HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

44th PARLIAMENT, 1st SESSION

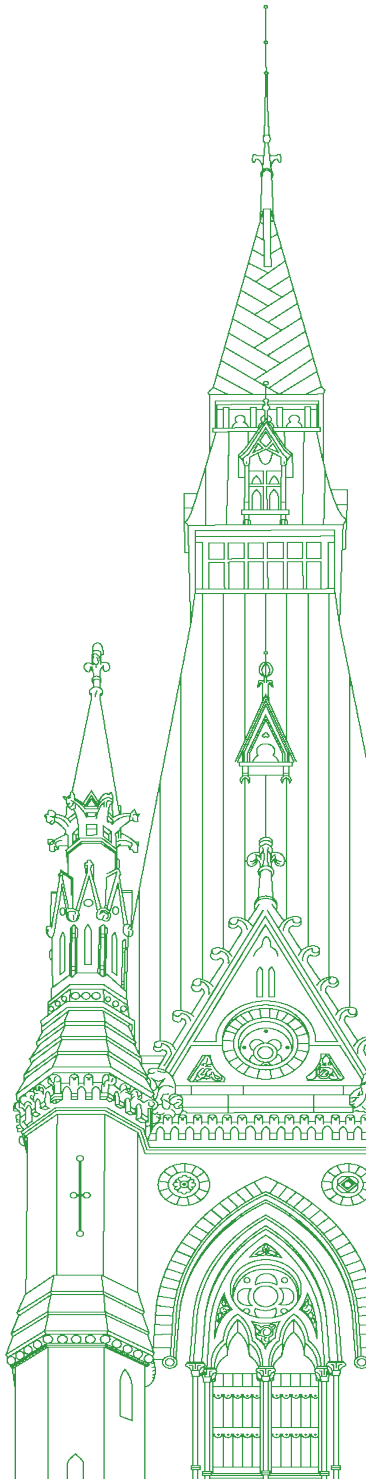
Standing Committee on Foreign Affairs and International Development

EVIDENCE

NUMBER 086

PUBLIC PART ONLY - PARTIE PUBLIQUE SEULEMENT

Wednesday, November 29, 2023



Chair: Mr. Ali Ehsassi

Standing Committee on Foreign Affairs and International Development

Wednesday, November 29, 2023

● (1730)

[*English*]

The Chair (Mr. Ali Ehsassi (Willowdale, Lib.)): Welcome back, everyone.

Pursuant to Standing Order 108(2) and the motion adopted by the committee on Wednesday, November 8, 2023, the committee will now commence its study of Canada's diplomatic capacity, otherwise known as the future of diplomacy study.

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

Before speaking, please wait until I recognize you by name.

If you are participating by video conference, click on the microphone icon to activate your mic, and please mute your microphone when you are not speaking. If you are in the room, on the other hand, your mic will be controlled by the proceedings and verification officer.

You may speak in the official language of your choice. Interpretation services are available. You have the choice, at the bottom of your screen, of floor, English or French. If interpretation is lost, please inform me immediately.

In accordance with the committee's routine motion concerning connection tests for witnesses, I have been informed by the clerk that the two witnesses who are joining us virtually have completed the required connection tests in advance of our meeting.

Now I'd like to welcome our esteemed guests.

First we have, here in person, Professor Mark Kersten, who is with the University of the Fraser Valley and the Wayamo Foundation.

We're very pleased to have two additional witnesses, who are joining us virtually. We have Professor Chapnick, a professor of defence studies at the Canadian Forces College. We also have Professor Welsh, a professor of global governance and security at McGill University.

Each of our witnesses will be provided with five minutes for opening remarks. Then we will go to the members for any questions they may have.

Professor Kersten, since you're here in person, you have the floor. You have five minutes.

Dr. Mark Kersten (Assistant Professor, University of the Fraser Valley, and the Wayamo Foundation, As an Individual): Thank you very much, Mr. Chair.

I want to speak to Canada's commitment to a rules-based system in relation to the very currency of diplomacy: international law. In particular, I will focus on Canada's approach to prosecuting international crimes, war crimes, crimes against humanity, genocide and the crime of aggression.

Canada has done a great deal to support accountability efforts in recent years. Since 2022, Canada has consistently supported the prosecution of international crimes in Ukraine. Along with the Netherlands, Canada has taken Syria to the International Court of Justice over torture. However, many question why there are so many inconsistencies in Canada's support for international law and accountability efforts.

I would like to explore two questions that I believe are instructive in relation to Canada's position on prosecuting international crimes and standing in the world.

First, what would Canada do if a mid-level Russian or Syrian war criminal or a member of the Wagner Group entered Canada? As a signatory of the Geneva Conventions, Canada is obligated to investigate war crimes and prosecute them in its own courts.

Canada's diplomatic partners would expect it to prosecute and not become a safe haven for war criminals, yet all too often, Canada does nothing or attempts to deport alleged war criminals instead of prosecuting them. If Canada does deport those alleged war criminals, it seeks zero guarantees that they will be held accountable in the country to which they are deported.

In 2016, the Department of Justice released a report which stated that over 200 perpetrators of international crimes reside in Canada. Canada has not prosecuted any of them. Canada has the laws to do it and it has the resources to do it, but it won't do it. Unlike its allies, since the early 2010s, Canada has abandoned the use of universal jurisdiction.

My second question is, what would Canada do if the International Criminal Court issued arrest warrants for senior Hamas leaders and those responsible for atrocities committed on October 7? There is a real prospect that this will happen in the coming weeks and months. What would Canada say to the Israeli families who have asked the International Criminal Court to investigate Hamas's crimes? What would it say to Palestinians?

Right now, the only answer that is consistent with Canadian policy would be that Canada would oppose ICC warrants for Hamas leaders because Canada believes that Palestine is not a state and therefore the ICC plays no role in Israel or Palestine. Indeed, Canada has opposed every single independent and impartial international effort to investigate and prosecute international crimes committed in Israel and Palestine—every single one.

