it's to signal or to send strong messages of solidarity with victims or to build international consensus around a particular condemnation for a particular set of abuses or efforts to try to disrupt corrupt networks, for example.

I think one area in terms of impact that we're seeing would be really beneficial for governments to continue to focus on is improving the multilateralization of their sanctions under the Magnitsky regimes that they have. Right now, there's not a lot of overlap between the U.S., Canada, the U.K. and the EU in how they're using these sanctions. That creates gaps for perpetrators of these abuses that they then get to exploit.

For example, I mentioned earlier in my testimony Bangladesh's Rapid Action Battalion, which was sanctioned by the U.S. in 2021. Those sanctions were not replicated by Canada, the U.K. or the EU. We later found information that members from that unit had travelled to the U.K. and to the EU to obtain training and different types of services that they would then use in law enforcement back in Bangladesh and, presumably, to further their role in repression in Bangladesh. That's an area where, if the U.S.'s partners—Canada, the U.K. and the EU—had taken action to step up and sanction members of the Rapid Action Battalion in the same way the U.S. had, they would not have been able to travel to the U.K., the EU or even Canada to continue to obtain the kinds of services and support they needed to be a more effective repressive unit back in Bangladesh.

• (1245)

[Translation]

Mr. Martin Champoux: Thank you both so much.

I think my time is up, Mr. Chair.

The Chair: Thank you, Mr. Champoux.

[English]

Next we go to MP McPherson.

You have five minutes.

Ms. Heather McPherson: Thank you, Mr. Chair.

Thank you to our witnesses for being here today and sharing some of this information. It's very interesting to me.

Mr. Nesbitt, I'm going to start with you. You spoke a little bit about some of the research that has been done by others on the number of sanctions. I know that my colleague Mr. Oliphant was questioning that. You said that there was some documentation and that one of your colleagues was doing some research.

Would you be able to table that or share that with the committee so that we would have that information, if you can? I hate to impose upon you.

Prof. Michael Nesbitt: I will do my best.

I just want to be clear on that: I was doing my best to add up every individual over a 30-year period, not at any one given time. If I'm wrong on that, I apologize. I will certainly look out, but I would commend her work to you as well.

Ms. Heather McPherson: Thank you. That would be great.

The testimony you gave us today echoes some of the things I have felt with regard to our sanctions regime. A lot of that is lack of transparency. You referred to the sanctions regime writ large as a “black box”; it's very hard hard to get information about it. I've put Order Paper questions forward, and I've asked questions in the House and have not been able to get any of that information, either, as a member of Parliament, as a member of the opposition, so I hear what you're saying there.

I also hear what you're saying with regard to enforcement. We put a lot of folks on our list. It's a big part of our foreign policy. If there is no enforcement, do you believe those being sanctioned around the world by the Canadian government know and are very aware of the lack of enforcement in our sanctions regime?

Prof. Michael Nesbitt: Honestly, I haven't studied it, so I can't say that.

I can say that we've probably been criticized enough at this point. It's probably evident enough that we don't have a whole lot, at least in terms of the criminal prosecution enforcement side, and that it is not happening.

To answer that, one of the things I worry about is that a lot of the “enforcement”, as I alluded to earlier, is being done by the big banks but also smaller institutions with less capacity to do so. That's downloading a lot onto the private sector, including the cost to ensure compliance. That's understandable, but it has to be met by a government commitment to do that same level of enforcement that we're demanding from the private sector, which we're lucky to have in Canada, as they are good actors.

Ms. Heather McPherson: I think one of the things we heard in our testimony from the last panel was the idea of the cost benefit, and that those being sanctioned are weighing that cost benefit. Obviously, if they see Canada not enforcing its sanctions, then weighing that cost benefit must be different. The reality is just that.

You also spoke a little bit about the resourcing of ways in which we could do this and how other countries are doing that resourcing better. When we had RCMP and CBSA representatives at committee, it became clear that there are significantly fewer resources allocated here than there are in other regions. Can you talk a little bit about the resourcing, for example in the U.S. with the office of foreign assets control?

Prof. Michael Nesbitt: Oh boy, where to start?

