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THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Thursday, April 15, 1999

The Senate met at 2:00 p.m., the Speaker in the Chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I should like to introduce to you a distinguished guest in our gallery. Dr. Fathi Arafat is President of the Palestine Red Crescent Society and President of the Palestinian Academy of Science and Technology. Our distinguished guest, Dr. Arafat, is here as a guest of the Honourable Senator Prud'homme.

On behalf of all honourable senators, I wish you welcome to the Senate, Dr. Arafat.

[Translation]

SENATORS' STATEMENTS

MONTFORT HOSPITAL OF OTTAWA

Hon. Jean-Robert Gauthier: Honourable senators, once again one of the most fundamental rights of the Franco-Ontarian community has been thwarted. For nearly two years now the board of Montfort Hospital has been negotiating with the Ontario Health Services Restructuring Commission.

I use the term "negotiate" although I am fully aware that there was no proactive discussion. Instead, the commission shamefully dragged its feet and allowed a difficult situation for our community to go on. The board of Montfort Hospital took part in the consultation process in good faith, at the commission's request.

The commission's response to the proposals made by Montfort Hospital was brought down a few days before the first appearance, which was slated for January. However, the commission did not formulate a response per se, but called instead for other information to justify the proposal that had already been submitted. Suspicion that the negotiating process was futile was thus confirmed.

Given the slowness of the process, the parties agreed to mandate an independent and neutral third party, so that it could be determined once and for all what the hospital's requirements were for maintaining a teaching program in francophone Ontario.

After numerous consultations with the various stakeholders and with other hospitals offering similar teaching programs, Dr. Jacques Frénette, president of the College of Family Physicians of Canada, reached the conclusion that Montfort's initial demands could not support a teaching program that would

be viable and credible in the long term. Improvements were therefore needed.

Montfort's initial demands were in fact a joint position by the University of Ottawa, the Ottawa Hospital, and Montfort Hospital itself, which had determined that the minimum required was a complete emergency department, intensive care and 72 acute care beds — which included the 22 allocated by the commission last June. Without that minimum, the hospital cannot carry out its teaching mandate adequately.

The Montfort crisis has now reached a decisive phase. Since the commission has asked for a new deadline in order to study new documents, the hospital board has no choice but to stop talking and do something. This week, we turned to the courts.

The essence of the debate is not about pulling the covers onto our side, but rather about ensuring the strict minimum number of institutions vital to the survival of the francophone community in Eastern Ontario.

Education and health are vital to the maintenance and development of a community, and that is the way it is. So the delays incurred by a legal debate make it difficult to recruit new members and to keep current staff. As counsel for the Montfort indicated, the hospital is bleeding to death and being denied a transfusion to keep it alive.

The Ontario Divisional Court considered last Monday that, since the administrative process had not been completed, there was no point in the legal system's getting involved. I think rather that the court sounded a serious warning in giving the commission one last chance to finally produce a solution while requiring it to make no decision on the operation and current staff of the Montfort. Nothing will change so long as the matter is before the courts.

Honourable senators, we are entitled to expect a decision either for or against, but we should at least be allowed to know where we stand.

[English]

PRINCE EDWARD ISLAND

TIGNISH—BICENTENNIAL CELEBRATIONS

Hon. Catherine S. Callbeck: Honourable senators, Prince Edward Island is comprised of many small but very proud and beautiful communities. Of course you are all aware of the capital city of Charlottetown and the significant and historic role that it played in the birth of our magnificent country. As well, many of you are aware that the city of Summerside showed up recently in a number of national surveys which listed the top places in the country in which to live and conduct business.

One particular municipality is celebrating its bicentennial this year. That community is Tignish, located on the far western tip of Prince Edward Island. Over 35 separate committees are working on different events and activities, the highlight of which will be a festival of the founders, to be held over the summer.

The bicentennial is designed to celebrate the arrival of the eight Acadian founding families in 1799 and will chronicle the 200-year history and development of the community.

I am proud of the way in which this Prince Edward Island community mirrors Canada itself in many ways. The coming together of a number of ethnic and cultural backgrounds to form one tightly woven community is truly what makes Tignish — and Canada — great.

In addition to the historic aspects of these celebrations, there is also much tangible working done, much of which will remain as a long-standing legacy of the bicentennial. The community is very much looking forward to an improved infrastructure, community park, historic books and, perhaps most impressive of all, the Tignish Heritage and Cultural Centre, which will benefit the community for years to come.

Promotion for the bicentennial is obviously key. To that end, community organizers are working with the organizers of the upcoming francophone summit in Moncton. A Web page is being created to promote the event as well as a number of more traditional methods of advertising, including regional brochures, promotion, visitors' galleries, and so on.

I want to congratulate and commend the people of Tignish for celebrating this milestone in their history. I hope all Canadians will consider it a prime destination as the community celebrates its heritage, its history and its plans for the future.

[Translation]

INTERNATIONAL ASSEMBLY OF FRENCH-SPEAKING PARLIAMENTARIANS

VISIT BY CANADIAN DELEGATION TO LOUISIANA

Hon. Rose-Marie Losier-Cool: Honourable senators, one of the goals of the Senate is to ensure regional representation across Canada. As a senator representing francophones in a minority situation, and Acadians in particular, I consider this goal of the Senate essential for all Canadians. If we published all the statements by senators on the interests of their region, we would have a fine book on history and civic-mindedness for the people of Canada.

As a member of a delegation of French Speaking Parliamentarians, I carried out this role of regional representative recently during a trip to Louisiana. The visit, organized by the America section of the International Assembly of French-Speaking Parliamentarians, was to meet French-speaking parliamentarians from Louisiana and visit francophone organizations in Lafayette and Baton Rouge. Like any parliamentary delegation meeting, there were discussions on economics, technologies and politics.

However, as an Acadian senator, I was invited to visit the archives of the Baton Rouge Catholic Centre. It was with joy but mostly emotion that I was able to touch the parochial registers that were in the church in Grand Pré, at the time of the Great Dispersal, in 1755. Back then, the parish was called Saint-Charles-aux-Mines. These registers, for the years 1707 to 1748, were moved secretly. They were hidden in pillowcases and carried thousands of miles over the seas. One day, they were found, still wrapped in the pillowcases, in an old church near the bayous. These registers are now locked up at the archives of the Baton Rouge Catholic Centre. I was given special permission to see, touch and read these precious documents, which contain a total of 2,444 entries: 1,414 baptisms, 557 marriages and 272 funerals.

It is with a twinge of sorrow that I read Acadian names such as Robichaux, Comeaux, Bilodeaux, Thibodeaux — with an X — and even a parish priest named Prud'homme, in 1712. He was not an Acadian.

I was accompanied by Nova Scotia's Minister of Education, Culture and Acadian Affairs, Wayne Gaudet. We hope that these registers will eventually make their way back to Grand Pré, in Nova Scotia, because, to quote singer Angèle Arsenault, "Grand Pré is where it all began."

In Louisiana we find Cajuns — a word derived from the English "Acadians", then shortened to "Cadians" before finally becoming "Cajuns." Louisiana's Acadians want to be referred to as "Cadiens" and not "Cajuns," which is the American derivation. The second World Acadian Convention will take place in Lafayette and the surrounding communities this summer, on August 14, 15 and 16.

Over 10,000 Acadians and Cajuns are expected to take part in the cultural and social celebrations, which will include many family gatherings and reunions that will surely reflect the best of Louisiana's "fais-dodo." Honourable senators, as Cajuns in Louisiana say "Let the good times roll."

[English]

VETERANS AFFAIRS

CONTRIBUTIONS OF THE BLACK BATTALION IN WORLD WAR I

Hon. Calvin Woodrow Ruck: Honourable senators, in 1938, under the authority of the Minister of National Defence, Captain A.F. Duguid wrote the official history of the Canadians in the Great War. In his 400-page book, he tersely and erroneously described the experience of black volunteers in four words. He stated: "Black volunteers were refused."

A charitable interpretation would suggest that Captain Duguid's research was badly flawed, since it failed to uncover the 500-plus men who served Canada in the No. 2 Construction Battalion known as Canada's Black Battalion. These men served their country and deserve recognition. However, that recognition was not given until approximately 1982, when the Government of Canada erected a monument to the battalion in the town of Pictou, Nova Scotia.

Each year, on the second Saturday in July, we return to Pictou to further honour these men who served their country despite tremendous odds.

The history with respect to the military in Canada, with respect to the black experience, is still in need of interpretation and requires to be better known. The men who served paid their dues, and we, their descendants, deserve the same share as any other Canadians in this great country that we call Canada.

We will continue to go to Pictou to honour those men. We are also cognizant of the fact that the winds of change have created better conditions. Many of our young men are now in the military forces. We have people who have risen to the rank of lieutenant-colonel. Not too many years ago it was unheard of to have a black commissioned officer. Now we do have commissioned officers.

We love this country. In the event of war, our men and our women will be ready, willing and able to don the uniform and play their part in the defence of this country we call Canada.

QUESTION PERIOD

NORTH ATLANTIC TREATY ORGANIZATION

CONFLICT IN FORMER YUGOSLAVIA—SUPPORT FOR PEACE PROPOSAL BY GERMANY—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a question for my colleague, the Leader of the Government in the Senate. Is the Government of Canada supporting the resolution that has been brought forward by Germany with respect to the Kosovo tragedy?

Hon. B. Alasdair Graham (Leader of the Government): Yes, honourable senators, we are consulting with our allies on the proposal, which must meet all of our conditions in order to be a viable solution.

Senator Kinsella: The leader has said that Canada is consulting. What I am trying to ascertain is whether or not Canada has a mind of its own on this matter, whether there are any Canadian policy objectives that are being pursued.

Does Canada support the resolution as a sovereign country, or is it only consulting with others?

Senator Graham: Canada welcomes the German peace proposal, which is the latest in a series of proposals designed to bring an end to the conflict.

FOREIGN AFFAIRS

CONFLICT IN FORMER YUGOSLAVIA—INVOLVEMENT OF CANADA IN POSSIBLE RESOLUTIONS—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Canada seems to be very much a follower

in this horrific humanitarian and international security tragedy. My question to the Leader of the Government is: Does Canada have any creative or new ideas that Canada is bringing forward and attempting to prosecute in any international forum, including the United Nations Security Council, on which we have a seat, the General Assembly, in which Canada, under the Pearson government, played a leadership role, or any other international fora?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators would know that Canada has forcefully discussed this matter before the Security Council of the United Nations and has come to the conclusion, as did all other member countries, that it would be impossible to pass a resolution in that body because of the veto powers of Russia and China.

However, as I indicated yesterday, Canada is vigorously pursuing this whole matter on other fronts, such as through the Prime Minister's letter to President Yeltsin. Our Prime Minister is continually on the phone with the President of the United States, as well as with the leaders of other NATO countries.

Senator Kinsella: Honourable senators, an examination of the records of the United Nations of the last few weeks shows that Canada has not sponsored any resolutions, either before the Security Council or in the General Assembly, in an attempt to take a leadership role in finding a solution to this horrific tragedy.

Could the Honourable Leader of the Government be more specific as to where this Canadian resolution is, since we cannot find any record thereof in the annals of the United Nations?

Senator Graham: Honourable senators, I did not indicate that Canada had put forward a resolution. Canada has sponsored and led discussions with its counterparts in the UN Security Council. I also know that Minister Axworthy has spoken with the Russian foreign minister as recently as noon today to follow up on previous initiatives. Clearly, Canada is very involved with respect to taking positive initiatives in an attempt to resolve the horrific problem in that part of the world.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS—NUMBER TO BE ASSIGNED

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government.

With regard to the NATO assignment, a force of one infantry battle group, one "recce" squadron and one helicopter squadron was confirmed by the government leader during questioning on Tuesday. If he will stand by his statement of Tuesday, our troops in Edmonton, the Princess Pats, the Lord Strathcona Horse, the 408 Helicopter Squadron, and various support elements are in

fact training for just such a role. The Kosovo observers training in Kingston have been told of an option for upwards of 2,000 troops. This word comes from the J3 staff responsible for the Kosovo planning and operations.

Could the minister be kind enough to tell us if one and one does not equal two?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, one and one does not equal 2,000, as alluded to by my honourable friend. I said yesterday, and on a number of other occasions, that the number of troops that Canada might deploy for peacekeeping purposes — and I emphasize the words “peacekeeping purposes” — is in the range of 500 to 800, not 2,000, as suggested by my honourable friend.

Senator Forrestall: Will the minister at least acknowledge that it is the J3 staff who are responsible for the planning? Perhaps I am wrong.

Senator Graham: The final judgment is made by the Chief of Defence Staff, who makes the recommendation to the Minister of Defence, who then discusses it with the Prime Minister and cabinet.

Senator Forrestall: That was useless.

CANADIAN HERITAGE

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL— POSSIBILITY OF AMENDMENTS—GOVERNMENT POSITION

Hon. Donald H. Oliver: My question relates to the story in Thursday's *National Post* entitled “Ottawa mulling alternatives if Bill C-55 fails.” Conservative senators from the Banking Committee, the Transport Committee and the Legal Affairs Committee attended the opening hearings on Bill C-55 in the Victoria Building two nights ago to hear the Minister of Canadian Heritage, the Honourable Sheila Copps, defend the government legislation. The newspaper says that she “struck a defiant tone.” It goes on to say, “She vowed that the government would not back down and urged senators to pass the bill.”

The *National Post*, however, speculates that if other negotiation efforts fail, the Government of Canada may ultimately need to give up its 30-year effort to bar U.S. split-run magazines from Canada and instead provide compensation subsidies to Canadian magazines that lose significant advertising revenues to foreign split-runs.

During her testimony, Minister Copps said her officials looked at many options other than this bill, such as subsidies and licensing. Will the government leader tell us whether or not Bill C-55, now before the Senate committee, will be the bill that the Senate will be asked to vote on in third reading, or will it be substantially changed and altered?

• (1430)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, there are very competent senators sitting on

the Standing Senate Committee on Transport and Communications, including the distinguished Chair of the committee, Senator Bacon.

My understanding is that the hearing held Tuesday evening with the Minister of Canadian Heritage as the chief witness, along with her officials, went very well. I believe that the minister recognizes that the Senate is master of its own house, that the senators on the committee are masters of that committee, and that they should proceed accordingly.

However, in their desire to have a full examination of the bill, I am sure that members of the committee from all sides of the chamber would wish to hear from those people who wish to make representations in person or by letter with respect to the legislation by contacting the clerk, committee members or the chair of the committee. I am sure that all Canadians who wish to be heard by the committee, whether they are in favour of or opposed to the legislation, would expect nothing less than due process.

When we had second reading debate in this chamber, I was asked similar questions. I invited the Leader of the Opposition to make his speech that day and proceed to send the proposed legislation to committee.

If indeed the bill comes out of committee without amendments, and I anticipate that it will, then we should proceed with due process. We should deal with the bill expeditiously after those who wish to be heard have had an opportunity to present their cases to the committee.

Senator Oliver: Honourable senators, the newspaper report also refers to sources who say that the Americans have not directly ruled out a solution that would require foreign publishers to run a specified amount of original content in the split-run magazine editions aimed at the Canadian market.

Apparently the wording now being discussed, is original content, instead of Canadian content that the Americans will not accept. Is the minister able to advise us whether or not this is merely speculation, or are such negotiations being held at present?

Senator Graham: Honourable senators, I would regard that as purely speculative.

FOREIGN PUBLISHERS ADVERTISING SERVICES BILL— POSSIBILITY OF QUICK PASSAGE

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, by way of a supplementary question, the minister made a very convincing case on Tuesday night. Senator Kinsella, on behalf of this side, in order to alleviate the minister's anxiety to have this bill passed unchanged, offered to cut short the hearings and report the bill here next week so that we could discuss it at third reading. I would think that the government would be anxious to pick up on that spirit of cooperation and show those who are being targeted by this bill that the government is serious, that the bill is well researched, that it is Charter-proof, and that it is WTO-proof. This is what we were told by the minister, and we take the minister at her word.

Let us pass the bill. Why have all these hearings when we are in favour of the concept? We are in favour of cultural protection for our country and our magazines in particular. Senator Kinsella made the suggestion that we hold hearings tomorrow, Monday, Tuesday and Wednesday. The bill could then be reported on Thursday, passed Thursday afternoon, and Thursday evening receive Royal Assent. It would show those who are affected by this proposed legislation that this government is serious about protection of Canadian magazines and that there is to be no watering down of this bill. The only way to present that message is to pass this bill as quickly as possible.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am delighted to hear the Leader of Opposition speak out so forcefully in favour of the legislation as it now stands. However, as I understand it, there are some witnesses, individual Canadians and interested groups who wish to appear before the committee.

As I understand the way this place operates, on very few occasions, unless there is an absolute deadline on a piece of legislation, have we not given Canadians an opportunity to present their case before the appropriate committee, whether it is the Standing Senate Committee on Transport and Communications or the Standing Senate Committee on Legal and Constitutional Affairs. We have pieces of legislation now before us upon which the opposition is taking its good time to examine and to speak to.

Senator Lynch-Staunton: With reason.

Senator Graham: I refer to Bill C-40 and Bill C-43. There has also been talk of amendments on other pieces of legislation. I know that Senator Grafstein has amendments to which he will be speaking on a bill of particular interest to himself.

Senator Kinsella: Good amendments.

Senator Graham: However, Senator Lynch-Staunton would be the first to object very strenuously if we did not give Canadians an opportunity to be heard.

I understand that there are groups and individuals who have expressed an interest to be heard by that particular committee. Surely, Senator Lynch-Staunton does not wish to stifle debate at the committee level at this particular time. I expect that the bill will be reported unamended.

Senator Lynch-Staunton: I hope Senator Grafstein was listening to the fact that all witnesses should be heard, because he told the Senate yesterday that, in his case, he was cut off from further discussion at the committee stage, and that is why he is bringing his amendments here.

The point is that this bill is a very special bill. It is not an ordinary bill. It says, "Canada stands up for itself and what it believes in." I am using the minister's own words: Let us stop being bullied around. The longer we wait, the weaker we appear. Stretch the hearings right through to June if you want. What you are doing is saying to the Americans, "Tell us what you want and we will give it to you."

Senator Graham: Honourable senators, I hope that we can count on the same support when the bill comes back from committee and we reach third reading stage.

Senator Lynch-Staunton: When will that be?

Senator Graham: One of the things that this leadership does not do is try to direct the operations of a committee or individual senators. Unlike our predecessors, we act in a very democratic way.

I have been informed by the chair and by individual members of the committee that other witnesses wish to be heard.

STATUS OF DISCUSSIONS WITH UNITED STATES GOVERNMENT ON SPLIT-RUN MAGAZINES

Hon. David Tkachuk: Honourable senators, I wish to follow up on the question that Senator Oliver raised with regard to the *National Post* article today. At the committee hearings, both Senator Lynch-Staunton and Senator Kinsella asked the minister whether negotiations were taking place. She said emphatically they were not taking place and that discussions were ongoing. The article in the *National Post* that Senator Oliver referred to indicates that negotiations are taking place.

