

Canada - Europe
Parliamentary Association



Association parlementaire
Canada - Europe

**Report of the Canadian Parliamentary Delegation
respecting its participation at the Fourth Part of the 2009
Ordinary Session of the Parliamentary Assembly of the
Council of Europe**

Canada-Europe Parliamentary Association

Strasbourg, France

September 28 to October 2, 2009

Report

The Hon. Lorna Milne, Senator, represented the Canada-Europe Parliamentary Association at meetings at the Fourth Part of the 2009 Ordinary Session of the Council of Europe Parliamentary Assembly (PACE) in Strasbourg, France. She was accompanied by association secretary Philippe Méla. Sirine Hijal, Canada's Deputy Permanent Observer to the Council of Europe, joined the delegation in Strasbourg and briefed delegates on recent developments at the Council and on Canada's involvement. Senator Milne regretted that his Excellency Louis de Lorimier, Ambassador to the Kingdom of Belgium and Ambassador to the Grand Duchy of Luxembourg, Permanent Observer of Canada to the Council of Europe, could not be present in Strasbourg.

A. Background: The Council of Europe

The Council of Europe is an intergovernmental organization which aims:

- to protect human rights, pluralist democracy and the rule of law;
- to promote awareness and encourage the development of Europe's cultural identity and diversity;
- to find common solutions to the challenges facing European society: such as discrimination against minorities, xenophobia, intolerance, bioethics and cloning, terrorism, trafficking in human beings, organised crime and corruption, cybercrime, violence against children; and
- to consolidate democratic stability in Europe by backing political, legislative and constitutional reform¹.

Founded in 1949, the Council of Europe has now reached a membership of 47 countries from the Azores to Azerbaijan, and from Iceland to Cyprus, with Montenegro joining as its newest member in May 2007. The Council's main objective is to promote and defend democratic development and human rights, and to hold member governments accountable for their performance in these areas. However, it is also very active in fostering international cooperation and policy coordination in a number of other areas, including legal cooperation, education, culture, heritage, environmental protection, health care, and social cohesion. The Council of Europe is responsible for the development of more than 200 European treaties or conventions, many of which are open to non-member states, in policy areas such as human rights, the fight against organized crime, the prevention of torture, data protection, and cultural co-operation.

The Council's main institutions are the Committee of Ministers (the CoE's decision-making body, composed of member states' foreign ministers or their deputies), the Parliamentary Assembly, the Commissioner for Human Rights, the European Court of Human Rights, and the Congress of Local and Regional Authorities. The Parliamentary Assembly consists of 636 members (318 representatives and 318 substitutes), who are elected or appointed by the national parliaments of the 47 Council of Europe member

¹ See Website at <http://www.coe.int>

states from among their members. The parliaments of Canada, Israel and Mexico currently hold observer status with PACE. The special guest status of Belarus, which had applied for membership in the Council of Europe in 1993, was suspended in January 1997 in the wake of the adoption of a new constitution in Belarus, which was widely seen as undemocratic.

The Assembly elects the Secretary General of the Council of Europe, the judges of the European Court of Human Rights and the Council's Commissioner for Human Rights. It is consulted on all new international treaties drafted by the Council, holds the Council and member governments accountable, engages in studies of a range of issues of common interest to Europeans, and provides a forum for debate for national parliamentarians. The Assembly has played an important role in the process of democratization in Central and Eastern Europe and actively monitors developments in member countries, including national elections. It meets four times a year in Strasbourg, with committee meetings taking place more frequently. Council and Assembly decisions and debates are often reported widely in the European media.

The Council of Europe and its Parliamentary Assembly bring together policy – and decision-makers from a range of politically, culturally, and geographically diverse countries. Together, the Council and Assembly provide the primary forum for the formation of a trans-European political community committed to democracy and human rights. The Parliamentary Assembly also provides parliamentary oversight functions for several key international organizations, including the OECD, the European Bank for Reconstruction and Development

(EBRD) and the International Organization for Migration (IOM). This wide-ranging role in international policy-making and in the promotion and protection of democracy and human rights makes the Council and Assembly an important venue for pursuing and advancing Canada's multilateral and bilateral engagement in Europe.²

B. Overview of the Fourth Part of the 2008 Ordinary Session

The fall session featured a full order of business with a wide range of topics being debated in committees, political groups, and in the Assembly. The dominant topic of plenary and committee meetings at this fall session was the Environment with a number of events that took place with the participation of overseas delegations like Canada, Mexico and the United States.

