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Chair: Mr. Sukh Dhaliwal



Special Committee on Afghanistan

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• (1655)

[English]

The Chair (Mr. Sukh Dhaliwal (Surrey—Newton, Lib.)): I am going to resume meeting number 14 in public.

We will be considering the motion brought forward by Mr. Ruff as amended by Madam Damoff.

Madam Damoff, do you want to speak to your amendment?

Ms. Pam Damoff (Oakville North—Burlington, Lib.): I do, Chair.

With your indulgence, I have additional amendments I'd like to make. I'd be prepared to remove the amendment I had on Friday and bring forward new ones if the committee would be okay with that. I guess I need consent from—

The Chair: If the committee consents, you can do that. Otherwise, we'll call a vote. Then if that passes, you're welcome to bring any amendments.

Is there a consensus? Is the committee in agreement that Madam Damoff can take her amendment back and introduce the new one?

Some hon. members: Agreed.

The Chair: Okay. It seems, Madam Damoff, that everyone is in agreement.

Please go ahead.

Ms. Pam Damoff: Thank you, Chair.

I'll just preface it by saying that I have had conversations with government officials. I understand that the information contained in the request that Mr. Ruff made would impact national security and public safety. What I'm going to propose is that we amend the motion to send the documents to the National Security and Intelligence Committee of Parliamentarians, which would be the place where documents like that should be reviewed if there's a national security concern, with the condition that government officials provide to our committee by Monday confirmation as to the nature of the documents and their impact on national security and public safety. Then I would remove the last words from the motion: "to the Afghanistan committee for inclusion in the report due back in the House by the 8th of June, 2022."

I'll get Charmain from my office just to send that to the clerk so that it can be distributed, but in essence, the change is leaving Mr. Ruff's motion identical up to the words "Special Committee on Afghanistan", which would be removed. They would be replaced by....

I'll just read the whole thing, Chair: "That the Privy Council Office, Global Affairs Canada, and the Canadian Armed Forces and any other government department provide the National Security and Intelligence Committee of Parliamentarians, subject to confirmation by government officials as to the nature of the documents and their impact on national security and public safety, by Monday, May 30, 2022, the already completed or draft after action review reports with respect to the evacuation of Kabul in August of 2021 from their respective departments."

The Chair: Thank you.

Now we'll proceed to the debate.

[Translation]

Mr. Alexis Brunelle-Duceppe (Lac-Saint-Jean, BQ): Mr. Chair, I have a point of order.

I want to make sure I have the correct translation, as I think the interpreter did not have the motion in front of him. I would really like to hear it properly, as what we are talking about today is serious.

We should also give our interpreter friends, who work very hard, a chance to have a little break.

[English]

The Chair: Sure. I'll suspend the meeting for two minutes.

Madam Damoff, could you please send this to the clerk so it gets distributed to every member? Thank you.

• (1700)

Ms. Pam Damoff: We did, Chair.

The Chair: Okay. Thank you.

When the clerk gives me the go-ahead that she has distributed it and every member has received it, then we'll proceed.

• (1700)

_____ (Pause) _____

• (1705)

The Chair: I'm calling the meeting back to order.

We will proceed with the discussion and debate on the motion by Mr. Ruff, as amended by Madam Damoff.

Mr. Chong, you have the floor.

Hon. Michael Chong (Wellington—Halton Hills, CPC): Mr. Chair, I don't support Madam Damoff's amendment. NSICOP is not a parliamentary committee. It's not a committee of Parliament. In fact, subsection 4(3) of the act that created the committee explicitly states that NSICOP is "[n]ot a committee of Parliament".

We are parliamentarians. We function in parliamentary committees and on the floor of the House of Commons as a whole. I think that giving these documents to an extra-parliamentary committee is completely unacceptable.

Parliament needs information to do its work. Committees and the House as a whole are where we do our work. That work is on the public record. It's in Hansard. It's on video recordings. It's kept in the archives for posterity. This is the place where these documents need to be sent, not to some committee outside of Parliament that sits within the executive branch of government.

If we had a committee like the United Kingdom's Intelligence and Security Committee, which is in fact a committee of Parliament whose members are voted on by members of the House of Commons and the House of Lords, then that would be a different matter. The fact is that this committee is not a committee of Parliament and it is not accountable to Parliament; it is accountable to the Prime Minister's Office. Its members serve at the pleasure of the Prime Minister.

