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**Thursday, April 22, 1999**

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THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

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## THE SENATE

Thursday, April 22, 1999

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

Prayers.

### SENATORS' STATEMENTS

#### CANADA BOOK DAY

**Hon. Joyce Fairbairn:** Honourable senators, tomorrow Canadians of all ages will celebrate reading on our fourth annual Canada Book Day. There will be events in cities, towns and villages throughout the country. Writers and performers will be out in force, reading and signing, singing and acting. There will be awards and contests, prizes, parties, and a wide variety of events for children.

In my home town of Lethbridge, Alberta, Macabee's bookstore will have contests for poetry and bookmark designs. A percentage of every customer's contribution will be sent to local schools for the purchase of books.

The fundamental message of the day is that reading is important from the earliest years on, for knowledge, for entertainment and for comfort. Another important message is that literacy is the path that leads to reading and life-long learning. All sectors of our society must accelerate their efforts to encourage children to read, and to offer assistance and hope to the more than 40 per cent of our adult Canadians who face each day in varying degrees of coping with routine reading, writing and numerical tasks, with degrees of difficulty in things that all of us in this chamber would take for granted.

Traditionally, this special day promotes sharing and exchanging books with friends. This year the slogan is "make a date with a good book." For the past three years, I have shared a book with my friend Senator John Lynch-Staunton. I am not sure whether this year I should be asking him for a date as well, but I do wish to offer him a gripping read with *Kiss of the Fur Woman*, by our outstanding Canadian author, Tomson Highway.

I hope you enjoy it, Senator Lynch-Staunton. It is a pleasure to keep up the tradition.

**Hon. Senators:** Hear, hear!

**Hon. John Lynch-Staunton (Leader of the Opposition):** Honourable senators, I had hoped last year, while marking Canada Book Day, to give Senator Fairbairn a framed copy of Bill S-10 after it had been given Royal Assent; that being the bill which calls for the removal of the GST on reading materials, which I know in her heart she still supports. Unfortunately, the

bill is still before us. Perhaps next year I will be able to bring in that framed copy.

•(1410)

Meanwhile, I want to make two presentations to Senator Fairbairn. One will replace last year's gift, which I could not do then, and one is for this year. When Senator Fairbairn reminisces about her beginnings in Ottawa, she tells us that she came here as a young journalist, and that her heart is still with the media, and with journalism generally. I thought it only appropriate, therefore, that I offer to her the latest book by Bill Fox, a former journalist with the *Montreal Gazette* who became Prime Minister Mulroney's press secretary and who will be officially launching his book in Ottawa next week. It is called *Spin Wars*.

I know also that Senator Fairbairn has a very special commitment to the role of women in all professions, and certainly in government and in politics. My second book to her is the story of the one of the most distinguished women — if not the most prominent woman — in this Parliament today. It is biography, fortunately authorized, of Elsie Wayne. The unauthorized one is unlikely to pass muster.

I hope Senator Fairbairn will enjoy both books.

**Senator Fairbairn:** Thank you.

**The Hon. the Speaker:** I take it, honourable senators, that leave was granted for these effusions of love between the honourable senators.

**Hon. Senators:** Hear, hear!

#### UNITED KINGDOM OF GREAT BRITAIN AND IRELAND

##### REFORM OF HOUSE OF LORDS

**Hon. Jack Austin:** Honourable senators, I like the mood in the chamber at this moment. I hope you will indulge me if I try to extend it into another area because I believe this is an appropriate moment to draw to the attention of the Senate two events which are 350 years apart but which focus directly, and in the most contemporary way, on the nature and role of this chamber.

The key figure in the event of 350 years ago was Oliver Cromwell, by that time Lord Protector of the Commonwealth of England, Scotland and Ireland. The 400th anniversary of his birth is April 25, 1999. Was he a tyrant and usurper, or an enlightened figure who sought the unity of the country in dissident times? We can leave that debate to others. I am concerned here with the quarrels of that day over the House of Lords.

Senators will recall that the critical concerns of the Puritan revolution were the supremacy of the Protestant faith and the issue of ultimate sovereignty, whether by divine right or in the hands of the people themselves. The Puritans saw the House of Lords as an extension of the power of the King, and therefore concluded that to undermine the royal prerogative, they must destroy the power of the House of Lords. One Puritan member wrote:

The Peers were the sons of conquest and usurpation. They were not made by the people.

Another stated:

If an Upper House disagreed with the Commons, how could a government go on?

A response in a 1648 pamphlet entitled, "A Plea for the Lords" argued:

Peers since Magna Carta had shown they were not apt to be overawed by the King —

— or what we today might call executive power —

— and they would also be harder to bully or seduce by a Commons seeking its own grandizement at the expense of the public welfare.

Shortly thereafter, in late 1648, the Lords rejected the bill to bring Charles I to trial for treason against the Parliament. No Peer spoke in favour. The King was condemned to death without the approval of the Lords, and executed on January 30, 1649.

In the debate in the Commons, which concluded on March 19, 1649, the commons passed the "Supreme Bill" abolishing the Upper House by a vote of 44-29. The proposer of the bill stated:

The House of Lords was useless and dangerous and should be abolished.

The Peers were not consulted. Prior to the final vote, Oliver Cromwell told the Commons that "they were mad to alienate the Peers."

One compromise proposed that the Peers and the Commons sit as one house, but Cromwell opposed the idea because "the Peers would exercise too much influence. Thus from 1649, England survived without a monarchy for 11 years, and with no House of Lords for eight of those years.

However, the debate never ceased. A pamphlet in 1655 argued:

The Lords were the guarantors of law and liberty.

Another part of the pamphlet said:

Government by a single chamber was dangerous, not a Commonwealth but an oligarchy — the rule of a dominant gang — and not by the checks and balances of the whole of the people.

In 1657, Cromwell told the Puritan Army leaders:

You are offended at a House of Lords. I tell that you that, unless you have something of a balance, you cannot be safe.

He then quoted Charles I in Charles' 19 articles to the House of Commons saying:

The Upper House was to be a safety barrier...an excellent screen and bank...between the Army and the Commons.

Cromwell went on:

An Upper House will provide a great security and bulwark to the honest interest, not being so uncertain as the House of Commons, which depended upon election by the people.

**The Hon. the Speaker:** I regret to interrupt but the honourable senator's three-minute time period has expired.

**Senator Austin:** May I go on?

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

**Hon. Senators:** Agreed.

**Senator Austin:** The Commons rejected Cromwell's appeal. In late 1658, Cromwell died, to be succeeded for less than a year by his son Richard Cromwell, and the Restoration officially reinstated the House of Lords on May 29, 1660.

On November 24, 1998, the Queen made what is possibly her last speech to a House of Lords composed of hereditary peers. The Speech from the Throne of the Blair government announced the removal of the right of hereditary peers to sit and vote, the issuance of a white paper to set out the arrangements for a system of appointment of life peers, and the establishment of a royal commission to make proposals for the further reform of the House of Lords.

The Blair government's bill to remove hereditary peers began debate in the House of Lords on March 29, 1999. Meanwhile, a proposal by the Cross Bench Lords to maintain 91 hereditary peers until the royal commission reports to Parliament has been accepted by the Blair government.

The royal commission, headed by Lord Wakeham, a Conservative, has outlined the major issues it will consider in examining the role and function of a reformed House of Lords. Some highlights are:

1. The review of legislation and delegated powers.
2. Scrutiny of the use of executive power by the Cabinet.
3. Special investigations.
4. Major public appointments.
5. Whether organized religion should be represented.
6. Whether partly elected and partly appointed.
7. Greater independence from political party discipline.
8. More representative of society as a whole.
9. The size of the House of Lords, salaries and access to resources.

Unlike 350 years ago, the value of the Upper House is not in dispute. The issue is to make it both more representative of Britain's demography and more effective as a chamber of review and protection of the Constitution and the rights of the people.

Our Senate has never been troubled by the hereditary issue but, in other ways, we may have lessons to learn from the current debate in Britain, just as they may have some things to learn from the Canadian Senate. Certainly the two systems seem to be on a convergent path.

### BRITISH COLUMBIA COASTAL PARLIAMENTARIANS GROUP

**Hon. Pat Carney:** Honourable senators, I would like to report to the chamber on further developments in the formation of a British Columbia Coastal Parliamentarians' group. A resolution endorsing the concept of an all-party, non-partisan parliamentary group representing the MPs, MLAs and senators on the coast was passed at the 1998 Conference of Coastal Communities in Duncan.

The Coastal Community Network, or CCN, is B.C.'s only coast-wide organization representing the needs and interests of more than 40 coastal villages and towns in 10 regional districts and three tribal councils on Canada's West Coast.

On April 9, 1999 at the CCN's annual conference and trade show in Richmond, federal and provincial parliamentarians representing coastal British Columbia met for the inaugural meeting of "Coastal Parliamentarians." The meeting gave attendees from all parties an opportunity to exchange information and discuss issues of concern to coastal communities. This included pending legislation affecting coastal communities, including Bill C-48 with respect to marine protected areas, which will come to this chamber; fisheries problems, the moratorium on the development of British Columbia's offshore oil and gas resources, bottlenecks in the delivery of federal-provincial programs, the deterioration of coastal communities, and the abandonment of docks and wharves in isolated communities.

•(1420)

The theme that emerged from the meeting was that if coastal communities are to achieve economic diversification, government programs and access to resources must change. Regardless of whether the jurisdiction is federal or provincial, we need to pursue long-term strategies and find new ways of using resources.

Our group heard from Johannes Nakken, State Secretary of the Norwegian Ministry of Fisheries, who discussed Norway's experience with offshore oil and gas resources and aquaculture.

"Coastal Parliamentarians" found the gathering informative and useful, and agreed to continue to meet in conjunction with the Coastal Community Network.

Those present included three provincial cabinet ministers, Joy MacPhail, Dennis Streifel and Ian Waddell; three federal members of Parliament, John Duncan, Svend Robinson and Peter

Stoffer, who is from the East Coast; one senator, myself, serving as inaugural chairman; six provincial MLAs, including Murray Coell, Ida Chong, Evelyn Gillespie, Glenn Robertson, Doug Symons, John van Dongen; eight mayors and councillors from coastal communities, including the mayor of Port Hardy; and a representative from the office of the federal Minister of Fisheries and Oceans.

The group also heard a report compiled with data from the B.C. 1998 fourth-quarter regional statistics showing that coastal communities have been in steady decline since 1995, a decline that is slowly diminishing the quality of life on B.C.'s coast. The fishery is at an all-time low with regard to employment. DFO reports estimate that by 2000 a total of some 15,510 jobs will have been lost in the sports and commercial fishery since the early 1990s. The coast needs rebuilding strategies that will foster future abundance. If there are no fishermen left in the communities, as has been predicted, then the fishery will be of no benefit to the communities.

As of February, 1999 employment in B.C.'s forest industry has plummeted by 26.7 per cent from the same period in 1998. Tourism has been a good news story, but only for parts of the area. All coastal regions, except in Greater Vancouver, experienced a decline in retail activity in the third quarter of 1997. It was found that the further the community was located from the large urban centres, the worse the numbers got, indicating the effects of the decline in the fishing and forestry sectors of the coastal communities.

For instance, last year the communities in Skeena—Queen Charlottes experienced a 271 per cent increase in the annual number of bankruptcies compared to 1994.

**The Hon. the Speaker:** I regret to have to interrupt the Honourable Senator Carney, but her three-minute time period has expired.

Is leave granted for the honourable senator to continue?

**Hon. Senators:** Agreed.

**Senator Carney:** The structural changes in British Columbia's coastal economy make it critical in the context of the conference on the economic development of coastal communities to look at the coast's challenges and to develop a long-term approach.

**The Hon. the Speaker:** Honourable senators, the 15 minutes allotted for Senators' Statements has expired. I have two honourable senators who wish to make statements. Is it your wish, honourable senators, that they be allowed to make their statements?

**Senator Prud'homme:** That is the problem when we do not follow the rules.

**Senator Lynch-Staunton:** Look who's talking!

**The Hon. the Speaker:** Is leave granted to extend the time for Senators' Statements?

**Hon. Senators:** Agreed.

## GENOCIDE OF ARMENIAN PEOPLE

### COMMEMORATION OF EIGHTY-FOURTH ANNIVERSARY

**Hon. Shirley Maheu:** Honourable senators, this year will mark the eighty-fourth anniversary of the Armenian genocide. I would like to express my deepest sympathy and support to the Armenian people.

Honourable senators, we must never forget the events that took place in 1915, events which cost the lives of more than 1.5 million human beings. Some have tried to minimize the importance of the atrocities that were committed back then. However, I believe we should not be afraid to use words that describe the horrible crimes that were committed.

On April 25, 1993, the Right Honourable Jean Chrétien said:

I send my sincere greetings to all members of the Canadian Armenian community who will gather to commemorate the 78th anniversary of the Armenian genocide.

This occasion is an opportunity to remember the sacrifices of your ancestors — and a very tragic event in your history. It is also an opportunity to take pride in the lives that you and your families have built here in Canada.