Therefore, I should like to ask the Leader of the Government in the Senate whether or not negotiations are taking place. It seems that the leaks out of the government do not jibe with what the minister told senators on Tuesday night.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of any ongoing negotiations. I am aware that discussions have been held between representatives of Canada and the United States. I believe the talks took place around April 7, 8 or 9, and the minister correctly characterized them as discussions and not negotiations.

I have not read the particular article in the *National Post* to which my honourable friend referred. I do not read the *National Post* very often since they printed such a poor picture of me a few weeks ago. It was not the best likeness of the Leader of the Government in the Senate.

Senator Tkachuk: Could the leader perhaps explain what the difference is between negotiations and discussions? Is there some sort of leap that will take place when discussions become negotiations when we are not watching?

•(1440)

Senator Oliver: Next week!

Senator Graham: Honourable senators, Senator Tkachuk and I could have a discussion about the fact that Wayne Gretzky may be appearing for the last time in the Corel Centre tonight with the New York Rangers. That would not be a negotiation, it would be a discussion. Discussions do go on between representatives of Canada and the United States, on a continuing basis. If they happen to touch upon the contents of Bill C-55, so be it, but I assure the honourable senator they are not negotiations.

[Translation]

POST-SECONDARY EDUCATION

MILLENNIUM SCHOLARSHIP FUND—
POSSIBLE RESOLUTION TO CONCERNS OF QUEBEC
EDUCATION COMMUNITY—GOVERNMENT POSITION

Hon. Jean-Claude Rivest: Honourable senators, I would like to come back to the issue of the Millennium Scholarship Foundation, which it seems are no longer the subject of discussion or negotiation between the Government of Canada and the Government of Quebec. Before we adjourned for Easter, we passed along to you the concerns of the entire education community, and particularly Quebec's students, regarding the impasse with respect to this project that all of Quebec has panned. This bad project is still around and the money is available.

Could the minister tell us about the discussions he has held with his cabinet colleagues?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I can assure you that I did bring the representations that were made by both honourable senators to the attention of Minister Pettigrew. I know that negotiations are underway between the Millennium Scholarship Foundation and many of the provinces.

I want to again emphasize that the foundation operates at arm's length from the Government of Canada. The foundation is very anxious to begin negotiations with the Government of Quebec, so that Quebec students may have some confidence about how they will be able to benefit from these scholarships in the same way as students from all other provinces.

We are also confident that the Quebec government will come to an agreement with the foundation and that Quebec students will not be penalized. I will again bring the concerns of my honourable friend to the attention of Minister Pettigrew and any other honourable ministers who may be concerned.

[Translation]

Senator Rivest: Could the minister inform his colleague, Mr. Pettigrew, that Quebec's students are so opposed to the millennium scholarships that last week they called for the resignation of Mr. Monty, the President of the Millennium Scholarship Foundation?

[English]

Senator Graham: Honourable senators, I, too, have seen and heard the news. The honourable senator would know better than I but I would not have come to the same conclusion. I do not know that that was a representative group of all of the students in the province of Quebec. Indeed, the government has heard from many students in Quebec who applaud the program and who feel

that it is a great program for the young people of our country. They see it as an excellent program through which they can receive direct assistance from the Government of Canada in pursuing a better education.

[Translation]

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—
MAINTENANCE OF DIPLOMATIC RELATIONS WITH RUSSIA

Hon. Pierre Claude Nolin: Honourable senators, last Tuesday, Senator Andreychuk asked you to explain to this chamber what measures the government had put in place to maintain contacts and ties with the Government of the Russian Federation.

I do not think we gave you the opportunity to elaborate. I would like to give you that opportunity today. It must be remembered that, during the darkest period of the Cold War, Canada continued to maintain productive relations with Russia. These relations played a very important part in the solutions we have found since the liberalization of relations between Russia and NATO.

What measures has the government put in place to ensure that good relations with Russia are maintained? It could easily have been foreseen that NATO would take action 20 days ago and begin air strikes against Yugoslavia.

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, Senator Nolin may have missed my earlier remarks and the comments that I made yesterday relating to the Prime Minister's letter last Friday to President Yeltsin. In that letter, he explained Canada's position, outlined the proposals put forward by NATO and, indeed, expressed the hope that the Russian federation would be a part of the final resolution.

We are very cognizant of the feelings of the people of Russia. I emphasized and underlined yesterday the close relationship between Canada and Russia. Just a few moments before Senator Nolin entered the chamber, in response to another question, I made mention of the fact that Foreign Minister Axworthy had spoken at noon today with the foreign minister of Russia. We are continuing a very close dialogue.

[Translation]

RESPECT OF ARMS EMBARGO BY RUSSIANS

Hon. Pierre Claude Nolin: In these discussions, either with members of the Russian government or with the Russian ambassador to Canada, was there mention of the sale of arms between the Russians and the Yugoslavs? The arms were intercepted in Azerbaijan. Is the Government of Canada making sure that Russia is honouring the embargo on the sale of arms to Yugoslavia?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not sure of the exact contents of the discussion. I am sure the tone was cordial but I do not know the precise details of the exchange between Minister Axworthy and his counterpart in the Russian federation or indeed whether they related to the sale of arms.

I am sure that in the course of covering all bases, as Minister Axworthy would of course do, that if it were appropriate, that matter would have come up.

[Translation]

NORTH ATLANTIC TREATY ORGANIZATION

FORTHCOMING SUMMIT MEETING TO DISCUSS
STRATEGIC CONCEPT—GOVERNMENT POSITION

Hon. Pierre Claude Nolin: On April 23, the Heads of State of the 19 NATO countries will be meeting in Washington. NATO's strategic concept will be on the agenda. It is a very important political document. NATO has always had a strategic concept, which has been amended over fifty years. What is Canada's position? Do we want to keep the current strategic concept? If we want another one, what should it include?

[English]

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I believe Canada will be putting forward some recommendations for changes at the NATO meetings in Washington to be held on April 23, 24 and 25, but it would be inappropriate for me to comment on those proposals at the present time.

SPORTS

POSSIBLE RETIREMENT OF WAYNE GRETZKY—
APPOINTMENT TO HALL OF FAME

Hon. J. Michael Forrestall: Honourable senators, I refer to an observation made earlier by the Leader of the Government. Should it happen that tonight is Wayne Gretzky's last game in Canada, would he lead a delegation of us to wherever that gentleman is so that we might escort him to the Hall of Fame post-haste?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, perhaps I may be permitted to reflect just a little? When Senator Sister Peggy Butts first entered the chamber, I made her introductions and mentioned that she was an uncompromising supporter of the Montreal Canadiens.

Senator Lynch-Staunton: Hear, hear!

•(1450)

Senator Graham: Honourable senators, I said at that time that the Canadiens would first be in Ottawa on October 25 of that

year and if anyone had any tickets they might make them available for Senator Butts. Within half an hour, she had either two or four on her desk, perhaps as a result of the courtesy of the person who sits closest to her on the left.

I am interested in seeing the game tonight. However, I started canvassing too late. I found out, to my dismay, that the source I normally tap had already given his tickets to Senator Fairbairn. Thus, she will be the emissary who will escort, on our behalf, Wayne Gretzky to the Hall of Fame, appropriately decked out in her bright Alberta and Liberal colours.

UNITED NATIONS

NATO FORCES IN FORMER YUGOSLAVIA—
REPRESENTATIONS TO GENERAL ASSEMBLY TO END CONFLICT—
GOVERNMENT POSITION

Hon. Nicholas W. Taylor: Honourable senators, my question is directed to the Leader of the Government in the Senate. It concerns the Kosovo crisis.

Is the government investigating the possibility, as was done at the beginning of the Korean War, of outflanking the Security Council and going directly to a plenary session in order to get the approval of the United Nations for what they are doing?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I have, indeed, asked that question. I have been assured that it would be a fruitless exercise because of the veto that would be exercised by both China and Russia. The Canadian representatives came to the conclusion that it would be more appropriate and more expeditious, because of the urgency of the situation, to follow the route that was recommended by our NATO allies.

FOREIGN AFFAIRS

NATO FORCES IN FORMER YUGOSLAVIA—POSSIBLE ARMING
OF KOSOVO LIBERATION ARMY—GOVERNMENT POSITION

Hon. A. Raynell Andreychuk: Honourable senators, I should like to ask the Leader of the Government in the Senate what is the official position today of the government on arming the Kosovo Liberation Army or any of Kosovo's neighbours. If the arming is to be done unilaterally by the Americans, what is the Canadian position?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that Canada has a specific position on the arming of the KLA. That has not come within my purview of discussions. However, I shall attempt to obtain an appropriate answer for the honourable senator.

Incidentally, it was suggested yesterday by, I believe, Senator St. Germain that we arrange briefings for all honourable senators. I have made inquiries about that possibility. I have received a positive response. It would be appropriate that the leadership on both sides have discussions with respect to an appropriate time for that to take place.

As an alternative, the chairman of the Foreign Affairs Committee might want to convene a meeting of that committee. I have not discussed this with him. The committee could invite officials from whatever departments to provide a proper briefing to all honourable senators. I would be prepared to initiate those talks as soon as possible.

NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—BRIEFING OF PARLIAMENTARIANS—AVAILABILITY OF MINISTERS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, we would certainly welcome that kind of initiative. I thank the Leader of the Government for his efforts in that regard.

Am I correct in assuming that ministers would be made available for these discussions?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I was not specific with respect to ministers. It may be that at an appropriate time, when ministers are available, they could come to provide a briefing.

My request at the time was that the officials at the highest possible level be made available and, perhaps, not just for one briefing but on a continuing basis. On that point as well, I received a positive response. Whether or not it would be ministers at the outset, I could not guarantee. However, I think we are taking a step in the right direction.

Senator Kinsella: Honourable senators, we would be happy to collaborate with our colleagues on the government side. We attach some importance to having ministers appear, when available. However, in times like these we recognize the tremendous extra burden that ministers are under. Having ministers present would allow us to get into the issues of government policy, something which is very difficult to do with officials, although that, too, is very valuable.

I thank the minister for his efforts in getting officials because the technical side is equally important.

UNITED NATIONS

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—REPRESENTATIONS TO GENERAL ASSEMBLY TO END CONFLICT—GOVERNMENT POSITION

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, while I am on my feet I would like to ask a supplementary question to the one posed by Senator Taylor.

As I understood Senator Taylor's question, he was asking whether or not the Government of Canada would, at the United Nations, seek to bring forward a resolution or another measure outside the Security Council. If I heard correctly the minister's reply, he pointed out the difficulty of doing things because of the

veto. The veto applies only at the Security Council, which is why we have been suggesting that it would be helpful for Canada to take creative steps at the General Assembly. Would the minister respond, please?

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware of any specific steps that are being taken at the General Assembly. We support the position put forward by the Secretary-General of the United Nations. My understanding is that he is presently in Europe keeping himself, as suggested by others, at the ready to intervene. He has made his own proposal and conditions with respect to the cessation of bombing. That position is supported by Canada.

Senator Roche and others have asked if we are trying to open the door for the Secretary-General of the United Nations to assist him in his efforts. I want to give all honourable senators our assurance that, indeed, those efforts are being made.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—POSSIBILITY OF EMERGENCY SESSION

Hon. Douglas Roche: Honourable senators, my question follows on Senator Kinsella's recommendation concerning the General Assembly. Because of the gravity of this crisis, which is getting worse daily, has the government given consideration to urging that an emergency session of the General Assembly be called? The General Assembly is not in session at the moment. However, an emergency session could be called under its rules.

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I am not aware that consideration has been given to that particular point. The Secretary-General of the United Nations has taken his own initiative and is now in Brussels to take whatever action a secretary-general could take. Mr. Annan is so highly respected around the world, and I should hope that he would play a very important, perhaps a lead, role with respect to finding a solution to this horrific problem. I draw from the Secretary-General's approach that he feels that he can get more positive action being in that part of the world, rather than being back at the United Nations in the General Assembly.

The suggestions made by the German government to the European Community are still under active consideration. Some reservations have been expressed by certain countries. However, they are still on the table.

•(1500)

Certain conditions surround that resolution, as you know, with respect to the cessation of bombing for a period of 24 hours. Against that background, discussions are going on between the United States and Russia, and between Canada and all of our allies in NATO.

The situation is very grave, and I do not underestimate its gravity in any way, shape or form. However, I assure all honourable senators that my information, as late as just a few minutes before I entered the chamber, is that while there is hope, the matter is still very serious.

VISITOR IN THE GALLERY

[English]

The Hon. the Speaker: Honourable senators, I should like to introduce a distinguished guest in our gallery. It is Mr. Barry Gorlick, President of the Canadian Bar Association.

I am sure my colleagues will permit a small parochial note: Mr. Gorlick is from Winnipeg, in the great province of Manitoba.

[Translation]

LAW DAY

Permission having been granted to revert to Senators' Statements.

Hon. Gérald-A. Beaudoin: Honourable senators, I should like to bring to your attention that every year on April 15 the Canadian Bar Association celebrates a day dedicated to the law. This day commemorates the anniversary of the Charter of Human Rights and Freedoms and its theme is access to justice — a theme I wholly endorse. It reflects the right of all Canadians to benefit from equal access to information on Canadian rights and institutions.

Educational and information activities in which hundreds of lawyers will be taking part have been organized across Canada by the Canadian Bar Association, all aimed at making the law more accessible to all Canadians.

The Canadian Bar Association, which represents lawyers all across Canada, has joined forces with the Department of Justice and the provincial legislatures to help educate the public about our legal system and its institutions.

[English]

Law Day takes place across Canada, with activities including charity fun runs, "phone-a-lawyer" whereby the public can consult with lawyers who practice in a variety of specialties at no charge —

Hon. Senators: Hear, hear!

Senator Beaudoin: That is of some interest. There are also courthouse tours and open citizenship courts. Tours of the Supreme Court and the Federal Court of Canada are offered in Ottawa.

I would indicate that during this year, Mr. Gorlick of Winnipeg has spoken out on two major themes: independence of the judiciary and legal aid.

[Translation]

I therefore invite all of my Senate colleagues to join me in saluting the President of the Canadian Bar Association and the effort his association has put into this year's Law Day.

ORDERS OF THE DAY

CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—MOTIONS IN AMENDMENT—
DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, seconded by the Honourable Senator Bacon, for the third reading of Bill C-43, to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence.

Hon. Roch Bolduc: Honourable senators, we continue to have serious reservations about this bill. At the committee stage, we heard from many witnesses, but we have a few words to say about it.

At the outset, I bring to the Senate's attention several promises made by the minister when he appeared before our committee on February 17 and 18. I wish to ensure that these are noted in the *Debates of the Senate*, as we fully intend to hold the government to account for those promises.

I also wish to make it clear that I am not raising these points to challenge the integrity of the minister or his deputy. However, ministers come and ministers go, as do their deputies, and Mr. Dhaliwal's view may not be shared by the person who holds this portfolio a year or a decade from now. I remind honourable senators that of the 31 ministers and junior ministers appointed by the Prime Minister in November of 1994, only five, including the Prime Minister, are still in their original posts.

First, the minister told us that he would continue to be accountable. We will be watching carefully, as we fear that, sooner or later, some future minister will cry, "arm's length," and duck his or her responsibility. We also fear that a minister one step removed from direct control will be a minister who must take his officials' words on matters in which he ought to be directly involved from the beginning.

We will not be the only ones watching. Garth Whyte of the Canadian Federation of Independent Business said:

Frankly, if the accountability function as designed in this bill does not work, the government will surely find out quickly, and I am convinced that it will pay a huge political price if the proper accountability mechanisms are not in place.

Then, honourable senators, there is the matter of the user fees. Various witnesses told us that they had been reassured that excessive user fees are not on the table. We are concerned because special operating agencies are more inclined to use these fees to supplement their budgets or to wean themselves from

appropriations. While cabinet approval is needed to raise fees, legislation clearly allows the agency to spend this money. Levon Markaroglu of the Customs Brokers Association of Canada told us:

We have some reservations about the system becoming more efficient through the initial expenditure of public funds to set up the proposed agency, only for the agency to download costs on to private industry.

We also learned in testimony from the Canadian Importers Association that, beginning in October, importers will assume the full cost of running the on-line system used to clear customs transactions. October is also the target date for the agency to begin operations. Is that a coincidence?

Honourable senators, if the government wants to impose a tax, it must come to Parliament for authority. If this agency wants to impose a user fee, Parliament has no say. The cabinet will decide, likely through the same rubber stamp that creates the thousands of Orders in Council each year. User fees represent taxation by agency or cabinet decree.

Owen Lippert of the Fraser Institute noted:

To the degree that the CCRA can augment its own budget internally through fees, property sales and multi-year budget re-allocations, it receives less direct instruction from Parliament.

We have been promised cost savings and simpler tax administration. Seeing will be believing, and right now those savings are very hard to see, with the provinces showing no interest in signing on.

Nor are we alone in our scepticism. Walter Robinson of the Canadian Taxpayers Federation told us:

To date, to the best of our knowledge, not a single province has signed on to this agency, or even communicated a public desire, through memoranda of intent, to seriously consider the merits of the CCRA. The Canadian Tax Foundation has noted that Ontario and Alberta are extremely suspect, given the federal government's objections to adopt a less progressive personal income tax structure.

The department has produced a study that points to impressive savings arising from the Canada Customs and Revenue Agency, especially in the realm of reduced compliance costs. This study is based on a complete provincial buy-in to the CCRA concept. I reiterate that, to the best of our knowledge, no province has signed on.

•(1510)

Honourable senators, the minister assured us that "fairness will be a practice of the agency, and also one of its fundamental values." Here, too, we must ensure that the word of the minister is honoured by those who follow him. Will Mr. Dhaliwal be there to keep this promise after the next cabinet shuffle? Your guess is as good as mine.

The new agency will be subject to the Access to Information Act. However, Revenue Canada has been notoriously bad in complying with this law. It is far from being an open department. In response to my question about the delays in releasing information about the agency, the minister told us:

We, as a department, are putting more resources into ensuring that we provide information in a more timely fashion.

Honourable senators, that does not give me very much confidence that what we are about to embark upon will create more control. I feel it will give less control.

We are told that small business will benefit, for example, by being able to fill in just one form instead of five, assuming that the provinces and local governments come on board. We will be watching very closely, as the history of bureaucracy is more paper, not less.

Another promise was that the agency's staffing practices would be subject to regular review by the Public Service Commission. Here, too, we will be watching, given the lack of any reference in the bill to the merit principle, and given that the Public Service Commission will have no teeth to back up its watchdog role.

Finally, the minister told us:

Our public servants are an integral part of national tax and customs administration that is second to none. I have no intention of leaving them in the lurch. The new agency will be designed to provide faster, simpler and more transparent human resource processes. It will make it easier for employees to move between jobs. Vacancies will be filled faster. Promotions and transfers will take less time to process. Recourse options will be more accessible and efficient.

Honourable senators, the Union of Taxation Employees and the Customs and Excise Union, the bargaining agents for 90 per cent of Revenue Canada employees, have expressed grave concerns. I was left with the clear impression that they do not take the minister at his word when he says that he has no intention of leaving them in the lurch. We are deeply concerned by this failure to bring the new agency's employees onside. They have raised serious concerns in areas such as job security and the lack of an independent appeal process to ensure that the merit principle is respected.