In fact, subsection 5(1) of the act that created NSICOP makes it clear that all the appointments are GIC at-pleasure appointments—in other words, Governor in Council at-pleasure appointments of the Prime Minister. Any minister of the government has the right to terminate a committee's review and the right to deny the committee information, and the Prime Minister has the power to review and demand revisions to reports before they are made public. It's all in the act that creates that committee.

Clearly, it's the wrong place to be sending these documents. In fact, just two months ago, in March, the committee issued a statement of pretty harsh rebuke of the government. In that statement, the committee said that the government had not been giving the committee the information it requested and did not provide relevant material. It said, "Should this continue, the ability of the committee to fulfill its statutory mandate will be compromised". This was just two months ago. This was publicly reported on. This was a public statement by the committee. This followed on similar concerns that were raised by the committee in 2019 and 2020.

I don't support this amendment. We are parliamentarians. Parliament needs to be respected. The information ought to be sent to a parliamentary committee, not to some committee of the executive branch of government.

The Chair: Thank you, MP Chong.

The next speaker is Mr. Ruff.

Mr. Ruff, please go ahead.

• (1710)

Mr. Alex Ruff (Bruce—Grey—Owen Sound, CPC): Thanks, Chair.

No, I can't support this amendment either. I can't speak to how PCO or Global Affairs Canada writes these reviews or reports, but having been part of the pen of many of them in the past from the Canadian Armed Forces, I'm sure most departments follow a very similar procedure. In every document that is produced on something like this for an operation, each paragraph is classified based on the content of that paragraph or that report, so anything that comes out and gets released to a non-secure committee will be redacted. I expect to see redactions in it if it potentially compromises national security.

These reports need to come to this committee. This is part of our mandate. When they created the Special Committee on Afghanistan, it was to look into and look back at what went wrong, what went right and how we can learn from it to make sure that we don't make these mistakes going into the future. The second point on the part of the committee is definitely to make sure that we are making those necessary changes we need to make from a humanitarian assistance perspective as a primary focus.

These reviews have been done by the government officials, by the departments. If there's anything that's of national security and needs to be redacted, redact it. That's my viewpoint. I expect that's the way they'd send it to us in the first place, but the majority of the report should not be redacted. Most of the stuff that is done is not of a national security brand.

You can look at the U.K. report that was publicly released yesterday, which was very damning of their response to the evacuation of Kabul in the fall of Afghanistan. Most of the stuff in there that's commented on.... I think a lot of the testimony already alludes to the fact that from what we've heard over the last number of months, we will likely find very similar conclusions. That's based on what we've heard to date, and it may be contained in these reports.

I can't support this amendment by MP Damoff.

The Chair: Thanks, Mr. Ruff.

I'll go to Madam Kwan and then to Madam Damoff.

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

I want to get some clarity. If the issue is about national security, Madam Damoff's amendment suggests that we seek government officials to confirm that national security could be put in jeopardy if this were provided to us. If, in fact, that is confirmed and that is the case, NSICOP would be the appropriate place to send this to, because that committee was established to deal with such matters.

It is my understanding, and perhaps the clerk can confirm, that we have a member of Parliament from each party represented at that committee. Is that not the case? If that's the case, we have to have some faith in our colleagues on that committee to do the due diligence on the work there.

If the issue is not around national security and that was not confirmed by the officials, then there is a real question about it being sent to NSICOP. I would think that's not the appropriate thing to do and we should have the document sent to this committee, having gone through the regular process of redaction, although I note that in the original motion there is no call for redaction of any sort. There is none of the language that normally shows up on cabinet confidentiality, national security issues or privacy redactions that should be vetted by the law clerk. The original motion does not provide for that either.

Given that the amendment is saying it will be subject to confirmation that national security is at issue, that is an important piece. If that confirmation does not come about on Monday, then it puts this issue in a different place, and we should have further discussion about it.

The Chair: Thank you, Madam Kwan.

Madam Damoff, please go ahead.

Ms. Pam Damoff: Thank you, Chair.

I wanted to clarify that I was on the public safety committee when NSICOP was formed, and the reason we created this committee was specifically to deal with documents exactly like this.