The question arises, what are the rules when Canada supports victims and survivors in some places some of the times, but not in other places at other times? Those who look to Canada—victims of atrocities, diplomats, staff in international organizations, others that I engage with on an almost day-to-day basis—want leadership, and not just on a rules-based system. They want a consistent rules-based system. They still expect Canada to lead, but they wonder why in so many cases it's unwilling and unable to do so.

It's not too late. I believe Canada can lead, and I'd like to offer a few recommendations.

One, establish a diplomatic post for an ambassador for international justice to help coordinate accountability efforts here and abroad.

Two, invest in holding atrocity perpetrators living in our midst, in our communities here, to account in our courts under universal jurisdiction or work with the deportation destination countries to ensure they are held to account there.

Three, support the ICC in all situations under its jurisdiction. To do so, Canada does not need to recognize that Palestine is a state. Belgium and Switzerland, two close allies of ours, have recognized that the ICC has a role to play, and neither currently recognizes Palestine as a state.

Four, study the possible creation of an additional hybrid court for Israel and Palestine staffed by international prosecutors and judges, with some Israeli and Palestinian staff as well.

Five, lead international efforts to trace and, where possible, seize assets of perpetrators of international crimes: transnational organized crimes like human trafficking and money laundering and large-scale corruption. These crimes are linked and they should be investigated and prosecuted as such.

Finally, support efforts to amend the Rome Statute of the International Criminal Court so that the court can prosecute the crime of aggression, including a situation dear to our hearts in Ukraine.

Thank you very much. I look forward to your comments and questions.

● (1735)

The Chair: Thank you very much, Professor Kersten.

We now go to Professor Chapnick.

Professor Chapnick, you have five minutes. The floor is yours.

Dr. Adam Chapnick (Professor, Defence Studies, Canadian Forces College, As an Individual): Thank you very much, Mr. Chair, for the invitation to be here.

I thank you also for your service to Canadians, all of you who stand for election. It is a noble act, and I salute your courage. I salute your resilience in these times, and I salute your commitment to our country.

You've asked me to speak about Canada's diplomatic capacity: Do we as a country have the personnel and supports in place to promote and defend our national interests at home and around the world?

The objective answer to part of this question can be found in the statistics that folks from Global Affairs Canada can provide the committee. I will leave that to them. I will instead reflect on two more subjective capacity issues that I hope you will take into consideration during your deliberations. One is national ambition on the world stage, and the other is the value of diplomatic agility.

The very question of whether Global Affairs Canada has the capacity to, and I quote the committee, “demonstrate leadership within key multilateral organizations” suggests a level of foreign policy ambition that is not necessarily derived from the national interest.

Canada makes up just under one-half of 1% of the world's population, and we rely on international trade to grow our economy. We do not have the capacity, be that in terms of population, in terms of independent economic power or in terms of military might, to impose our will on others, and efforts to do so often risk undermining the relationships we must cultivate in order to maximize our security and prosperity.

We must defend and seek to preserve as much of the current international order as we can while keeping in mind that foreign policy is not an exercise in making Canadians feel good about themselves. Rather than leading internationally, it is often, although not always, in our interest to allow others the spotlight instead.

Such a pragmatic approach to defending the national interest requires seasoned, well-educated, multilingual diplomats willing to do the grunt work that keeps the global order functioning. We must take on positions in international organizations that no one else wants. We must participate actively in the meetings that no one enjoys. We must pay our dues on time and in full, no matter who else does. We must ensure that states friendly to us remain committed to multilateral solutions to global problems. For this, I am confident that the capacity exists. I worry more that it is sometimes diverted to unnecessary efforts to lead.

Similarly, I am less concerned with Canada's capacity to, and I quote the committee again, “plan ahead for future geopolitical shifts, crises, and opportunities” than I am with the ability of our foreign service officials to pivot in response to global disruptions outside of our control. No amount of planning will prevent more powerful external forces from shaping and reshaping the international environment in which we must operate. Better, then, that we privilege adaptability, flexibility and relationship building, and that we do so modestly and with humility.

In sum, let us focus on the capacity to do the little things right, rather than trying too hard to be great.

Thank you.

The Chair: Thank you very much, Professor Chapnick.

We now go to Professor Welsh.

Professor Welsh, you have five minutes.

[*Translation*]

Dr. Jennifer Welsh (Director, Centre for International Peace and Security Studies, McGill University, As an individual): Good afternoon.

Thank you for the invitation to come and discuss with the committee the current state of Canada's diplomatic capacity and its future in an increasingly unstable world.

[*English*]

I'd like to begin by agreeing with the opening paragraph of the “Future of Diplomacy” initiative report that suggests Canada must invest more in its diplomatic service and activities given our current global context and that we cannot continue to rest on our laurels.

Canadians are living in an international system that is less hospitable to our interests and values than perhaps at any time since the end of the Second World War. We do need to be more strategic about our global engagement and seek to enhance our influence, especially through diplomacy.

This influence is not just about guns and bombs but a deep and granular understanding of the forces at work. This requires a presence around the world. I give an example to the committee that prior to its invasion of Ukraine, in February 2022, Russia significantly increased its presence on the ground in Latin America, especially in Mexico, in recognition of the importance of political narratives and winning allies. Effective diplomacy is critical to understanding how narratives that challenge our interests and values take hold and how they can be countered.

The UN Secretary-General's recent “A New Agenda for Peace” that was released over the summer not only paints a grim picture of the intersecting challenges facing our world, but also positions the UN system in a very different way from the recent past. It is much more backstage in a supportive role, ready to step in when and if national governments themselves can find common ground. Only diplomacy can achieve that common ground.

When I look at the priorities outlined so far by GAC and its various initiatives, I have a number of observations I could share with you today, but I'll limit myself here to three by way of conclusion.

Yes, we need to increase our presence with key countries, but this goes beyond the G20. We also need to be much more engaged in the Americas, where Canada's footprint has been far too light given its strategic importance not just to us but to the United States, and in Africa and Central Asia. However, we also need to be much more innovative with our liberal democratic allies.

Yes, we need to be more present at top multilateral tables. I note the worrying fact that while we are a major contributor to the UN system, our diplomatic presence is among the lowest in the G7. We also need to expand diplomacy beyond traditional multilateral institutions, which may not be the forum in which key advances are made. I can give an example of postpandemic diplomacy in the Q and A if this is of interest of the committee.