The Assembly debated various reports prepared by the Committee on the Environment, Agriculture and Local and Regional Affairs. The fall session also included the annual debate on a report on the OECD and the state of the world economy, prepared by the

² Canadian officials from several federal government departments and agencies and from one provincial government participate in more than 20 meetings annually of committees, expert groups, and steering committees of the Council of Europe.

Canadian parliamentarians attend all four parts of the annual session of the Parliamentary Assembly, as well as parliamentary committee meetings at the EBRD in London and the OECD in Paris. Canada is an observer to both the Committee of Ministers, where it has participated actively in a number of policy areas (the other observers are the Holy See, Japan, Mexico, and the United States), and the Parliamentary Assembly (where the other observers are Israel and Mexico).

Committee on Economic Affairs and Development. Preparatory meetings were held at the OECD in Paris in June 2009. This annual debate is unusual in that it allows delegations from non-member OECD countries, such as Canada, Japan, Mexico, and the Republic of Korea, full participation and voting rights – hence the term “enlarged” debate. It is, therefore, an important opportunity for Canadian parliamentarians to participate in international discussions of global economic affairs and to contribute to the parliamentary oversight of the OECD. The debate is preceded by an “enlarged” meeting of the Committee on Economic Affairs and Development, when the report was finalized. The Parliament of Canada has participated in the meetings at the OECD and in the enlarged debate in Strasbourg for many years. This involvement played a central role in leading Parliament to seek observer status with PACE, which it was granted in 1997.

The Assembly held regular debates on the following topics:

- Progress report of the Bureau of the Assembly and the Standing Committee;
- The war between Georgia and Russia: one year after;
- The promotion of Internet and online media services appropriate for minors;
- The challenges posed by climate change;
- Cultural education: the promotion of cultural knowledge, creativity and intercultural understanding through education;
- The functioning of democratic institutions in Moldova: implementation of Resolution 1666 (2009);
- United Nations reform and the Council of Europe member states;
- The activities of the Organisation for Economic Co-operation and Development (OECD) in 2008-2009;
- Allegations of politically-motivated abuses of the criminal justice system in Council of Europe member states;
- Drafting an additional Protocol to the European Convention on Human Rights concerning the right to a healthy environment;
- Water: a strategic challenge for the Mediterranean Basin;
- Towards a new ocean governance;
- General policy debate on the future for the Council of Europe;
- Honouring of obligations and commitments by Monaco; and
- Rape of women, including marital rape.

The assembly held two debates on the ratification of credentials:

- Challenge, on procedural grounds, of still unratified credentials of the parliamentary delegation of Moldova; and
- Reconsideration on substantive grounds of previously ratified credentials of the Russian delegation (Rule 9 of the Rules of Procedure of the Assembly).

The Assembly also held a Current Affairs debate on the situation of human rights defenders and increasing violence in the North Caucasus region of the Russian Federation.

The Assembly heard from several European political leaders and other guest speakers:

- Mr. Samuel Žbogar, Minister for Foreign Affairs of Slovenia, representing the Chairmanship of the Committee of Ministers;

- Mr. Rajendra K. Pachauri, Chairman of the United Nations Intergovernmental Panel on Climate Change (IPCC);
- Mr. Kurt Masur, conductor;
- Mr. Angel Gurría, Secretary-General of the OECD;
- Mr. Danilo Türk, President of Slovenia; and
- Mr. Pierre Lellouche, Secretary of State for European Affairs of France.