As Canadians, we all have much to be thankful for. We live in a country whose immense beauty and wealth of resources are only surpassed by the warmth and generosity of its people. Over the decades, the diverse origins of Canadians have enriched this land and made us strong. The Liberal Party stands by the preservation and development of Canada's multicultural society.

*[Translation]*

Honourable senators, a number of parliaments around the world have formally recognized the Armenian genocide. This recognition enables Armenians the world over to turn the page on this sad chapter of their collective history and resolutely face the future.

We must remember this massacre so that such events are not trivialized and never recur, because those who forget the past are condemned to relive it.

Finally, I want to reiterate my words of sympathy to the Armenian people and to encourage Canada's Armenian community in its efforts to keep the memory of this historic reality alive.

*[English]*

## THE LATE WALLACE PIKE

### TRIBUTE

**Hon. Bill Rompkey:** Honourable senators, I rise today to mourn the passing of Wallace Pike, the last remaining

Newfoundland and Labrador veteran of World War I. Wallace Pike has died at the age of 99.

One of his 50 grandchildren declared after his death on Sunday:

We lost two great ones this week. We lost Wayne Gretzky, who was number 99, and we lost Poppie, who was 99.

Indeed, Wallace Pike was a hero. He lied about his age in order to enlist in the Royal Newfoundland Regiment. Full of the adventure and patriotism of youth, Wallace Pike left the peace and tranquillity of a small fishing village in Bonavista Bay for the killing fields of France and Belgium.

We can only imagine the horrors that confronted those courageous Newfoundlanders and Labradorians who were not much more than boys. In the fall of 1917, Pike and his fellow soldiers found themselves in a trench across the road from a company of Germans. He was to write later:

It was real dark. I had to watch over the top, and then crouch down and peer through the dark trench to make sure that none of the Germans would get down to us. The only company I had were the groans of a wounded comrade.

After the war, he joined the Salvation Army where he rose to the rank of brigadier. He told the CBC before he died that he decided to join the Salvation Army because "when I was overseas I had to kill men, and now I thought maybe I could help save them."

We have lost not just a hero; we have lost a part of history. Jack Granatstein has asked, "Who killed Canadian history?" So often when Canadian history is written, the record of my province before 1949 is absent.

Wallace Pike was just one of over 6,000 young men and women from what was then a very small nation who gladly, even eagerly, volunteered themselves and their lives to defend what they saw as their heritage. We raised our own regiment and Wallace Pike was present at Cambrai when the adjective "Royal" was permanently fixed to the Newfoundland Regiment.

Of the over 6,000 who enlisted in the First World War, 1,300 were killed, 2,300 were wounded, and 180 were prisoners of war. At Beaumont Hamel alone, of the 778 who went over the top into enemy gunfire on July 1, 1916, only 68 answered roll call that night. For a small place like ours, the flower of a generation was wiped out in a matter of hours.

We salute today Wallace Pike, the last Newfoundlander who served in that defining conflict. Like my generation, Wallace Pike was not born a Canadian. However, like others of his generation, he chose to join Canada. Even before he did, he fought for those values and that heritage that we all cherish in common, and for that freedom that we all hold dear, no matter where we live in this country.

## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, before I call the next item, it is fitting for me at this time to draw to your attention a delegation in our gallery. It is a delegation from Holland led by His Worship D.J. Verhoeven, the Mayor of Holten, Holland. He is accompanied by Mr. Gerry van't Holt and some of his group from the Foundation Welcome Again Veterans.

The Dutch group is here to deal with the Canadian authorities in the matter of the commemoration of Canadian war dead in Holland. We welcome you to the Senate of Canada.

**Hon. Senators:** Hear, hear!

•(1430)

## QUESTION PERIOD

### NATIONAL DEFENCE

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT OF  
GROUND TROOPS—AVAILABILITY OF SUPPORT ELEMENTS—  
GOVERNMENT POSITION

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. It has been reported in the press that some 600 to 800 members of an armed regiment are now ready to go to Europe. There is no mention, however, of support elements. I am thinking particularly that there is no mention of helicopters or any of the other support elements that would normally go off to battle with a group that size.

Could the Leader of the Government clarify for us whether the 600 to 800 includes all of the support elements, in fact leaving far fewer soldiers than that number might imply?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I have been assured that all of the support elements to which my honourable friend Senator Forrestall alludes will accompany any Canadian forces deployed, whether or not the total number rises to the maximum number of 800. The numbers we have been given range from 500 to 800.

Senator Forrestall mentioned last week the number of 2,000. The information that he received at that time was incorrect.

**Senator Forrestall:** I would be careful with that.

**Senator Graham:** The honourable senator can rely on his sources, and he obviously has very good sources within the Canadian forces, but I believe that his figure of 2,000 was inaccurate. I stand by what I said in that respect.

I would think that the total forces to be deployed, if it were in the area of 800, would include the support forces as well.

NATO FORCES IN FORMER YUGOSLAVIA—DEPLOYMENT  
OF GROUND TROOPS—LENGTH OF TRAINING PERIOD

**Hon. J. Michael Forrestall:** Honourable senators, in fact, we do not have 800. We have a reconnaissance squadron, a helicopter squadron, some medical help, and a whole variety of other numbers, so the number is somewhat less than the 500 or 800 the minister suggests.

The minister is the one who referred to an infantry battalion group, which of course is far from the numbers we are talking about here. Would the minister tell me why it is that these combat-capable troops would require a 45-day to 60-day period once on site to be fully operational?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, the cornerstone of Canada's defence policy is a multi-personnel, combat-capable armed forces. We also have an obligation to uphold the commitments we made to the NATO alliance 50 years ago.

Canadian Forces personnel at CFB Edmonton have completed their training and will soon be ready to deploy as required, but only to enforce a peace agreement.

### FOREIGN AFFAIRS

CONFLICT IN FORMER YUGOSLAVIA—  
EFFORTS BY GOVERNMENT TO END WAR

**Hon. Douglas Roche:** Honourable senators, my question is to the Leader of the Government in the Senate. Every day I open the newspapers and turn on the television, hoping, even daring, to expect that the Canadian government will take an initiative to end this catastrophic war in Kosovo and Serbia. Every day I am disappointed to see the carnage and the unbelievable suffering in both places and to note that the Canadian government is doing nothing except nodding assent to whatever NATO wants to do. This same NATO has blundered into the worst global crisis since the end of the Cold War. The Canadian government says it is talking, consulting, and thinking. Meanwhile, countless people are dying.

When will the government do something — propose a plan, activate the United Nations, bring in the Organization for Security and Cooperation in Europe? When will the government tell us what it will do to end this war?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I generally admire the representations put forward by Senator Roche, but I must take strenuous exception to what he has said today. To suggest that Canada is acting in a role of nodding assent is unfair. It is particularly unfair to the Canadian forces in the Balkans supporting our commitments to NATO and representing Canada in a courageous and commendable way.

**Some Hon. Senators:** Hear, hear!

**Senator Roche:** Honourable senators, I asked what the Canadian government is actually doing.

CONFLICT IN FORMER YUGOSLAVIA—EFFORTS BY  
GOVERNMENT TO END WAR—COMMENTS BY LEADING FIGURES

**Hon. Douglas Roche:** Honourable senators, I should like to draw to the attention of the government a statement by the former prime minister of Canada, Brian Mulroney, who said that the government should be demonstrating leadership by using its seat on the UN Security Council to seek a negotiated solution to end the war.

If that citation is too partisan, I can give citations of the Canadian church leaders, an ecumenical group that came to Ottawa last week to plead for a stop to the bombing.

I can give a citation of Robert McNamara, the former secretary of defence of the United States, who was in Ottawa a few weeks ago. He said in *The New York Times* yesterday that we are on the verge of making the same kind of tragic mistakes that were made in Vietnam by not getting out fast.

My final citation — I hope that the leader will not quarrel with this one — is from Geoffrey Pearson. For the third day in a row now, I rise to ask what the government will do about Mr. Pearson's letter to the government on behalf of the United Nations Association in Canada, one of the most prestigious bodies in the country, calling for a halt to the bombing on behalf of the United Nations Association.

Is not that enough evidence? How much more do we need?

**Hon. Alasdair B. Graham (Leader of the Government):** Honourable senators, my honourable friend was kind enough to send me a copy of the letter from Mr. Pearson. It is a letter directed to the Prime Minister of Canada, and I do not know whether it has reached his hands yet. I think it is very inappropriate for me to comment on a letter before the Prime Minister has either seen it or responded to it. He will respond in good time to Mr. Pearson, who himself is a former respected diplomat.

•(1440)

We will discuss our approach to the crisis with our NATO allies at the Washington NATO summit this week. Our first concern must be for the fate of displaced people in Kosovo. One thing remains clear, that Milosevic must comply with the terms set out by NATO and restated in recent days by the Secretary-General of the United Nations as well as by representatives of the European Union.

Honourable senators, we could stand by and watch Milosevic create more carnage in that part of the world and spread it into other countries.

**Senator Roche:** Bring the UN in!

**Senator Graham:** However, we had to do something.

Senator Roche continues to refer to the Security Council of the United Nations. We know that we cannot get agreement because of the veto that is held by both China and Russia. Consultations continue between our Prime Minister and the Prime Minister of

China, and President Yeltsin, as well as between our foreign minister, our Prime Minister and our NATO allies.

Honourable senators, this is serious business. We are acting in a manner that we think is most responsible. We are partners in the NATO alliance, as we have been for the past 50 years, and we took part in the NATO decision, along with all our NATO allies.

**Some Hon. Senators:** Hear, hear!

## NATIONAL DEFENCE

### NATO FORCES IN FORMER YUGOSLAVIA— DEPLOYMENT OF GROUND TROOPS—GOVERNMENT POSITION

**Hon. John Lynch-Staunton (Leader of the Opposition):** My supplementary, honourable senators, is based on the search for knowledge of Canada's position on sending ground troops into a war zone.

I base my question on an article in today's *Montreal Gazette* which reproduces, word for word, an answer the Prime Minister of Great Britain gave in the House of Commons yesterday. The headline is: "Must prepare for troops, Blair says." Therefore, we know where Great Britain stands on this. The headline also reads: "NATO to get call to ready for ground war; Canada is committed to follow alliance..."

My interpretation of that is not leadership, it is to follow the alliance. In his answer to the question, the Prime Minister said:

And if some day we're confronted with the necessity to change, to send some ground troops, we will do so with the others.

What we wish to know is: What is Canada's position on the sending of ground troops? Is it just to follow what the majority says, or is it to go to the alliance and say, "Look, there are other alternatives"?

Can we get these people back to the table? Can we get involved in some sort of mechanism to at least create a lull? Is there not an alternative? Where is Canada's role in this matter? Instead, we are told by the Prime Minister that if NATO decides to send troops we will send them, too. That is not leadership.

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, there are 19 members of the NATO alliance.

**Senator Lynch-Staunton:** So?

**Senator Graham:** We are partners of that NATO alliance.

**Senator Lynch-Staunton:** So?

**Senator Graham:** Canada is always providing a leadership role in initiating discussions, not only with our NATO allies, but with Russia and China, as well as with Ukraine, as was mentioned by Senator Andreychuk the other day. We will have discussions with our NATO allies at the NATO conference that is being held in Washington in the next few days.



Honourable senators, our policy on Kosovo has been clear from the outset. Our goal remains the safe return of the Kosovars to Kosovo.

**Senator Lynch-Staunton:** Honourable senators, I have a final supplementary question, and the answer I hope will be “yes” or “no”: Is Canada in favour of NATO sending ground troops into the Balkan region, “yes” or “no?”

**Senator Graham:** Honourable senators, that is a matter that will be discussed at the NATO meetings in Washington.

**Senator Lynch-Staunton:** What is our position?

**Senator Graham:** Perhaps I could ask the Leader of the Opposition where his leader stands on the question of sending troops into that particular part of the world.

**Senator Lynch-Staunton:** Honourable senators, it is not for the Leader of the Government to ask the Leader of the Opposition what his leader’s position is. However, I can tell you what our leader’s position was when he was prime minister during the Gulf War crisis. He consulted Parliament. He had votes in Parliament and he kept Parliament informed day after day through the Minister of Foreign Affairs. He made efforts to ensure that the Gulf War was fought with the approval and the sanction of the United Nations. Where is Prime Minister Chrétien during the current crisis? Waiting to be told what to do.

**Senator Oliver:** Bring them home!

**Senator Graham:** I have already indicated and the Prime Minister has stated that if ground troops are to be sent into Yugoslavia for purposes other than peacekeeping, there will be discussions in Parliament.

**Senator Lynch-Staunton:** What about a vote?

**Senator Graham:** I have indicated to the Leader of the Opposition, and I so inform all honourable senators who have been requesting a briefing, that I have arranged, on behalf of the Senate, briefing sessions which have been tentatively scheduled for early next week. Hopefully, the Minister of Foreign Affairs and the Minister of National Defence will appear. I shall inform honourable senators no later than tomorrow when and where those briefings will take place.