Further, we learned in testimony from two Revenue Canada employees, Barbara Stewart and Neil Crothal, that the government has done a poor job of communicating with its employees. Ms Stewart told us:

There is very little information with any depth to it getting to the general rank-and-file employee. Managers in our office recently held information sessions to provide updates, and there was nothing that we had not read in the newspapers about the status of the agency.

Managers were unable to answer questions about why there was not going to be third party recourse; what would happen to us once the two-year job guarantee provided in the legislation was up; why they would not extend the two years if there was not some intention to downsize; and why we have to go to an agency when most, if not all, of what they propose to do can probably be done under the current setup.

Honourable senators, Andrew Jackson of the Canadian Labour Congress called this "a labour relations accident waiting to happen."

Even Walter Robinson of the Canadian Taxpayers Federation was disturbed about this, telling us:

In regards staff interests, I would urge the members of this committee to seriously consider the objections raised by the various employee groups at Revenue Canada — employee groups like the Professional Institute of the Public Service, and the union of taxation employees. These groups have raised some real concerns about the creation of this superagency.

Honourable senators, several other points also trouble us. One in particular is the growing use of agencies to work around the staffing and control systems that have been put in place over the years. At second reading I quoted from last fall's Auditor General's report. I know that some senators opposite have problems with the Auditor General, but I think his advice is worth repeating one more time. He said:

Dissatisfaction with existing human resource management is also reflected in the interest among government officials in alternative service delivery mechanisms. One of the driving factors has been that present staffing, classification and compensation systems are too unwieldy and inflexible. The government needs to ensure that the rush to get "outside the system" does not divert attention from "fixing the system."

Honourable senators, when does this government intend to fix the system?

Then we have the matter of federal-provincial relations. Whatever good this agency may do if it can ever get the provinces to sign on may be lost if it aggressively seeks tax collection agreements with municipal governments in Quebec, for example.

The "big brother" issue must also be remembered. While the Privacy Act will apply to the agency, the fact remains that there will be a lot of data on individuals concentrated in one place. I trust the minister and I trust 99.99 per cent of his officials. However, no one can say with 100 per cent certainty that there will never be a case where someone's file is maliciously made public. It has happened in the past, as we know. Indeed, David Flynn, of the Union of Taxation Employees, told us:

Right now, the information out there is divided between Revenue Canada, the provincial tax regimes, property tax assessment roles, and so on. If the goal of the agency was

100 per cent fulfilled and Revenue Canada was collecting virtually every tax in Canada, including municipal property taxes, which is clearly the direction, there would have to be an enormous amount of information in one spot. Anyone will tell you that if that is the case, the chances for someone using, abusing, or compromising that information when it is being transmitted around electronically is greater when it is centrally located than when it is in a number of places.

Honourable senators, both the Canadian Importers Association and the Canadian Federation of Independent Business said that the board of directors must have the necessary skills and background to carry out their mandate. This, too, we will be watching.

I very much fear that, when the president of the Moncton Liberal Association is appointed to the board, we will find out that this was because hers was the only name on the list put forward by New Brunswick. It will be justified not on the basis of any particular tax or administrative skill, but on the basis of her years of service to the community.

After a month of hearings from the minister, the unions and business, I have not heard any compelling argument that this agency is necessary. Tax collection agreements can be reached without an agency. Revenue Canada's personnel problems would be fixed without an agency. There is no need for this agency.

[Translation]

I would even say it is an essential public service. If there is one thing that is public and needs to remain so, it is tax collection. If there is one minister and one department that must be retained, this is the one.

[English]

However, if the government is going to proceed anyway, it ought to at least address some of the very real concerns of its employees and of the public, the first one being of the utmost importance for sound public administration in this country — the merit principle in the personnel management of the new agency.

Honourable senators, the purpose of the amendment which I shall propose is to ensure that the agency hires, promotes and fires solely on the basis of merit. The functions of this agency are essentially a public service — collecting taxes to pay for the programs that we value. The public has the right to expect that those employees will be competent and qualified. That is the first criterion of selection for the public service. The way to determine competence or qualification is by competition among candidates so that the best are rated above others in order of merit.

The merit principle is a cornerstone of today's truly professional and effective federal public service. Before the merit principle, in the days before the First World War, the public service was a bastion of cronyism, patronage and discrimination. It mattered little if you could perform a job. Personal attributes having little or no bearing on the position at hand were more important than ability or competency. Religion counted more

than responsibility; politics more than professionalism. It mattered if you were Catholic or Protestant. It mattered if you were Irish, French or Scottish. It mattered if you were Tory or Liberal. It mattered if you were the senior clerk's nephew or neighbour.

Those days were put behind us decades ago. The Public Service Commission and the Public Service Employment Act removed bureaucratic and political patronage from the hiring, transfer, promotion and firing of federal employees.

•(1520)

Revenue Canada employees have very legitimate concerns that this bill opens the door to a modern, subtle return to past bureaucratic patronage. I share those concerns. This legislation would concentrate an extraordinary and excessive amount of power and discretion over human resource issues in the hands of senior managers of the Canada Customs and Revenue Agency. That must be fixed. It is not enough for the new agency to be charged simply with developing a human resources plan. It must ensure that its human resources plan incorporates the merit principle.

Honourable senators, Canada's bureaucracy is acknowledged — and, indeed, studied — around the world as a model of public service that works. That it does work as well as it does is in large measure due to the merit principle — the notion that, at the end of the day, all that should count is the ability of the individual to do the job, period.

Bill C-43 imperils this noble tradition. For the sake of this agency, its employees and the public it serves, the threat to the merit principle should not pass this chamber unchallenged. That is why I propose, honourable senators, an amendment.

[Translation]

MOTION IN AMENDMENT

Hon. Roch Bolduc: Honourable senators, I move, seconded by Senator Beaudoin:

That Bill C-43 be not now read a third time but that it be amended

(a) in clause 53, on page 17, by replacing line 7 with the following:

“(2) Appointments under subsection (1) to or from within the Agency shall be based on selection according to merit as determined by competition or by such other process of personnel selection designed to establish the merit of candidates as the Agency considers is in the best interests of the Agency.

(3) The Commissioner must exercise the“; and

(b) by renumbering all cross-references accordingly.

[English]

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “nays” have it.

Hon. John Lynch-Staunton (Leader of the Opposition): I assumed that there would be participants to the debate on the other side. If not, I will move the adjournment of the debate on behalf of Senator Stratton, who has a particular interest in this bill, and wishes to speak to the motion in amendment.

The Hon. the Speaker: I would need leave of the Senate for that motion, because I have already called the vote.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Lynch-Staunton, for Senator Stratton, debate adjourned.

EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT— DEBATE ADJOURNED

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Pearson, for the third reading of Bill C-40, respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence.— (*Speaker's Ruling*)

The Hon. the Speaker: Honourable senators, yesterday's debate on this order was interrupted by points of order. The first point of order was on the question of the motions in amendment being only in one language. That has now been corrected, and the motions are before you in two languages. Nevertheless, I will be doing further work on exactly at what point must we have motions in both languages so that, in the future, there will be a clear understanding in the Senate by all members.

The second point of order was on the question of comments made by the Honourable Senator Grafstein regarding information he received from a judge. I refer honourable senators to the *Debates of the Senate* of yesterday, page 3033. In the left hand column, the fifth paragraph, Senator Grafstein says, in response to the point of order, speaking about his argument:

I say only that it is tangential and I withdraw all my comments.

He repeats later on:

...I will withdraw. I agree with the honourable senator.

On that basis, I take it that the honourable senator has withdrawn his comments regarding Judge Arbour. Therefore, we can proceed with the debate.

Once again, I will be doing further study on this whole question of references to judges. It has come up before, and I think we should have a clear understanding as to what are the rules in the Senate. I declare that debate can continue.

I wish to point out that Senator Grafstein exhausted his 45 minutes yesterday. Therefore, unless leave is granted, he cannot continue further.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

Hon. Jeremiah S. Grafstein: Honourable senators, I intend to be very brief. Before proceeding directly to introducing or repeating the amendments I had discussed yesterday, I wish to thank the deputy leaders on both sides, all of the senators, the Speaker, and in particular Senator Prud'homme and Senator Bolduc, who, in their comments, facilitated the opportunity for me to adjourn the debate so that I could have the translations done in both official languages.

As well, for the purposes of the Hansard record, I wish to thank the two staff members of the Senate who have been assisting me in drafting these amendments, and the translator who worked arduously in very short time-frames to facilitate this matter. I want to thank all senators for their kindness, and also the Hansard staff who had to undergo a very tumultuous translation period because I addressed the Senate so quickly on this matter.

Honourable senators, subsequent to yesterday's adjournment, I ensured that the Table Officers received a copy of my amendments in both official languages. In addition to that, I took the liberty of sending a copy earlier today to Senator Beaudoin and Senator Bolduc, who had raised the question, so that they would have the substance of the matter before I proceeded with the amendments today. They had raised some questions.

I am prepared to read clause 44, honourable senators, but if you wish, I will dispense with that since all senators, I understand, now have a copy of my amendments in both official languages.

MOTIONS IN AMENDMENT

Hon. Jeremiah S. Grafstein: Honourable senators, I move:

That Bill C-40 be not now read a third time but that it be amended...

The first amendment, honourable senators, refers to clause 44, pages 17 and 18. The second amendment, which is more lengthy, refers to clause 2 on page 2, and a new Part 3 on pages 2 to 32.

I am prepared to read the amendments in total. If honourable senators wish, I will dispense with that reading and take the amendments as read.

Senator Beaudoin: Dispense.

[Translation]

The Hon. the Speaker: It is moved by Honourable Senator Grafstein, seconded by Honourable Senator Joyal, that the bill be not now read a third time, but that it be amended as follows:

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have a couple of questions for Senator Grafstein. They concern his address to us.

In his remarks, Senator Grafstein drew our attention to a memorandum he had received from Edward Greenspan. If the honourable senator agrees, could we have leave to table that document?

Senator Grafstein: It is a short memorandum. I am in the Senate's hands on that question. I would certainly like first to obtain Mr. Greenspan's consent, but I am prepared to do that.

The memorandum is not long. I did refer to it, but if it is appropriate, and because I have opened the door, I will facilitate the honourable senator and make that document available to him. I do not have it with me at this time, but I will ensure that he receives a copy as soon as possible.

Senator Kinsella: I thank the honourable senator for that. In debate, if one is quoting from a document, it is quite in order for senators to rise and ask that the original document be tabled. I appreciate the response from my honourable friend.

•(1530)

The second matter relates to the fact that reference was made in debate to electronic correspondence, I believe, with Madam Justice Arbour. Perhaps we could have a copy of that correspondence?

Senator Grafstein: I do not mean to return to the debate and the subject-matter of the point of order yesterday, however, I did not refer to Madam Arbour as a judge. I referred to her as a prosecutor, as the minister did in her testimony before the committee.

Let me tell you what those documents are. There is my request for information to her, her response, and then a subsequent response from another official at The Hague. I would certainly again undertake to facilitate the delivery of that material to the senator. I am in the Senate's hands here, however, on how you would like me to deal with that matter.

Senator Kinsella: Honourable senators, on page 3031 of the *Debates of the Senate* for April 14, 1999, on the ultimate paragraph on the left-hand side of the page it states:

A curious thing happened in the course of the last couple of weeks. I decided that I would do a little more homework on this subject. On March 31, I e-mailed Madam Justice Arbour, our prosecutor of war criminals.

That is what gave rise to a question from our colleague Senator Bolduc. Equally important is the fact that, in the course of the debate, reference was made to the testimony that was given by the Minister of Justice, Anne McLellan, when she appeared before the Standing Senate Committee on Legal and Constitutional Affairs. Upon examination of the record of that standing committee of this house, it was determined that the Minister of Justice had testified that Louise Arbour was in favour of this measure.

Without wishing at all to impugn anything other than that, we have a bit of confusion in the record that should be set straight. Since it has been raised in this chamber, I believe that it is now germane that we receive a copy of the documentation that was cited in yesterday's debate. Thus, I would ask the honourable senator if he would comply with my request.

Senator Grafstein: Honourable senators, I will try to facilitate that and send that to the Table Officers as soon as possible within the next 24 hours.

Senator Kinsella: Honourable senators, this raises another matter: When faced with an apparent contradiction in testimony received by one of our honourable committees, particularly when it appears to come from such a distinguished witness as the Minister of Justice for Canada, the Attorney General, as is the present case, I am sure that the honourable minister would wish to have the record made clear. On face value, based upon the debate thus far, we have on the record of this house an observation that perhaps the Minister of Justice and the Attorney General of Canada has said that Madam Justice Arbour has adopted a certain position or a view with reference to this legislation. Yet an honourable colleague provides us with information that says the opposite, although not necessarily the contradictory opposite. In the presentation of evidence and in the presentation of views, very often it happens that people use language such that the message gets somewhat obfuscated. Whatever the record is, I feel we should have it straight because right now it would appear that we have contradictory evidence on the record.

Does the honourable senator have any suggestion or recommendation as to how that might be best dealt with? For

example, is it his view that if this matter were to be referred back to the Standing Senate Committee on Legal and Constitutional Affairs, that might be a neater forum in which to have that matter made clear for the benefit of all the participants or, indeed, perhaps he has another suggestion, such as Committee of the Whole or some other vehicle? Nevertheless, the matter must be clean.

Senator Grafstein: Obviously I should like to have the minister's testimony on the documents that I will table with the Clerk. I believe they will be self-explanatory. I am not sure one can conclude whether they are contradictory or not. On the face of it, since they are documents and we have not had further discussion about that, the documents will speak for themselves.

As to the question of referring this matter back to committee, I have given that some consideration. I believe that while the remarks or the comments may be interesting with respect to certain witnesses, be it by way of the minister's comments or what is written in the documents I have with respect to Madam Arbour, that subject is tangential to the substantive amendments that I have presented. I do not think that that will, in any way, shape or form, block any senator from dealing with the substantive amendments.

We spent a fair amount of time on this matter yesterday. For the purposes of the public interest in facilitating this matter, since these are my amendments, it would be my proposal that we proceed with them. I have made these amendments and tabled them. Obviously, other senators may wish to comment on these amendments, and then I should like to proceed to a vote. We have enough material before us now for all senators to come to a fair and open decision.

Having said that, I do not believe it is appropriate for senators to come to the conclusion that I have until they see the documents, which I will present to them. However, at this moment, having looked at the documents myself relating to my two specific amendments, I feel that, with some debate, the Senate will be able to come to a clear-cut decision on those amendments. They are fairly simple in principle. The fundamentals are fairly clear. The drafting is another question; however, I believe that the questions are clear. Rather than continue for a lengthy period of time, I would prefer that we come to some speedy resolution of this matter in the public interest.

My personal preference would be to proceed with the debate. Obviously, I will table those promised documents within 24 hours and move to a vote quickly. The principles of my view are quite clear.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, the issue before us goes beyond the bill itself: It involves the propriety of a minister in consulting a member of the judiciary and making that opinion known. His Honour will rule on that shortly. It also involves the accuracy of the representation of the judge's comments. It is quite categorical in the minister's testimony before the committee, as quoted by Senator Grafstein:

Bill C-40 has attracted strong support from the current Chief Prosecutor, Louise Arbour.

That is quite clear, that the committee was told that the chief prosecutor, Madam Justice Arbour, was in favour of this bill, which lends it a great deal of credibility. Certainly, coming from such an experienced person, that would influence many feelings about the bill.

Senator Grafstein then tells us that when she was contacted directly, her associate, Mr. Graham Blewitt, replied:

...it is inappropriate for us to comment on the specific way in which a state decides to meet these obligations.

In other words, the prosecutor refused to be drawn into the debate, which I believe is the quite proper course for any member of the judiciary to take. First, it is quite improper, I believe, to approach a member of the judiciary, and it is quite right for that member to refuse to be drawn in.

•(1540)

Did the minister mislead or misinform the committee? On what basis does the minister come to the conclusion that Madam Arbour has given strong support to Bill C-40? I do not think we should come to a resolution of this issue until these matters are cleared up. It could be that Madam Arbour does not favour this bill. However, though her opinion should not be before us, she has been drawn into this debate and her reputation should be cleared by resolving this matter.

If the minister was in error in quoting a letter, then the minister should make that known before we proceed with the bill. Whatever version the minister may have of the facts, which may be completely right and proper, we should know. At present, there is a suspicion that matters were not handled as properly as they should have been insofar as they relate to members of the cabinet and a member of the judiciary.

Hon. Lorna Milne: Honourable senators, I have a question of Senator Grafstein. I am glad that the honourable senator withdrew his remarks yesterday about Madam Justice Arbour. However, I do feel that he should, perhaps, correct the implication that was also made in this place yesterday that the Minister of Justice had, first, most improperly contacted a member of the judiciary and, second, had misled the Standing Senate Committee on Legal and Constitutional Affairs, contrary to my recollections.

I have checked the transcript of the committee's proceedings, and Minister McLellan at no time stated that she had spoken to Madam Justice Arbour. I understand that Minister McLellan received her knowledge of Madam Arbour's position on Bill C-40 from an article appearing in *The Edmonton Journal* of Wednesday, May 6, 1998, at page eight. If I may, to correct the second impression that the minister misled the committee, I should like to quote from that article. It states:

Justice Louise Arbour, an Ontario Court of Appeal judge who is currently chief prosecutor at the International War

Crimes Tribunal in The Hague, has accused Canada of lagging behind in its international obligation to bring suspected war criminals to justice.

She said Tuesday she is pleased Canada will be able to transfer alleged suspects —

The Hon. the Speaker: Honourable Senator Milne, I regret having to interrupt you, but is this a question to Senator Grafstein?

Senator Milne: I wanted to ask whether or not Senator Grafstein would perhaps reconsider what he has said, in view of what *The Edmonton Journal* has quoted and in view of the source of material for Minister McLellan.

The Hon. the Speaker: This is verging on an actual debate. However, if you are coming to a question, then please proceed.

Senator Milne: I have but a few more things to say. Continuing with the same quotation:

"There was a terrible void in Canadian legislation," Arbour said in an interview from the Australian capital of Canberra.

"I think having a structure in place will avoid what otherwise would have been a terribly embarrassing situation for a country like Canada."

In view of this source for Minister McLellan's remarks, I would hope that perhaps Senator Grafstein would also like to withdraw some of his implications from yesterday.

Senator Grafstein: Honourable senators, let me be absolutely clear. I thank the Honourable Senator Milne for raising the question. However, it was not my intention in any way, shape or form to draw any improper implications whatsoever from anything with respect to either Minister McLellan or Madam Arbour. That is why, when Senator Bolduc raised the question — and perhaps he took my comments a little farther than I had intended — I immediately withdrew those comments. However, I say again to the Senate that those comments with respect to Madam Arbour and the minister are tangential to the argument and to my amendments.

The minister, in her comments, made a reference to Madam Arbour as the prosecutor, which she is; the chief prosecutor in The Hague. I thought it was appropriate, when the minister did this, as an evidentiary thing to question that.

When one sees the correspondence, one conclusion that a senator could arrive at is that the chief prosecutor, in her capacity as chief prosecutor, chose not to participate in this substantive question. The issue remains tangential.

We can continue, honourable senators, to take a significant amount of the Senate and public time on this matter. However, I would prefer to deal with the substance of the amendments.