There is the office of foreign assets control within Treasury, which really has the expertise on the business side, the following-the-money side, the following-corporate-structure side, to assist the State Department and others in coming up with those lists and to ensure that when we come up with those lists there is due process backing up our justification for the individuals on those lists so they can be enforced. That's the purpose of those. At least it has been my experience that they have individuals with real background in this sort of stuff—accounting, business acumen and so on.

One of the problems for Global Affairs—and it's one of these problems that just need close attention and human resourcing—is that you're talking about diplomats, largely, who haven't necessarily been trained for it. I'm sure Global Affairs is trying to work on some training. We're also talking about an organization that people move in and out of every couple of years. Ideally, you're going to go away on a posting somewhere. It's going to be harder to maintain and build that sort of expertise than it would be in a permanent organization, such as OFAC. We just don't really have that equivalent in Canada to provide the links between those at the RCMP—who will want to know about the corporate structure, the money and how it's happening for their enforcement—and those at Global Affairs, who will know about the names on the list, the foreign countries and that sort of stuff.

I think that's the best I can tell you in that regard.

• (1250)

Ms. Heather McPherson: That echoes the idea that we need this to be a domestic issue, not a global one—

The Chair: I'm sorry, Ms. McPherson.

Ms. Heather McPherson: Thank you.

The Chair: That's excellent.

Thank you, Ms. McPherson.

We will now go back to Mr. Hoback.

You have three minutes.

Mr. Randy Hoback: Thank you, Chair.

Mr. Nesbitt, I come back to you. You talked about OFAC and how OFAC works in the U.S. We have nothing like that in Canada, but the U.S. does have quite a bit bigger economy. Do we have enough cases to justify having a stand-alone department, in which we'd have expertise, on our own, to do this type of work?

Prof. Michael Nesbitt: It's a good question, into which I don't really have insight.

The obvious answer, I guess, from my perspective, is that if we're going to take sanctions seriously, then we're going to have to find a way to do that.

Mr. Randy Hoback: That's a good point.

Prof. Michael Nesbitt: The alternative is to say that we don't have the resources to take sanctions seriously.

Perhaps I could make one suggestion. This is not necessarily limited to sanctions. There's a lot of fraud, money laundering and other associated areas that could get work. There are options for institutions that might be able to do across-the-board work in this regard so that not only would money be going into improving sanctions enforcement, but also that same expertise would be built out, which would also help with complex financial fraud and other areas. I know the government has some initiatives in this regard. That might be one option.

Mr. Randy Hoback: Also, it probably doesn't get the same attention it deserves in Canada, either.

Have you seen any other countries that have a really good set-up in regard to dealing with...? We talked about OFAC. Is there a better system in the U.K.? Are there other systems you'd look at and say, "Hey, this really is something that could possibly work for Canada and that we should look at"?

Prof. Michael Nesbitt: The two most obvious, for us, are the U.K. and the U.S.

To me, because the U.S. does this better than anyone else in the world in terms of enforcement, and also because they're our closest partner and the one we align our sanctions regime most closely with, it makes sense to look to them.

I'm not an expert in the details, but I would suggest the U.K. because they revamped their processes. They saw all the same problems a little over 10 years ago in the U.K. and they revamped their processes with respect to who is doing this work and how even the listing process is being helped out by intelligence agencies and public and private sector contributions. Canada just hasn't done that sort of revamping work. That might be something to look at as well—what they did, why they did it and what lessons could be learned for Canada.

Mr. Randy Hoback: With regard to transshippers, are you talking about naming and shaming when it comes to them? Do you see any other way of enforcing it, or is it just too hard to enforce with some sort of fine or consequences?

Prof. Michael Nesbitt: The problem right now is that... If someone can't ship goods to Iran, what do they do? They don't ship it to Iran; they ship it to another country and then it goes to Iran. The only way we can stop that is if we know ahead of time that this individual will be shipping to Iran, and then we can prove it in criminal court, if we're going to follow through with the criminal sanctions. That can be really hard.

Now, if we know they're transshipping, we can still capture them under our current legislation, because the legislation goes after the individual in Canada trying to do it. What I'm talking about is this: If we know that the same Iranian company has essentially just set up a shipping company under the laws of third party X, and we know that's what they are doing, we just name them and say, "Canadian companies can't ship and do orders with that company as well."