Second, and the previous speaker alluded to this, Canada's diplomatic capacity needs to include a much more robust and cutting-edge system for foresight and scenario planning, an exercise that needs to be clear-eyed about how threats to states and the individuals within them could unfold, and how they intersect. It has become clear to many of us in the research and academic community that GAC has lost that policy planning edge and needs to develop much better long-term assessment of trends and their potential impacts. It could also look to other countries whose governments are key funders of research. I point here to the Foreign, Commonwealth and Development Office in the U.K.

Third and finally, there's a sustained discussion of the need for GAC and Canadian diplomats to engage more strategically in communication. Yes, I'd agree. However, this must extend beyond public relations to real substance. Above all, if GAC and the federal government wishes to sustain support from Canadians for a new foreign policy direction, it must speak honestly, openly and often about the dramatic changes in the international environment and particularly the threats facing our prosperity, security and political values. This is something I fail to see. Linked to this, I would recommend taking great care with the recommendation for Canada's diplomacy to be open and connected.

In many ways this is true but with respect to the particular comments on diaspora communities, I think both our political leaders and civil service have operated with an outdated approach. Canada's core challenge going forward will be to ensure that our diversity still enables us to have a coherent national interest that we can define and promote, which may be at odds with what some diaspora communities might wish.

As a final point, the future of diplomacy initiative calls for a whole-of-government approach to tackling crises and pursuing Canadian interests. It suggests that GAC should lead it. However, with the deepest of respect, I would question whether other federal government actors still look to GAC to chart the overarching direction for Canada's foreign and global engagement, given that Canada has not updated its foreign policy strategy in almost two decades.

Thank you for your attention.

● (1740)

The Chair: Thank you very much, Professor Welsh.

We will now go to the members for questions. Each member will have six minutes for the first round.

We start off with Mr. Aboultaif.

Mr. Ziad Aboultaif (Edmonton Manning, CPC): Thank you, Chair.

Welcome again, Mr. Kersten. Thank you, Professor Chapnick and Ms. Welsh.

Knowing the new dynamic that's presented itself on the world stage for at least the last decade or two, Canada seems to not be as active as it can be or to meet the expectations of Canada's role on the world stage.

In the minds of Canadians, rather than the rest of the international community, it can be surprising. I think there's a bigger expectation of our role, what we can do or that we can play a bigger role, but we somehow haven't been able to translate this into a policy and a role—and maybe the personality, too—to be able to be as effective as expected.

If we were to do an overview or comparison between the past and the present, where do you see Canada's international role now, and Canada's diplomacy?

I'd like the three of you to weigh in on this, and I'll start with Professor Chapnick.

● (1745)

Dr. Adam Chapnick: Thank you very much.

Mr. Chair, I think that if we want to compare historically, we have to take some context into consideration. Historically, when Canada's reputation was at its best, the world was infinitely smaller. As a result, it was a lot easier to stand out, particularly in the 1940s and 1950s when our reputation was at its peak. Europe was rebuilding; Germany was a defeated country, and we had a Cold War beginning. Coming out of the Second World War, Canada was one of the four most powerful countries in the world for a very brief period.

We parlayed that into influence, I would suggest, through humility. Canada did not look for opportunities to lead. We merely accepted them when they came. Our leaders did not speak to Canadians about how important we were. We allowed our actions to do the talking and took credit when credit came. It didn't actually come that often, until the mid-1950s, which was a testimony to the work we'd done up to that point that had not necessarily been recognized until then. As I suggested in my opening comments, that was the grunt work—keeping a fledgling international economic and political and security system moving by participating actively and not seeking credit for everything that we did.

Is it harder today? Absolutely. Is Canada's reputation different today? Well, we're competing with 192 other UN members as opposed to 50 at the beginning, so that's not unexpected.

I think the biggest difference is that successive governments of every political stripe set up expectations amongst the Canadian public that are not necessarily realistic and don't necessarily reflect the good work that our diplomats do behind the scenes.

Mr. Ziad Aboultaif: Thank you.

Dr. Kersten.

Dr. Mark Kersten : Thank you very much for the question.

Of course, I agree that Canada can't do everything, but where it sees opportunities to foster accountability and to work with its diplomatic partners to achieve a degree of justice and accountability, I think it should take it.

I strongly believe that our ability to do so credibly is enhanced if we do so at home. As I mentioned, if we hold the alleged perpetrators of international crimes who reside in our communities and in Canada to account here in our court system—as we're able to do—our credibility abroad will increase. People will see that we are willing to walk the walk and not just talk the talk.

Again, I want to reiterate that Canada has done some good things. It is helping in the push for the creation of an international anti-corruption court. It has submitted documentation filings at the International Court of Justice in support of a genocide case in relation to the Rohingya in Myanmar.

Again, I would say, take those opportunities where they arise. Just as importantly, when Canada feels it cannot do so, at least don't stand in the way of justice and accountability.

Mr. Ziad Aboultaif: Madam Welsh.

Dr. Jennifer Welsh: Thank you very much.

I would like to echo the theme of Professor Chapnick.

It is critical, in the current environment that Canada is in, and that Canadians are living in, that we don't make our foreign policy just an extension of domestic politics. The situation is far too serious for that. Our search to have a headline or to show that we are leading can really divert us from thinking about where our capacity can really have an impact.

Many times, we will have an impact, and it will not be visible. I'll give you the example of the NATO meeting last summer where there was a very difficult issue on the table, which was Ukraine's membership in NATO. It was clear that Ukraine was not going to get the answer it wanted. Canada and its allies were at a very difficult meeting, and our civil servants and others worked very hard to come up with language around security guarantees for Ukraine, which was maybe not the best answer in terms of Kyiv, but it was a very important contribution.

I very much—

● (1750)

Mr. Ziad Aboultaif: I'm sorry. I want to ask you a question. You've mentioned something about—

The Chair: I'm afraid, Mr. Aboultaif, that you're out of time. It's 12 seconds past six minutes.

We will now go to MP Damoff.

You have six minutes.

Ms. Pam Damoff (Oakville North—Burlington, Lib.): Thank you, Chair.