**Senator Lynch-Staunton:** If we got an answer, there would be no debate.

## NORTH ATLANTIC TREATY ORGANIZATION

### FORTHCOMING SUMMIT—DEPLOYMENT OF GROUND TROOPS AS AGENDA ITEM—GOVERNMENT POSITION

**Hon. A. Raynell Andreychuk:** Honourable senators I have a supplementary question. The Prime Minister has been quoted as saying that he expects NATO leaders to discuss ground troops at the meetings this weekend.

Could the Leader of the Government in the Senate advise us as to whether the Prime Minister has asked that the issue of ground troops be discussed at the NATO meeting?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I have not seen the agenda, nor have I seen any specific request from the Prime Minister to NATO. It is inevitable and obvious that such a question will be discussed at the meeting of the NATO members.

**Senator Andreychuk:** Honourable senators, is the leader saying that it is obvious that the Prime Minister will be asking the question? Is he saying that he expects that others, perhaps, will raise the question? My question is, has the Prime Minister asked to have this issue put on the agenda?

**Senator Graham:** Honourable senators, I do not know if the Prime Minister has asked that question specifically. Perhaps the Secretary-General of NATO or a member of the NATO alliance has asked that question.

Allied governments have not considered the deployment of ground troops in any other scenarios, although this issue could be discussed over the course of the NATO summit.

**Senator Andreychuk:** Honourable senators, there has been a tradition in NATO that all countries work together and that issues that affect one, affect all.

If Prime Minister Blair is now saying ground troops should be discussed, are we to infer that it is on the agenda, or is he breaking the traditional rule of NATO that such issues are discussed within the confines of the meeting and not in the press?

**Senator Graham:** I do not know that it is in anyone’s interest that the agenda of the summit be discussed in advance in the press. However, if Prime Minister Blair has indicated that he wishes the item to appear on the agenda, I am sure it will be discussed.

## NATIONAL DEFENCE

### NATO FORCES IN FORMER YUGOSLAVIA— USE OF NUCLEAR WEAPONS—GOVERNMENT POSITION

**Hon. Pat Carney:** Honourable senators, as you know, Canada has been a strong advocate and supporter of the Treaty on the Non-Proliferation of Nuclear Weapons. Could the Leader of the Government in the Senate tell us whether Canada has a position on the use of nuclear weapons in the current crisis?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, yes, we do have a position: It is no first use. That subject would be a new element to the discussions. I know that nuclear disarmament will be discussed at NATO. That is a sensitive question and I should hope that we will not be venturing into that area. Knowing Canada, the Prime Minister, the Minister of Foreign Affairs and the Minister of Defence, I do not think that that possibility would ever be entertained.

AIR STRIKES BY NATO FORCES IN FORMER YUGOSLAVIA—  
CF-18 BOMBING IN RECENT FORAY DEPICTED  
IN NEWS MEDIA—DENIAL BY OFFICIALS—  
RESPONSIBILITY OF GOVERNMENT

**Hon. Marjory LeBreton:** Honourable senators, my question is for the Leader of the Government in the Senate. A few days ago, members of the government criticized a member of my party in the other place for asking a question about the deployment of a Canadian forces unit in Kosovo. This morning, live on CNN, at a Pentagon briefing, our American allies proudly showed a video of a Canadian forces CF-18 hitting a target in Yugoslavia. They identified it as a Canadian CF-18 and the Pentagon official appeared to be very knowledgeable about the extent of the attack.

•(1450)

In a televised briefing I was watching on *Newsworld*, just before the Senate sat this afternoon, Canadian military officials refused to acknowledge this video footage, saying that it presents a security risk to our pilots. Canadian forces personnel appeared to question that they were even Canadian aircraft. The media at the briefing were justifiably mystified. It was a most embarrassing spectacle and calls into question Canada's role and leadership in this area.

Can the Leader of the Government in the Senate assure this house that someone is taking charge of these efforts over at DND? We are looking more foolish as each day passes. When can we expect the Minister of National Defence to step up to the microphone at these briefings and inform the Canadian public of exactly what is going on in Yugoslavia?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, whatever television footage that the Americans were able to put their hands on, which they allege included Canada's CF-18 fighters, is something that I would leave for the Chief of Defence Staff and the Chief of Air Forces to determine whether or not it is appropriate. The Canadian military would be in the best position to acknowledge whether or not it is accurate footage.

Yesterday I stated — and, perhaps Senator LeBreton was not in her seat at the time — that the Supreme Allied Commander on his visit to our Armed Forces in Italy, which is the dispatch point for air missions in that area, commended the Canadian pilots for their excellence. He said that they were top flight and among the best in the world.

**Senator Lynch-Staunton:** So? What else is he going to say?

**Senator Graham:** Senator Lynch-Staunton is mumbling here.

**Senator Lynch-Staunton:** So what does Mr. Chrétien think?

**Senator Graham:** He is saying "So? So what?"

Senator LeBreton will have an opportunity early next week to put the same question and any other questions she has during the

briefing that I have arranged with the Minister of National Defence and the Minister of Foreign Affairs.

**Senator LeBreton:** Honourable senators, when I saw the briefing this morning by the Pentagon, I must confess that when they said it was a Canadian CF-18 pilot who had hit the target, I felt quite a tinge of pride. However, to turn on the television later and to see Canadian officials trying to withdraw any knowledge of it as if we were not there was a confused and embarrassing spectacle.

In view of the fact that there seems to be this conflict between the Pentagon and the Canadian Armed Forces officials, will the Government of Canada be calling the United States to complain about the apparent security breach and will they be criticizing the American government, as they did our member in the other place, of putting Canadian forces personnel at risk?

**Senator Graham:** Honourable senators, I would leave that to the Chief of Defence Staff in whom I, and I am sure all Canadians, have the utmost confidence.

Honourable senators, I wish to go back to a question asked by Senator Forrestall with respect to benefits that might be made available to our Armed Forces personnel when on active duty and whether or not they are eligible.

In response to a question this morning, General Jurkowski said that there are packages — special allowances, hostility bonuses, those kinds of packages — which the change of name would not affect. He went on to say that the military people have full access themselves and, God forbid, if anything happened the families back home would gain the same benefits.

My understanding from that answer is that all of the benefits to which Senator Forrestall was referring would be available to those who might be put on active duty.

## CANADA-UNITED STATES RELATIONS

### LOSS OF FAVOURED EXEMPTION FROM INTERNATIONAL TRAFFIC IN ARMS REGULATIONS—POSSIBLE TRADE DISPUTE WITH UNITED STATES—EFFORTS TO TIGHTEN ARMS EXPORT POLICY

**Hon. Pierre Claude Nolin:** Honourable senators, I want to go back to the line of questioning started yesterday by my colleague Senator Kelleher concerning the possible changes in the United States International Traffic in Arms Regulations.

By now, even if the Minister of Foreign Affairs does not like it, we should know that the proposed changes to the United States International Traffic in Arms Regulations have been prompted by the concern in Washington over the lack of Canadian policy governing the export of U.S.-made equipment and technology in the past few years to countries such as Iraq, Iran and China.

Let me remind honourable senators that in 1993, during Peacekeeping '93, a defence equipment trade exhibition held in Ottawa, the current Minister of Foreign Affairs, who was at the time the external affairs critic for the Liberal Party, accused the Conservative government of being too soft on Canada's arms export policy. He thought that, "Canada's arms export policy has to be tightened up and made more accountable to Parliament." The external affairs critic also said that he wanted to see the Liberals back in power in order to develop:

...a country register, a clearing-house of nations Canadian companies can and cannot sell arms to. The list would be developed during parliamentary hearings.

According to the current Minister of Foreign Affairs, unless this measure was taken, future Canadian peacekeepers might find themselves coming under fire from foreign weapons containing made-in-Canada parts.

Considering those statements by the former external affairs critic for his party, can the Leader of the Government in the Senate tell us what measures have been taken by the different ministers of Foreign Affairs since 1993 to tighten up this Canadian arms export policy?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, officially, the U.S. proposal stems from concern over a number of incidents where Canadians were involved in allegedly selling or attempting to sell military equipment with U.S. technology to Iran, Iraq or some other country.

The Canadian government is concerned about the U.S. announcement that was referred to yesterday. The result would greatly reduce the range of items exempt from export licensing to Canada and impact negatively on several Canadian industries.

Having said that, I am aware that Canadian and American officials continue to discuss this change to the International Trafficking in Arms Regulations. Minister Axworthy has discussed the issue with Secretary Albright and will do so again when they meet in Washington during the NATO summit this weekend. We have had extensive bilateral discussions since the U.S. made its announcement. A meeting of senior officials was held in March and led to a broad agreement on an approach to minimize disruption to our bilateral defence trade. We have not yet reached a completely satisfactory solution, but the discussions are ongoing.

**Senator Nolin:** In the meantime, what special measures have been put forward by the current Minister of Defence on that important issue?

**Senator Graham:** Honourable senators, I think that the matter is being left more to the Minister of Foreign Affairs. I am not aware that the Minister of National Defence is directly involved in those discussions.

**Senator Nolin:** We have evidence that Canadian armoured vehicles have been sold to a European country, and we have just had a visit from representatives of that country. Those pieces of equipment ended up in Iran. We have evidence of that. The

Minister of National Defence must be involved in some changes of policy to ensure that this will not happen again. What are the measures that he has taken?

•(1500)

**Senator Graham:** Honourable senators, I am not aware of any specific measures. While there is no specific evidence that I know of, perhaps my honourable friend can provide some evidence suggesting that Canada has been used as a point of diversion for the export of sensitive U.S. or Canadian goods and technology to countries where their end use is of concern.

Concerns about the possibility of equipment and technology ending up in unauthorized third countries are best addressed by continuing the close cooperation between our respective enforcement agencies. I know it is a matter that will be considered and discussed by our senior ministers at the appropriate time.

**Senator Nolin:** If the minister wishes to have access to that evidence, I am sure that when the Minister of Foreign Affairs is talking with his counterpart in Washington, she will be glad to show him the pictures.

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## VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to introduce a group of students in our gallery who are from the Louis Riel School, in Calgary, Alberta. They have come all this way to see the Senate in action. They are led by their teacher, Mr. George Lougheed.

On behalf of all senators, I bid you welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

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## ORDERS OF THE DAY

### CANADA CUSTOMS AND REVENUE AGENCY BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

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. Terry Stratton:** Honourable senators, we continue to have serious reservations about Bill C-43. I wish to bring to the attention of the Senate several promises made by the minister when he appeared before our committee on February 17 and 18. I want to ensure that these are noted in Hansard, as we fully intend to hold the government to account for them.

I want to make it clear that I am not raising these points to challenge the integrity of the minister or his deputy. Ministers come and ministers go, as do their deputies. The view of Mr. Dhaliwal may not be shared by the person who holds this portfolio in a month, a year, or a decade from now. I remind honourable senators that, of the 31 ministers and junior ministers appointed by the Prime Minister, 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 take the word of officials on matters with which he ought to be directly involved from the beginning.

We will not be the only ones watching. Garth White 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 you will pay a huge political price...

We do not believe that we can accept the word of the minister. We must monitor what happens as time goes on.

Yesterday we moved an amendment on the merit principle. We firmly believe that the merit principle should be enshrined in the bill in order that the staff of Revenue Canada can be confident about how they will be treated with regard to transfers. There is currently no protection for them in that regard. Our concern is that if they can be removed without any protection, of course they will not believe the minister when he says that the government will look after them. They must be given assurance other than his verbal commitment because, as I said, ministers come and ministers go.

#### MOTION IN AMENDMENT

**Hon. Terry Stratton:** Honourable senators, I therefore move:

That Bill C-43 be not now read a third time but that it be amended, in clause 54, on page 17,

(a) by replacing line 10 with the following:

"54. The Agency must develop a program"; and

(b) by deleting lines 13 and 14.

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

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**Hon. David Tkachuk:** I move the adjournment of the debate.

**The Hon. the Speaker:** It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator

Gustafson, that further debate be adjourned to the next sitting of the senate. Is it your pleasure, honourable senators, to adopt the motion?

**Some Hon. Senators:** Yes.

**Some Hon. Senators:** No.

**The Hon. the Speaker:** Will those in favour of the motion for adjournment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed to the motion for adjournment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion the "nays" have it.

The question before the Senate is the motion in amendment. It was moved by the Honourable Senator Stratton, seconded by the Honourable Senator Cohen:

That Bill C-43 be not now read a third time but that it be amended, in clause 54, on page 17,

(a) by replacing line 10 with the following:

"54. The Agency must develop a program"; and

(b) by deleting lines 13 and 14.

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 in favour of the motion in amendment please say "yea"?