I say to Senator Milne, if there is any improper implication, I withdraw those statements as well so that we may proceed with the substance of the debate.

Hon. Donald H. Oliver: Honourable senators, my question is to Senator Grafstein. Yesterday, in the course of giving a background to the amendments that are now before the chamber, Senator Grafstein referred to one of Canada's most distinguished criminal lawyers, Mr. Greenspan. Senator Grafstein indicated that Mr. Greenspan may have some evidence and some views that might be of some assistance to the Senate in understanding the amendments that Senator Grafstein is proposing.

My question for Senator Grafstein is: Does he now feel that Mr. Greenspan would not be able to add anything to the debate and to the issues raised by his amendments?

Senator Grafstein: No, honourable senators, that is not my view. Again, I wish to return, if I could, to the substance of the particular amendments that I was addressing. Mr. Greenspan did not opine directly on those particular amendments. There were some general concerns that he had, and I raised them to demonstrate that sometimes in this place we facilitate hearings without taking the time necessary to listen to all viewpoints. I was careful in my comments to say to the Senate that I was not sure whether or not I agreed with Mr. Greenspan's comments. However, I wished to table them as another view.

As a question of practice and procedure, when outstanding Canadians make themselves available to the Senate, which is an adornment to the Senate, we should facilitate that gesture. However, as I read his comments, they do not directly relate to the amendments before the house at this time.

Again, I urge honourable senators, we can have a long and discursive debate about this, which might be useful for future practice; however, I am more interested in facilitating this legislation and in dealing with the amendments and proceeding with this matter. The primary and paramount interest is for us to have a renovated extradition bill, which I hope will include my amendments. That is the subject-matter before the house. That is the subject-matter with which I should like to proceed.

I thank honourable senators for listening so carefully to my concerns. However, by the same token, I do not wish to obfuscate the paramount issue that I put before this Senate, namely, dealing with two very important and fundamental issues. I characterized the two issues carefully yesterday. I hope other senators will also amplify whether or not they agree with those propositions. Let us get on with it.

I thank honourable senators opposite for raising these tangential issues as substantive, which they may well be. We have now heard from Senator Milne about Madam Arbour's position on this matter, and how the information was obtained. I am satisfied with that. However, I do not wish to take up the committee's time, which is already overloaded, as Senator Milne has implied, by referring this matter back and forth to them like a yo-yo.

I believe we have enough information here. All senators now have enough information before them, subject to receiving the

correspondence, which I will table, to come to a decision and to facilitate the matter and proceed with the issue at hand.

I thank all honourable senators for giving this matter the careful deliberation that they have at this time.

Hon. A. Raynell Andreychuk: I should like to ask the honourable senator a question. Yesterday, on a slightly different topic, Senator Grafstein indicated that he had put a question to the minister about the fact that Canada had not handled the war criminal situation well, and that he had received an unequivocal response from the minister. He then went on to talk about these amendments.

•(1550)

I should like to ask the honourable senator: Is it your opinion, or did you intend to leave the impression that, somehow or other, we would not be handling issues regarding war criminals appropriately if we did not have these amendments? That was not the committee's position, nor is it my position. However, I want to know if you are tying those two issues together.

Senator Grafstein: Honourable senators, I think they are tied together, but yet they are separate.

First, let me tie them together. I raised this fast-tracking issue in committee because the minister, in the cross-examination, accepted the fact that the history of Canada and war criminals was not very satisfactory. She admitted that. I think it is common knowledge, and I took it as almost a consensus in the country — certainly in this place — that, in the past, when we have had domestic war criminals, we have not proceeded with their prosecution expeditiously. That is well known, and I take it as a fact.

Having said that, that was the past, and that was the argument I was trying to make briefly in my speech yesterday. When we now look prospectively to the future, if we can, in effect, defer dealing with these alleged war criminals domestically and facilitate their transfer or surrender to the tribunal already organized and set up deal with these things more expeditiously, then that is in the interest of justice. Justice delayed is justice denied. By delaying prosecutions, perhaps we have been unfair to alleged war criminals. It is to be hoped that we can learn from the past.

The idea here was to have a faster track for war criminals who came to this country. When we found them, we would follow due process and then they would be surrendered to an international tribunal armed with the skill, knowledge and expertise to deal with these matters expeditiously, in fairness both to the accused and to the world. That was my purpose. I think I made that clear by differentiating the two.

If we have not learned from the past, how can we renovate the future? This is the future, and we should move on it as quickly, expeditiously and fairly as we can. That was my point, honourable senators, and I thank the honourable senator for bringing that to my attention.

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I know that Senator Beaudoin would like to adjourn the debate on this matter. However, I would ask him if it would be permissible to adjourn the debate in the name of Senator Bryden. I ask that because Senator Bryden had originally stood to speak on this matter yesterday, and was pre-empted by Senator Grafstein on the understanding that Senator Bryden would follow. If it is agreeable, I wish to adjourn the debate in the name of Senator Bryden.

Hon. John Lynch-Staunton (Leader of the Opposition): Agreed.

On motion of Senator Carstairs, for Senator Bryden, debate adjourned.

MERCHANT NAVY WAR SERVICE RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator Atkins, for the second reading of Bill S-19, to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment.—(*Honourable Senator Carstairs*)

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I yield to Senator Atkins.

Hon. Norman K. Atkins: Honourable senators, it is with pleasure that I speak on Bill S-19, the Merchant Navy War Service Recognition Bill.

By the end of the Second World War, Canada had a merchant fleet of 180 ships and 12,000 mariners. Eighty merchant ships were lost, 1,509 merchant mariners were killed and 198 captured. The merchant navy suffered a higher rate of casualties than any other service.

On May 19, 1941, the Government of Canada stated:

...the merchant marine on which our seaborne commerce depends, is, under present conditions, virtually an arm of our fighting services, and the provision of merchant seamen, their training, care and protection is essential to the proper conduct of the war, and vitally necessary to the keeping open of the sea lanes on which the successful outcome of the present conflict so largely depends.

After November 1942, merchant seamen were officially called the Canadian Merchant Navy. Merchant mariners were treated as prisoners of war by multinational agreement after 1942.

Merchant mariners were subject to military law under Admiralty Orders and disciplined by the Navy Judge Advocate General.

Honourable senators, there are an estimated 2,400 merchant navy veterans left, and that number is rapidly declining.

Bill S-19 will complement the recent omnibus bill, Bill C-61. Bill S-19 does not spend money. The preamble of Bill S-19 sets out the bill's frame of reference, and is about the past. It is long-awaited recognition, and in some respects it is an apology.

Clause 3 sets out the purpose of Bill S-19:

to compel the end of legislative and government discrimination against merchant navy war veterans in the distribution of awards and benefits and in public ceremonies of acknowledgement for war-time services so that merchant navy war veterans will, in the future, receive similar and equitable treatment to that provided to the war veterans of the armed forces of Canada.

It is a Bill of Rights for merchant navy war veterans that will protect them in the future from discrimination.

Honourable senators, clause 4(1) would invalidate any future federal acts

...that would make any provision for a financial or other benefit to war veterans of the armed forces of Canada who served in World War I, World War II or the Korean conflict or their dependants...unless the Act makes provisions for a like benefit to merchant navy war veterans or their dependants.

There should not be any second-class war veterans in Canada. Bill S-19 would ensure, through legislation, a level playing field.

Clause 5 ensures merchant navy veterans a place in remembrance services.

For those who may be in doubt as to the courage displayed by our Canadian and merchant navy veterans during the Battle of the Atlantic or the perils and hardships they endured, I recommend they read a book entitled *Deadly Seas* by co-authors David Jay Bercuson and Holger Hervig. The graphic and factual descriptions will, I believe, most certainly dispel any doubts.

In summary, honourable senators, it is a simple bill. Any concerns regarding language can be easily handled by amendment in committee. I should like to see Bill S-19 sent to the Standing Senate Committee on Social Affairs so that the Subcommittee on Veterans Affairs can examine it.

On motion of Senator Carstairs, debate adjourned.

PRIVILEGES, STANDING RULES AND ORDERS

CONSIDERATION OF NINTH REPORT OF COMMITTEE—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Ferretti Barth, for the adoption of the ninth report of the Standing Committee on Privileges, Standing Rules and Orders (independent Senators) presented in the Senate on March 10, 1999.—(*Honourable Senator Robertson*)

Hon. Brenda M. Robertson: Honourable senators, since I have no intention of speaking to this motion, I am prepared to yield to Senator Kinsella.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I move the adjournment of the debate.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, when does Senator Kinsella intend to hold this debate?

[*English*]

•(1600)

He will be there and we will not. We will not be there and he will.

Honourable senators, this is a complete report. We may agree or disagree, but we must take cognizance of it. May we ask him when we can participate?

The Hon. the Speaker: I regret, Senator Prud'homme, but there is no debate on a motion for adjournment.

Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Senator Prud'homme: No.

The Hon. the Speaker: Those in favour of the adjournment motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker: Those opposed to the adjournment motion, please say "nay."

Senator Prud'homme: No.

The Hon. the Speaker: In my opinion, the yeas have it.

Senator Prud'homme: On division.

On motion of Senator Kinsella, debate adjourned, on division.

SECURITY AND INTELLIGENCE

CONSIDERATION OF REPORT OF SPECIAL COMMITTEE—
MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kelly, seconded by the Honourable Senator Beaudoin, for the adoption of the Report of the Special Senate Committee on Security and Intelligence, deposited with the Clerk of the Senate on January 14, 1999;

And on the motion in amendment of the Honourable Senator Carstairs, seconded by the Honourable Senator Fairbairn, P.C., that the Report be not now adopted, but it be amended by deleting recommendation No. 33; and

That recommendation No. 33 be referred to the Standing Committee on Privileges, Standing Rules and Orders for consideration and report.—(*Honourable Senator Andreychuk*)

Hon. A. Raynell Andreychuk: Honourable senators, Senator Bryden and Senator Kelly have already spoken on this report. They have covered virtually all of the areas in contention. I simply wanted to add my comments and my support for this report.

First, I wish to thank the staff, who were very patient during the summer when they had to collect material of a highly technical nature. They had their work cut out for them. They handled it admirably and served the committee members very well.

I wish to thank the committee members for their diligent study in this area. We expected to have some difficulty with the intrigue surrounding the subject-matter. Foreign policy issues are difficult but certainly security and intelligence, that whole nefarious world about which we know so little, is often even more difficult. Little did we foresee that there would be just as much intrigue between the chair and the co-chair, but that gave us some first-hand knowledge of how security and intelligence is really handled in practical, day-to-day work situations. I say that somewhat facetiously, as in the end, the matter was handled by all members diplomatically. We received the evidence and have compiled a report which is worthy of your reading for an understanding of the security and intelligence issues facing Canada. The recommendations are worthy of implementation by the government and the various departments.

We also owe a debt of gratitude to all the officials. Unlike some journalists and others who have said it is sometimes difficult to deal with RCMP, CSIS and other agencies, including the PCO, on this issue, we found members to be forthright. Their answers were facilitating. They took much time with us to explain the process. They gave us their opinions. I believe they served Canada well in this area.

This area cannot always be addressed openly and publicly, but I am pleased that the officials within all the agencies, and the RCMP and CSIS in particular, are looking for ways and means to deliver as much information as possible to the Canadian public without jeopardizing our security in Canada.

What troubled me most is that these people are working under incredible odds. The sphere of activity has enlarged greatly. The criminal element has now joined with terrorist elements and their realm is huge and growing by the day. Much of this growth is due to the interrelations of our world and much is due to new technology.

In the past it was difficult to plan a terrorist attack without being on site, without having personal contact. That contact is now virtually unnecessary. One can live in a remote area of the world and be bank-rolled from another part of the world. One can pull a trigger in one part of the world and cause explosions and serious harm to citizens in yet another part of the world. Therefore, the issues of security and intelligence are no longer a pitting between what we used to call our enemies and our friends. They are global issues, and we are all now struggling to contain these elements.

The use of criminal activity to fund terrorist activities is blurring the line between these two segments and is, therefore, causing great difficulties for agencies such as RCMP and CSIS. They can no longer maintain their investigations within their own spheres. Our definitions are finite. The activities of criminal, narcotic and terrorist elements do not abide by those limitations. They cross over time and time again.

It is very difficult, without the kinds of protocols and agreements that we have in Canada, for our officials to function adequately while continuing to be accountable. I believe the report addresses the accountability issue in great length. We are demanding more accountability from our officials and, in fact, are getting it. I commend those who are thinking about new ways to bring the issues to the public.

We were also conscious of the fact that in bringing an awareness of terrorist attacks which could possibly happen in Canada, we could inflame an issue; we could cause undue anxiety in the population. Those who work within CSIS and the RCMP are also concerned about that possibility. They are finding ways to bring forward the information that they can without causing undue difficulty.

The overall assessment in the report is that we are being served well and that we are not a target for terrorist activity at this time. At the same time, the situation could turn within minutes. We must be ever vigilant to ensure that we have the best policies and the best practices in place.

I want to underscore in this report my greatest concern. We have consistently, sometimes for valid reasons and sometimes for questionable reasons, reduced the funding for our agencies and departments which deal with terrorist activities. We have systematically cut them back as we have attempted to curb our deficit position or readjust and streamline other situations. My

greatest concern is that the continuous downsizing of these agencies has affected their capabilities. We must understand that they are doing more and confronting new situations with less and less dollars.

Every day they must make a choice of which situation to investigate and which situation they simply cannot handle. If their judgments fail from time to time, we will share with them the cost of that misjudgment. I hope that cost will not include the lives of Canadians or situations of grave difficulty for Canadians. I would ask the Government of Canada to seriously consider looking at refinancing and bringing up the levels of contribution to both CSIS and the RCMP, which is absolutely critical to maintaining the kind of work that they have been doing.

•(1610)

The RCMP has had to deal with increasingly sophisticated technologies, which takes time, training and understanding. At the same, there has been an increase in the need for community policing. How can the ministry decide whether to worry about criminal activity on the streets of Canada at the same time as preventing terrorist activity?

It is often said by the Americans that we are a soft target: that so many of the activists who target the United States use Canada as their launching pad. I feel that the Americans overstate the situation. Make no mistake, there is truth in their saying that Canada is an easier country to enter. We are more receptive to people coming into our country. We are a much more open society. We do not have the mechanisms and means to track nefarious activities like the United States does. We can be used, and we have been used in the past, as a launching pad for other activity. This is something about which we should be aware. We should reconsider the capability and the capacity of the RCMP and CSIS to do their jobs well.

Honourable senators, I have already alluded to the fact that the sphere of activity has enlarged. I cannot go into detail since our hearings were held *in camera*. However, the methodologies used by those who wish to employ terrorist tactics have exploded, and they are exploding on a daily basis.

The ability to move funds by electronic means is phenomenal. Cellular telephones and new-age machinery is being developed on a daily basis. The tracking of these means is not the same. It is a bit of a dilemma for Canada, because most of our systems contemplated measures such as obtaining search warrants to tap telephone lines, and having legislation in place when we do tap those lines without search warrants. In many cases, telephones are passé. The type of technology that officials are using now is way beyond that.

It is an intricate, highly educated group of people which has chosen to work in terrorist activity. We need the capacity and the capability to rebut that activity. What is reassuring is that we are aware, through our various agencies, of this changing field. When we started our study, we were somewhat concerned as to whether those agencies were on top of the situation. I am pleased to say that they are. They are keeping in touch with other

agencies around the world. They are trying to build the linkages that will help our system here in Canada. What is missing is the manpower to do the job fully.

Honourable senators, we need to work on our alert systems. We need to work more fully, and in a coordinated way, with other agencies. You will see in the report recommendations in this regard. In this way, in particular with the American authorities, we can share information and build a worldwide system that combats terrorism and other nefarious activity.

I now wish to address three areas in the report which are of concern to me. While I believe it is an excellent report, there are a number of areas that I wish to underscore and point out why I have some difficulties with them.

My first concern is with Recommendation No. 13, which states:

The Committee recommends that consideration be given to amending the *Income Tax Act* to allow Revenue Canada to deny charitable registration to any group on the basis of certificate from the Canadian Security Intelligence Service that the group constitutes a threat to the security of Canada. Any such amendments must be carefully drafted to ensure that the Canadian Security Intelligence Service's decision is adequately reviewed on application by the group, and to avoid a situation where the certificate becomes a bargaining chip in obtaining cooperation from such groups.

This is the area which caused me the greatest problem. We have an open society in which we come together in groups and associations. Many of our people come together on an ethnic basis because they feel comfortable doing so. It is a way for them to learn more about Canada. They can find solace with each other and do good works in Canada, hence the request to obtain a charitable registration number. Recently, many of these organizations have been infiltrated by minority groups which use the group for fund-raising. They put the fund-raising under the heading of "humanitarian and charitable," yet we know that they misuse these funds, perhaps for the purchase of arms or to carry on terrorist activities.

It is important that we thwart this kind of activity within the voluntary sector. It is also important that we maintain the integrity of the voluntary sector, and that we do not damn all people who join an organization by the activity of a few.

I was strongly against CSIS having the authority to remove the certificate of charitable registration from any group in Canada. I believe that is inappropriate. It would mean that if there was some illegal activity found within the group, the whole group would be tainted and damned. I do not believe that is in keeping with our encouragement of voluntary activity and free association in Canada.

We concluded that the numbers should be taken away through an amendment to the *Income Tax Act* only if strict procedures are put in place with regard to due process and fairness, and that

an opportunity be given to the organization to come forward to speak to what it is and how it conducts itself. The activity of one or two individuals who misuse a group should not prejudice other members of the group.

We are also aware that a number of these people do intimidate. In particular, among recent immigrant arrivals, those who wish to continue actions overseas sometimes intimidate their own members. They do it quite well and quite surreptitiously. We did not want to reinforce or support that activity.

While the view of some is that the removal of the registration number helped some, it is my opinion that it damned all of them. We must find other mechanisms to stop the intimidation within these recent immigrant groups and other groups —

The Hon. the Speaker: I regret to interrupt the Honourable Senator Andreychuk, but her 15 minutes has expired.

Is leave granted for the honourable senator to continue her remarks?

Hon. Senators: Agreed.

• (1620)

Senator Andreychuk: Thank you, honourable senators.

If I may reiterate, I firmly believe that we must continue to support free association in this country, and we must find other ways to stop negative and nefarious activity perpetrated by a very few individuals within these groups.

I believe our Recommendation No. 13 should be read in that light. We were not certain and we were not capable of drafting what should take place; we simply said there should be a mechanism because our security should be paramount. Therefore, perhaps that capacity should be there. However, we should have a full review by, perhaps, the Minister of Justice and Parliament before such a step is taken. It should not be used as a bargaining chip within the CSIS mandate.

The second recommendation I wished to comment upon was Recommendation No. 33. The committee recommended that a standing Senate committee on security and intelligence be constituted. The method and manner is outlined in the recommendation, and I will not read it.

I have a slight difference of opinion with the chair and with other members of the committee. This is the third Senate committee that has investigated security and intelligence in Canada. It has brought a certain expertise to the table, but it also brought a freshness and a willingness to look at all issues in a way that I believe would not be there if we institutionalized the process. It would have the capacity to become very pro forma. Therefore, I believe that we need parliamentary scrutiny, and I believe that the Senate scrutiny which has occurred twice before — this is the third time — has served Canadians very well. It has been thorough; it was been exacting on the officials; it has touched all bases to give the kind of assurance that we are, in fact, doing the best we can in this field.