The Assembly, after much discussion on the process and after having had 5 meetings over the summer months between the president of the Assembly and the representative of the Committee of Ministers who submitted the only 2 candidates, proceeded with the election of the Secretary General of the Council of Europe. As a result Mr. Thorbjørn Jagland (Norway) was elected Secretary General of PACE for a five-year term. Mr. Thorbjørn Jagland obtained 165 votes (an absolute majority) and Włodzimierz Cimoszewicz (of Poland) 80 votes. Mr. Jagland has been President of the Norwegian Parliament (Storting) since 2005 and Member of Parliament for Buskerud County since 1993.

C. Participation of the Canadian delegate

The Hon. Lorna Milne, Senator, took part in the proceedings of several committees of PACE; the Committee on the Environment, Agriculture and Local and Regional Affairs, the Committee on Economic Affairs and Development and the Political Affairs Committee, and in the plenary Session. Senator Milne also signed, pursuant to Section 60.4 of the Rules of proceedings of PACE, a written declaration noting with deep concern the fact that the “Lithuanian Parliament moves to criminalise the freedom of expression of lesbian, gay, bisexual and transgender (LGBT) persons”, the text of which is in Appendix 1.

1. In Committees

- The Committee on the Environment, Agriculture and Local and Regional Affairs.

The Committee heard presentations on Climate change from Mrs Kathleen Alana McGinty, former Chair of the White House Council on Environment Quality of the United States of America and Mr. Jiwen Sum, General Consul of China. In the questions and comments period, Senator Milne took the floor to express her disappointment in the present Canadian government for not respecting the Kyoto agreement nor having ambitious enough target when it comes to reduction of greenhouse gas emissions.

At the second meeting of the Committee Mr. Juha Korkeaoja of Finland reported on his attendance at a conference on “Efficient Fisheries Management” held in Reykjavik on August 27-28, 2009 where the speaker was Prof. Gordon Munro of the University of British Columbia. The subject was the “Sunken Billion” which spoke of the underperformance of fishery stocks to a tune of \$50 billion.

Senator Milne expressed the fact that Canadian fishers are concerned over the rumour that our the Canadian Government could be turning over the control and management of fisheries in Canadian Territorial waters to the EU, effectively to the bureaucrats in Brussels. This concern is grave and well-founded considering the dire effect that the recent EU ban on seal products will have on Eastern and Northern communities.

Mr. Alan Meale, the Chair of the committee suggested that the Canadian Delegation be the co-Rapporteur on a report on the state of the fisheries entitled “The reform of the Common Fisheries Policy” that is presently at the drafting stage with Mr. Korkeaoja, MP from Finland. This would be a rare honour for an Observer nation. Senator Milne told the Chair that she was at the end of her term as a Senator and therefore suggested that a co-rapporteur be appointed by the Canadian delegation later on. The Committee accepted this proposal which then became an official decision of the Committee.

- The Committee on Economic Affairs and Development

Senator Milne took part in the proceedings of this Committee particularly on the report and draft resolution on The Activities of the Organisation for Economic Co-Operation and Development (OECD) in 2008-2009. She took the floor several times to speak on amendments proposed by other European delegations as well as the Mexican Delegation.

- the Political Affairs Committee

Senator Milne took part in the proceedings of this Committee. The Chair of the Committee indicated to her that the Committee would be interested in holding one of its meetings in Canada in 2010 as it has done in the past, in the name of good transatlantic relations. Senator Milne responded that she would deliver the message to the Executive of the Association and that if such an event could be envisioned in a near future, a formal invitation would be sent by the Canada-Europe Parliamentary Association.

2. In the plenary Session

Senator Milne delivered the two following speeches on:

- **The Challenges posed by Climate Change**

“Mr. President, thank you for allowing me the opportunity to speak to this Assembly today. My name is Senator Lorna Mine, and I represent Canada.

I am proud of my country, and of the successes we have had at home and internationally – ranging from scientific research and development, to the relative soundness of our economic system, to our system of public health care, to our humanitarian efforts abroad.

However, I am concerned that the many successes we are most proud of, and even our reputation within the international community, are slipping from our grasp.

Canada has long been a constructive player with the issue of climate change – most notably in the United Nations process, among others.

The previous Liberal government in Canada supported the Kyoto protocol since it was first negotiated in 1997, and formally ratified the treaty in 2002.