**Some Hon. Senators:** Yea.

**The Hon. the Speaker:** Will those opposed to the motion in amendment please say "nay"?

**Some Hon. Senators:** Nay.

**The Hon. the Speaker:** In my opinion, the "nays" have it.

*And two honourable senators having risen.*

**The Hon. the Speaker:** Will the whips please consult and advise me when this vote will be taken?

[Translation]

**Hon. Léonce Mercier:** Honourable senators, pursuant to the *Rules of the Senate*, I ask that the vote be deferred until the next sitting of the Senate.

[English]

**The Hon. the Speaker:** The government whip has requested that the vote be deferred until the next sitting of the Senate.

### EXTRADITION BILL

THIRD READING—MOTIONS IN AMENDMENT—  
DEBATE CONTINUED

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,

And on the motions in amendment of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C., that the Bill be not now read a third time but that it be amended:

1. in clause 44:

(a) by replacing lines 28 and 29 on page 17 with the following:

“circumstances;

(b) the conduct in respect of which the request for extradition is made is punishable by death under the laws that apply to the extradition partner; or

(c) the request for extradition is made for”; and

(b) by replacing lines 1 to 6 on page 18 with the following:

“(2) Notwithstanding paragraph (1)(b), the Minister may make a surrender order where the extradition partner requesting extradition provides assurances to the Minister that the death penalty will not be imposed, or, if imposed, will not be executed, and where the Minister is satisfied with those assurances.”.

2. in Clause 2 and new Part 3:

(a) by substituting the term “general extradition agreement” for “extradition agreement” wherever it appears;

(b) by substituting the term “specific extradition agreement” for “specific agreement” wherever it appears;

(c) in clause 2, on page 2

(i) by adding after line 5 the following:

““extradition” means the delivering up of a person to a state under either a general extradition agreement or a specific extradition agreement.”;

(ii) by deleting lines 6 to 10;

(iii) by replacing line 11 with the following:

“ “extradition partner” means a State”;

(iv) by adding after line 15 the following:

“ “general extradition agreement” means an agreement that is in force, to which Canada is a party and that contains a provision respecting the extradition of persons, other than a specific extradition agreement.

“general surrender agreement” means an agreement in force to which Canada is a party and that contains a provision respecting surrender to an international tribunal, other than a specific extradition agreement.”;

(v) by replacing lines 20 and 21 with the following:

“ “specific extradition agreement” means an agreement referred to in section 10 that is in force.

“specific surrender agreement” means an agreement referred to in section 10, as modified by section 77, that is in force.”;

(vi) by replacing lines 29 to 31 with the following:

“jurisdiction of a State other than Canada; or

(d) a territory.

“surrender partner” means an international tribunal whose name appears in the schedule.

“surrender to an international tribunal” means the delivering up of a person to an international tribunal whose name appears in the schedule.”

(d) on page 32, by adding after line 6 the following:

#### “PART 3 SURRENDER TO AN INTERNATIONAL TRIBUNAL

77. Sections 4 to 43, 49 to 58 and 60 to 76 apply to this Part, with the exception of paragraph 12(a), subsection 15(2), paragraph 15(3)(c), subsections 29(5), 40(3), 40(4) and paragraph 54(b),

(a) as if the word “extradition” read “surrender to an international tribunal”;

(b) as if the term “general extradition agreement” read “general surrender agreement”;

(c) as if the term “extradition partner” read “surrender partner”;

(d) as if the term “specific extradition agreement” read “specific surrender agreement”;

(e) as if the term “State or entity” read “international tribunal”;

(f) with the modifications provided for in sections 78 to 82; and

(g) with such other modifications as the circumstances require.

**78.** For the purposes of this Part, section 9 is deemed to read:

“**9.** (1) The names of international tribunals that appear in the schedule are designated as surrender partners.

(2) The Minister of Foreign Affairs, with the agreement of the Minister, may, by order, add to or delete from the schedule the names of international tribunals.”

**79.** For the purposes of this Part, subsection 15(1) is deemed to read:

“**15.** (1) The Minister may, after receiving a request for a surrender to an international tribunal, issue an authority to proceed that authorizes the Attorney General to seek, on behalf of the surrender partner, an order of a court for the committal of the person under section 29.”

**80.** For the purposes of this Part, subsections 29(1) and (2) are deemed to read:

“**29.** (1) A judge shall order the committal of the person into custody to await surrender if

(a) in the case of a person sought for prosecution, the judge is satisfied that the person is the person sought by the surrender partner; and

(b) in the case of a person sought for the imposition or enforcement of a sentence, the judge is satisfied that the person is the person who was convicted.

(2) The order of committal must contain

(a) the name of the person;

(b) the place at which the person is to be held in custody; and

(c) the name of the surrender partner.”

**81.** For the purposes of this Part, the portion of paragraph 53(a) preceding subparagraph (i) is deemed to read:

“(a) allow the appeal, if it is of the opinion”

**82.** For the purposes of this Part, paragraph 58(b) is deemed to read:

“(b) describe the offence in respect of which the surrender is requested;” and

(e) by renumbering Part 3 as Part V and sections 77 to 130 as sections 83 to 136; and

(f) by renumbering all cross-references accordingly.”

**Hon. Serge Joyal:** Honourable senators, it is a privilege to take part in this fundamental debate. This opportunity will allow me to state my strong conviction that there are no more important bills debated in this chamber than those bills involving the inalienable right to life. Bill C-40 is such a bill. That is why I given considerable thought to its implications and, having done so, have decided to support the amendments introduced by Senator Grafstein.

We, as legislators, have the incommensurate responsibility of adopting legislation that deals with the rights and freedom of citizens. Among the most important of all rights, the very first one, the one without which all the others are meaningless, is the fundamental right to life. When we are dealing with proposed legislation which touches on that issue, we must be profoundly cautious, reflective and mindful that, in all its aspects, we have, as a privilege, the responsibility for the maintenance of that gift of God.

It is certainly the particular role of the Senate to ensure that Canada’s human rights obligations are respected both in legislation and in government decisions. The Senate has a profound history and tradition of defending the rights of individuals. Indeed, those who value the Senate as an important element of the Canadian Parliament point to its record of protecting minorities and coming to the defence of basic human rights.

As far back as the 1950s, we can point to the example set by Muriel McQueen Fergusson, the first woman ever to be Speaker of this place. She made an initiative to amend a bill to protect a basic human right. In that case, women in the public service were not being treated equally because, at that time, they were required to resign from the public service when they got married. Senator Ferguson took action. As a senator, she was able to advance amendments to the law which rectified the inequity.

In 1991, the Senate went so far as to veto a bill for the first time in over 30 years. In that case, it dealt with the fundamentally difficult question of abortion. For a matter of conscience in such a fundamentally moral question, there was a free vote. The result was that the bill was passed by the House of Commons but was defeated in the Senate.

In the current Parliament, we have been motivated to amend or defeat bills coming from the other place for the same reasons. Bill C-220, for example, was deemed to be too great a limitation on the freedom of expression guaranteed in the Canadian Charter of Rights and Freedoms. As a result, the Senate defeated the bill.

Also in this Parliament, senators were motivated to amend the Bill C-37 amending the Judges Act. One of the main factors was a definition contained in the bill which was clearly contrary to a well-developed interpretation of the Charter law. As a result, the Senate deleted the entire clause in question. The Department of Justice has gone back to the drawing-board in order to redraft the clause to ensure that it will not violate basic equality rights.

What was the government's reaction to the Senate's most recent such amendment? Speaking in support of the Senate amendment, the Parliamentary Secretary to the Minister of Justice, Mrs. Eleni Bakopanos, told the House of Commons:

Here is an example of the necessity of having a Senate to review House legislation. According to this government the Senate did an excellent job.

Far from expressing concern, the government welcomed the Senate initiatives.

In general, having reviewed the Senate legislative activities since World War II, I have found that one of the Senate's primary motivations for amending or defeating a bill has related to fundamental justice or fundamental basic human rights.

At the very time that we are debating this amendment in the Senate chamber, the Senate Rules Committee is working towards recommending the establishment of a standing Senate committee on human rights. I know that quite a number of senators on both sides of this house have supported this initiative.

I suggest to you this afternoon, honourable senators, that Bill C-40 is the very illustration of the need for such a standing committee on human rights. We all acknowledge the important role that the Senate has played in respect of human rights, and we would be seriously remiss if we did not take this opportunity to come to the defence of one of our most basic rights — the right to life as expressed in the four major documents to which Canada is bound, and from which I will quote later.

If we fail to come to the defence of human rights and to the right to life in dealing with this important bill, how can we take ourselves seriously as defenders of human rights?

This chamber is not an academic debating society. Honourable senators, we are legislators. As such, we have a decision to take which means that we would confirm or not confirm the death penalty for Canadians or foreign citizens who would be extradited to countries which maintain the death penalty, particularly the United States.

If we have serious grounds to believe that the provisions contained in this bill are fundamentally unsound from a human rights perspective, do we not have a duty to amend the bill? To

reject this important amendment in the interest of passing the bill quickly, because of the pressure of other bills on the Order Paper requiring our attention, would make a mockery of the role of the Senate in protecting basic human rights. It would demean the very real responsibility we are meant to have in the legislative process at a time when our role is under constant, sustained attack by some people in the other place, by many members of the media, and by others.

If these amendments are rejected, honourable senators, those same critics could question with skepticism our decision to establish a permanent committee on human rights and would likely dismiss that important initiative as a cynical public relations exercise.

Honourable senators, some indirectly contend that our fundamental principles have territorial limitations. Beyond the Canadian borders, those fundamental rights could be jeopardized. In other words, our respect for human rights is good and fundamental as long it applies inside Canada's border. The suggestion is that, once you are outside Canada, in the United States, those principles vanish and can be left to the interpretation of American state governments.

This reminds me of the debate on capital punishment in 1976 in which I participated, as did eight of my colleagues here: Senators Whelan, Corbin, Rompkey, Prud'homme, De Bané, Stollery, Gauthier and Senator Balfour on the opposition side.

Some people agreed in principle that capital punishment should be abolished but maintained support for exceptions in certain cases, for example, the murder of a police officer or an unrepentant serial killer. I have always been of the opinion that, once a fundamental principle is firmly established, such as the inalienable right to life, it is morally and intellectually contradictory to dilute, or water down, the principle with exceptions, or to submit the appreciation of that principle to the absolute discretion of one person.

In the case of Bill C-40, the fundamental principle at stake is the sanctity of life, be it in Canada, in the United States, in Rwanda, in Kosovo or, if it still existed, in the Third Reich.

Clause 44 of Bill C-40 effectively makes an exception to that fundamental principle that life is an inalienable right. If it is adopted in its present form without amendment, that bill will leave to one person from then on the unqualified discretion of deciding on the death of either a Canadian citizen or a foreign citizen who is under the protection of Canadian law.

•(1520)

Honourable senators, I raised this issue in the Standing Senate Committee on Legal and Constitutional Affairs on March 17 when Dean Anne La Forest of the Faculty of Law of the University of New Brunswick appeared as a witness. At the time, I outlined my preoccupation with the death penalty following on her comments about the possibility of Canada becoming a refuge for American murderers.

I should like to quote from the proceedings of the committee of that day:

**Senator Joyal:** I wish to continue with that issue because it raises a fundamental question of legal philosophy. If we follow your reasoning, then for the sake of not becoming a haven, we will recognize the validity of the death penalty in any country. I am of the opinion that when you establish that human life is of paramount value, whatever crime the person has committed, then you must be logical in your assumptions.

I tried to reconcile your position with the basic philosophical values at stake. I do not want to be blunt, but I have the impression that you turned the corner somewhat on that by saying, "We do not want to become a haven for criminals. If there is a death penalty in their country, then they should face that penalty and that is it." That is easy to say. I am not saying that you are wrong, and I am not saying that your position is indefensible. However, as a country, we have enacted a Charter, and you stated that the Charter would even override legislation in the Parliament of Canada — and here I include both chambers. That is to say, if we were ever to reconsider the death penalty, it would be overridden by section 12 of the Charter.

This is such a fundamental value that we as Canadians hold that we should be congruent with that. When you say, "Because he has committed a crime in the United States he should not enter Canada," I understand the feeling of uneasiness that you described. We can think of a scenario where a serial killer from the United States could enter Canada, and so on, but this is not the point. The point is, what are the fundamental values that we have in this land and where do we hold them? Do we hold them within our borders but not abroad? I believe that we want to apply a certain level of values wherever they are at stake. That is what Canada is recognized for throughout the world.

Let me give you another example. We do business with a country where there has been a serious breach of freedom of expression. I will not name any specific country. The Minister of Foreign Affairs goes to that country and says, "That is set aside. We do not mind. We will do business with you." You know the uneasiness that many Canadians feel in that regard. They feel that if you have a set of principles, you must maintain them.

I totally respect your reasoning on this, but I am not sure that it fulfils my ideals about the set of values that we try to preserve in this country.

Senator Bryden in his speech earlier this week referred to two cases in which the Supreme Court of Canada ruled in relation to extradition where the death penalty might apply, *Ng v. Canada* and *Kindler v. Canada*. Senator Bryden mentioned that, in these cases, the Supreme Court held that extradition is lawful even if the person being extradited may be put to death as a punishment

for an offence, and that such an extradition does not violate the Charter.