While I agreed with the recommendation to have a Senate standing committee, I believe that we should seriously look at whether a standing Senate committee is the only way to go. Is there a more efficient or unique way in which this can be done? I hope there will be a debate in the Senate to cover this area in a different manner.

The third comment that I wished to make is that the whole immigration process needs to be examined. We only touched on that aspect in the report. It is extremely important — and we have a section highlighted in our report — that anything we say about improving and strengthening immigration processes to prevent terrorist activities and those who perpetrate it from entering Canada is not to be taken as a statement against immigration and the very valuable part that most immigrants play in Canada. In fact, if I may say so, that is the majority, with very few exceptions.

We believe that if we could strengthen some of the immigration areas to withhold immigration from some well-known, key players in the terrorist field, we would be doing a service to all of those who have immigrated to Canada, and will continue to immigrate. They will be seen in a more positive light. I believe those comments and recommendations in our report are directed at that aspect, and not at the full immigration process. In fact, I believe all of us, as a committee, were very strongly in favour of continuance of immigration. Nothing in the report should be seen to the contrary.

In conclusion, I thank Senator Kelly for his dedication to this issue. Not only did he work diligently throughout this report, but he maintained this as his area of concern and expertise on virtually a daily basis, from month to month and year to year. It was his insistence and persistence that made this report possible.

I also applaud the vigilance of the deputy chair, Senator Bryden, in ensuring that the chair opened up the process to contrary views. We had the kind of debate and discussion that had to take place in a confidential manner, but it was also done in a very open and frank manner.

I believe the report is worthy of a reading. In particular, I would encourage the Government of Canada to act upon it. There has been a signal that the Government of Canada is interested in this report and is taking measures to move on it. I would commend them to continue along that line.

Hon. Marcel Prud'homme: Honourable senators, I should like to thank the senator for an excellent intervention on an important issue.

It is no secret that I violently opposed the creation of CSIS in 1984. I voted against it because I thought it was a mistake. Although the RCMP were accused of having committed many mistakes — and they did abuse their authority — I was still of the opinion at that time that we should have modernized the RCMP and thus have only one institution.

However, after having attended some of the meetings as a non-member during the summer — I repeat, as a non-member — but as someone who seconded Senator Kelly's motion on this issue, I am now reconfirming my opinion that we do not need two institutions.

I will eventually participate in the debate. Regardless of what some of them have said, you could detect that they do not work as closely as they should.

Are you of the opinion that, during our reflection, we should perhaps take into account the fact that, because of the refinancing that you mentioned in your speech and the lack of money in the budget, we should begin to look at whether or not we could have only one super organization, namely the RCMP, with two divisions, instead of two complete and separate organizations?

Senator Andreychuk: I am glad that you have allowed me to touch on that point, because I was thinking the same thing.

With all the faults of the previous system, I would have preferred to have continued the system under the RCMP. Having said that, CSIS is now in place. Time has passed, and we have two agencies. To dismantle them and try to put them together again would be of greater disservice to Canadians than the present situation.

From what we witnessed, what we heard, and what we sought out from other sources, there are difficulties between the two agencies. However, what two ministries do not have difficulties working together? What two individuals do not have difficulty working together? I think the efforts that both the RCMP and CSIS have made at the top level and at the working level are very commendable.

We had the opportunity personally to see other areas than Ottawa and the head offices. On the ground, CSIS and the RCMP do work together. It is unfortunate that there are gaps and that certain personalities do not work well together from time to time. Those are the ones we hear about. However, as a system, I believe that each year they are more coordinated. They have rules in place, and protocols are being used to cover these areas.

• (1630)

We must remember that issues of terrorism involve not only CSIS and the RCMP; they involve municipal police forces and emergency services also. There are now Canada-wide protocols and provincial protocols to coordinate any disasters that may arise from any of these situations.

Therefore, I can only reiterate that, while they still have some distance to go, they have, in fact, improved admirably their ability to work together. We should do everything we can to encourage the continuance of that line, rather than encouraging them in any way to try to split apart. I think it would be destructive at this point in time, not constructive.

On motion of Senator Corbin, debate adjourned.

THE BUDGET 1999STATEMENT OF MINISTER OF FINANCE—
INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Lynch-Staunton calling the attention of the Senate to the Budget presented by the Minister of Finance in the House of Commons on February 16, 1999.—(*Honourable Senator LeBreton*).

Hon. Mira Spivak: Honourable senators, Senator LeBreton has yielded her place so that I may speak to this matter at this time.

I wish to address three deficiencies in the recent budget. First, I wish to speak to the fact that the budget does not bring an end to the partial de-indexing of personal income taxes and tax credits.

The previous government began the practice of adjusting tax brackets and credits by only part of any year's annual rate of inflation. It introduced the inflation dampening measure in 1986 and maintained it to fight the deficit, but those justifications for it have vanished. Partial de-indexing has outlived its usefulness. Now the government is simply using it to raise taxes without the political pain of announcing tax increases.

Second, I wish to address the government's failure in this budget to face up to the costs of climate change or to do anything to mitigate the environmental and economic impact of that problem.

Third, I wish to speak briefly to the government's continuing blind spot on the need for a national child care program.

The partial de-indexing of taxes and tax credits — in Canada's case, limiting adjustments for inflation only when inflation exceeds 3 per cent — has been justified as an automatic fiscal stabilizer during periods of high inflation. Like tax increases, it takes money out of the hands of consumers, withdraws spending power, and dampens inflation. Several OECD countries have used it. Some abandoned indexation entirely.

In Canada, there is no doubt that partial de-indexation has also been one of the chief instruments of federal deficit reduction. The Caledon Institute of Social Policy estimates that last year's federal tax revenues were more than \$10 billion, or 16 per cent, higher than they would have been if personal income taxes had been fully indexed to inflation over the years.

High rates of inflation disappeared years ago. All that remains of partial de-indexation is its negative aspects. It allows the government to demand more taxes every year and allows it to increase revenues covertly. It is undemocratic; it is a disincentive to work, and it is patently unfair, chiefly because it falls heaviest on the lowest income earners in our society.

In times of low inflation, such as the period we are currently experiencing, many people believe that partial de-indexing has little impact on after-tax income. The fact is that it has significant cumulative effect. Between 1986 and 1998, Canada's partially de-indexed income tax system was adjusted by only 7.6 per cent. If it had been fully indexed to the rate of inflation, it would have been adjusted by 32.9 per cent.

What were the consequences? Partial de-indexing lowered the threshold at which single taxpayers begin to pay federal income tax. It reduced the level from the low annual income of \$10,500 in 1980 to the exceedingly low income level of \$7,112 in 1998. It forced more than one million low-wage workers to begin paying taxes. It pushed 1.9 million taxpayers from the bottom tax bracket to the middle tax bracket, through the phenomenon known as "bracket creep." It pushed another 600,000 taxpayers from the middle to the top bracket. It eroded the value of federal child benefits, affecting eight in 10 families. It effectively increased the amount of GST that the poorest members of our society pay by eroding their refundable GST credits. In effect, it imposed a hidden income tax increase on taxpayers at all income levels, the poorest having suffered the most.

To cite one example: A taxpayer who earned \$25,000 in 1988 paid 12.9 per cent of that income in federal taxes, not including CPP contributions and EI premiums. The taxpayer was in the 17 per cent tax bracket. Ten years later, the same taxpayer, whose income had kept pace with inflation, was paying 14.7 per cent to the federal government, or an additional \$441. That hidden tax increase came about in two ways. First, the basic personal credit was worth less in constant dollars because of partial de-indexing. Second, the tax brackets declined in real terms, pushing this taxpayer into the 26 per cent tax bracket.

Taxpayers at all income levels are paying more because their tax credits have fallen in value. The hardest hit, however, have been the working poor or those struggling to survive on a small pension. A single taxpayer receiving \$10,000 a year saw a 450 per cent increase in taxes. This is not an error. These are statistics for which I have documentation. At the same time, those earning \$100,000 or more saw a 6.9 per cent tax increase due to partial de-indexation. Of course, the figures are small for \$10,000 a year, but the percentage is there.

We recall the outrage among senior citizens when the former government tried to partially de-index Old Age Security benefits. The government of the day was sensitive to the criticism and withdrew that proposal. However, partial de-indexing has remained in place as a deficit-fighting measure, not only for income tax but also for child benefits, federal transfers to provinces, and the refundable GST credit. Inflation was wrestled to the ground and the deficit has gone. Now it is time to end partial de-indexing.

The Finance Minister's budget speech hints that the government knows what it is doing. The minister announced a \$675 increase, effective in July, in the amount all taxpayers can earn without paying taxes. He announced it in the guise of tax relief which more than offsets the effect of inflation on the basic credit since 1992. At the same time, he said that this government wants tax relief to be permanent, not temporary. He said that the

worst thing the government could do would be to provide structural tax relief one year, only to have to rescind it the next. I believe that the real value of that \$675 increase will be eroded because the government has not removed partial de-indexing.

The government estimates that the combined effect of all the income tax reductions announced in this budget will be \$1.5 billion in lost revenues. What it does not say plainly is that partial de-indexation will raise tax revenues by an estimated \$840 million, lowering the net cost of those tax cuts by a substantial 56 per cent. This budget's relatively small tax breaks will lose ground to inflation as early as next year. Income taxes will dip a small amount, then begin their steady climb. It is time that the government restored full indexation for the benefit of all Canadians.

There is another matter in which this budget is deficient. The government is not using its powers to ward off the costs of damaging the environment, particularly the immense costs arising from the changing climate. Again, the Finance Minister, in his budget speech, alludes to the fact that the government is aware that something is happening to our climate. He mentions the government's capacity to assist victims of flooding in the Saguenay and the Red River Basin, and to respond to last year's ice storm. The government knows full well that the climate is changing.

About our changing weather patterns, Environment Canada says that last year was the warmest year on record in Canada, with national average temperatures 2.5 degrees Celsius above normal. Areas of the Arctic saw annual temperatures more than four degrees above normal. These record-breaking average temperatures exceeded the 1981 record by half a degree — an incredible amount in a science where records are normally broken by no more than a tenth of a degree. Of course, we all know that the huge ice shelves of the Antarctic are falling into the sea.

Last year was also Canada's ninth driest year on record. We received 2.7 per cent less rain and snow than in average years. Water levels in the Great Lakes fell by twice their normal amounts. The water level of Lake Ontario dropped by more than a metre. Environment Canada also says that evidence to support greenhouse-gas-induced global warming continues to mount. Of course, the increasingly frequent storms, floods, and so on, are also indications of global warming.

•(1640)

Consider the costs to the federal treasury alone of some of these events: \$60 million for Canadian Forces efforts during the ice storm; \$690 million in disaster relief to Ontario, Quebec and New Brunswick in the wake of the storm; \$170 million in disaster assistance to Quebec following the Saguenay flood; and \$87 million to victims of the Red River flood.

The insurance industry knows that the costs of natural disasters to everyone — private sector, public sector and

individuals — is more than doubling every five years. Last year's tally was expected to approach \$3 billion.

What is the action to confront this major issue? The action is creating tables. However, those tables will do nothing to ensure that Canada keeps its commitment of a 6 per cent reduction in greenhouse gas emissions based on 1990 levels by the year 2000. We are going in the wrong direction because our emissions are now 13 per cent higher than they should be, and unless we do a dramatic about-face, they will be fully 25 per cent higher.

The Kyoto deadline is just 11 years away. Eleven years ago, a federal-provincial territorial task force was in place which studied whether Canada could cost-effectively achieve the target urgently recommended at the Toronto conference on climate change. The task force concluded that we could not reduce emissions by 20 per cent by 2005 without some economic pain. Nevertheless, four years later, Liberal candidates promised voters that a Liberal government would take us there. Red Book I said:

An immediate priority will be to design a plan to achieve this target, working with all major stakeholders. Our commitment to using economic tools for environmental protection...will help us to make progress towards this target while maintaining a competitive economic base.

Under the heading of "progress to date," we are told that the government has created 16 so-called Issues Tables, is involving 450 experts, and has formed a national steering committee, a national coordinating committee, a national secretariat, an integrated group, and hopes to have a draft strategy to present to federal and provincial energy and environment ministers in December.

Six years ago, the Royal Society of Canada delivered the Cogger report, commissioned under the Global Change Program. The report summarized some 19 major Canadian studies produced between 1988 and 1992, 11 studies produced in the United States and seven major international reports. Many of the Canadian studies quantified potential energy savings or emission-reduction strategies that would pay for themselves in five to ten years or carry no net costs.

Four years ago, the Climate Action Network of non-governmental organizations gave the government an independently analyzed plan to stabilize greenhouse gas emissions — a plan which was likely to increase employment and contribute to deficit reduction. The plan contained two economic instruments: a two-cent gasoline tax and a "feebate" program to reward Canadians who bought fuel-efficient vehicles and tax those who chose inefficient cars, vans and trucks.

We are now told that ministers will have several options in December, and that they might approve a plan in principle. They might agree on measures for so-called "immediate" implementation. They might ask for refinements or suggest alternatives, or they might agree to still other tactics — agreeing to review and consult with their respective governments. Whatever they do, the year 2000 will be upon us before the ministers have a chance to refer any plan to first ministers.

There is only one conclusion: The sense of urgency recognized in convening the 1986 Toronto conference has now completely dissipated; the sense of urgency reawakened at the Earth Summit in Rio has been lost, and now the diminished sense of urgency following Kyoto is being diffused in a gaggle of new committees and tables and proposed meetings. Most of all, this is just talk. The time for action is now.

I merely want to cite one comment on this situation. Early last year, 25 Order of Canada recipients gave their time to a national forum on climate change and spent several months educating themselves. They admitted they knew little about climate change before they began. In June, they delivered their message to the Prime Minister. I should like to read part of what these extraordinary Canadians concluded. They stated:

We, the members of the National Forum on Climate Change, believe that climate change will touch the life of every Canadian. Decisions taken today...will have implications for our communities, our children and our future. Climate change, caused by the buildup of greenhouse gases, could lead to dramatic changes in sea levels, storm patterns and average temperatures. Every Canadian has a role to play in reducing greenhouse gas emissions. The time for action is now.

Finally, and briefly, honourable senators, I wish to address the other long-forgotten promise — the promise of a national child care program. Instead of a national child care program, Canadians got a revised child benefit system and, in last year's budget, a healthy increase in the child care expense deduction. Whatever the merits of those benefits, they do not remove the need for more high-quality child care. The nub of the problem is inadequate supply. Years of government reductions — all sorts of governments — in transfer payments to the provinces has hit child care particularly hard. Licensed child care spaces have been lost in response to the substantial decline in federal transfers.

Today in Ontario, parents are scrambling for licensed child care. They are placing the names of unborn children on growing waiting lists. In Toronto last summer, the vacancy rate in the city's 725 licensed daycare centres dropped to zero for the first time ever. In Quebec, a recent report tells us that 100,000 new spaces — double the number now available — will be needed within six years. Within the next decade, the granddaughters and grandsons of the baby boom generation will begin arriving. The Quebec government says it intends to meet the demand. Parents in other provinces are unlikely to be as lucky. A difficult situation will grow worse unless the federal government intervenes. I would hope that this government and the Minister of Finance would agree with the deficiencies in this budget respecting the child care infrastructure disaster.

Honourable senators, a budget is really a government's action plan, and deals with where a government is really going. In two important areas, climate change and child care, there has been no movement. Indeed, we have stasis. On the tax side, we are moving by way of "bracket creep." It is time for change.

On motion of Senator LeBreton, debate adjourned.

NUCLEAR WEAPONS

RESPONSE OF GOVERNMENT TO REQUESTS AND RECOMMENDATIONS—INQUIRY—ORDER STANDS

On the Order:

Resuming debate on the inquiry of the Honourable Senator Roche calling the attention of the Senate to the urgency of the Government of Canada saying "no" to becoming involved in a U.S. missile-defence system; and the need for the Government of Canada to contribute to peace by implementing the 15 recommendations in the report of the Standing Committee on Foreign Affairs and International Trade, *Canada and the Nuclear Challenge: Reducing the Political Value of Nuclear Weapons for the Twenty-first Century*.—(Honourable Senator Prud'homme, P.C.).

Hon. Marcel Prud'homme: Honourable senators, I know that you are all tired and want to finish for the day. We know the rules. As a matter of fact, we are becoming more and more versed in the *Rules of the Senate*. I hope my honourable colleagues use them. However, I hope that my honourable friends understand the strong feelings of Senator Roche, Senator Wilson and other independent senators to solve this matter. We have speeches prepared on every piece of legislation, and we will use them. This is not blackmail. For some, it was five years of kindness, but we are not making any progress. I know that some people have strong views on the subject. We live in a democracy. Let us express our views and vote on a report that makes sense.

Therefore, in the spirit of cooperation, I would ask that this matter remain standing in my name.

Order stands.

•(1650)

ELECTION OF CANADA TO UNITED NATIONS SECURITY COUNCIL

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Roche calling the attention of the Senate to the election of Canada to the United Nations' Security Council for 1999–2000, and Canada's role in contributing to peace, global security and human rights in the world on the eve of the new millennium.—(Honourable Senator Graham, P.C.)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, I should like to say a few words in relation to the inquiry introduced by Senator Roche with respect to Canada's selection to the UN Security Council.

First, I wish to thank Senator Roche for launching this inquiry, which marks Canada's election to the UN Security Council for the sixth time in our history. Whether it has been as author, parliamentarian or diplomat, Senator Roche has spent much of his distinguished career as a committed internationalist, most particularly with respect to the problem of disarmament.

He now challenges us in this chamber to think deeply about the great responsibilities which face our country over the course of our two-year mandate on the Security Council. While it is a high honour for Canada to have won our mandate with such an unprecedented majority, attesting to the singular skills of Prime Minister Chrétien, of Minister Axworthy, of Ambassador Fowler and others, it is equally clear that the international demands on our national will, our determination and ingenuity have skyrocketed over the last few months into the cataclysmic events that now so cruelly characterize the Kosovo tragedy.

In his remarks, Senator Roche stated that the hopes, fears, grief and anxiety of humanity must be the hopes, fears, grief and anxieties of Canadians themselves. The honourable senator contended that in many ways we will find our own national soul through the process of involvement in the tremendous problems facing the planet.

I believe that on both counts all honourable senators may take comfort from the fact that our international involvement has always been a mirror of the kind of people that we are. When we look into the looking glass of the world community, we see a country whose values have been rooted and fashioned by the combined experiences of generations of Canadians who have believed in peace and liberty, respect for minorities and human rights. Our cultural diversity alone ensures that our connections and networks in every corner of the planet thrive and expand. We appreciate and empathize with the problems and the struggles of peoples everywhere because we, as a people, as Canadians, have roots throughout the entire world.