• (1255)

Mr. Randy Hoback: We create the consequences of the fact that they are participating in that known criminal activity—because it is a criminal activity, isn't it?

Prof. Michael Nesbitt: It is, yes.

Mr. Randy Hoback: When we look at the—

The Chair: Mr. Hoback, I'm afraid you are over your time limit.

We now go to Mr. Zuberi.

You have three minutes, Mr. Zuberi.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for being here today.

I will start with Ms. Strayer. I read your bio—both of your bios, actually—and appreciated what you said about civil society. I worked in civil society spaces, professionally and as a volunteer, for several years.

You said that in order for the Magnitsky sanctions to have a good impact, it's important for civil society actors to put forth names. Do you want to develop that a bit further? I read the same recommendation in the Raoul Wallenberg Centre reports that did a comparative analysis of the four different jurisdictions that utilize Magnitsky sanctions. The Raoul Wallenberg Centre made the same point.

Do you want to elaborate further, please?

Ms. Amanda Strayer: Sure. Thank you very much.

Our work is with not only U.S.-based, but internationally based and locally based NGOs and civil society organizations whose sole purpose is documenting and tracking human rights abuses and corrupt networks in their countries. They're the ones being directly impacted by those abuses.

We've seen that for these types of global human rights and anti-corruption sanctions tools, in order for them to be the most effective and the most credible, using the recommendations of civil society is key. I think some of the panellists in the previous session highlighted this credibility issue with the sanctions.

I'll just note that in the study you referenced, which we did with the Raoul Wallenberg Centre, over the past five years we saw that with human rights and anti-corruption sanctions done under the JVCFOA and SEMA, there was an incredible lack of geographic diversity in those sanctions from the Canadian side. About 90% of Canada's sanctions were focused on just four countries: Russia, Belarus, Nicaragua, and Venezuela.

There are missed opportunities to be recognizing the human rights abuses and corruption that are impacting communities and countries all over the world, and for the ability of the Canadian government and partners to be doing more to stand up.

Mr. Sameer Zuberi: Totally.

I wanted to ask whether you're familiar with the report. Are you?

Ms. Amanda Strayer: Yes.

Mr. Sameer Zuberi: What I found really interesting was a line in the report that said that, as you pointed out just now, it's not only the bad actors or the pinatas of the world that we like to hit frequently that should be sanctioned, but also sometimes even countries that we partner with, our allies. There was a line in the report to that effect. Do you want to elaborate upon that?

Ms. Amanda Strayer: Sure. I think that's another area where Canada could be doing more.

Almost all of Canada's sanctions have been targeting countries that are not allies or partners of Canada and that are considered repressive or not free, based on the Freedom House standards in this report. I think that's a missed opportunity, because we've often seen that some of the sanctions with the greatest impact from the U.S. side are actually ones that are targeted at countries where the U.S. has fairly strong relationships and in countries where there is at least some level of rule of law present. There is some functioning democracy, and they may have greater interest in taking action to hold those perpetrators accountable for abuses, rather than just brushing the sanctions aside.

Bangladesh, as I mentioned earlier, is an example where we saw immediate impacts from the sanctions. Bangladesh being a close partner of the U.S. and many—

The Chair: Ms. Strayer, I'm sorry, but I'm going to have to cut you off. We're over the time limit for this slot.

We now go to Mr. Champoux.

You have a minute and a half, sir.

[*Translation*]

Mr. Martin Champoux: This will be brief.

Ms. Strayer, I'll continue with you. On May 17, the RCMP released an update on the declaration of assets frozen under the Special Economic Measures Act, dealing with Russia, Iran and Haiti.

With regard to Haiti, it states that there is no information about frozen assets. How can this be interpreted, given that entities there have been targeted by sanctions for months? How can this be explained? Is it a question of poor capacity to implement sanctions, as mentioned earlier?

• (1300)

[English]

Ms. Amanda Strayer: Could I ask for clarification on the question?