Ms. Kwan is absolutely correct that there is party representation from all parties currently. I know that the Conservative Party doesn't always like this committee and did withdraw their members at one point, but it's my understanding that they do have members on it at present. The committee does provide reports to the public safety committee annually, so I would invite Mr. Chong or Mr. Ruff to attend when the chair of the committee, Mr. McGuinty, attends, if they have questions they'd like to ask him.

The committee was created specifically so that we could have a committee deal with issues and documents that cause a national security concern, and that's why they undergo a special swearing-in. They're sworn to secrecy and they have a number of security measures in place for the members and the committee itself and for the people who work for the committee, so it's very different.

I think it's important to recognize that this isn't sloughing it off and that NSICOP is there for a valid reason and it is the right place. As Ms. Kwan said, if we don't get confirmation from government officials by Monday that there are national security concerns, then this is a moot point, but I've been assured that we will, and I think we need to take government officials at their word as well.

I'll leave it at that, because I don't think we need to belabour this too long.

• (1715)

The Chair: Thank you, Madam Damoff.

Mr. Baker, please go ahead, and then we'll have Mr. Ruff.

Mr. Yvan Baker (Etobicoke Centre, Lib.): Thanks very much, Chair.

I wanted to weigh in on this. I think it's really important.

I was listening to Mr. Chong speak. He spoke to the fact that parliamentarians need information to do their work, and I agree with that, but I also agree that we all have an obligation to jointly work to protect national security, and NSICOP is designed to allow parliamentarians—our colleagues who are MPs and parliamentarians—to get access to information to do that work while also protecting national security. I think that's the balance Ms. Damoff is trying to strike.

I think it's only fair when we're asking for documents from National Defence and others around military operations and that sort of stuff that we consider the national security implications—apparently, there is one—so as Ms. Kwan said, why not put our faith in our colleagues on NSICOP to review those documents? That way, parliamentarians have access to that information but we also don't put national security at risk.

I support what Ms. Damoff has put forward.

The Chair: Thank you, Mr. Baker.

We have Mr. Ruff, and then Mr. El-Khoury.

Mr. Ruff, please go ahead. The floor is yours.

Mr. Alex Ruff: Thanks, Chair.

I just want to go back to what I said earlier. Redaction will occur automatically on these reports of anything that gets released to this committee, so any information that is of national security concern will be protected. None of the departments will release to this committee anything that's a national security concern. They're mandated not to. In the end, they will release the redacted reports, as I stated earlier.

Being somebody with a top secret security clearance and having been on the national security file as a Canadian Armed Forces member for over 25 years—and I'm not taking away from anybody else on this committee, as we have former privy councillors on this committee as well, people who understand these issues very well—my point is that those redactions will occur, but we need those reports. We need those reports and we need those dates, because, again, that's what we've been mandated to do: to understand what the process was, how it happened and what aspects maybe are national security concerns—and again, those will be redacted.

Personally, I have no issues if we want to add an addition to the motion that says we'll send the complete reports with any national security concerns redacted to another committee to look at. There are other tools we can look at, like swearing people in to review it as well, so that it's being done by a committee of Parliament and not a committee of parliamentarians.

Look, I want to make sure it's crystal clear: Nobody protects, understands and will defend national security more than I do. However, as I stated, these reports, at least the ones that are written by the Canadian Armed Forces, are broken down so that each paragraph will be unclassified, confidential or secret, etc. That's how the reports are written when it comes to these after action reviews that are done after an operation—a post-op report.

I'll leave my comments at that for now.

• (1720)

The Chair: Thank you, Mr. Ruff.

We'll go to Mr. El-Khoury.

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

I think we have heard almost all opinions on this matter. I agree with what Ms. Kwan said. If we have a promise that we'll receive those documents by Monday or we have to trust this committee, I believe it's time to go to a vote in order not to delay this and to gain time. Let's go to other issues and go further in our meeting today.

I suggest we go to a vote, Mr. Chair.

The Chair: Thank you, Mr. El-Khoury. I can't go to the vote as long as I see hands raised.

I see Mr. Chong has his hand raised.

Mr. Chong, the floor is yours.

Hon. Michael Chong: Thank you, Mr. Chair.

I don't want to delay a vote on this either, but this is a really important issue and it's a long-standing problem in our Canadian Parliament. I feel passionately about this and I feel strongly about this. This is an issue that has transcended partisan politics. It is an issue that has bedevilled our Parliament for decades now, and through both Liberal and Conservative governments. It's a problem.