Our previous government engaged in a series of initiatives in order to meet our commitments to Kyoto.

From 2000 to 2005, the Liberal government announced targeted investments focused on:

- supporting research into clean energy technologies;
- partnering with the private sector to produce clean energy;
- studying the greater impact of global warming on the Arctic;
- setting sector by sector targets, with a mix of voluntary and regulatory measures; and
- a series of programs to help Canadians improve their lifestyle habits in order to conserve energy.

Unfortunately, these programs and initiatives were abandoned by the Conservative government when it came to power in 2006.

So you can see that there has been a fundamental shift in Canada's commitment to climate change both at home and abroad. Our present Prime Minister does not want Canada's international counterparts to expect much from us in negotiations for a post-Kyoto framework by the end of 2009.

The Canadian government's official reaction to this important report contains the message that Canada's position "involves working with our North American partners." That means supporting the American position.

Also, the official line is, "placing Canada on a path that leads to a 60 to 70% reduction of total Greenhouse Gas emissions by 2050". Unfortunately, this means a reduction relative to 2006 levels. I believe our present government's position is reprehensible!

Most alarming is this last point: a scaling back of Canada's emissions reduction plan to a domestic goal of 20 percent from 2006 levels — that means roughly two percent below 1990 levels — far from the Kyoto agreement.

Although I am disappointed that Canada has been forced into the backseat under the current government, I believe that we still have the potential to be a key player in the global effort to tackle climate change.

My hope is that we will again have a government in Canada that will not downplay the science of climate change. A government that is willing to work with other nations once again, to address this challenge. A government that will not sit idle, at the expense of future generations.

Thank you."

- **Towards a new ocean governance**

"Thank you, Mr President, for allowing me the opportunity to speak to you again on this, my last visit to this Chamber. My thanks to Mrs de Melo for her excellent report.

Canada has traditionally been a leader in the advancement of international conventions and protocols on ocean governance, and is a member of a number of marine resource management and conservation organisations. As such, we consider ourselves a driving force on the world marine stage, and we remain committed to enhancing and strengthening both domestic and international systems of ocean governance. However, recent political and policy-based considerations have presented a new series of challenges to Canada's right to maintain sovereignty over its territorial waters, particularly in the north-west Atlantic and Arctic regions.

The tabling of a revised version of the Northwest Atlantic Fisheries Organisation Convention by the Conservative Government in Canada has been viewed with alarm by many of our fishers, who view it as a threat to Canadian sovereignty and marine management efforts. The provision in the draft convention to change the voting rules in NAFO from the current straight majority system to a two-thirds system will make it more difficult for Canada to obtain restrictive conservation and catch limits. It has been suggested by some that a two-thirds system to protect existing quota shares, coupled with a simple majority system to promote conservation, would have been a better solution, but sadly that is not a solution that has been advocated by our Conservative government.

The proposed NAFO Convention also contains a provision to allow the establishment of foreign quotas and inspections inside Canadian waters, right up to Canadian shores and in the Gulf of St Lawrence. The new convention will apply not only on the high seas but throughout Canada's east coast waters. We would, in fact, lose our sovereign right to exercise regulatory authority in managing and enforcing rules within the 200-mile exclusive economic zone to protect fish stocks and marine conservation efforts.

Instead, the management of the fisheries within Canadian territorial waters would be turned over to other members of NAFO, namely the European Union, and we all know what it did to our entirely sustainable and well-regulated seal hunt. I am deeply concerned about the impact that that could have on Canadian-European relations. Canadian fishers are distressed about the possibility of European fishers laying claim to a significant portion of fish in Canadian onshore waters as a result of the new convention. That is just another attempt to thwart the livelihoods of our eastern and northern Canadians, particularly in the wake of the dire economic impact of the European ban on Canadian seal products, which once were a multi-million dollar industry in Canada. That will further strain relations between Canada and Europe.