Let us look again at these particular questions. At first sight, they seem troubling. However, on closer study, these objections, in my mind, do not stand. What the judgment states in *Kindler* is that the Canadian Charter of Rights and Freedoms has no extraterritorial application. In other words, the Government of Canada can choose not to extradite, but the moment it does, the court cannot hold it responsible for the actions of another government which is not subject to the Charter, that is, another territory.

The ruling of the Supreme Court in *Kindler* certainly does not give the court's blessing to the death penalty abroad, as some might be led to conclude. It simply states that the actions of a government of another country are not subject to the Charter and that the Government of Canada cannot be held responsible for that.

Honourable senators, let us consider for a moment the reliability of our justice system. Sure, it is reputable, credible and totally independent, but it is not immune from mistakes. There are innocent Canadians who have been charged with a crime, convicted, and who have exhausted all avenues of appeal. Although we hold our system of justice in the highest esteem, we are also painfully aware of cases such as David Milgaard and Donald Marshall. In both those cases, our system of justice convicted innocent persons, and they were both sentenced to life in prison without the possibility of parole for 25 years.

**The Hon. the Speaker:** I regret to interrupt the honourable senator but his 15 minutes have expired.

Is leave granted for the honourable senator to continue?

**Hon. Senators:** Agreed.

**Senator Joyal:** Mr. Milgaard spent 25 years in prison before his innocence was finally established. In the case of Mr. Marshall, it is not difficult to imagine that he might have been subject to the death penalty and that, if Canada had not abolished the death penalty in 1976, they might both have been executed before their innocence was ultimately established.

There is the recent case of Leonard Pelletier, an aboriginal Canadian who has been extradited to the United States, a case that Senator Whelan brought to my attention with an article published last Sunday, April 19. Mr. Pelletier, a Canadian citizen, is currently serving two consecutive life sentences in a state prison. Allan Rock, as Minister of Justice, has asked the Honourable Warren Allmand, former federal solicitor general and head of the International Centre for Human Rights, to examine the extradition proceedings. In other words, there is a *prima facie* miscarriage of justice.

Honourable senators, while the United States has a highly respectable legal system, we know that there have been many more cases in the United States. The U.S. is one of four countries which together account for 75 per cent of all state executions in the world. To date, more than 3,500 people wait on death row.



In disregard of international standards, the inmates on death row include 70 people sentenced for crimes committed under the age of 18. More than 100 countries have abolished the death penalty because it is inhumane and it does not work as a deterrent. Although restoring the death penalty has had no impact on the murder rate in the U.S., the U.S. is increasing its rates of execution day by day. As a consequence, innocent people have been executed and the streets of American cities are not safer.

More than 70 people have been released from death row in the last 20 years after evidence of their wrongful conviction came to light. Others have not been so lucky.

Since 1991, five Texas executions have proceeded despite lingering doubts about the defendants' guilt. In January 1995, Texas executed Jesse Jacobs, even though his prosecutors admitted that he was not the actual killer and may not even have been present when the murder was committed.

Do we accept in our soul and conscience that a person, a Canadian citizen or not, extradited to the United States would be put to death only to be proved innocent after the fact? Are honourable senators prepared to live with that possibility? Let us not fool ourselves. I am not referring to an imaginary outcome. If we pass the bill unamended, we must assume that someday it will happen. It has happened in the past. Should we allow a wrong to be committed to prevent a potential one?

Canada has already established the sanctity of life as a fundamental principle. That principle led to the abolition of the death penalty in 1976, partly because of the reality that no system of justice is perfect and, in rare instances, innocent persons can be wrongfully convicted. A major reason for abolishing the death penalty was to prevent absolutely such a gross miscarriage of justice. That rationale applies to the extradition law.

•(1530)

It is perfectly reasonable to demand assurance that the death sentence will not be carried out before Canada consents to extradition, if not at least to prevent the tragic execution of a single innocent person.

But what is the binding legislation under which this debate takes place? First, of course, is the Universal Declaration of Human Rights which states:

Everyone has the right to life, liberty and security of person.

The second is the Canadian Charter of Rights which states:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

The third document, which has not been discussed in committee or in the chamber, is the International Covenant on

Civil and Political Rights, ratified in December 1976 and entered into force in Canada in March 1976. Article 6 states:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

The fourth document, never mentioned in the committee or in the chamber, is the Optional Protocol of the International Covenant on Civil and Political Rights.

Those documents should be applied in the instance of Bill C-40.

Honourable senators, it is within the scope of all four of these documents that we must assess our position on the death penalty, be it applied here in Canada or abroad.

I have said that the Canadian Charter of Rights and Freedoms is a fundamental document that binds Canada in its decision. One thing that will always remain vivid in my mind is that I presided, with the late Senator Hays, over the adoption of 57 amendments to the original draft of the Charter.

Another important document is the International Covenant on Civil and Political Rights. Canada has been a signatory to the covenant since 1976. Under the terms of Article 2, Canada is obliged to:

...respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the...Covenant without distinction of any kind.

Honourable senators, how has our commitment under international law to respect the fundamental principle of the sanctity of life been interpreted by the Human Rights Committee of the United Nations, the competent tribunal for the interpretation of the covenant which binds Canada? No one in the Standing Senate Committee on Legal and Constitutional Affairs or in this chamber has looked into this question, even though it is of primary importance to the responsible discharge of our role as defenders of human rights.

Senator Beaudoin alluded to it yesterday, but he did not go so far as to look into the issue. I have examined cases of the United Nation Human Rights Committee. In fact, both major cases referred to by Senator Bryden, *Ng* and *Kindler*, have been reviewed in light of the International Covenant on Civil and Political Rights. Canada signed the first optional protocol which recognized the jurisdiction of the United Nations Human Rights Committee to interpret the covenant. Both *Ng* and *Kindler* have been reviewed by the Human Rights Committee.

The *Ng* case was reviewed in November 1993. In *Ng*, eight out of nine jurists on the panel found that Canada:

...is not required to guarantee the rights of persons within another jurisdiction. However, if

Canada

takes a decision relating to a person within its jurisdiction, and the necessary and foreseeable consequence is that this person's rights under the Covenant will be violated under another jurisdiction,

Canada

itself maybe in violation of the Covenant...

Later on, in the majority opinion, the Human Rights Committee commented on the minister's discretion:

...while the Minister's decision is discretionary, the discretion is circumscribed by law. In addition, the Minister must consider the terms of the Canadian Charter of Rights and Freedoms and the various instruments, including the Covenant, which outline Canada's international human rights obligations.

The question was framed by the Human Rights Committee in the following way:

The starting point for consideration of this issue must be

Canada's

obligation, under Article 2, paragraph 1, of the Covenant, namely, to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant. The right to life is the most essential of these rights.

With regard to a possible violation by Canada of Article 6 of the Covenant, by its decision to extradite Mr. Ng, two related questions arise...

I will pass on those questions, honourable senators, because I know that I have already abused my time limit. The answers to those questions are of paramount importance. The human rights committee, that is, eight out of nine jurists, declared as follows:

If Mr. Ng had been exposed, through extradition from Canada, to a real risk of a violation of article 6, paragraph 2, in the United States, this would have entailed a violation by Canada of its obligations under article 6, paragraph 1.

The Committee notes that Canada has itself...abolished capital punishment;...As to issue (b) in paragraph 15.1 above, namely whether the fact that Canada has generally abolished capital punishment, taken together with its obligations under the Covenant, required it to refuse extradition or to seek the assurances it was entitled to seek under the Extradition Treaty

with the United States

the Committee observes that abolition of capital punishment does not release Canada of its obligations under extradition

treaties. However, it should be expected that, when exercising a permitted discretion under an extradition treaty (namely, whether or not to seek assurances that the death penalty would not be imposed) a State party

that is, Canada

which itself abandoned capital punishment gives serious consideration to its own chosen policy.

As part of its deliberation, the Human Rights Committee took into account that Canada has abandoned capital punishment since 1976.

Honourable senators, let me remind you that the policy to abolish capital punishment was renewed in this chamber less than a year ago, on June 18, 1998, when we abolished capital punishment for some military offences. At that time, we voted to abolish capital punishment which still existed at that time for some military offences.

I would quote Senator Rompkey, who moved second reading of the bill in the Senate: June 16, 1998. He said:

The removal of the death penalty from military law is long overdue. I must say, I was surprised to find it still there, but it is. It was abolished some 22 years ago from the Criminal Code.

Let me return, then, to the *Ng* case. The conclusion of the United Nations Human Rights Committee ruling is as follows:

The Human Rights Committee...is of the view that the facts as found by the Committee reveal a violation by Canada of article 7 of the Covenant. The Human Rights Committee requests

Canada

to make such representations as might still be possible to avoid the imposition of the death penalty and appeals to

Canada

to ensure that a similar situation does not arise in the future.

The United Nations committee said to Canada "ensure that a similar situation does not arise in the future." Honourable senators, today is the future.

The clear conclusion from a reading of *Ng* is that the Supreme Court decision on the applicability of the Canadian Charter of Rights and Freedoms is not the only, the sole, and the final element of the equation. We have a duty under our international treaty obligations to ensure that the inalienable right to life is respected not only in Canada but abroad when such an opportunity arises, as it does in the case of extradition.

I wish to take a moment to draw on the individual opinion of one jurist who ruled in the *Ng* case. In his individual opinion Mr. Fausto Pocar added:

...a State party that has abolished the death penalty

That is, Canada

is in my view under the legal obligation, under article 6 of the Covenant, not to reintroduce it.

•(1540)

This obligation must refer both to a direct reintroduction within the State party's jurisdiction, as well to an indirect one, as is the case when the State acts — through extradition, expulsion or compulsory return — in such a way that an individual within its territory and subject to its jurisdiction may be exposed to capital punishment in another State. I therefore conclude that in the present case there has been a violation

in Canada

of article 6 of the covenant.

Honourable senators, can anything be more clear than that? Canada abolished the death penalty 22 years ago and, in the military context, less than a year ago. Having done so in order to be morally and intellectually consistent, we must not re-establish it even indirectly. To allow for the extradition of a person in a case where the death penalties applies is tantamount to indirect reinstatement of the death penalty in Canada.

Honourable senators, the discretion given to the Minister of Justice in this bill is unqualified. Who can assure us that we will always have "a liberal-minded" Minister of Justice who will always respect the inalienable right to life? Someday a Canadian Minister of Justice who decides to extradite to the United States a 14-year old child to face the death penalty would have full power to do so. If we pass the bill unamended, we would be accomplices to that shocking abuse of justice. Can we wash our hands once the extradition is done?

Senator Fraser, in her speech on the amendment, stated:

...I cannot believe that simply because the crime of which one is accused is very serious, one should be denied the protection of Canadian law before extradition.

The words "before extradition" attracted my attention. Put simply, the principle of respect for human rights under the law is relevant while the person is in Canada. However, if we can find a way to get the person out, then we relieve ourselves of the duty to respect their rights. We wash our hands.

As Mr. Justice Cory of the Supreme Court wrote in the his dissent in *Kindler*:

In my view, since the death penalty is a cruel punishment, that argument is an indefensible abdication of moral responsibility. Historically, such a position has always been condemned. The ceremonial washing of hands by Pontius Pilate did not relieve him of the responsibility for the death sentence imposed by others and has found little favour over the succeeding centuries.

Honourable senators, on the one hand, can we sustain that no crime can be so serious that one can be denied his or her basic inalienable right to life in Canada and, on the other hand, conveniently set aside that conviction so long as we can arrange that the denial of inalienable right to life will be carried out by someone else?

I repeat, on the one hand, can we declare that no crime can be so serious that a person can be denied their basic human rights and on the other hand set aside that conviction so long as we can arrange that the denial of that paramount right will be carried out somewhere else by someone else?

Are we not morally compelled to do everything we can to have fundamental rights respected by another country when such an opportunity exists, as in the case of article 6 of the Canada-U.S. Extradition Treaty?

It is my belief that there cannot be two sets of rights: those we respect and cherish in Canada; and those that we accept others could violate at will.

There is a fundamental choice. Canada has an opportunity to seek respect of the inalienable right to life. Canada must make every possible effort to respect that obligation.

In respect of the concern for Canada becoming a refugee for fugitives from justice, what is the situation in the United States where the greatest risk of criminals coming to Canada lies? First, let me remind honourable senators that 38 American states have the death penalty in their statutes. I checked.

All of those states also have provisions in their statutes to allow the state governor to commute the death sentence to a sentence of life imprisonment without the possibility of parole.

I shall read from the statutes of the State of Louisiana, which are basically the same as those in Texas, California and Florida:

The governor may grant reprieves to persons convicted of offences against the state and, upon the recommendation of the Board of Pardons as hereinafter provided for by this Part, may commute a sentence, pardon those committed of offenses against the state, and remit fines and forfeitures imposed for such offences.