We do not have the information necessary to do our jobs. This is a long-standing issue that precedes the current government. It's an issue that we are witnessing again on this committee. I believe strongly that one of the reasons this country lags in national security issues is precisely a lack of parliamentary oversight.

We do not have a committee of Parliament.... We do not have parliamentary committees that are empowered to have access to highly classified documents of the highest order, which would ensure that there is a watchdog over the government's national security and intelligence activities, whether they relate to what happened in Afghanistan or they relate to other matters of national security. I think that's the reason we continue to see problems with national security in our country and problems with the government doing better on national security. Until we, as parliamentarians, assert ourselves and hold the government accountable for giving us information, we are going to continue to see a decline in these national security institutions.

These have consequences. We are not part of the AUKUS agreement that was recently announced. It took everybody by surprise. We weren't even aware that it was coming down the pike last fall when it was announced.

We are an outlier in not having access to these documents. The U.K., as I mentioned, has a committee of Parliament that has access to highly classified information. It's the Intelligence and Security Committee of Parliament. Its members are not appointed by the Prime Minister; they are elected by the two chambers in their Parliament. Their chair is elected, as well, and they have access to documents of the most classified nature. In the U.S. Congress, they have both in the upper chamber, the Senate, and in their House of Representatives committees that have access to highly classified documents. As a result, I think their respective governments do a much better job in protecting the national security of their populations relative to our country. That's not a partisan comment, because this problem has predated the appointment of this government in November 2015.

I encourage everybody on this committee to vote down this amendment, because we have to start to assert ourselves, and we are not going to get these documents, either here or elsewhere, unless we, as parliamentarians, start asserting ourselves and saying we have the right to these documents.

Speaker Milliken confirmed in his precedent-setting ruling some time ago that we are “the grand inquest of the nation” and that we have, under section 18 of the Constitution, unfettered, long-held rights to these documents, whether they're redacted or unredacted. We have to start demanding this kind of information, so that we can get the job done and hold the government's feet to the fire, and so that they, in turn, can do a much better job of managing issues, whether it's Afghanistan or other issues.

I'll finish by saying this quickly, Mr. Chair. To my knowledge, Parliament has never had a national security breach. I don't recall any document or information that was injurious to national security that was ever leaked by a parliamentary committee or by the House as a whole. However, I can list dozens of examples across many different governments of national security breaches that are of the highest order and that are egregious.

We all know about the Winnipeg lab document issue and Chinese military scientists in the Winnipeg lab, but it predates that. We had a former employee of that lab under the previous Harper government who tried to smuggle prohibited materials across the Canada-U.S. border from that lab. He was arrested by U.S. border officials back in, I think, 2008 or 2009. I think of the Canada Revenue Agency breaches. Just last October, we had the very issue that we're on about now, when several hundred vulnerable Afghans who were seeking refuge from the Taliban had their names leaked by a government department. There are tons of examples of this.

• (1725)

We are parliamentarians. We will be respectful with information that's injurious to national security and that could be compromising national security. Let's not diminish Parliament by suggesting that somehow we can't handle this information but the government can, because the facts say otherwise.

I'll finish with that, Mr. Chair. Thank you.

The Chair: Thank you, Mr. Chong.

We'll go to Madam Damoff. Madam Findlay, you will be next.

Go ahead, Madam Damoff.

Ms. Pam Damoff: Thank you, Chair.

I'm just wondering if we could suspend for 10 minutes, just so I have a chance to discuss with my colleagues and perhaps come up with another solution.

The Chair: Yes, I will suspend the meeting for a few minutes.

• (1725) _____ (Pause) _____

• (1745)

The Chair: I'm going to call the meeting back to order.

Madam Damoff, you have the floor.

Ms. Pam Damoff: Thank you so much, Chair.

I know that there seems to be some question about whether there's national security involved here. We have a commitment to get a letter by Monday, so I'm going to move that we adjourn debate and we resume this on Monday.

Just to be clear, I move that we adjourn the meeting.

The Chair: The motion is not debatable, so I'm going to ask the clerk to take the vote.

(Motion agreed to: yeas 7; nays 4)

The Chair: The meeting is adjourned. Thank you. We'll see you on Monday.

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