Throughout our very extensive involvement in the international community over the decades, we have projected our unique and what some people refer to as "precious" Canadian values back across this planet as adept multilateralists and institution builders, as pathfinders in international UN peacekeeping missions and the like. Our election to the Security Council reflects this history, as well as our high standing and enviable reputation internationally. As Prime Minister Chrétien said:

It is a recognition by the nations of the world of our long-standing commitment and support of the UN. It is another high point in what has been an exciting and productive period for Canadian diplomacy.

It has been said that Canada came of age at the time of the creation of the United Nations. In this respect, UN-building was Canada-building. This remarkable symbiotic relationship has enriched and empowered the international community as much as it has enriched and empowered Canadians themselves. In these early months of our mandate, we have brought a new human

security agenda to the deliberations of the Security Council; a human security agenda which is a road map to a new century; a road map to a global society in which the safety and well-being of the individual is an international priority; a road map for an international society in which humanitarian standards and the rule of law are the twin engines of a new and better world.

The present agony in the Balkans, the plight of Kosovo's people, is only one of the human faces of conflict in today's world. It is only one of the faces of horror across the planet; a world in which casualties from armed conflict have doubled in the past 10 years; a world in which roughly 80 per cent of the 1 million people who lose their lives each year in armed conflict are innocent civilians: all of them innocent victims of some of the grossest violations of human rights and humanitarian law known to man.

The Canadian human security agenda is an ambitious one. It will demand much patience and much forbearance. It will also demand much partnership building and multilateral diplomacy to build a coherent web of institutions and laws which will centre upon the safety and well-being of the individual. We will be assisted by some of the important changes in the council as it now stands; an infrastructure of change which needs continuing engagement by Canada and continuing development by Canada, which needs real leadership to bring it to its fullest potential.

One of the more important of these positive shifts in the evolution of the council was seen in the recent inclusion of intra-state issues as part of the definition of threats to international peace and security. Until this time, the council had defined those threats exclusively in military terms. We now see an outline of a new world appearing in the traditional state-centred landscape of the Security Council. The bedrock notion of the respect for state sovereignty, so much at the heart of the UN covenant, is gradually being balanced by the recognition that the paramount concern of the international community must be the defence of the security of individuals.

NATO's actions demonstrate how our regional and global institutions can respond to threats to human security. These actions also demonstrate how much is to be done in the future. Canada would have preferred that the UN Security Council authorized the operations against the Federal Republic of Yugoslavia. Our diplomats worked hard to develop a consensus for Security Council action to advance peace and security in the region. However, the realities of power and the stumbling-block of the veto, an important safety valve where super-power interests are at stake, meant the NATO recourse to air strikes would become the principal response to a decade of criminality and a vicious spiral of violence against Kosovo's population.

The reality of the veto, honourable senators, should not detract from the valuable work that the Security Council has done over the course of this decade. The Security Council launched 15 new peace operations. We saw a new receptivity to address civil and intra-communal disputes. We saw the willingness to authorize complex mandates to so-called second-generation peace-building operations of great depth and scope.

Canada has already taken a proactive stance in focusing the Security Council on the human security agenda and integrating the human dimension into its operations and approaches. Only a few short few short months ago, Canada initiated a meeting of the Security Council devoted specifically to the protection of civilians. The Secretary-General will soon prepare a report on the concrete steps that the council might take to further the human security agenda.

•(1700)

Last week, the UN Undersecretary General for Humanitarian Affairs strongly advised the council to act in the interests of civilians in armed conflict, calling the systematic campaign of expulsion from Kosovo a crime against humanity.

We are seeing increasingly important signs that the council will soon be required to act on the rhetoric of some of the recent debates, not only because of the admonishments of highly respected international citizens such as Sergio de Mello, but as a natural reaction to the overwhelming chorus of world opinion.

All of us would agree with Senator Roche's observation that the Security Council as it is presently constituted, and that includes the veto holders themselves, needs a drastic overhaul. It is a sad but strongly entrenched reality that the entire continent of Africa does not have a permanent seat, that the entire continent of South America does not have a permanent seat, that the entire continent of Asia which holds half the people of the world has only one seat. Reform is urgently needed.

Efforts to reform the council and Canada's position as a non-permanent member should not be confused with our agenda over the next two years. Vital issues regarding the need to reform the council with regard to Security Council expansion and the use of the veto have been under consideration by the UN for several years. Canada has been actively engaged in discussions on the subject in the appropriate UN working group. As I have said, Canada has no illusions about the feasibility of sweeping reforms.

I believe that we are all aware that we take our seat at the Security Council at a time when the council faces many challenges to its credibility. As our council mandate evolves, we will and are speaking forcibly on all the great issues of our time. We will shape alliances and we will build consensus amongst state and government bodies alike, showing the same leadership that the international community expects from Canada, the kind of leadership that Minister Axworthy has shown on the land mine issue, the question of the new world criminal court, the small arms issue and many others.

We will continue to take strong positions on sealing off sources of conflict before they consume whole societies and peoples. We intend to examine the purpose and the effects of sanctions, as we have recently done in the initiative over the Iraq situation. We intend to foster the process of inclusion in informal council debates of other relevant UN bodies and non-state members who are parties to the multi-dimensional nature of conflict across the planet.

We intend to apply ourselves to the substantive issues before the council during our term, bringing our values and our interests to bear upon them.

In this, our sixth term on the UN Security Council, we write a new chapter in our relations with the global institution which, as someone once said, if it did not exist, would have to be invented. In this chapter, we will provide and project all of our national values and compassion, our rich and accumulated normative wisdom, our pragmatic idealism and our hope for humanity.

I thank Senator Roche for launching what I know will be a most important and challenging debate in the days to come.

Hon. Marcel Prud'homme: Honourable senators, I have a question. Having sat with Senator Roche many years in the other chamber and on the Foreign Affairs Committee, I wish to say to him, as a sharing of experience, that he must be careful when Greeks come bearing gifts. He has been showered with so many compliments today that I am almost afraid to say anything.

My question is to the minister. One of the greatest contributions that Canada could make at the UN would be to respect the United Nations resolutions. Which resolutions are important for us to respect and which ones should we put aside? It is my hope, but not my expectation, unfortunately, that Canada will stand up and respect all of the United Nations resolutions. My father always told me, and most honourable senators already know, "Do not pick and choose which ones you apply and leave aside others, for political power or any other reasons."

When will Canada stand up at the UN? With the great support that we receive all the time, you merely have to stay "Canada" and everyone gets dizzy. Yet we are mainly responsible for the first UN resolution that was not pursued, resolution 181, on November 29, 1947.

•(1710)

We in Canada — and specifically Mr. Pearson and Mr. Justice Rand from the Supreme Court — created Article 181, which states that there shall be two states on the land of Palestine, one for the Palestinians and one for the Jews. We were very generous with someone's land. I respect that resolution. We have not pushed that any further.

When will Canada stand up and say that every resolution of the UN is important, and that we must not pick and choose, including that complete book of resolutions pertaining to Cyprus, and the multiplicity of resolutions that I will refer to in public? Would it not also be a good idea for Canada to stand up and say to the rest of the world, "In Canada, we stand up for the UN, and when we vote for a resolution, we believe that it should be pursued to the end"?

Senator Graham: Honourable senators, if that was not the beginning of your speech, then it would certainly make a good beginning.

I think that our record at the United Nations, dating back to the days of Lester Pearson and others, as I mentioned the other day, speaks for itself. I would leave it to those who are there directly to speak on behalf of Canada. From time to time, individual Canadian parliamentarians are invited to be there.

With respect to the specific resolution to which my honourable friend refers, I am sure that he will be very eloquent on that particular point when he rises to make his remarks.

I support all of the resolutions that are there, particularly the ones that have been sponsored and supported by Canada in the past.

I commend to all honourable senators who are interested in this particular subject a book which is never outdated. It speaks of Canadians who have made a contribution to the excellent work of the UN. It was edited by Clyde Sanger. I can tell from the edition I received from the Library of Parliament that obviously it has been often read. As I thumbed through the pages, I saw many familiar faces, including that of Senator Roche, dating back to 1985, I believe, when he was at the United Nations. There is a picture of him and former Prime Minister Brian Mulroney. To ensure that representatives of several political parties are included in the picture, there is even a picture of Ambassador Stephen Lewis from that particular time. I commend the reading of this particular book to all honourable senators. I will return it to the library shortly. I used it as a reference point.

I look forward to other honourable senators participating in this very important debate.

Hon. A. Raynell Andreychuk: Honourable senators, I noted all of the honourable senator's words of peace and hope. He tied them to the United Nations and to Canada's role. I was following the speech very closely. At the end of the speech, he mentioned the projecting of Canadian values abroad as being worthy.

It would seem to me that the value of the Security Council and the United Nations is that we do not project our own values but that we project common values. That is what the universal declaration is all about. I should like to know the honourable senator's view on this subject. I have given my speech here, and I said that I think our role should be to project universal values, not exclusively Canadian values.

Senator Graham: Honourable senators, I do not believe that Canadian values are at variance with universal values.

On motion of Senator Andreychuk, debate adjourned.

SECURITY IN EUROPE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the

Canada-Europe Parliamentary Association (OSCE) Delegation to the Standing Committee Meeting of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe (OSCE PA), held in Vienna, Austria, from January 14 to 15, 1999 and the situation in Kosovo.—(*Honourable Senator Roche*)

Hon. Douglas Roche: Honourable senators, I rise to speak on the inquiry launched some days ago by Senator Grafstein, dealing with the Organization for Security and Cooperation in Europe and the situation in Kosovo.

I should like to begin by expressing my appreciation to the Leader of the Government in the Senate for his kind words a few moments ago about me, and for the thrust of his speech on the United Nations.

Honourable senators, this is an agonizing moment for the world, especially for those in both Kosovo and Serbia who are suffering such appalling fates. The death and destruction are beyond belief. As we are finishing the 20th century, we pride ourselves on being at a very high level of sophistication, and yet we are witnessing this horror.

It is no secret that I have taken a strong stand against the NATO bombing. I have felt compelled to do so. Honourable senators might like to know that there are some significant numbers of people in Canada who agree with me. The public opinion polls have shown that a majority of Canadians support the bombing. However, without going down the avenue of how public opinion polls are done and how the media affect them, I will only mention the reaction that I have received in this past 10 days, a combination of e-mails, phone calls, faxes, letters, and so on. I have received several hundred responses. The reaction, as tabulated by my office, is running at the moment 70 to 30 in favour of my stand, which is against the bombing.

I do not present that to you as any reflection of public opinion. I am not qualified to do that. I am merely reporting to the Senate that there are a great many Canadians who are concerned about this action.

• (1720)

Let me give you two or three examples from my own mail. The Veterans Against Nuclear Arms, a very distinguished group of Canadians who know quite a bit about war, wrote to me as follows:

Veterans Against Nuclear Arms is shocked at the Government of Canada support for the NATO air attacks launched against Serbia on Wednesday 24 March 1999. These attacks were made without any authorization from the Security Council of the United Nations Organization.

I received a communication from Michel Chossudovsky, Professor of Economics at the University of Ottawa, who wrote as follows:

Amply documented, the bombings of Yugoslavia are not strictly aimed at military and strategic target as claimed by NATO. They are largely intent on destroying the country's civilian infrastructure as well as its institutions.

To that, I add parenthetically my own note, that the admission today by NATO, that it was responsible for the bombing yesterday of a number of refugees who were trying to escape, is but a reflection on the folly of trying to use bombs to bring peace.

The third communication I received was from Project Ploughshares, which is an ecumenical peace organization sponsored by the churches of Canada. Project Ploughshares, which has a distinguished record in analyzing the issues surrounding disarmament and development stated:

The NATO bombing must be stopped. Not because it lacks Security Council approval. Not because that would end the killing and ethnic cleansing. Not because NATO's assault could not eventually crush the regime the Yugoslav regime of President Slobodan Milosevic. And certainly not because Canada and the rest of the world should not get involved in the continuing crisis in Yugoslavia.

The bombing must stop because it utterly fails in bringing protection and safety to the vulnerable people of the region. Bombing doesn't work.

The fourth and final citation that I will offer from my own mail is from the Dukhobor community of Canada, which has a strong base in British Columbia. Their directors have put forward a very touching and graphic proposal illustrating the depth of feeling of many Canadians. They propose that in light of the Canadian emphasis on human security, and keeping in mind Canada's reputation as a peacekeeper and an honest broker with no hidden agendas, we send into Kosovo unarmed non-governmental organization representatives who would position themselves in the necessary areas to effect a pause in the fighting. I do not imagine that the government will take up that suggestion. However, I report it here because it is a reflection of the depth of the feelings that there are in Canada.

That said, honourable senators, if you look at public opinion generally on this area, there is ambivalence and confusion. This is because NATO has occupied the commanding heights on the provision of information. Canadians are being subjected to these interminable briefings by NATO officers who are trying to put the best face on what they are stating.

I think it is becoming apparent as the days go on that many Canadians are revisiting either their initial ambivalence or acceptance of bombing and recognizing that something must be done.

Last Saturday morning, I attended a meeting held at the Vancouver Public Library in which some 350 persons were in attendance. It was an overflowing audience that was not

ambivalent at all. They expressed their strong feelings that Canada is doing the wrong thing in allowing NATO to overtake the United Nations in a resolution of this conflict.

We should be examining some of the effects of this war — and I can use no other word to describe the bombing actions. I will not go down the avenue about the constitutionality or otherwise of Canada's action without a vote on an action in Parliament to declare war. I leave that to others in the Senate who may want to address that issue.

For the moment, I want to say that, as a result of the war, tragic things are happening. Commerce in Europe is now being severely affected. All the neighbouring countries of Yugoslavia have been destabilized. The shipping on the Danube is coming to a halt as a result of the bombing of the bridges. That will have a back-up not just in shipping but in the provision of economic goods for much of Europe.

Yesterday, the United Nations food and agriculture organization said that the Kosovo crisis will have a profound long-term impact on food security in the region. They stated that thousands of farms have been destroyed, abandoned or left untended. Farming equipment has been looted or destroyed, and there has been great losses of livestock exacerbating the problems of food supplies for displaced persons and others.

This disruption of commerce, coming on top of the human tragedy, is itself bad enough. However, when we consider the implications down the line of the disaffection or the alienation in international relations, I think we have some real cause for concern.

Yesterday, the Russian representative to the disarmament commission of the United Nations located in Geneva warned all 61 nations participating in that body that however noble the goal, the one-sided, unilateral steps carried out in disregard of the UN and NATO's imposing its will through military force on a sovereign country would only have negative effects on disarmament. Indeed, the Duma's ratification of START 2 was to take place in the Russian Duma. However, it has been deferred in protest against NATO. There is an inability to get negotiations going on START 3, thereby setting back the whole nuclear disarmament agenda. Indeed, that is imperilling the non-proliferation conference of 2000. All of this is a consequence of what is going on.

The Russian ambassador said that peace could not be built on the sufferings of totally innocent people; that real, effective settlement of the problems is possible only on the basis of the strict respect for international law, first and foremost, of the United Nations Charter.

We have had quite a discussion here in the Senate about the need to have the UN Charter examined in respect of what is now going on. While that debate is taking place, we are faced with an urgent situation as a result of the perpetuation of the bombing. Yesterday, the leaders of 15 European Union countries presented

a plan by which Kosovo would be placed under temporary administration if Milosevic agreed to withdraw his forces and allow hundreds of thousands of Albanian refugees to return. We do not know what the results of this European plan will be. However, I will say that Canada has an influential position as a member of the Security Council. We ought to be working overtime and pushing for the acceptance of this or an alternate, diplomatic-type plan to stop this carnage, these accidents, this destruction — this terrible killing that is going on in the name of the resolution of the Kosovo crisis.

• (1730)

Thus, honourable senators, we come to the role and, indeed, the dilemma of Canada. Let me say at the beginning that I accept without reservation that Canada is trying to effect a diplomatic solution. Only a few moments ago, I went down the hall to a meeting of the House of Commons Foreign Affairs Committee where the Minister of Foreign Affairs, Lloyd Axworthy, was making a presentation. He explained in that place what Canada is doing. I applaud that. I want to recognize that here, since in a moment I will make a comment that will not be complimentary.

It also goes without saying that I support the Canadian Armed Forces in this terrible dilemma.

I see that I am probably coming to the end of my time. If honourable senators will give me three or four minutes, I will then conclude.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Senator Roche: Thank you, honourable senators, for your courtesy to me.

This action is not good enough. We are still rather shy about pushing Canadian values forward. I know something about those values because I have travelled across the country on two occasions in the past two years, conducting round table discussions in 18 cities, where hundred of Canadians attended, many of them community leaders. I know that there is a very strong body of opinion in our country that wants Canada not just to cooperate in solutions to these terrible world problems but to take a leading role in putting forward and insisting on finding solutions that will avoid war.

We are, in the presentation of our work as Canadians, caught in a dilemma. I think, here, we should face up to this. Canada, for a long time, has supported the United Nations as the keystone of our foreign policy. Senator Graham's speech a moment ago eloquently outlined that long history of our interests. We are the thirtieth largest country in the world but the eighth largest overall supporter of the United Nations, so important is it to us. We have said in the formal foreign policy of this country that we will follow the UN in its development of international law. All that is on the one hand.

On the other hand, we are a member of NATO, a western alliance formed during the Cold War to defend its member countries against an attack from some other source, particularly, of course, the Soviet Union. Now the Cold War is over, and NATO has been searching for a new role. Of course, the expansion of NATO is part of that.

Let it not be said, let it not be hoped, let it not be accepted, that a role for NATO in this new period that we have entered will be to go outside its area and become a political arbiter of the resolution of disputes. That, honourable senators, is a role for the United Nations. We are in conflict in Canada between following the United Nations on the one hand and following NATO on the other. We have fudged that conflict for some time.

The conflict is particularly apparent in the issue of nuclear weapons. The United Nations wants to eliminate them; NATO says they are essential. Thus, the action of the Senate in sending forward a motion asking the Canadian government to recommend that NATO review its nuclear policies was a laudable action, and I hope it will be productive.

However, there is more to examining how Canada will act in respect of our obligations to the Charter of the United Nations and our obligations to NATO when those obligations come into conflict. Honourable senators, they are in conflict. I would leave aside nuclear weapons. They are coming into focus in conflict in the changing mandate of NATO. What is this NATO mandate today? Do we not have a role to play in establishing how NATO will conduct itself?

It is well recognized that the United States plays a predominant role in the determination of what NATO will do. Because of our very close association with the United States in so many activities of our life, not to mention trade, Canadians are somewhat hesitant to speak firmly when they see the United States asserting its strength in certain ways that are not compatible with the United Nations.

I conclude by saying that this Kosovo dilemma is bringing into sharp focus a foreign policy dilemma or crisis of its own for Canada. We will not be able to fudge much longer. We must decide where our pre-eminent allegiance lies. Is it to a military alliance that was set up and continues to play an important role that I support, or will it be to the United Nations, which is, under international law, the guarantor of peace and security in the world?

There is a conflict, and I leave it at that, but I say that the Organization for Security and Cooperation in Europe must be re-engaged in the resolution of the Kosovo conflict, and so too must the Security Council of the United Nations. Canada can play a distinctive role in looking at a resolution of this problem, not just in the immediate short term but in the long term. We can do that by holding true to our values, which were expressed by the Canadian government in its reaction to the agenda for peace offered by the Secretary-General of the United Nations a few years ago, when Canada said that there ought to be a rapid

reaction force capable of quick deployment under the United Nations' auspices which would go into areas of incipient conflict, thereby alleviating future wars. If that had been followed, if we had pushed harder for the acceptance of a new kind of military force under the United Nations, then we would not have been forced into the situation in which we now find ourselves: that of backing NATO because it is trying to alleviate the distress caused by Milosevic, but which, through taking this route, is actually producing untold damage and setting back the cause of international law.