Faced with the choice of letting an apprehended criminal go free, or agreeing to commute the death sentence to life imprisonment, the concerned American states have consistently chosen the latter, be it with Canada, France or the United Kingdom. The precedents are registered in the records.

The spectre that has been raised of Canada becoming a refuge or haven for American criminals does not withstand the study of the precedents. If this were the case, the United States would prefer to see their criminals freed to Canada rather than have them back in the U.S. to be punished for their crimes and support them for the rest of their lives. That would be totally contrary to the public interest and the American public opinion would revolt against that.

Certainly, Canada has a different legal culture and set of values. We in Canada would not let capital punishment apply to children as young as 14 years of age, as two American states do. Canada would not let capital punishment apply to children of 16 years of age, as 11 American states do. We in Canada would not let capital punishment apply to children as young as 17 years of age, as four American states do.

Honourable senators, these are the values and legal principles that this amendment seeks to enshrine. I would ask each of you to search your soul and your conscience when you vote on those amendments. Ask yourself at night, when Canada has extradited a person to the United States and that person is taken to the gas chamber, given the electric chair or lethal injection, if you have had a sober second thought about what we are doing today.

The record shows that American criminals will not invade Canada. Each time the United States has been asked by a country, be it Canada, France or the United Kingdom, to give an assurance that the death penalty will not be executed in exchange for the return of the criminal or the accused person, they have accepted it. Their legal statutes allow that.

As a country, we have a moral obligation, each time we are faced with an opportunity to have fundamental principles respected, to do everything we can to maintain the inalienable right to life without which all the other rights and freedoms are totally meaningless.

[*Translation*]

**Hon. Pierre Claude Nolin:** Honourable senators, I have a question for Senator Joyal. I would first congratulate him on the speech he has just given. I note that the decision is far from made.

The honourable senator wants to amend clause 44(2) of the bill. If I understand his reasoning, the Minister of Justice would be contravening an international commitment should he exercise his discretionary power and decide to surrender to an extradition partner where the death penalty exists. We have to prevent that happening.

Would an individual facing a request, which the Minister of Justice approves, for extradition to a country with capital punishment have legal recourse to quash the discretionary power of the minister, if subsection (2) is passed as it now reads?

**Senator Joyal:** The matter has already been decided in the case of Mr. Ng, who was extradited to the United States. Mr. Ng challenged Canada's decision before the United Nations Committee on Human Rights.

Its conclusion was that Canada was not fulfilling its responsibilities according to the International Rights Protocol by allowing a citizen to be executed within a system that is not in conformity with what is acceptable in the international convention.

The Committee asked Canada to intervene with the U.S. government in order to prevent execution of the sentence, and to take the necessary steps to ensure that the situation is not repeated in future.

Consequently, the United Nations Committee on Human Rights cannot issue an injunction to stay the execution, because the UN Human Rights Tribunal is not a supranational tribunal.

According to the Protocol of which Canada is a signatory, an individual is entitled to go directly to the UN Committee, but the latter does not have the jurisdiction to prevent a state, even a signatory state, from executing the death penalty.

In the case of Mr. Ng, the international committee stated that the gas which would have been used in his execution had already been used during World War II. You are aware, honourable senators, of what that gas was used for then. The United Nations Committee has determined that use of this means of execution was contrary to article 7 of the international convention.

Consequently, faced with such a decision, according to the bill — forget that the amendment has been passed — we would find ourselves faced with potentially analogous situations to that of Mr. Ng. As I have already said, there are states in the U.S. which execute children aged 14, 16 or 17. Close to a majority of U.S. states with the death penalty impose it on persons who, under our system, would not even be considered to have attained the age of reason.

In this bill, discretion is left to the Minister of Justice of Canada. I am assuming we have a “liberal” Minister of Justice. What guarantee is there that we will, in 5 or 10 years, have a Minister of Justice for whom the death penalty is an abomination which we have done away with and which we must not bring up again? You are all familiar with the debates in the other place, we hear them regularly.

The Charter imposes national obligations on us in Canada. When we cross the border, we have international obligations. You do not stop thinking that life is the most fundamental thing because you cross the U.S. border, or because you find yourself in France, Great Britain, Rwanda or Kosovo. We are currently engaged in a war because we want to protect human rights in Kosovo.

However, when the issue is capital punishment, regardless of how heinous the crime, we tell ourselves we do not want to interfere with the American way of dealing with this issue, and when the criminal is back in the United States the Canadian government no longer cares.

Honourable senators, in my opinion, this is contrary to the fair appreciation for human rights that we must have in our country.

**Senator Nolin:** Could a Canadian court go against the minister's discretionary power by taking into account this international obligation? In other words, could a Canadian court tell the minister: Minister, you are wrong in your assessment; you must comply with this or that international protocol; you do not have the right to make the decision you made?

**Senator Joyal:** If the current bill is not amended, it is conceivable that a person, whether a Canadian citizen or a foreigner, on Canadian territory or subject to the Canadian justice, could argue before the Supreme Court that Canada is bound by an international protocol and by the Additional Protocol II. That person could ask the Supreme Court to provide an interpretation of Canada's international obligation.

In the bill as it is currently worded, the minister's discretion is not qualified. The minister may argue that Canadian court proceedings were followed, that the accused had the opportunity to defend himself, that he was assisted by an attorney, that the evidence was submitted, that the accused had every opportunity to defend his rights, that the court came to its own conclusion and that, consequently, Canadian law was complied with. Nothing can be held against the minister because there is not, in the wording of the act, a qualifying element to the minister's discretion. And this, in my opinion, is where the bill is flawed.

In addition, we are giving the responsibility to one person. Senators will recall that it used to be that the Governor in Council had to ratify the execution order when a death sentence was handed down. In the bill before us, we are giving similar power to one person, with no limitation on their discretion. We are taking a step backwards because this provision does not include a definition of the criteria and the possibility for others to review the basic decision to allow someone to be executed. That is the fundamental issue raised by this clause.

I do not want my remarks to be misinterpreted, but this issue was not exhausted in committee. I raised it from a principles point of view with Dean La Forest of the University of New Brunswick. Obviously, for all sorts of reasons, a majority of the committee felt that there had been sufficient debate of the main points, hence the abstention of Senator Grafstein and myself, and the amendment we are proposing today.

I respect the divergent views of my colleagues. As a senator whose responsibility it is to review legislation that can affect the fundamental right to life, I think it important, even if this amendment is defeated here, to draw your attention to what we are doing in this bill.

**Senator Nolin:** I am sure that, for an international treaty to have the force of law in Canada, it must be sanctioned by an act of Parliament, unless you can show me that the treaty or international documents which we signed are part of Canadian statutes and that no Canadian court would order the minister to reverse the decision.

However, where I am in slight disagreement with you is on the issue of setting limits on the minister's discretion. I understand

your reasoning, but the minister must still do some sort of analysis. He does not just have discretionary power. There are some limitations on that power. First of all, he must examine the conduct that led to the request, which is already one limitation. But, much more important still, the conduct must be punishable by death in the requesting state. There is some limitation on the minister's discretion.

**Senator Joyal:** Honourable senators, no responsible minister in Canada would tell Mr. X or Mrs. Y they would be extradited the next morning. It is obvious that the minister will exercise his responsibility, his ministerial discretion, as a good *pater familias*.

He will examine the documents and the transcripts of the court proceedings, there are no doubts in my mind about this. The discretion is not qualified: The victim's age is not taken into account, whereas Canada has an age of criminal responsibility. That is not referred to in the bill. It does not take into consideration the way in which the individual will be executed. The UN committee has addressed this and indicated that some methods of execution are unacceptable. There are no qualifications about this. However, the minister may review the other extradition cases and examine the elements of precedent which have allowed Canada to obtain these guarantees. There have been no such examinations requested. Discretion is not qualified according to the importance of the irremediable action that will be taken.

[English]

•(1600)

**Hon. Noël Kinsella (Deputy Leader of the Opposition):** Would the honourable senator answer two questions?

He spoke of the process pursuant to international human rights law and, in particular, he cited the Optional Protocol to the International Covenant on Civil and Political Rights. Is it not true, as asked by Senator Nolin a moment ago, that the covenant is not part of the domestic law of Canada as it is in Australia? The Australian Parliament passed legislation making the covenant part of domestic law. In terms of the process, therefore, is it not true that the human rights committee that receives the communications pursuant to the optional protocol at the end of the day can only, as it says in article 5 of the protocol, express a view to the state party concerned or to the individual? Thus, is it not then merely an expression of view and could, therefore, not be of great concern to a person who is under the threat of extradition?

**Senator Joyal:** Senator Kinsella raises a fundamental point. As all honourable senators know, there is a proposal to have a standing committee on human rights. I sincerely hope that will come about. Senators on both sides of this house support that initiative and, as a member of the Standing Senate Committee on Rules, I can say that we are very close to reporting to this chamber on this matter. Hopefully senators will adopt our report. It will be a turning-point in the professional life and responsibility of the Senate.

The first task for members of the committee will be to go back to school, so to speak, and learn which documents apply to Canada, what is the binding effect of those documents in Canada, and what Canadian legislation should be tighter and, in that regard, we have discussed the Privacy Act on many occasions here.

The comments the honourable senator makes concerning article 5 of the protocol indicate that, at the international level, the protection of Canadian citizens is very limited because it is not reviewable by our courts since it is not part of our domestic legislation. We must carefully study the implication of entrenching or enshrining in our statutes the international covenant and the optional protocol, because the Canadian government and Canadian institutions will be bound by the spirit and the letter of those documents.

In the Standing Senate Committee on Legal and Constitutional Affairs, whenever my colleagues Senators Beaudoin, Nolin, Bryden and Grafstein and I have an opportunity to discuss or debate the issue of human rights, we, of course, are mindful of the international obligations of Canada.

I have heard senators in this chamber mention the covenant regularly, but since it is not part of our domestic legislation, although their comments may be a generous statement of opinions and objectives, in fact, we are not assessing, in each and every bill that we are studying, whether this is what we should be doing, because it is not binding.

I submit, honourable senators, that we have an opportunity to act today, in relation to Bill C-40, in a way that would be concurrent with the letter and spirit of our international obligations.

**Senator Kinsella:** Insofar as we are engaged in a legislative process at this very moment, is it not true that there is an obligation in the International Covenant on Civil and Political Rights, under article 2 subsection 2, that states that parties to the covenant will undertake to take the necessary steps, including legislative steps, to meet the standard to which the honourable senator has referred? Since the honourable senator did refer to article 6, I went upstairs and got my copy of the covenant, and the appropriate part is subsection 5 of article 6.

The honourable senator gave us some statistics regarding the number of states in the republic to our south that have the death penalty and which apply it to persons under the age of 18. I was more than a little shocked when he gave us those statistics. Is it not true that the right that we have embraced provides, in article 6 subsection 5, that sentence of death shall not be imposed for crimes committed by persons under the age of 18 and — listen to this, honourable senators — nor shall it be carried out on pregnant women? This is a right that we have embraced.

The honourable senator has done a great service to the chamber in his address this afternoon. Perhaps he would comment on article 6 subsection 5.

**Senator Joyal:** Honourable senators, I am grateful for your patience. I asked the Library of Parliament to research that matter that for me. I discussed that with Senator Grafstein after he had spoken and I had heard some objections. I said that we must be more precise in our understanding as to whom the death penalty is applied. I asked for those statistics because I was under the impression — and I say that very humbly — that we were doing something that was contrary to information I had read. We read a lot of material, as honourable senators know, and we all know that certain information stays in our minds and we then wonder where we gleaned that information. I asked the Library of Parliament to give me some information on this subject, and those are the statistics I received. Fourteen American states apply the death penalty to 18-year-olds. In addition, there is the one, as Senator Cools has pointed out, that applies the death penalty to pregnant women.

If we want to do something in good conscience, should we not think twice rather than rush this matter? I say that with all due respect for the government's priorities and institutions. To tell you the truth, I had to think twice before I, as a senator, stood up against a government decision. I have been part of the government, so I know what solidarity is. I am a member of a party. However, when something like this is involved, we should take the time to look into it. It does not involve back-to-work legislation, whatever the economic outcome may be. We are discussing a provision of a bill that deals with the most important fundamental right of all, namely, how, in 1999, we should frame Canadian legislation to meet that responsibility.

•(1610)

The American reality that Senator Bryden alluded to in his speech requires a sober second look so that we can determine what, exactly, is the American reality. Can we just say that it is a border or a dark iron curtain, or hold our hands to our face and say, "Once the person is there, take him or her. We do not mind. We do not wish to involve ourselves in the way you run your business"? To me, that is wrong. You may hold another opinion, and I totally respect that.

We are not talking about freedom of commercial expression such as those contained in Bill C-55. We are dealing here with the most important thing in life. As legislators, we are, in a way, like judges. The difference is that we try to judge what will happen in the future. We frame the legal system into which a person will survive or not survive, and in a context that is difficult. I checked the records for information on how many Americans are invading Canada and running in the streets with shotguns to kill Canadian children. There are, in fact, very few. Each time that Canada has requested the postponement of an execution under the death penalty, it has still occurred. If our American friends realize that this is the principle we apply here, then we can establish a way of doing it internationally, which is more humane.