Thank you, witnesses, for being here today, and for your testimony and expertise.

In 2022, Minister Joly committed to transforming Global Affairs Canada to better serve Canadians amidst increasing global uncertainty. We're certainly seeing that around the world. There are increasing security crises and complex challenges we need to overcome.

I want to start by thanking all those who work in Global Affairs Canada. Their dedication and commitment is really impressive, and I think all Canadians owe them a debt of gratitude.

I want to focus on consular services because none of you touched on that. It's not just cases like the two Michaels, which are so public. We've recently seen hundreds of Canadians being evacuated from Israel and Gaza, but there are also less well-known cases that never make it into the newspapers.

I'm wondering, Ms. Welsh, if you could start, and then others may want to jump in. Where do you see us in terms of consular services, and how can we improve what we're doing there?

Dr. Jennifer Welsh: Thank you very much.

I want to be completely open and say that this is not a part of Global Affairs I know as well. I think you are absolutely right to begin by applauding those on the ground.

What I will say in response is that there was a tendency, in the 1990s and 2000s, to think of crises as things that happen periodically. We'll have a crisis, and then we'll be able to go back to normal. I think recent history is showing us that we are now in a situation of permanent turbulence, so there needs to be a capacity in Global Affairs....

I found it very interesting that, in the report, they talk about a standing geopolitical crisis task force within Global Affairs that could bring people together, from across not only government but also local staff, in particular crisis situations, quickly and efficiently, to address those situations you speak of where our staff will be required on the ground to protect Canadians. I think this is the way we need to be able to reimagine those capacities.

Our presence is so important here in order to foresee some of those crises that may develop. We need to remember that a diplomatic presence is not only for crisis response but also for prevention so when that crisis comes, you have the knowledge to be able to protect Canadians in a much more effective way.

I hope those comments are partly helpful with the concern you have.

Ms. Pam Damoff: Mr. Chapnick, do you have anything to add to that ?

Dr. Adam Chapnick: I must say that Professor Welsh knows more about this than I do. If she says she doesn't know a lot, that means you'll know how much I know.

However, I think I can draw a parallel with the situation of consular affairs today to the situation the Canadian Armed Forces face with domestic deployments. What I mean by that is there was a time when the Canadian Armed Forces were called to do a domestic deployment once in a blue moon and, when they were, they figured things out. They went and they did what they had to do, which meant that their processes weren't formalized. There was a lot of ad hockery, and you hoped you wouldn't have to do it very often.

Similarly, the consular service wasn't being called on nearly as often as it is being called on now and is likely to be called on now, which means that it is probably time for a more sophisticated formalized approach to something that is much less of a one-off in emergencies and is going to be a regular part of doing business.

I think we are in a situation similar to the situation that the Canadian Armed Forces are facing, in that one of these duties that wasn't the highlight of what you do is coming to dominate more than it used to.

● (1755)

Ms. Pam Damoff: Mr. Kersten, you said you wanted to add to that as well.

Dr. Mark Kersten : Sure, and I, along with other Canadians, have watched the remarkable work done in Ukraine to bring Canadians home, and for others as well, in Afghanistan after the pullout and in Sudan. I think that's remarkable and incredible work.

The only thing that I think I would add to that, not being an expert on consular services, is that sometimes there's a tendency to suggest that once that is done, we can then turn the page and look onwards. I think we really have to remember that people are also left behind in those crises.

I agree that we are in a moment, a time or a period of almost perpetual crises, but there's a tendency sometimes to jump from one crisis to another and forget the preceding ones. The people who suffer in those preceding ones continue to suffer and we can—and I believe should—do more for them.

Thank you.

Ms. Pam Damoff: Thank you.

I only have 20 seconds left, Chair, so I'll give it back to you.

The Chair: Thank you. I appreciate that.

We now go to MP Bergeron for six minutes.

[*Translation*]

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

I would like to thank the witnesses for joining us and informing our thinking on the future of Canadian diplomacy.

There's no question that Canada has lost a lot of influence over the last few decades. We saw that with its two unsuccessful attempts to get elected to the UN Security Council, first under Stephen Harper's government and then under the current Prime Minister.

I hear Professor Welsh's recommendation to refocus our efforts on certain parts of the world. I also hear the message that we need to build on our strengths. Canada isn't a great military power—far from it—and it's no longer a power of great political influence. It's also not an economic powerhouse. However, it manages to distinguish itself in certain areas.

In 2022, Daniel Livermore, who spent three decades as a public servant in international relations, was concerned that Global Affairs Canada appeared to be ignoring international cultural affairs. In fact, in the minister's plan for the future of diplomacy, the cultural aspect is mentioned only once in 40 pages. Let me just quote that one time:

> The department should continue to maximize the use of "soft power" and public diplomacy abroad, including through support for science diplomacy, sport diplomacy, academic diplomacy, and cultural diplomacy.

At one time, Canada invested a lot of money in cultural diplomacy. That's no longer the case. And yet, culturally speaking, Canada and Quebec probably shine far beyond their demographic and economic weight, among other things, internationally.

Dr. Welsh and Mr. Chapnick, why do you think Canada has moved away from cultural diplomacy a little bit in recent years, and what importance should Canada place on that to regain some international influence?

Dr. Jennifer Welsh: Thank you very much.

[*English*]

I'm happy to begin the discussion. I have two sets of comments in reply.

The first is that I think there's a dangerous tendency to believe that the current environment we are in favours hard power almost exclusively as opposed to soft power, and I don't completely agree with that. I do think that the soft power resources, particularly of liberal democracies, are going to remain incredibly important, because we have a number of countries in the world today that are incredibly worried about an international system that becomes divided between great powers and in which they will be forced to choose a side.

Therefore, we need to understand in very granular ways how and why they take the positions they do on certain issues like the Ukraine invasion, in which the ambivalence of many countries in the global south was in many respects a surprise to diplomats and others in the western world, when I think a deeper understanding, through the exercise of soft power and closer relations, may have provided information that would have helped. I think culture also can help in countering narratives. It can be a very attractive way of creating closer relationships.