[Translation]

Mr. Martin Champoux: In the case of Haiti, although the imposition of sanctions was requested, none are being reported. I wanted to get your opinion on this. Does this mean that sanctions are not easy to apply? Is it difficult to apply the sanctions that have been requested?

[English]

Ms. Amanda Strayer: I think sanctions enforcement is absolutely critical for their effectiveness. I'm not familiar with the specifics of the example of Haiti that you cited, but in terms of enforcement on the U.S. side, we typically see that it includes visa bans enforcement. It's usually very strong and there are very limited exceptions to that. Being able to freeze assets and block financial transactions, as Professor Nesbitt discussed earlier, a lot of that does, in part, rely on the diligence of financial institutions to be able to ensure there are no transactions going on.

When we're aware of instances where enforcement could be stronger or maybe where there are gaps in enforcement that civil society becomes aware of, we do raise that with the office of foreign assets control and with the State Department for their further follow-up.

Again, I think civil society could be a real partner in some of these situations.

The Chair: Thank you, Ms. Strayer.

For the final minute and a half, we go to MP McPherson.

Ms. Heather McPherson: Thank you Mr. Chair.

A minute and a half is not very much time.

Ms. Strayer, you talked about the fact that Canada has never imposed sanctions for violations against indigenous victims or members of the LGBTQ2+ community, and rarely for violations against women. I'd like you to clarify that and speak to that, if you could.

Ms. Amanda Strayer: In our study, we looked at all the sanctions that were done under the JVCFOA and SEMA focused on human rights and corruption since 2017. Our evaluation of that is based on the public statements coming out from Global Affairs Canada when it announces sanctions. That data is based on analysis of those statements coming from the Government of Canada as to why they're imposing the sanctions and the type of conduct they're concerned about. The fact that there's very little recognition of certain marginalized groups, as you mentioned, indicates that governments need to be putting more effort into recognizing how these abuses impact those communities, and putting more concerted effort into ensuring that those abuses are not overlooked and are taken just as seriously as abuses targeting other groups.

Ms. Heather McPherson: Thank you very much for that.

That's all, thank you.

The Chair: Thank you, Ms. McPherson.

It now being one o'clock, I will thank our two witnesses for their time, their expertise, and their insights. It was very helpful, and we're all very grateful to you for being with us today. Thank you.

Before we adjourn, there are several things. As the members are well aware, a press release did arrive in their inboxes yesterday for the reproductive health report. Is everyone okay with adopting that?

I want everyone to know I had nothing to do with that. It was done by the analysts and the clerk.

Mr. Genuis, go ahead.

Mr. Garnett Genuis: I would structure the press release differently, in a few different ways, although it is difficult to discuss in public because that would reveal aspects of what's in the report potentially. There is one recommendation we had put forward that we'd like to see reflected in the press release.

Is it reasonable to provide each party with the opportunity to add a paragraph?

The Chair: I think it would inflame a lot of division among all of us if we were to do so. That's why the motion, as you are well aware, Mr. Genuis, states that the chair, the clerk and the analyst can do that. It's so none of us weighs in.

I also wanted to reassure everyone that I had nothing to do with it, because I thought, in all fairness, I shouldn't dabble in that and I should leave it to the clerk and the analyst.

• (1305)

Mr. Garnett Genuis: Chair, I agree with you that the minutes from the last meeting reflect the fact that you were given the power to do that.

You asked us if we endorsed the press release, and my answer is no, but I understand that you have the power to put it out based on the agreement.

The Chair: Okay.

Is everyone good with it, then?

Yes, Mr. Champoux, go ahead.

[Translation]

Mr. Martin Champoux: Mr. Chair, the Bloc Québécois has proposed an amendment. Since almost all parties were involved, I wanted to make sure it was taken into consideration.

[English]

The Chair: I think, again, in fairness, if we open it to one suggestion, we would have to open it to everyone else's suggestions as well, so it would only be fair that we do not delve into details, as you are requesting here, and just keep it as is. Once we open that can of worms, we wouldn't land in a very good place.

(Motion agreed to on division)

The Chair: Thank you, everyone.

We're adjourned.

I'll see everyone on Tuesday. We have two hours on the sanctions regime, and then we also have to provide drafting instructions to the analysts.

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