**Hon. Joan Fraser:** Will the honourable senator entertain another question?

**Senator Joyal:** Certainly.

**Senator Fraser:** I do not feel anyone could have put the case better than Senator Joyal has just done.

However, I remain somewhat puzzled by one element in particular. Senator Joyal has rightly drawn to our attention the fact that the death penalty is exercised on juveniles in the United States. Surely there can be few more appalling prospects. However, when he combines this with the suggestion that the minister's discretion is somehow not reliable, I am puzzled. As Senator Joyal knows, the bill contains quite a long list of very explicit grounds on which the minister has no discretion at all on where "he or she shall deny extradition." One of those grounds is if it would be contrary to the interests of natural justice.

I cannot imagine that sending a 14-year-old to death row would not be contrary to the principles of fundamental justice in this country. In addition, in the discretionary elements of the discretion, one of explicit instructions given is that the minister may disallow extradition if the offender was less than 18 when the offence was committed, or if the extradition would be contrary to the principles of the Young Offenders Act.

I find myself wondering whether Senator Joyal has seen some further element here that I have missed in laying such heavy focus on the American system of executing juveniles.

**Senator Joyal:** Honourable senators, I recognize that the bill contains a provision that prevents the Minister of Justice from extraditing someone who would be submitted to torture, for instance. However, it puzzles me that, when dealing with the fundamental condition of the person, which is the right to survive, it is left open.

There is nothing that can convince me that the system that we have today and the government that we have today will last for ever. There is a party in the other chamber that has, as its platform about young offenders, provisions for which the honourable senator would not like to vote. Imagine for one second that the person who is the author of that platform is the Canadian Minister of Justice. What is the protection for the discretion on the death penalty? We know very well that that party advocates the death penalty. It is not a secret. It is not confidential.

**Hon. Lowell Murray:** Honourable senators, we advocate a referendum on the subject, then.

**Senator Joyal:** Yes. We know there was a referendum on the subject. When I voted in 1976, I was representing the riding of Hochelaga—Maisonneuve. My neighbouring MP represented the other party. He held a poll in Hochelaga and approximately 80 per cent of his constituents stated that they were in favour of the death penalty. The Honourable Jacques Lavoie stood up in the House and he said, "I am not of the opinion that the death penalty is a good thing, but I have conducted a poll which indicates that I should be in favour of the death penalty so I will vote against the bill." I then stood up and said, "We share the same neighbourhood in Montreal. I am sorry, but the majority of

my voters and fellow citizens are for the death penalty, but I am against it.

When we legislate on such important provisions, we must take into account the system that we put in place is totally tightly compartmented. That is, with any proposed amendments to the Young Offenders Act or to the penal system in Canada that legislation will warrant reconsideration.

My suggestion to is that, since we have the opportunity to do that now, should we not have a sober second look at it? Essentially, that is my purpose.

When I consider the situation that exists in the United States, as a free citizen in this country, I do not like the picture I see.

**Hon. Anne C. Cools:** Honourable senators, before I put my question I should clarify what might have been a misunderstanding of something I said by Senator Joyal. It was in reference to pregnant women and the executions of pregnant women. I think I said the opposite from what Senator Joyal may have heard. I was saying that pregnant women, historically, were protected from capital punishment and corporal punishment, floggings. This was true even among slave societies and slave states. I just finished reading some work on slavery and the situation of pregnant women.

The important point to be made when one raises those cases is that the protection that was accorded to those women was accorded to those women by virtue of the protection that was accorded to the unborn children or to the fetuses. Following the senator's line of reasoning, the unborn are less protected now than at any other point in history. I wish to clarify that because I believe pregnant women should always be protected.

I appreciate, Senator Joyal and all honourable senators, that debates on capital punishment are important. I believe they allow us to situate ourselves morally and philosophically and politically. However, this is not a debate on capital punishment. If this were a debate on capital punishment, I am sure that senators would be far better prepared than we are.

•(1620)

Bill C-40 is a domestic bill; a home bill. It is not a foreign affairs bill or a bill that attempts to do more than outline what the Canadian government should do in certain circumstances.

Senator Joyal tells us that his amendment attempts to limit the discretion of the Minister of Justice of Canada. I believe that his amendment does much more than limit the discretion of the Minister of Justice or the responsible minister in Canada. I believe that his amendment attempts to legislate extraterritorially and to limit the discretion of ministers and sovereigns and governors of other countries.

Senator Joyal says that it is a question of human rights. I am very keen to know the legal principle upon which he bases such a conclusion. When I was growing up, imposing one's will and values was called colonialism.

First, perhaps Senator Joyal could tell me how he reached the conclusion that this is a human rights issue. Second, could he tell me upon what legal principles he claims that we should legislate to command the Minister of Justice to reach into the discretion of other nations; that is, that on this very important issue our minister should be able to bind governors and other ministers of other states?

Since Senator Joyal has primarily used the example of the United States of America, we have not yet touched the part of this bill which deals with extradition to non-countries, entities; namely, tribunals. That is an enormous human rights issues, particularly with respect to the controversy surrounding the international tribunal on Rwanda in Arusha, and the international tribunal on Yugoslavia in The Hague.

Upon what foundation does Senator Joyal conclude that it is a human right to attempt to bind the governor of the State of Texas?

**Senator Joyal:** On the first point, I simply mentioned that, in some American states, pregnant women can be put to death. I subscribe entirely to the details added by Senator Cools.

On the second point, that is, what led me to believe that extradition is a question of human rights, I shall share with you the text of two decisions of the United Nations Human Rights Committee on cases involving extradition. It is not I who has concluded that; it is already in the framework of our system. It is not as binding as we would like it to be, but it is there. Canada has adhered to those treaties since 1976, and they have been part of our obligations since then.

As to how we can bind the Americans, I shall quote article 6 of the extradition treaty with the United States as follows:

When the offence for which extradition is requested is punishable by death under the laws of the requesting State and the laws of the requested State do not permit such punishment for that offence, extradition may be refused unless the requesting State provides such assurance as the requested State considers sufficient that the death penalty shall not be imposed, or, if imposed, shall not be executed.

That is the full text of article 6 of the extradition treaty. In other words, if Canada asks that the penalty not be executed, the Government of the United States takes it upon itself to give that assurance. That has been the agreement between our countries since 1976.

**Senator Cools:** That is precisely my point. The honourable senator just cited a treaty, and a treaty is an agreement between sovereign states. I asked the honourable gentleman why he believes that could be applied in a domestic law. In a treaty it is acceptable because both governments agree. If anything, the argument undermines his own proposed amendments.

**Senator Joyal:** On the contrary, honourable senators, I am of the opinion that the text of our amendment is almost exactly the

same as the text of the treaties. The amendment uses the wording of the treaties.

If the honourable senator reads the amendment, she will realize that the amendment proposes exactly the kind of obligation to which Canada and United States commonly agreed in 1976 at the initiative of the United States.

I do not understand the preoccupation of the honourable senator. Under that treaty, Canada has, in the past, requested that the death penalty not be executed, and the governor of Florida agreed to that. Therefore, we have already exercised article 6 of the treaty.

**Senator Cools:** I am very well acquainted with many of those agreements and treaties. I paroled many inmates, especially to have them deported. While on the National Parole Board, I had experience with many instances of offender exchanges where Canadian prisoners detained in the U.S. were allowed to come back to Canada.

That is precisely the point. Some of these measures should be attempted by treaty and agreement between sovereign nations, not by domestic laws with a minister in our land attempting to effect a result in another land. Based on what Senator Joyal has just now said, there is absolutely no need for an amendment because the matters are covered by treaty.

**Senator Joyal:** That is not the way the International Human Rights Committee of the United Nations has ruled on the issue. I have here copies of two decisions which I should like to share with the Honourable Senator Cools. She will see that those decisions sustain the point that it is not only a question of treaties but a question of international covenants to which Canada is bound, especially the International Covenant on Civil and Political Rights. It is more than an issue of treaties; there is the question of the covenant to which Canada is bound.

[*Translation*]

**Senator Louis J. Robichaud:** Honourable senators, Senator Joyal has been bombarded with questions, and has acquitted himself well.

Let us take the example of an American woman who has committed a crime that would receive the death penalty in an American state. The accused escapes to Canada while awaiting trial. The state in question makes an application for extradition to the department, and the minister turns it down. Has the minister, by that very fact, not judged the accused without a trial? Has the court not found her guilty of a crime punishable by the death penalty?

**Senator Joyal:** The minister may make the decision to return to the United States an American fugitive who may already have been sentenced. This has, for example, happened in Pennsylvania. I have read past cases illustrating the circumstances described by the honourable senator.



The Minister of Justice should ask himself whether, by returning the individual for imprisonment in the country of origin, he is not condemning that individual to the death sentence. If he makes that decision, he upholds the sentence handed down by the country in question, since he is reconsidering the possibility of not returning the individual. He holds discussions with the head of the country in question to obtain assurances that if the person is returned, the sentence will not be carried out but converted to life imprisonment without possibility of parole as provided by the laws of that country.

The minister has re-evaluated the sentence the country imposed in accordance with the fundamental principles of Canadian law.

**Senator Robichaud:** Honourable senators, I think the senator did not entirely grasp my question. The fugitive was not tried in the United States. Is the minister not acting as judge in denying extradition?

**Senator Joyal:** Honourable senators, there is first the trial in Canada. The bill, as introduced by Senator Fraser and seconded by Senator Bryden, provides explicitly for a legal system with various stages, subject to the protection of the Charter, when the fugitive is the subject of an application for extradition without having been sentenced in the United States. The case I referred to concerns an individual already sentenced in the States, who had escaped from prison.

In the case that you are describing, a proper trial is taking place before a judge. Once the judge is satisfied, the extradition decision is made. The minister can intervene when the individual could face the death penalty. The minister is not the first judge in the process. The decision to extradite is made by a Canadian judge. The minister only intervenes when the individual is to be extradited following the ruling. The minister contacts the state governor or attorney to ask them not to seek the death penalty should the individual be found guilty. The governor can also use his discretionary power. These are the two assurances the minister can get under American law. It is only as a last resort that the minister becomes the judge, deciding whether or not the individual will be extradited, since that individual could face the death penalty.

On motion of Senator Cools, debate adjourned.

[*English*]

•(1630)

### PRIVATE BILL

CERTIFIED GENERAL ACCOUNTANTS ASSOCIATION  
OF CANADA—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-second report of the Standing Senate Committee on Banking, Trade and Commerce (Bill S-25, respecting the Certified General Accountants Association of Canada, with amendments) presented in the Senate on April 20, 1999.—(*Honourable Senator Kirby*).

**Hon. Donald H. Oliver:** Honourable senators, I move the adoption of the report.

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

**Hon. Senators:** Agreed.

Motion agreed to and report adopted.

THIRD READING

**The Hon. the Speaker:** Honourable senators, when shall this bill be read the third time?

**Hon. Donald H. Oliver:** With leave, now.

**The Hon. the Speaker:** Honourable senators, is leave granted?

**Hon. Senators:** Agreed.

Motion agreed to and bill read third time and passed.

### BUSINESS OF THE SENATE

**Hon. Marcel Prud'homme:** Honourable senators, please do not be impatient on that side. Under Reports of Committee, I stood up to speak to for Order No. 3. Can we please revert to that order?

**The Hon. the Speaker:** Honourable senators, if you do not stand, it is impossible to know that you wish to speak to.

[*Translation*]

**Hon. Eymard G. Corbin:** Honourable senators, we cannot hear very well at the end of the chamber. This is why it is sometimes difficult for some of us to keep track of what is going on.

[*English*]

**The Hon. the Speaker:** Honourable senators, I ask the table officers to speak louder and I must ask honourable senators to say "Stand" more clearly so that everyone can hear. Otherwise, I admit, it is impossible for everyone to follow.

**Hon. Douglas Roche:** Honourable senators, I wish to point out respectfully that it is sometimes hard to hear down here. Sometimes things go a bit fast. If we want to make a contribution on a certain number, the opportunity goes by perhaps too quickly. With great respect, I ask consent of honourable senators to revert to Order No. 3 under Reports of Committees so that it may be addressed for a moment today.

•(1640)

**The Hon. the Speaker:** There is a request to revert to Reports of Committees, Order No. 3. Is leave granted to revert, honourable senators?

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I will give leave to revert, if that is your will. However, I should like to remind honourable senators that if independent senators wish to speak to a motion that is standing in the name of either a government member or an opposition member, it would be helpful if, before the proceedings began, they were to inform the leader or deputy leader of the party which has adjourned the debate that they wish to speak to the item. There is no desire on either side to limit the debate, nor the participation of a member of this place who is not sitting as either a Liberal or a Conservative. However, if members who are independent could let us know, that would facilitate the process.

I am prepared to give leave, honourable senators.