I would say in conclusion that I've been sitting for the last year on a panel by the Council of Canadian Academies on Canada's scientific and innovation partnerships. One of the messages is that it's precisely in an era of geopolitical competition where relationships among scientists—and I include here not just hard sciences, but social sciences—are absolutely critical. U.S. and Chinese scientists are still engaging with one another today, and that is precisely the kind of co-operation and engagement we need to sustain.

● (1800)

[*Translation*]

Mr. Stéphane Bergeron: Mr. Chapnick, do you have anything to add?

Mr. Adam Chapnick: I'll answer in English because if I speak a lot in French, you'll either laugh or cry.

[*English*]

You asked why we have taken the emphasis off cultural diplomacy. I think you may be referring in part to the cancellation of the understanding Canada program, which was a series of Canadian studies programs that allowed students from around the world to come to Canada to study briefly—and to spend money in our economy, I should add—and gave opportunities for Canadian scholars to teach Canadian studies abroad.

I think it was a fantastic program. I mean, I'm sure it had its bureaucratic issues, but it was theoretically a fantastic program. It was not expensive, but the challenge with a program like that in times when governments are managing their budgets is twofold.

First of all, it's very difficult to measure the outcomes. It's very hard to be able to prove tangibly to members of Parliament that this exchange program created “this result” for the national interest. At the diplomatic level, we're pretty confident that it did, but it's very hard to put that on paper. The second challenge is that one of the great constituencies for this program is people in other countries, who neither vote nor have a voice at a forum like this to express to members of Parliament and decision-makers how valuable these programs are.

It is my deep regret this program was cancelled. I hope it is revived.

The Chair: Thank you.

We next go to MP Mathyssen.

You have six minutes.

Ms. Lindsay Mathyssen (London—Fanshawe, NDP): Thank you.

Dr. Kersten, you talked about Canada being a strong proponent of the rules-based international order, and my concern, of course, is the consistency of that: that it happens throughout and that we are seen to do that no matter who's involved. Of course, we're not seeing that, as you mentioned, in the position Canada has taken in terms of the conflict in Israel and Palestine.

Can you explain more about Canada's actions toward the ICC and ICJ in the context of Israel and Palestine, including Canada's submission this summer to the ICJ? Why is there a different response when you compare that to Ukraine and Syria, and what is that impact?

Dr. Mark Kersten: Thank you for the questions.

In terms of the International Criminal Court, Canada's position is simply that it does not recognize that Palestine is a state and therefore, the ICC can't investigate in the country. What is notable about that is members of Parliament have repeatedly expressed their desire for Canada to investigate other situations in other countries that are not member states of the ICC, including China over the Xinjiang atrocities and Iran over its atrocities. I think those efforts are welcome.

Again, I ask the question: If that is the rule and if we should be supporting investigations and prosecutions in those situations, why not everywhere? Why is this only happening sometimes?

With respect to the International Court of Justice, Canada submitted a filing this past summer against the International Court of Justice's potential proceedings in relation to the legal consequences of the occupation in Palestine. I have a copy here. What is concerning there is that, at the very same time it did so, it was rightfully bringing Syria to the International Court of Justice with the Netherlands over torture. Again, this raises the question: Why is it okay for the ICJ to hear proceedings in relation to Syria but not in relation to Palestine?

Perhaps what's most disturbing about Canada's filing at the ICJ is that it amounts to saying that Canada believes international law has no role to play whatsoever in the context of peace between the Israelis and the Palestinians.

● (1805)

Ms. Lindsay Mathyssen: In terms of the position Canada has on potential war crimes, or other crimes, especially those committed in Israel and Palestine, and now its refusal to call for the ceasefire, can you talk about the impact of this on Canada's future, in terms of diplomacy and our credibility in the eyes of the international legal world?

Dr. Mark Kersten: I think some of Canada's allies appreciate its positions on different international legal matters. I can say that, in my discussions with member states of the International Criminal Court—many, if not all, are allies of Canada—there is a concern. They fail to understand why Canada would not support the International Criminal Court's investigations into Palestine. Not only that, Canada seems to want to obstruct those investigations. As I said earlier, it's one thing to stand aside and another to obstruct and continuously declare that Palestine isn't a state before the ICC, when in fact the judges at the International Criminal Court have found exactly the opposite. In my view, it does not help the credibility of Canada in various fora at the United Nations and in most of its diplomatic engagements.

Again, I think people are surprised and taken aback. They are trying to figure out how this rhetoric on defending a rules-based order and international justice fits with such selective approaches—not to abstract beings, but to people who are experiencing atrocities and who have been experiencing atrocities for a very long time.

Ms. Lindsay Mathyssen: In terms of that relationship, is it possible this influences what we've asked for currently, for example, the investigation into Russia and Ukraine, or is it a future...? It is a future problem, absolutely. Could it backfire on us in that way, too?

Dr. Mark Kersten: On the situation in Ukraine, I would note that, at the Nuremberg trials, the crime of aggression was declared as the supreme crime, because only once the crime of aggression has been committed can other crimes be committed, such as war crimes, crimes against humanity and genocide. Canada, unfortunately, took a very strong and deleterious role during negotiations over the crime of aggression and the ICC's jurisdiction over it, which ensured, in short—I know I'm probably short on time—that the International Criminal Court could never prosecute Russian perpetrators of the crime of aggression in Ukraine.

Again, many diplomats I speak to have this one question: Why weaken the ICC's jurisdiction over the crime of aggression? It did so, and now the only body that could prosecute this crime is unable to do so. That's thanks in part—not in whole—to Canada's position on the ICC.

● (1810)

The Chair: Thank you.

We will now proceed to the second round. For the second round, some members will have five minutes and some will have two and a half minutes.

We will start off with MP Chong.

You have five minutes.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Thank you, Chair.

Thank you to our witnesses for appearing.

I'd like to direct my questions to you, Dr. Welsh. Thank you for appearing. It's good to see you again.

I note that while we've had a defence policy since 2004, which is currently being updated, we've not had a national security policy since 2004 and, as you pointed out, we've not had a comprehensive foreign policy review since 2005, an initiative I believe you led way back when, under the government of Paul Martin.