That, honourable senators, is the dilemma that we face as Canadians.

Hon. Jeremiah S. Grafstein: Honourable senators, I should like to ask a question of Senator Roche, who has responded usefully and passionately to my inquiry.

The senator places before us not only a conflict but a dilemma. He raises the conflict between NATO and the United Nations and their different mandates and different roles, and we are active players in both because we believe in multilateralism as much as anyone.

He forces me to ask the question of myself, as I heard him recount his antitheses to the bombing, which all of us share, and that is this: What should we have done in Croatia at the beginning of this decade, when there was the beginning, if you will, of "ethnic cleansing" as it relates to the Serbians in Croatia? What should we have done differently with respect to the cleansing that took place in Bosnia, which led to the UN not only bombing, but armed force? I think it was UNAFOR.

•(1740)

What should we have done when the world, through the United Nations, established safe havens in Yugoslavia and then found, after the world put its imprimatur on these safe havens, that they were indeed not safe havens but that people were being slaughtered there? What should we have done when we found out?

This may or may not prove to be correct, but some weeks or months ago it was reported that Mr. Milosevic had been planning his ethnic cleansing in Kosovo since 1989 when he declared that Kosovo, then with a Serbian minority of 10 per cent versus 90 per cent of Albanian extraction, would be exorcised of its autonomous government, that the Albanian government in that province would be removed from all positions of power. In fact, he did that. I think it was called Operation Horseshoe. He planned this in advance of the NATO bombings.

What do we do? Do we wait for another debate that goes on for another decade until the United Nations can end up with the very good idea of a rapid deployment force? What do we do about the human suffering and the ethnic cleansing in the interim? I am as concerned as is the honourable senator with the niceties of Parliament in terms of this matter, and with respect to the rule of international law, but what is one to do?

In conclusion, next week I will be attending the OSCE as a member of the executive committee. My major concern at that meeting will be how it was that the support staff of the OSCE in Kosovo, after the OSCE verifiers left in anticipation of NATO action, were slaughtered. People who worked for the OSCE, whether Albanian or Serbian, apparently were slaughtered. Obviously, we will ask that question.

What is one to do in the face of evil?

Let me go back in history. The senator will recall this. There was a chance in —

Some Hon. Senators: Question, question.

Senator Grafstein: My question is: What is the alternative?

I apologize, senators, but there is a history here.

Senator Lynch-Staunton: I agree. Speak to the inquiry, then.

Senator Grafstein: Perhaps the senator will respond to that question, and I will add one more footnote.

In the 1930s, the great hope was that the League of Nations would establish an international force, whether by sanctions or otherwise, to stop aggression. Italy moved against Ethiopia.

Senator Lynch-Staunton: Honourable senators, I rise on a point of order. After a senator's speech, the Senate provides for a period for questions and answers. Senator Grafstein is participating in the debate without debating.

Senator Grafstein: I will come back to that later. My primary question is: What was the alternative, having in mind that the Yugoslavian authorities had demonstrated that they were moving quickly and forcefully, with 40,000 armed forces and militiamen, to ethnically cleanse Kosovo? What was one to do?

Senator Roche: I thank Senator Grafstein for his question, and for the manner in which he has expressed his deep concerns. He began by asking what we should have done. Well, what should we have done in Rwanda? What should we have done in Somalia? What should we have done in Cambodia, and all the other places in the world where terrible atrocities have taken place?

The answer to that was put some time ago by both the United Nations and the Organization for Security and Cooperation in Europe. We must highlight the strengthening of preventive diplomacy and peacemaking and the need to put resources into building conditions for peace. The Organization for Security and Cooperation in Europe has many arms through which it has begun its work in historic terms; diplomatic, parliamentary, and the protection of minorities and human rights. That body must be strengthened in order that it can play the role that was originally intended for it. It was responsible for the conventional forces in Europe disarmament treaty. Given some strength, it could play a stronger role.

However, like the United Nations itself, the Organization for Security and Cooperation in Europe has been starved of funds, particularly by the major western nations which have not reposed in it a confidence to carry out missions which would prevent war and build conditions for peace.

Perhaps there is no instant answer for Senator Grafstein's question, but Canadians ought to think about what will happen the next time. Will we continually have recourse to military action and bombing to deal with despots and would-be dictators? We must build an architecture which will guarantee peace and security. That architecture is found in the agenda for peace which provided for peacemaking forces. Had we had peacemaking forces for rapid deployment, it would have resolved the issue which Senator Grafstein has raised.

Hon. John B. Stewart: Honourable senators, it seems to me that Senator Roche is dealing with two topics, and I shall pose those two topics, one against the other, in my question.

Just now he has told us, in response to Senator Grafstein, that we should have been building an architecture to deal with the kinds of problems that have emerged in Yugoslavia/Kosovo, and that we should have had a UN peacemaking force at hand to carry out the Kosovo peacekeeping mission. Well, we did not have such a UN force. Probably he is quite right that provision should have been made, but it was not made before the winter of 1998-1999. It seems to me that, in those circumstances, something else had to be done.

By saying that we should have done these things which we did not do earlier, is he saying that we should have done nothing in the winter of 1998-99?

Senator Roche: I thank Senator Stewart for his question. The thrust of my message is that the potential of the United Nations for the resolution of the Kosovo crisis was not exhausted by any means. A myth has taken hold in western society that the Russians and Chinese would have vetoed any resolution put forward. The Russians and Chinese would have voted a resolution for a western military alliance to be the agent for restoring order, but the Russians and Chinese would not have vetoed a resolution which would have mandated the Secretary-General to personally conduct negotiations on behalf of the world community for a diplomatic resolution to the Kosovo crisis which would not be western imposed.

•(1750)

The technical reason for the bombing is to save the Rambouillet agreement. The Rambouillet agreement is dead. We need something new, and the Secretary-General of the United Nations has the capacity. He has been standing by for several days, virtually begging for a mandate to take a stronger role.

The answer to Senator Stewart's very reasonable question is that the full potential of the United Nations to resolve the Kosovo crisis was not exhausted because there was too much of a hurry to use military action.

Senator Stewart: Honourable senators, I thank the honourable senator for that answer. He said that the Secretary-General is standing by impatiently, waiting for a mandate. From whom does he hope to get that mandate, from the Security Council or the General Assembly?

Senator Roche: Honourable senators, it is interesting that Senator Stewart has put both choices in the same sentence. His mandate would have to come from the Security Council, according to the Charter.

However, if we did have an emergency session of the General Assembly, the weight of world opinion might begin to fall on members of the Security Council as to how a diplomatic solution could be found. That is why I and others have been pressing in this chamber, and elsewhere, that an emergency session of the General Assembly be convened immediately, in order to have world attention and world media focused on how to resolve this situation without bombing.

I think, again, that Canada is in an instrumental position to advance that idea.

Hon. Nicholas W. Taylor: Honourable senators, I would also like to ask Senator Roche a question.

Could Senator Roche explain why the U.S.-driven NATO did not want to ask the UN for permission? This is similar to the situation that I experienced when I was a much younger man. Quite often, I did not want to ask my father what time to come home at night. It was better to come home late without having asked him than to come home late after having asked him.

Is there a possibility, honourable senators, that NATO, knowing full well that the Slav people, who are kindred cousins from Moscow through to the Adriatic, would not have stood still for such a physical attack? That is to say, it intended to attack all along, and it intended to avoid negotiations in order to try their industrial machine and to solidify their position? They intentionally ignored the UN. They knew, from President Truman's leadership a generation earlier, that they could bypass vetoes if they had to do so, as they did in Korea, and go to a plenary session of the General Assembly. Is it possible that they had no intention of getting involved with the UN and are deliberately trying not only not to give it funds but to try to torpedo it?

Senator Roche: Honourable senators, I thank Senator Taylor for that question. All I will say in answer to that question in this public arena is that it is a well-established fact that the United States expressed confidence in the United Nations' ability to resolve political disputes. However, their lack of confidence is well known. Their underfunding of the United Nations bespeaks a certain antagonism and hostility by a certain element within the United States — certainly not the American people by any means — which is driving the political decision-making today. It is very unfortunate.

I am reminded of the central dilemma for Canada, namely, are we, in trying to be a supportive ally of the United States — as we have been for so long — to be challenged now in our ability to stand up for international law via the United Nations as a result of the United States' lack of support for the UN. If so, then it puts Canada in a terrible position. The proponents of NATO in our country should start to think about how support for NATO will erode once this question takes hold in the public psyche.

On motion of Senator Andreychuk, debate adjourned.

UNITED NATIONS

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS—RECENT RESPONSES TO QUESTIONS FROM COMMITTEE—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Kinsella calling the attention of the Senate to the Responses to the Supplementary Questions emitted by the United Nations Committee on Economic, Social and Cultural Rights on Canada's Third Report on the International Covenant on Economic, Social and Cultural Rights.—(*Honourable Senator LeBreton*)

Hon. Marjory LeBreton: Honourable senators, this inquiry was reaching its last day, so I will be brief on my remarks.

I rise to continue the debate on the inquiry brought forward by Senator Kinsella on November 24, 1998, whereupon he called the attention of the Senate to Canada's compliance with the duties, responsibilities and obligations it accepted when it ratified the International Covenant on Economic, Social and Cultural Rights.

The importance of this debate is self-evident to those involved in the struggle for international human rights. However, I should like to briefly underscore this very important issue for the benefit of honourable senators.

Unlike civil and political rights, social, cultural and economic rights are self-executory. That is to say, they do not require a law passed by Parliament in order to be enjoyed. Neither do they require governments to take any particular actions. Take, for example, the rights to freedom of assembly and expression. No specific action on behalf of government need be taken by Canada in order for those rights to be enjoyed by Canadians. One need not enact any special legislation or initiate any particular program for a person to enjoy freedom of expression. This is what is meant by "self-executory" rights.

In the event that those rights are violated, there are sanctions. On freedom of speech, there are some who believe that there is a limit to which members of the media, such as Terry Milewski, some in the *National Post* and Chantal Hébert, should have that right. That, however, is a topic for another day.

In the case of social rights, there is no such "automatic" enjoyment of rights without the participation of various levels of government. Take, for example, the right to basic education, article 13 of the International Covenant. That right is functionally useless unless schools are constructed, teachers are hired, curricula are approved and children are free to go to school. In order for those rights to be enjoyed by people there must be a commitment by government to provide those avenues.

Other social rights such as Article 10, section 2, which deals with special protection to be accorded to working mothers before, after and during childbirth, just do not happen. By way of example, if a woman is fired from a member of Parliament's office for reasons stemming from her being pregnant, that woman's rights under Article 10 are of no value unless the government takes steps to rectify the problem. Instead of paying lip service to this issue, there must be a firm commitment by government to undertake measures which demonstrate a willingness to recognize particular challenges faced by working mothers. It is clear we must strengthen the way social rights are protected and enforced in Canada.

The United Nations Committee on Economic, Social and Cultural Rights demonstrated that the government is treading in dangerous waters when it comes to protecting the social rights of Canadians when it reported the results of its examination of Canada's third periodic report. It pointed out that Draconian policies such as the dismantling of the Canada Assistance Plan, rising levels of poverty and homelessness among lower income Canadians and excessive payroll taxes are creating new and alarming levels of poverty in this country.

My colleague Senator Cohen's efforts to fight the scourge of poverty is well known in this house and was duly recognized when the Senate unanimously passed Bill S-11, which proposed to add social conditions to the Canadian Human Rights Act as a prohibited ground of discrimination. In fact, Canadians from coast to coast applauded Senator Cohen's urgings that social rights require some mode of implementation and enforcement to have legal force. It is in this same spirit that the Progressive Conservative caucus poverty task force undertook to meet with Canadians in their own communities by going out across the country to conduct hearings.

The cabinet solidarity, supported by a majority of government members and eagerly supported by the Reform Party, defeated Bill S-11. We now know that their commitment to social rights is nil.

•(1800)

When the Minister of Justice failed to throw her support behind this bill, which sought to eliminate discrimination based on the grounds of poverty, it became clear that the government had no moral compass.

It is all the more shocking when we see the minister designated as the minister responsible for the homeless voting against Bill S-11, a complete betrayal of her mandate.

I suppose one of the clearest signs that Canada's enviable human rights track record is being destroyed is the United Nations Human Poverty Index ranking of Canada as tenth among industrialized countries — tenth, honourable senators — despite the fact that our standard of living, quality of life and national wealth are among the highest in the industrial world. This is truly an embarrassment and should have been a warning to the government to begin taking bills such as Senator Cohen's much more seriously.

I invite my colleagues to join in the debate on this very important issue. With the new millennium fast approaching, Canada is reaching a crossroads where the gap between the haves and have-nots in our society is unprecedented and growing. Unless we as parliamentarians pick up the gauntlet of furthering social rights in this country, the only certainty we have for the future is the continued misery of our weakest, poorest and most vulnerable. We must not sit back and let that happen. Otherwise, we are deluding ourselves if we continue with the smug assertion that we are a country of tolerance and fairness.

On motion of Senator Forrestall, debate adjourned.

BUSINESS OF THE SENATE

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I think there is agreement on both sides that we will not see the clock.

Hon. Fernand Robichaud (The Hon. the Acting Speaker): Is it agreed, honourable senators?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I see there is agreement on both sides, but do the independent senators not count? I was about to rise and say that we should not see the clock in order to show that I know a bit about the rules.

Honourable senators, I do not know how this place wants to function. We are talking about Kosovo, and saving the world when we do not even know how to use some of our senators who are willing to work. There are enough senators who do not want to do anything. For once, you have three or four volunteers. I do not understand why you keep postponing and postponing.

Of course, Senator Roche and I will agree not see the clock.

CAPE BRETON DEVELOPMENT CORPORATION

MOTION FOR PRODUCTION OF DOCUMENTS RELEVANT
TO PROPOSED PRIVATIZATION—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Atkins:

That there be laid before this House all documents and records concerning the possible privatization of DEVCO, including:

(a) studies, analyses, reports and other policy initiatives prepared by or for the government;

(b) documents and records that disclose all consultants who have worked on the subject and the terms of reference of the contract for each, its value and whether or not it was tendered;

(c) briefing materials for Ministers, their officials, advisors, consultants and others;

(d) minutes of departmental, inter-departmental and other meetings; and

(e) exchanges between the Department of Natural Resources, the Department of Finance, the Treasury Board, the Privy Council Office and the Office of the Leader of the Government in the Senate.—(*Honourable Senator Graham, P.C.*)

Hon. B. Alasdair Graham (Leader of the Government): Honourable senators, it is my intention to speak to this particular item. As all colleagues know, there are very serious circumstances surrounding the situation at the Cape Breton Development Corporation, particularly with respect to the difficulties at Phalen mine at the present time with the recent rockfall they are now attempting to clean up. I pay tribute to the workers for their efforts in this respect, as well as to the management.

Given the time of day, I am prepared to give an undertaking that I will speak to this particular matter next Tuesday, and I ask that it continue to stand in my name.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Order Stands.

TRANSPORTATION SAFETY AND SECURITY

SPECIAL COMMITTEE AUTHORIZED
TO EXTEND DATE OF FINAL REPORT

Hon. J. Michael Forrestall, pursuant to notice of April 13, 1999, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, March 25, 1999, the date for the final report of the Special Senate Committee on Transportation Safety and Security be extended to November 30, 1999.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, I should like to ask a few questions on this particular motion. However, before I do so, let me thank Senator Forrestall for the work plan he provided for me. It addresses a number of the questions that I wished to put before him.

This is a committee, honourable senators, that started as a subcommittee of the Transport Committee in October of 1996. It filed a report, and then it was reinitiated as a special committee under the chairmanship of Senator Forrestall. It has, quite frankly, addressed a number of very important issues.

The extension of this special committee and the request for that extension is very long. My primary question is, does the Honourable Senator Forrestall believe that this will be the last extension requested by this special committee?

Senator Forrestall: I thank the honourable senator for that question and her observation. My answer is that I certainly hope so. There are a couple of problems, such as prorogation and one or two other things that I might wish to address at a later date with respect to where a matter such as this would stand in a new session. I would not want to go back and repeat what has been done.

May I say that this is the end. We are in a position now to file before the end of June the major component of a bipartisan report dealing specifically with air safety and security. We hope to conclude with the final aspect of our study, which is a little more contentious, in that it is an interprovincial-federal jurisdictional problem dealing with highway safety.

In between, we will deal with this summer and have ready no later than the end of September a report dealing with rail, which, as colleagues will be aware, has been the subject of much study in recent years. As well, we have one or two more hearings with respect to marine safety. We want to let the summer go by and see the impact of recent changes made with respect to recreational Sea-Doos and other vehicles of that nature. If those changes are not working, we will observe how that should be governed with respect to future amendments. We would be in a position to report by mid-November, or perhaps even early November. However, November 30 simply seemed prudent.

I have omitted from this motion the question of further costs. I am not anticipating that question, but in the interests of transparency, this has been an important, long and costly study. We believe that we will require another \$48,000 to \$53,000 in order to finish our work.

•(1810)

We have not yet completed the budget work, but our report will seek an amount in that magnitude from the Internal Economy Committee.

If there are any other questions, I would certainly try to answer them.

Senator Carstairs: I would thank the honourable senator for giving an advance reply to a question I would have asked.

As Senator Forrestall knows, this has been a committee which, in its two incarnations, has cost the Senate approximately \$300,000. I personally believe, on the basis of the interim report which I read from cover to cover, that we got very good value for our money.

Would the honourable senator anticipate whether, of that \$48,000 to \$53,000, a great deal of that amount would be spent in travel, or will most of the witnesses that you anticipate hearing in the latter stages of this study actually come here to Ottawa?

Senator Forrestall: Honourable senators, most of that amount will be for professional services, expertise in confirming some of the recommendations that we have with respect to security in the air, security in airports. You will know that, within our lifetime, we built fences around airports to protect people from walking into the propellers of airplanes. Today, it is the opposite; we build fences to protect the airplanes from the people.

This is a complex world with which we are dealing, and we need technical and professional help. We need help with professional writing. That will be the bulk of the budget. There will be some travel, but quite limited. We are planning to bus the committee to Montreal where we can meet with ICAO. We will meet with some of the unions, such as the airline pilots' union and the flight attendants' union, in order to discuss security and safety in the operation of the aircraft from their point of view.

The balance will be quite routine. The bulk of it, approximately \$37,000 or \$38,000, will be for professional fees covering the period. If we finish early, of course, that will be a prorated amount.

The Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

PRIVATE BILL

ALLIANCE OF MANUFACTURERS AND EXPORTERS CANADA—
MOTION TO REINSTATE TO ORDER PAPER ADOPTED

Hon. James F. Kelleher, pursuant to notice of April 13, 1999, moved:

That, notwithstanding rule 27(3), the Order of the Day for the second reading motion of Bill S-18, respecting the Alliance of Manufacturers & Exporters Canada, a private bill, be now restored to the Order Paper (day one), for the purpose of reviving the Bill.