In the past, Canada has been adamant in its defence of Canadian sovereignty in the Arctic. What our prime minister does now will signal Canada's commitment to protecting Canadian sovereignty over all our waters. I can only hope that Prime Minister Harper will do what is right. He must pursue a solution that strives to balance Canadian sovereignty and maintain the vital role that Canada plays in moving towards a progressive, effective and responsible model of international ocean governance. I strongly support the report, particularly paragraphs 6, 7 and 8 of the draft recommendation.

Mr. President, I never expected to be the last speaker in the last debate on the last day of my last visit here, and to clear the Chamber. May this North American child of five different European nations close by thanking everyone here for giving me a warm reception, usually? I offer you my best wishes for your continued and vital successes in this Chamber."

3. Meeting with the Observer delegation from Mexico.

Senator Milne met with the Senator Rosario Green, the Head of the Delegation from Mexico. They exchanged views on the possibilities of cooperation between the two countries in the plenary sessions and how one of the delegations would be able to

speak on behalf of both delegation, in essence, to avoid that one of the observer delegation be cut from the speaker's list as often is the case due to how the rules on the speaker's list are set. Senator Green proposed that the two secretaries communicate with each other what are the interests of each delegations prior to sending the names of the parliamentarians wishing to be on the Speaker's list.

The Secretary of the Canadian delegation also inquired of the Table office to see whether there is such a concept as splitting the allowed time between two speakers as it is done in the House of Commons in Canada, but was told that it would be too impractical to be considered.

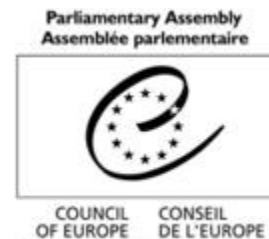
However, the Secretary of the delegation was told that the Committee on Rules of Procedure, Immunities and Institutional Affairs of PACE is presently studying a report untitled : Procedural implications of assembly resolution 1600 (2008) on the Council of Europe and its observer states: the current situation and a way forward and related assembly texts. The proposed changes to the Rules of proceedings would allow Observers to propose amendments to the draft agenda of Committee meetings and to the draft of various texts (Reports, recommendation and resolutions) according to a specific procedure.

Respectfully submitted,

The Honourable Lorna Milne, Senator
Canada-Europe Parliamentary Association

APPENDIX 1

Parliamentary **Assembly**
Assemblée parlementaire



Doc. 12052

30 September 2009

Lithuanian Parliament moves to criminalise the freedom of expression of lesbian, gay, bisexual and transgender (LGBT) persons

Written Declaration No 432

This written declaration commits only the members who have signed it

We, the undersigned members of the Assembly,

Note with deep concern that the Lithuanian Parliament:

–has adopted a law that bans material that “agitates” for homosexual and bisexual relations from schools or public places and media where they could be viewed by children (the Law on the Protection of Minors against the Detrimental Effect of Public Information), overruling a presidential veto;

– is now debating amendments to the Penal and Administrative Codes which would punish the “promotion of homosexual relations in public places” with community work, a fine or imprisonment;

Express shock that, if adopted, these amendments would potentially criminalise almost any public expression or portrayal of, or information about, homosexuality;

Emphasise that these provisions violate the European Convention on Human Rights;

Call upon the Lithuanian authorities to:

–respect their obligations not to discriminate on the grounds of sexual orientation or gender identity;

– reject the proposed amendments to the Penal and Administrative Codes;

– repeal the Law on the Protection of Minors against the Detrimental Effect of Public Information.

TRAVEL COSTS

ASSOCIATION	Canada-Europe Parliamentary Association
ACTIVITY	Fourth Part of the 2009 Ordinary Session of the Parliamentary Assembly of the Council of Europe
DESTINATION	Strasbourg, France
DATES	September 28 to October 2, 2009
DELEGATION	
SENATE	The Honourable Lorna Milne Senator
HOUSE OF COMMONS	
STAFF	Mr. Philippe Méla, Association Secretary
TRANSPORTATION	\$ 11,942.28
ACCOMMODATION	\$ 3,210.50
HOSPITALITY	\$ 0.00
PER DIEMS	\$ 1,300.11
OFFICIAL GIFTS	\$ 0.00
MISCELLANEOUS / REGISTRATION FEES	\$ 2.79
TOTAL	\$ 16,455.68