I'm particularly interested in getting your take on how we should approach a foreign policy review. As you know, the government took some time to publish an Indo-Pacific strategy. If the Government of Canada is going to build on that, how should we divide the rest of the world geographically to accomplish other strategies? Should there be a Euro-Atlantic strategy and then—I know this term if falling out of use—maybe a global south strategy? How would you divide the rest of the world geographically so at least we have a written document from which everybody can be working?

Dr. Jennifer Welsh: Thanks so much for the question.

As you can imagine, I've given this a lot of thought. I can also understand the concern of some about the enormous investment of time required to do a systematic foreign policy review, and I've heard our ambassadors and civil servants say we need to move beyond talking about foreign policy and actually do something about it, and this would just mire us in another internal exercise.

The counter to that is that the world has shifted so much and we seem to be careening from event to event without an overarching framework. While there were some limitations to the Indo-Pacific strategy, I think it did try to provide that framework within which specific decisions could be made. We should also give some consideration to what other states have done and how other states have demonstrated to us how foreign policy change is possible. We keep—

Hon. Michael Chong: How would you group the rest of the world?

Dr. Jennifer Welsh: I wouldn't create a number of regional strategies.

Hon. Michael Chong: Okay. I have another question for you then.

Dr. Jennifer Welsh: I just don't think that is a productive way. I would provide an overarching framework within which you would refer to the Indo-Pacific strategy.

Hon. Michael Chong: Okay, I got you.

Prime Minister Martin tasked the Government of Canada internally with coming up with a comprehensive foreign policy review. My understanding is that at the time he got frustrated and so he turned to you to lead one.

Would you recommend that a comprehensive review be led externally, as was done by you, or do you think it should be led internally?

Dr. Jennifer Welsh: I don't think it should be led externally, in an ideal world. It should come from government with perhaps external involvement, though in an advisory function. It's less than ideal to parachute someone in.

Hon. Michael Chong: It sounds as though you're speaking from experience.

Dr. Jennifer Welsh: Yes, but I do appreciate that this is a very live debate, and I think we have to take great care in how we pursue it.

I just want to make one quick comment to you as well. As you'll remember, the 2005 effort was defence diplomacy and development together, and I question whether that is the right approach this time. There are real pros and cons. As Professor Chapnick suggested, when we have a defence policy update that is overdue, we need to see it, and I don't think we necessarily need to integrate in quite the same way as we tried to do in 2005.

● (1815)

Hon. Michael Chong: How much time do you think this should take: six months or a year?

Dr. Jennifer Welsh: It should certainly take no more than a year. With a very rigorous process that's carefully facilitated with good analysis, it need not take more than a year.

Hon. Michael Chong: Thank you very much. I appreciate that perspective.

The Chair: Now we will go to MP Zuberi.

You have five minutes.

Mr. Sameer Zuberi (Pierrefonds—Dollard, Lib.): Thank you, Mr. Chair, and thank you to the witnesses for being here.

I'd like to start off with Professor Kersten.

We spoke a lot about the ICC and the Rome Statute. I think it's worth noting that Lloyd Axworthy was a leader in helping to create both of those. The Rome Statute established the ICC, and a Canadian, Philippe Kirsch, ended up chairing the negotiating body and was later selected as a judge.

Some have asked the question whether one has...which poses another question. With respect to potential crimes being committed by either of the parties in the Middle East conflict, which would be the adjudicating body where one would go to look at potential crimes and have them adjudicated upon?

Dr. Mark Kersten: Thank you very much for the question.

Indeed, Canada played an absolutely indispensable role in creating the International Criminal Court. The recent deputy prosecutor of the ICC, James Stewart, is also a Canadian.

When I spoke of this idea of creating an international justice ambassador, it's because we have such a great wealth of international lawyers and people who are committed to the prosecution of international crimes.

In response to your question, I think the most appropriate body to currently investigate and prosecute international crimes in the Middle East conflict is the International Criminal Court. However, if Canada does not believe that is possible, that should not be the end of the story. It can't be that just because the ICC can't investigate, then there should be impunity for war crimes and crimes against humanity.

There are potentially other options. In my recommendations, which I'd be happy to share in written or expanded form if they would be useful to the committee, I noted that it could be possible to create an additional tribunal, a hybrid court, which mixes international staff and staff from Palestine and Israel. It would be difficult, but it's worthwhile exploring, to investigate and prosecute additional international crimes.

One thing that is critically important to remember is that the ICC, in the best of circumstances—and it never gets the best of circumstances—can investigate and prosecute maybe five, six or seven people. There are more than that who are responsible for international crimes in this conflict. An additional comprehensive justice and accountability effort would be worth exploring.

Mr. Sameer Zuberi: One of your suggested recommendations was that there be a hybrid court for Israel and Palestine. Are you saying that should be the case, given that this is a long-standing conflict that we've just recently seen erupt? Is that the reason for the hybrid court? Are there other reasons?

Dr. Mark Kersten: I think it's the number of allegations that have been made.

The ICC is not an especially well-funded court. It gets, I think, the equivalent of an hour of military expenditure from the Iraq war, less than sports teams get on this continent, and it has all of its jurisdiction to deal with and so many different situations.

Again, under the best of circumstances, it might be able to prosecute a handful of individuals, but the litany of war crimes, crimes against humanity and other allegations that we're seeing, I think demand something in addition to just the ICC. Again, a hybrid court would be difficult to create because it would need the buy-in of the Palestinians and the Israelis, but I think it's worthwhile exploring.

Indeed, Canada has done this similarly for Ukraine. Canada understands that in Ukraine, the ICC is not enough. It has supported Ukrainian prosecutions of war crimes in their own domestic system, which is very important. It is also supporting, or is at least engaged in, the creation of an additional tribunal to investigate and prosecute crimes.

● (1820)

Mr. Sameer Zuberi: Thank you.

Do you think that would further peace and security and the development of a two-state solution?

Dr. Mark Kersten: It is my view that a lot of the hostilities, a lot of the acts of terrorism and the international crimes in this conflict are fuelled in part because of an extreme amount of humiliation and shame. We know that humiliation and shame often lead people to various forms of violence.