Hon. James F. Kelleher: I move the motion standing in my name.

Broadcasting Corporation in order to receive a briefing on their Strategic Plan.

Hon. the Acting Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Hon. Sharon Carstairs (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday next, April 20, 1999, at 2 p.m.

The Hon. the Acting Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, April 20, 1999, at 2 p.m.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO RECEIVE BRIEFING ON CANADIAN BROADCASTING CORPORATION STRATEGIC PLAN

Hon. J. Michael Forrestall, for Senator Bacon, pursuant to notice of April 14, 1999, moved:

That the Standing Senate Committee on Transport and Communications be authorized to hear the Canadian

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 36th Parliament)
Thursday, April 15, 1999

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-2	An Act to amend the Canadian Transportation Accident Investigation and Safety Board Act and to make a consequential amendment to another Act (Sen. Graham)	97/09/30	97/10/21	Transport and Communications	98/04/02	four	98/05/27	98/06/18	20/98
S-3	An Act to amend the Pension Benefits Standards Act, 1985 and the Office of the Superintendent of Financial Institutions Act (Sen. Graham)	97/09/30	97/10/21	Banking, Trade and Commerce	97/11/05	seven	97/11/20	98/06/11	12/98
S-4	An Act to amend the Canada Shipping Act (maritime liability) (Sen. Graham)	97/10/08	97/10/22	Transport and Communications	97/12/12	three	97/12/16	98/05/12	06/98
S-5	An Act to amend the Canada Evidence Act and the Criminal Code in respect of persons with disabilities, to amend the Canadian Human Rights Act in respect of persons with disabilities and other matters and to make consequential amendments to other Acts (Sen. Graham)	97/10/09	97/10/29	Legal and Constitutional Affairs	97/12/04	one	97/12/11 Senate agreed to Commons amendments 98/05/06	98/05/12	09/98
S-9	An Act respecting depository bills and depository notes and to amend the Financial Administration Act (Sen. Graham)	97/12/03	97/12/12	Banking, Trade and Commerce	98/02/24	one	98/03/19	98/06/11	13/98
S-16	An Act to implement an agreement between Canada and the Socialist Republic of Vietnam, an agreement between Canada and the Republic of Croatia and a convention between Canada and the Republic of Chile, for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	98/05/05	98/05/12	Foreign Affairs	98/05/28	none	98/06/02	98/12/03	33/98
S-21	An Act respecting the corruption of foreign public officials and the implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and to make related amendments to other Acts	98/12/01	98/12/03	Whole	98/12/03	one at 3rd	98/12/03	98/12/10	34/98
S-22	An Act authorizing the United States to preclear travellers and goods in Canada for entry into the United States for the purposes of customs, immigration, public health, food inspection and plant and animal health	98/12/01	99/02/11	Foreign Affairs	99/03/24	four			

S-23	An Act to amend the Carriage by Air Act to give effect to a Protocol to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air and to give effect to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier	98/12/10	99/02/03	Transport and Communications	99/03/11	none	99/03/16
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**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-2	An Act to establish the Canada Pension Plan Investment Board and to amend the Canada Pension Plan and the Old Age Security Act and to make consequential amendments to other Acts	97/12/04	97/12/16	Committee of the whole 97/12/17	97/12/17	none	97/12/18	97/12/18	40/97
C-3	An Act respecting DNA identification and to make consequential amendments to the Criminal Code and other Acts	98/09/30	98/10/22	Legal and Constitutional Affairs	98/12/08	none	98/12/09	98/12/10	37/98
C-4	An Act to amend the Canadian Wheat Board Act and to make consequential amendments to other Acts	98/02/18	98/02/26	Agriculture and Forestry	98/05/14	five	98/05/14	98/06/11	17/98
C-5	An Act respecting cooperatives	97/12/09	97/12/16	Banking, Trade and Commerce	98/02/24	none	98/02/25	98/03/31	01/98
C-6	An Act to provide for an integrated system of land and water management in the Mackenzie Valley, to establish certain boards for that purpose and to make consequential amendments to other Acts	98/03/18	98/03/26	Aboriginal Peoples	98/06/09	none	98/06/18	98/06/18	25/98
C-7	An Act to establish the Saguenay-St. Lawrence Marine Park and to make a consequential amendment to another Act	97/11/25	97/12/02	Energy, Environment and Natural Resources	97/12/09	none	97/12/10	97/12/10	37/97
C-8	An Act respecting an accord between the Governments of Canada and the Yukon Territory relating to the administration and control of and legislative jurisdiction in respect of oil and gas	98/03/17	98/03/25	Aboriginal Peoples	98/03/31	none	98/04/01	98/05/12	05/98
C-9	An Act for making the system of Canadian ports competitive, efficient and commercially oriented, providing for the establishing of port authorities and the divesting of certain harbours and ports, for the commercialization of the St. Lawrence Seaway and ferry services and other matters related to maritime trade and transport and amending the Pilotage Act and repealing and re-enacting other Acts as a consequence	97/12/09	98/03/26	Transport and Communications	98/05/13	none	98/05/28	98/06/11	10/98

C-10	An Act to implement a convention between Canada and Sweden, a convention between Canada and the Republic of Lithuania, a convention between Canada and the Republic of Kazakhstan, a convention between Canada and the Republic of Iceland and a convention between Canada and the Kingdom of Denmark for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and to amend the Canada-Netherlands Income Tax Convention Act, 1986 and the Canada-United States Tax Convention Act, 1984	97/12/02	97/12/08	Banking, Trade and Commerce	97/12/09	none	97/12/10	97/12/10	38/97
C-11	An Act respecting the imposition of duties of customs and other charges, to give effect to the International Convention on the Harmonized Commodity Description and Coding System, to provide relief against the imposition of certain duties of customs or other charges, to provide for other related matters and to amend or repeal certain Acts in consequence thereof.	97/11/19	97/11/27	Banking, Trade and Commerce	97/12/04	none	97/12/08	97/12/08	36/97
C-12	An Act to amend the Royal Canadian Mounted Police Superannuation Act	98/04/28	98/04/30	Social Affairs, Science & Technology	98/06/04	none	98/06/08	98/06/11	11/98
C-13	An Act to amend the Parliament of Canada Act	97/10/30	97/11/05	Legal and Constitutional Affairs	97/11/06	none	97/11/18	97/11/27	32/97
C-15	An Act to amend the Canada Shipping Act and to make consequential amendments to other Acts	98/05/05	98/06/03	Transport and Communications	98/06/10	none	98/06/11	98/06/11	16/98
C-16	An Act to amend the Criminal Code and the Interpretation Act (powers to arrest and enter dwellings)	97/11/18	97/12/11	Legal and Constitutional Affairs	97/12/16	none	97/12/17	97/12/18	39/97
C-17	An Act to amend the Telecommunications Act and the Teleglobe Canada Reorganization and Divestiture Act	97/12/09	98/02/24	Transport and Communications	98/03/25	none	98/04/29	98/05/12	08/98
C-18	An Act to amend the Customs Act and the Criminal Code	98/02/10	98/02/18	Legal and Constitutional Affairs	98/04/02	none	98/04/28	98/05/12	07/98
C-19	An Act to amend the Canada Labour Code (Part I) and the Corporations and Labour Unions Returns Act and to make consequential amendments to other Acts	98/05/26	98/06/08	Social Affairs, Science & Technology	98/06/18	none	98/06/18	98/06/18	26/98
C-20	An Act to amend the Competition Act and to make consequential and related amendments to other Acts	98/09/24	98/11/17	Banking, Trade and Commerce	98/12/03	none + two at 3rd	98/12/10 <i>Commons amendments referred to Committee 99/02/11</i>	99/03/11	02/99
C-21	An Act to amend the Small Business Loans Act	98/03/19	98/03/25	Banking, Trade and Commerce	99/02/16 <i>concur in Commons amendments</i>	none	98/03/31	98/03/31	04/98

C-22	An Act to Implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	97/11/25	97/11/26	Foreign Affairs	97/11/27	none	97/11/27	97/11/27	33/97
C-23	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	97/11/26	97/12/04	—	—	—	97/12/08	97/12/08	35/97
C-24	An Act to provide for the resumption and continuation of postal services	97/12/02	97/12/03	Committee of the whole	97/12/03	none	97/12/03	97/12/03	34/97
C-25	An Act to amend the National Defence Act and to make consequential amendments to other Acts	98/06/11	98/06/18	Legal and Constitutional Affairs	98/11/24	one	98/12/01	98/12/10	35/98
C-26	An Act to amend the Canada Grain Act and the Agriculture and Agri-Food Administrative Monetary Penalties Act and to repeal the Grain Futures Act	98/06/08	98/06/16	Agriculture and Forestry	98/06/18	none	98/06/18	98/06/18	22/98
C-28	An Act to amend the Income Tax Act, the Income Tax Application Rules, the Bankruptcy and Insolvency Act, the Canada Pension Plan, the Children's Special Allowances Act, the Companies' Creditors Arrangement Act, the Cultural Property Export and Import Act, the Customs Act, the Customs Tariff, the Employment Insurance Act, the Excise Tax Act, the Federal-Provincial Fiscal Arrangements Act, the Income Tax Conventions Interpretation Act, the Old Age Security Act, the Tax Court of Canada Act, the Tax Rebate Discounting Act, the Unemployment Insurance Act, the Western Grain Transition Payments Act and certain Acts related to the Income Tax Act	98/04/28	98/05/12	Banking, Trade and Commerce	98/06/04	none	98/06/16	98/06/18	19/98
C-29	An Act to establish the Parks Canada Agency and to amend other Acts as a consequence	98/06/03	98/06/15	Energy, the Environment and Natural Resources	98/10/20	none	98/11/19	98/12/03	31/98
C-30	An Act respecting the powers of the Mi'kmaq of Nova Scotia in relation to education	98/06/11	98/06/16	Aboriginal Peoples	98/06/18	none	98/06/18	98/06/18	24/98
C-31	An Act respecting Canada Lands Surveyors	98/05/07	98/05/26	Energy, the Environment and Natural Resources	98/06/09	none	98/06/10	98/06/11	14/98
C-33	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1998	98/03/18	98/03/25	—	—	—	98/03/26	98/03/31	02/98
C-34	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/03/18	98/03/26	—	—	—	98/03/31	98/03/31	03/98
C-35	An Act to amend the Special Import Measures Act and the Canadian International Trade Tribunal Act	98/12/07	99/02/17	Foreign Affairs	99/03/24	none	99/03/25	99/03/25	12/99
C-36	An Act to implement certain provisions of the budget tabled in Parliament on February 24, 1998	98/05/28	98/06/08	National Finance	98/06/15	none	98/06/17	98/06/18	21/98
C-37	An Act to amend the Judges Act and to make consequential amendments to other Acts	98/06/11	98/09/22	Legal and Constitutional Affairs	98/10/22	eight	98/11/04	98/11/18	30/98

C-38	An Act to amend the National Parks Act (creation of Tuktoyaktuk National Park)	98/06/15	98/06/17	Energy, the Environment and Natural Resources	98/12/01	none	98/12/10	98/12/10	39/98
C-39	An Act to amend the Nunavut Act and the Constitution Act, 1867	98/06/03	98/06/08	Aboriginal Peoples	98/06/09	none	98/06/10	98/06/11	15/98
C-40	An Act respecting extradition, to amend the Canada Evidence Act, the Criminal Code, the Immigration Act and the Mutual Legal Assistance in Criminal Matters Act and to amend and repeal other Acts in consequence	98/12/02	98/12/10	Legal and Constitutional Affairs	99/03/25	none			
C-41	An Act to amend the Royal Canadian Mint Act and the Currency Act	98/12/02	98/12/09	National Finance	99/02/18	none	99/03/02	99/03/11	04/99
C-42	An Act to amend the Tobacco Act	98/12/02	98/12/08	Legal and Constitutional Affairs	98/12/10	none	98/12/10	98/12/10	38/98
C-43	An Act to establish the Canada Customs and Revenue Agency and to amend and repeal other Acts as a consequence	98/12/08	99/02/10	National Finance	99/03/18	none			
C-45	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	28/98
C-46	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/06/10	98/06/16	—	—	—	98/06/17	98/06/18	29/98
C-47	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	98/06/11	98/06/16	Banking, Trade and Commerce	98/06/17	none	98/06/18	98/06/18	23/98
C-49	An Act providing for the ratification and the bringing into effect of the Framework Agreement on First Nation Land Management	99/03/09	99/04/13	Aboriginal Peoples					
C-51	An Act to amend the Criminal Code, the Controlled Drugs and Substances Act and the Corrections and Conditional Release Act	98/11/18	98/12/03	Legal and Constitutional Affairs	99/03/04	none	99/03/09	99/03/11	05/99
C-52	An Act to implement the Comprehensive Nuclear Test-Ban Treaty	98/10/20	98/10/28	Foreign Affairs	98/11/18	one	98/11/24	98/12/03	32/98
C-53	An Act to increase the availability of financing for the establishment, expansion, modernization and improvement of small businesses	98/11/25	98/12/02	Banking, Trade and Commerce	98/12/08	none	98/12/09	98/12/10	36/98
C-55	An Act respecting advertising services supplied by foreign periodical publishers	99/03/16	99/03/24	Transport and Communications	99/03/25				
C-57	An Act to amend the Nunavut Act with respect to the Nunavut Court of Justice and to amend other Acts in consequence	98/12/07	98/12/10	Legal and Constitutional Affairs	99/02/18	none	99/03/02	99/03/11	03/99
C-58	An Act to amend the Railway Safety Act and to make a consequential amendment to another Act	99/02/02	99/02/11	Transport and Communications	99/03/17	none	99/03/18	99/03/25	09/99
C-59	An Act to amend the Insurance Companies Act	98/12/10	99/02/04	Banking, Trade and Commerce	99/02/16	none	99/02/18	99/03/11	01/99
C-60	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	98/12/02	98/12/08	—	—	—	98/12/09	98/12/10	40/98

C-61	An Act to amend the War Veterans Allowance Act, the Pension Act, the Merchant Navy Veteran and Civilian War-related Benefits Act, the Department of Veterans Affairs Act, the Veterans Review and Appeal Board Act and the Halifax Relief Commission Pension Continuation Act and to amend certain other Acts in consequence thereof	99/03/16	99/03/18	Social Affairs, Science & Technology	99/03/23	none	99/03/24	99/03/25	10/99
C-65	An Act to amend the Federal-Provincial Fiscal Arrangements Act	99/03/11	99/03/16	National Finance	99/03/23	none	99/03/24	99/03/25	11/99
C-73	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 1999	99/03/17	99/03/23	—	—	—	99/03/24	99/03/25	14/99
C-74	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2000	99/03/17	99/03/24	—	—	—	99/03/25	99/03/25	15/99
C-76	An Act to provide for the resumption and continuation of government services	99/03/24	99/03/24	Committee of the Whole 99/03/25	99/03/25	none	99/03/25	99/03/25	13/99

COMMONS PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
C-208	An Act to amend the Access to Information Act	98/11/17	99/02/11	Social Affairs, Science & Technology	99/03/11	none	99/03/16	99/03/25	16/99
C-220	An Act to amend the Criminal Code and the Copyright Act. (profit from authorship respecting a crime) (Sen. Lewis)	97/10/02	97/10/22	Legal and Constitutional Affairs	98/06/10 adopted	recommend Bill not proceed			
C-410	An Act to change the name of certain electoral districts	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	two	98/06/09	98/06/18	27/98
C-411	An Act to amend the Canada Elections Act	98/05/28	98/06/04	Legal and Constitutional Affairs	98/06/08	none	98/06/09	98/06/11	18/98
C-445	An Act to change the name of the electoral district of Stormont-Dundas	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	07/99
C-464	An Act to change the name of the electoral district of Sackville-Eastern Shore	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/11	99/03/11	08/99
C-465	An Act to change the name of the electoral district of Argenteuil-Papineau	98/12/07	98/12/09	Legal and Constitutional Affairs	99/02/04	none	99/02/09	99/03/11	06/99

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend.	3rd	R.A.	Chap.
S-6	An Act to establish a National Historic Park to commemorate the 'Persons Case' (Sen. Kenny)	97/11/05	97/11/25	Energy, the Environment and Natural Resources					
S-7	An Act to amend the Criminal Code to prohibit coercion in medical procedures that offend a person's religion or belief that human life is inviolable (Sen. Haidasz, P.C.)	97/11/19	97/12/02	Legal and Constitutional Affairs					

S-8	An Act to amend the Tobacco Act (content regulation) (Sen. Haidasz, P.C.)	97/11/26	97/12/17	Social Affairs, Science & Technology	98/04/30	two	Dropped from Order Paper pursuant to Rule 27(3) 98/10/01
S-10	An Act to amend the Excise Tax Act (Sen. Di Nino)	97/12/03	98/03/19	Social Affairs, Science & Technology	98/06/03 98/12/09	none one	referred back to Committee 98/09/24
S-11	An Act to amend the Canadian Human Rights Act in order to add social condition as a prohibited ground of discrimination (Sen. Cohen)	97/12/10	98/03/17	Legal and Constitutional Affairs	98/06/04	one	<i>Motion for 2nd reading negatived in the Commons</i> 99/04/13
S-12	An Act to amend the Criminal Code (abuse of process) (Sen. Cools)	98/02/10	98/05/06	Legal and Constitutional Affairs			
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Anti-Smoking Youth Foundation (Sen. Kenny)	98/02/26	98/04/02	Social Affairs, Science & Technology	98/05/14	seven + two at 3rd	<i>Bill withdrawn pursuant to Commons Speaker's Ruling</i> 98/12/02
S-14	An Act providing for self-government by the first nations of Canada (Sen. Tkachuk)	98/03/25	98/03/31	Aboriginal Peoples			
S-15	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	98/04/02	98/06/09	Legal and Constitutional Affairs	98/06/18 Report & Bill withdrawn 98/12/08	four	
S-17	An Act to amend the Criminal Code respecting criminal harassment and other related matters (Sen. Oliver)	98/05/12	98/06/02	Legal and Constitutional Affairs			
S-19	An Act to give further recognition to the war-time service of Canadian merchant navy veterans and to provide for their fair and equitable treatment (Sen. Forrestall)	98/06/18					
S-24	An Act to provide for judicial preauthorization of requests to be made to a foreign or international authority or organization for a search or seizure outside Canada (Sen. Beaudoin)	99/03/03					
S-26	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	99/03/10					
S-27	An Act to amend the Canada Elections Act (hours of polling at by-elections) (Sen. Lynch-Staunton)	99/03/16					

PRIVATE BILLS

S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)	98/06/17	Dropped from Order Paper pursuant to Rule 27(3) 98/11/17	Restored to Order Paper 99/04/15					
S-20	An Act to amend the Act of incorporation of the Roman Catholic Episcopal Corporation of Mackenzie (Sen. Taylor)	98/09/23	98/10/29	Social Affairs, Science & Technology	98/12/03	three	98/12/09	99/03/25	
S-25	An Act respecting the Certified General Accountants Association of Canada (Sen. Kirby)	99/03/04	99/03/23	Banking, Trade and Commerce					

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