This may sound romanticized, but I believe that justice and accountability can let some people off of that road to further shame and further humiliation through further levels of violence. It's never been tried in this conflict. I just think that this conflict demands justice, and the victims and survivors do as well.

Mr. Sameer Zuberi: I ask you to submit your written statement, as you alluded to in your remarks.

Dr. Mark Kersten: I would be happy to.

The Chair: Thank you.

We now go to Mr. Bergeron for two and a half minutes, please.

[*Translation*]

Mr. Stéphane Bergeron: It's a shame we're running out of time. It's absolutely fascinating.

Mr. Chapnick, some diplomatic appointments can sometimes seem surprising. We can think of Stéphane Dion, Canada's ambassador to Germany, France and the European Union, or Bob Rae, Canada's ambassador to the United Nations. These are positions that sometimes go unfilled for months, particularly in France and China.

In an article published in December 2022, The Future of Canadian Foreign Policy: Why Diplomacy Must Matter Again, you noted two critical points: partisan appointments and the appointment of deputy ministers who sometimes lack training. What would you expect in terms of potential changes to those appointments?

Mr. Adam Chapnick: Thank you very much for the question.

[*English*]

On partisan appointments, I understand the purpose of a partisan appointment. There are times in Canadian history when the Government of Canada wants to be represented on an issue that matters by someone with the ear of the prime minister directly.

For example, when Canada was on the UN Security Council in 1989-90, Prime Minister Mulroney thought that it was a very important role, and he wanted to make sure that the Canadian permanent ambassador could speak to him directly and not have to go through a foreign minister or any other bureaucracy. He appointed Yves Fortier, a personal friend.

Mr. Fortier had his cellphone number—and we didn't have a lot of cellphones back then. As a result, when Canada was trying to make a difference on that file, which mattered personally to the prime minister, the prime minister had better access than he would have had otherwise.

I am comfortable with partisan appointments like that. I do not believe that any prime minister could have six, seven, eight or nine files that are that important on the international stage at the same time.

As a result, when the number of partisan appointments starts exceeding two, three or four, all I see is a diplomatic core that becomes disillusioned with the fact that the best diplomatic appointments in the country are not available to them. This undermines morale, and it undermines the idea, which I believe in, that generally speaking, an experienced diplomat is much better able to handle a mission and advance Canada's interest than a partisan appointment is.

I am hopeful that at some point, some government of some stripe will make an active effort to limit its diplomatic appointments to one, two or three. The recent trend is not in that direction, but I will retain my hope.

On the deputy minister file, I do personally believe strongly that managing an element of the public service that has to travel and often lives outside of the country requires a different skill set than managing people who spend their careers in Ottawa. There are issues with your spouse, if you have one, and so on.

The Chair: Thank you.

We next go to MP Mathyssen.

You have two and a half minutes.

Ms. Lindsay Mathyssen: Thank you.

Certainly, Dr. Kersten, I appreciate those additional recommendations and would like to see them submitted to this committee as well.

On this additional tribunal that you speak of, that hybrid court idea, how would Canada start that process? What would that look like?

● (1825)

Dr. Mark Kersten: I think the first thing to do is to start the conversation with allies, including our allies and partners in the Middle East itself. Of course, in my view, the best institution to work with would be the United Nations, to set up a court based on an international treaty that would be mandated to investigate and prosecute these crimes. Importantly, that would be hybrid in the sense that both Palestinian and Israeli judges, perhaps, as well as international judges from abroad would partake, and prosecutors as well.

This is difficult. It has never happened in an interstate conflict, but just because it has not happened before, of course, doesn't mean it's not worth exploring now.

Ms. Lindsay Mathyssen: Does Canada currently have a standing to do something like that or would we have to partner up?

Dr. Mark Kersten: I think it could work with its allies. I think it would require a multilateral effort. Canada could not set up this kind of tribunal alone, and it would be most legitimate if it had the buy-in of both Israel and the Palestinian Authority in order to create this. Hybrid tribunals are best created when the parties to a conflict themselves accept it.

Again, I think that justice and peace negotiations have not been in the equation in this conflict. Whether it's a hybrid court, the ICC, universal jurisdiction prosecutions or the International Court of Justice, whatever it may be, this is the kind of conflict where justice deserves a chance.

The Chair: Next, we go to MP Epp.

You have five minutes.

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

Thank you to the witnesses for their excellent testimony today.

I'd like to begin with Dr. Chapnick.

We heard about the status of Canada's soft power today. Recently, a number of us had the opportunity to hear one of Canada's leading international voices in response to the question of Canada's status, internationally. This voice chided us and said that Canada should do less preaching and uphold its international commitments if it wants to secure a greater voice internationally.

Dr. Chapnick, would you agree with that statement?

Dr. Adam Chapnick: I would agree that we've had a habit over the last 15 to 20 years of using rhetoric as foreign policy. I don't think that is effective, at all.

However, I don't think the reason to cut back on the rhetoric is so that we have more influence. I think the reason you cut back on the rhetoric is that this is not how diplomacy works, and it's not helpful. If we end up with more influence, wonderful, but the point is that it's just bad diplomatic practice for any government to toot its own horn and criticize when it's unwilling to take the same criticism itself. It's just not good practice.

Mr. Dave Epp: Dr. Welsh, I have the same question for you.

Dr. Jennifer Welsh: I'd largely agree that it is much more important for us to be on the ground making a difference than relying on rhetoric and being concerned about our place in the world. Sometimes I like to say that we've made it too much about us: Are we part of this club? Are we being neglected? Are we getting credit? This is not the behaviour of a grown-up power. I think we need to be much more focused on the results and the pursuit of our interests and values. That's also a matter of having a certain amount of consistency, as Professor Kersten talked about.

I'll say one thing in closing. I find it curious that we continue to talk about the rules-based order and preserving it. That particular rhetoric risks putting Canada on the side of the status quo. There are many countries around the world that feel the rules-based order has, at times, served up injustice, inequity and hierarchy. I think it's much more important to talk about a rules-based order, one that involves some of our current rules and also reforms.

If we spoke more in that open-ended way, inviting discussion about how the system can be improved, I think it would get us much further.

● (1830)

Mr. Dave Epp: Thank you.

I'll follow up on that.

Canada's investment in its international footprint is considerably lower than that of many of our allies. We are involved in many multilateral fora. In an ideal world, we would just increase our investment. If there's too much pressure to go that route, would you shrink our presence multilaterally and be more focused, or would you insist on further investment in the various places where our feet can tread?

I'll start with Dr. Welsh and then go to Dr. Chapnick.

Dr. Jennifer Welsh: I think we need more investment, as the report indicates. We need more of a multilateral presence at the tables that matter. Of course, choices have to be made about where to engage most heavily. As I intimated, we need to be very alert to the new institutional forums that are starting to pop up and that, frankly, we also see the U.S. being very interested in.

The reality is that some of the traditional multilateral processes are not going to deliver results in a timely way. For example, those of you following the negotiations in Geneva on the so-called pandemic treaty may know it's a very slow process that may not yield a better system of responding to the next pandemic. We might need to look at something much more innovative.

Mr. Dave Epp: I'm sorry to cut you off, but let's get Dr. Chapnick's response as well, please.

Dr. Adam Chapnick: I recognize there probably won't be more money, so I won't tell you that I would just ask for more money.

My concern is about our ability to pivot. Events take place that are outside of our control. We don't control much about the world order today. As a result, I want to be everywhere. I want to be everywhere with good people, even if it's not as many people as I would like to have. I don't want to trust other states' intelligence when something happens in a place where we didn't expect it to happen.

We can pick winners, but historically, governments haven't been very good at picking winners on just about any issue. I would rather maintain as broad a presence as possible with professionals who are good at assessing situations and feeding back in so we can pivot on a dime.

The Chair: Thank you.

For the last round of questions, we go to MP Chatel.

You have five minutes.

[*Translation*]

Mrs. Sophie Chatel: Thank you very much, Mr. Chair.

I want to switch gears a little bit. I had the opportunity to negotiate tax treaties for Canada for more than 15 years and then to work at the Organisation for Economic Co-operation and Development, an international organization.

Dr. Welsh, in reading the Global Affairs Canada discussion paper on the future of diplomacy, I noticed three things that I think are very important.

First, some federal organizations have also developed an important network within the diplomatic system. How can Global Affairs Canada use those synergies that are developed by other federal organizations?

In addition, how can we ensure that the people in place are able to seize the opportunities so that Canada is well positioned in the digital and green global economy of tomorrow? How can we ensure that they are sensitive to these issues and that they work in partnership with all the other federal organizations?

Finally, I think increasing Canada's presence in multilateral fora is a key element. As we can see, multinational companies no longer know any borders. So it's important to really pool efforts within the economic blocs.

What do you think of those three points?

Dr. Jennifer Welsh: Thank you very much.

[*English*]

Let me try to answer very briefly.

[*Technical difficulty—Editor*]

● (1835)

The Chair: I hope she can reconnect.

MP Chatel, do you want to ask anyone else a question?

[*Translation*]

Mrs. Sophie Chatel: I'd like to ask Mr. Chapnick the same question.

Mr. Adam Chapnick: Thank you.

[*English*]

I'm sorry to Professor Welsh that I'm stealing her thunder and her time.

This ties back into a previous question from a member.

I don't think it is time for a foreign policy review. I think that foreign policy reviews are necessary only when different elements of that department are speaking to one another, because the results of the review are often stale by the time they are published.

However, in this country when departments are not speaking to one another, that implicates one element of your question, and that is national security writ large. A national security policy review that implicated Global Affairs Canada in all sorts of different ways from research security to conflict to whatever else there might be and that also implicated all of the departments that collect intelligence around the country and all of the departments that deal with any security issue right now would be much more helpful. I'm not nearly as concerned with the results as I am with the process, because the process of forcing those departments to speak to one another to create a document on a timeline would meet many of your needs.

Yes, the review might be stale when it is published but I think the relationships that are built and the new understanding around the talent of how everybody does their business on shared files would be very helpful.

[*Translation*]

Mrs. Sophie Chatel: You mentioned earlier that we have to innovate in order to do things better. That doesn't necessarily mean that we have to invest more resources, even though such investments would be welcome. To do better with what we have, we could eliminate working in isolation and go and get the experts who are already in other departments instead of training new ones. That way, we could go and get the resources and information that already exist.

That's an excellent point. Thank you.

Mr. Kersten, do you want to add something quickly?

[*English*]

Dr. Mark Kersten: I'm not sure I'm in a position to sufficiently answer, but it's an important question.

Thank you.

[*Translation*]

Mrs. Sophie Chatel: Thank you.

Do I still have some time left, Mr. Chair?

[*English*]

The Chair: Professor Welsh is back and she has reconnected.

You're just about at the five-minute mark.

To make up for that complication, we'll give you a minute to respond.

[*Translation*]

Mrs. Sophie Chatel: Thank you, Mr. Chair.

Dr. Welsh, could you continue what you were saying before the technical difficulties?

Dr. Jennifer Welsh: I'm sorry. I don't know what happened.

[*English*]

What I was going to answer for you is that I think the development of expertise in the areas of climate change and digital technology that were identified in that report speak to the need for GAC to be able to lead but also to convene. I think these will have to be cross-departmental expertise hubs going forward.

I would only say as an additional editorial point that I was surprised to see there was not as much identification of issues related to migration in particular and in stability. I thought that in addition to climate change and digital that might have been an area of cross-government support.

On your question about Canadian companies, I would simply conclude by saying that I think, as Canadians know, when companies act abroad, they are sometimes “Canada”, and that's how they are seen. I know, for example, that in some of the feedback I have provided on the feminist foreign policy that is being developed, we made this point very strongly. We need to consider how our companies operate globally as part of our overall footprint and influence, because sometimes that can actually be negatively affecting Canada's place in the world.

The Chair: On that note, I want to thank our three witnesses.

I know that I speak on behalf of all of the members when I say that this has really been a privilege and you have given us much food for thought. Thank you very much for your expertise, for your perspectives and for your time.

Should the members agree, I will now adjourn.

[*Translation*]

Some hon. members: Agreed.

● (1840)

[*English*]

The Chair: The meeting stands adjourned. Thank you very much.