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

**Hon. Senators:** Agreed.

### PRIVILEGES, STANDING RULES AND ORDERS

#### CONSIDERATION OF NINTH REPORT OF COMMITTEE— ORDER STANDS

Leave having been given to revert to Order No. 3, Reports of Committees:

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 Kinsella*)

**Hon. Marcel Prud'homme:** I do not believe that senators who wish to speak to a motion or other item on the Order Paper standing in the name of another senator, make a practice of going to see that senator before speaking to the item. They just get up and speak to it. I do not see why this should apply only to independent senators. I know it is a courtesy. However, no one knows whether or not we want to speak on an item.

I simply wanted to ask a question of Senator Kinsella, because the item is standing in his name. I wish to ask him if he intends to speak to it today. We do not wish to boycott our own efforts.

I thank Senator Carstairs and all honourable senators who voted for this measure. People should know that a vote was taken at the committee in order to present the report here.

I am simply asking that we not go too fast. I merely wished to ask Senator Kinsella if he intended to participate in the debate today. If not, then when can we dispose of this item?

In a democracy, things are simple. There are those who are elected and those who are appointed to vote on issues, not to

postpone them eternally. We should decide someday how we will dispose of this report.

I do not intend to make a long speech. Everyone has known my views for the five years and 10 months that I have been in this place. Why should I bother with repeating myself, unless I wish to show the new senators how strong and fiery I can be when I speak on this issue? I do not need to do so. I do not need to abuse the kindness of the senators. Some people say, "We are waiting to see what you will say." My views are known. I do not need to give my regular speech. I thank Senator Carstairs for allowing me to make my views a little clearer.

Last week, Senator Wilson took objection. She thinks I am the spokesperson for the independent senators. She sent me a note to that effect. I did not mean to speak on her behalf. However, I know that she, too, wishes to sit on committees.

When will we dispose of this matter, as friends who wish to participate in the debate?

**Hon. Noël Kinsella (Deputy Leader of the Opposition):** Honourable senators, I have no difficulty in allowing any honourable senator who wishes to speak to this item to do so. However, when they are finished speaking, I wish to have the matter adjourned again in my name.

**The Hon. the Speaker:** If no other honourable senator wishes to speak on this matter, it will stand in the name of the Honourable Senator Kinsella.

Order stands.

### RECOMBINANT BOVINE GROWTH HORMONE

#### CONSIDERATION OF INTERIM REPORT OF AGRICULTURE AND FORESTRY COMMITTEE ON STUDY OF EFFECT ON HUMAN AND ANIMAL HEALTH—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the eighth report (Interim) of the Standing Senate Committee on Agriculture and Forestry entitled: "rBST and the Drug Approval Process," tabled in the Senate on March 11, 1999.—(*Honourable Senator Milne*)

**Hon. Nicholas W. Taylor:** Honourable senators, I was a member of the committee which made the report on rBST, a hormone that is used to increase milk production in cows.

One of the items that came up frequently during our trip to Europe, as well as in a number of the hearings that were held here on what we should be doing within the World Trade Organization, concerned not only rBST but the fact that there is a dialogue of death between the producers of food and the consumers of food when it comes to drug additives or hormone increases.

Our committee is receiving increasing demands for the government to go to bat with the European Community and ask them to forbid imports of Canadian food that have been doctored in any way with drugs or through genetic modification. The usual argument of producers is that science should prove whether or not an additive is wrong. That overlooks the consumers' point of view. Both European and Canadian consumers are now starting to say, "You are telling us that this is okay. It is up to you to prove scientifically that the additive or genetic modification is harmful." That has everything twisted around somewhat. It should be incumbent on the producer to prove that the genetic modification or the drug is not harmful, and that it adds to the value of the food.

What we have, honourable senators, is a demand by many in our agriculture community that we sell the product because they have produced it. They are producing more of it because it has been genetically modified or because a drug has been added. The restrictions coming out of Europe, in particular, but also on this continent have been due to that lack of knowledge. The big hurdle we face is that we must talk to our own consumers.

The U.S. association of corn producers has announced to its members that they should not produce any more genetically modified corn because they cannot sell it in Europe. The same thing should be discussed here, too. We should be telling our producers that this is not a phoney practice because, after all, Europe is where thalidomide and mad cow disease came from.

Perhaps European consumers are more preoccupied with additives and changes to food than are we. I notice that departments of agriculture in different governments are talking about countervailing and retaliatory action unless our beef, which has been hormone injected, is accepted by the Europeans. It is consumers talking in the supermarkets of London, Vienna, New York, Calgary and Newfoundland who are starting to worry about how food is produced.

•(1650)

The rBST is just the tip of the iceberg. We talked about its presence in milk, but you can see an increase in this controversy as other food additives come on stream. I ask honourable senators to talk to producers when they go home to their regions. You will certainly be pressured. Anyone who is producing anything, whether trout in aquaculture or beef or canola or different types of grains, is being besieged by the large corporations, and there are only four or five of them, that make the chemicals, the genetic modifications and the hormones to achieve more and faster growth.

The consumer is becoming concerned about that issue. The producer needs to start selling the idea that he or she will use a drug or use some genetic modification to increase production. It is up to the producer to sell it to the consumer. It is not up to the government to convince the consumers of the world that they must accept it.

The only long-term solution is to let consumers decide. They may be suspicious and wrong in their choices, but let consumers decide, provided it is properly labelled, whether or not they wish to buy and eat the food.

**The Hon. the Speaker:** This order will remain standing in the name of Honourable Senator Milne.

Debate adjourned.

## EXCISE TAX ACT

BILL TO AMEND—CONSIDERATION OF REPORT  
OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Murray, P.C., seconded by the Honourable Senator Cochrane, for the adoption of the fifteenth report of Standing Senate Committee on Social Affairs, Science and Technology (Bill S-10, to amend the Excise Tax Act, with an amendment) presented in the Senate on December 9, 1998.—(*Honourable Senator Carstairs*)

**Hon. John G. Bryden:** Honourable senators, I am pleased that there are so many senators here because I have been asked to read an inspiring and even scintillating speech on Senator Di Nino's Bill S-10 in order to ensure it does not drop off the Order Paper.

I wish to take this opportunity to explain the tax policy considerations surrounding the current GST status of reading materials and, in that context, the government's position on this issue.

Honourable senators, as this bill has moved through the Senate, we have heard several examples of people suffering from reading difficulties. Proponents of this bill have spoken eloquently of the importance of promoting literacy and providing assistance to students. I wish to assure colleagues that the Government of Canada is sensitive to these problems and shares their objectives.

For example, in 1996, the government introduced a 100 per cent GST rebate on books purchased by public libraries, schools, colleges and community literacy groups. The GST rebate on books recognizes the important role played by educational institutions, libraries and community groups in helping individuals, regardless of income, get the tools they need to learn how to read. It is also an efficient and responsible investment. Targeting assistance to the front-line literacy groups will ensure a greater impact by every dollar of lost revenue.

In addition, the government has increased funding for the National Literacy Secretariat, creating more opportunities for individuals to improve their literacy and communication skills.

The 1998 budget also unveiled several initiatives aimed at enriching support for students and their parents. These include the Canada Millennium Scholarship Fund, averaging \$3,000 for more than 100,000 low- and middle-income Canadians; Canada Study Grants for over 25,000 students who are in financial need and have children or other dependents; enhanced assistance for advanced research and for graduate students through increased funding for the three granting councils; help for graduates in managing their student debt loads through tax relief for interest on student loans; improvements to the Canada Student Loans Program to help individuals facing financial difficulties; and Canada Education Savings Grants, a grant of 20 per cent on the first 2,000 contributions made each year to registered education savings plans to ensure that families can better save for their children's future education.

It is important to recognize that most post-secondary students are eligible to receive the low-income GST credit of \$199 per year, rising to \$304 where students are living away from home. This represents the amount of GST that students would pay on \$4,300 in incurred student expenses. Given that the tax does not apply to most expenses incurred by students, many students effectively pay little or no GST. This GST credit channels close to \$3 billion to lower- and modest-income Canadians.

Honourable senators, while the Government of Canada is committed to supporting literacy and education, the question has always been whether taking the GST off reading materials is the best way to do so. This is particularly important when one considers that it would entail an estimated revenue cost of some \$300 million and that these tax savings would flow primarily to highly literate individuals who are the main purchasers of reading materials.

Perhaps this is also why the vast majority of OECD countries, including every member of the European Union save the United Kingdom, applied their sales taxes to books. This includes Denmark and Sweden, two countries that boast exceptionally high literacy levels, which tax books at the rate of 25 per cent.

Honourable senators, on a practical level, relieving GST on the specific products raises a host of definitional problems. There is no universal definition of what constitutes reading material. This measure would require the government to draw a line between products that would qualify as reading materials and others that would not. For example, would computer products carried on the Internet or compact disks, comic books, maps or even posters qualify as reading materials?

In its deliberation on this bill, the Standing Senate Committee on Social Affairs, Science and Technology recommended that this measure exclude material that contains any age restriction imposed by law on its sale, purchase or viewing, or is either obscene within the meaning of section 163 of the Criminal Code or of a pornographic nature. However, the question now becomes, what is pornographic material? Any line that the government draws is sure to be controversial and subject to challenge.

Assuming that there are clear answers to these questions, this measure would require vendors across the country to know exactly what qualifies as reading material and then reconfigure their operating systems to keep track of taxable and tax-free sales. This would apply across the spectrum of vendors of reading materials, from the giant chains to the smaller, independent convenience store operators. I suspect, honourable senators, that the compliance burden would significantly increase for businesses across Canada.

Honourable senators, it is far from clear whether removing the GST from reading material represents the most effective approach to supporting Canadian authors and publishers, since similar tax relief would necessarily extend to competing foreign materials.

Instead, the government has pursued a more targeted approach to fostering a vibrant Canadian literary and publishing industry. For example, the government increased funding to the Canada Council by \$25 million in 1997-98, an organization that provides support to Canadian writers. An additional investment of \$15 million per year was provided to Canadian publishers via the Department of Canadian Heritage in order to promote a viable and competitive book publishing industry. These are a few examples of government actions taken in support of the Canadian literary and publishing industry.

In conclusion, honourable senators, the government believes that the targeted measures it has adopted are preferable actions to meeting the objectives of promoting literacy, education and Canadian publishing over removing the GST from reading materials.

In contrast, Bill S-10 would fail to effectively target resources in support of these objectives and would create significant definitional problems, and compliance and fiscal costs for the government and the private sector. The government wishes to ensure that Canadians are getting the greatest impact on literacy and education for every dollar in lost revenue or program spending. This is why I strongly believe that removing the GST on reading materials is not the best way to promote literacy, education and Canadian publishing

•(1700)

**Hon. Lowell Murray:** If the Honourable Senator Bryden would permit a question, I cannot forebear to mention that he was in charge of the Liberal Party's campaign in New Brunswick in 1993, with outstanding success — on which, of course, I congratulate him — and again in 1997, with more mixed results, on which, of course, I commiserate with him.

I wonder, before the debate is over, whether he could delve into his records and produce the unqualified undertaking that was given by his national leader, now the Prime Minister, and by his party with respect to the removal of the GST from reading materials?

**Senator Bryden:** Honourable senators, all I can undertake for Senator Murray is to check the archives.

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

Honourable senators, if I could assist Senator Bryden, I should like to remind him, here on the eve of Book Day, that Senator Fairbairn is the one who proposed the first amendment to the GST bill in 1990 which would have had the effect of removing the GST from reading material. This amendment is word-for-word the same as the one that Senator Fairbairn proposed, and which received the overwhelming approval of the Liberal side.

On our side, we voted against it. However, at the time, Minister Wilson said that we should take a while, see how the GST goes, and then where there were areas where we thought it should be modified or removed, we would do so. I am sure, if Minister Wilson or Minister Mazankowski were still in government, we would have had the tax removed from reading material.

What has happened in the last few years to make the Liberal Party change its mind on this matter? Particularly on the eve of Book Day, why cast a shadow on such an important day where we are trying to encourage people to read? What you have just told us will not be an encouragement to increase book sales.

**Senator Bryden:** Honourable senators, I shall answer the first question by saying that perhaps both sides have grown into their jobs somewhat, since both have changed their minds. It probably is the case that we in the Liberal Party, now having the reins of government in hand and the opportunity to discover better ways of furthering literacy, as I have just recited, have moved some way from our previous position and replaced it with something better.

In regard to the second question, far from casting a cloud over events on the eve of Book Day, if you listened carefully, as I am sure the honourable senator did, to the speech that I just gave, you would have heard me speak of the many millions of dollars that have been expended by this government in promoting literacy. This government has targeted that money in an attempt to do exactly that, rather than use the broad brush stroke which is in Bill S-10, and which would primarily benefit people like ourselves and others who are the principal buyers of books and who buy not only Canadian books, of course, but U.S. books and many imports, including magazines.

What we are saying is that on our assessment, the best use of our resources is to target literacy, publishing and education, and not necessarily just cover in blanket fashion those of us who can very well afford to carry our own burden.

**The Hon. the Speaker:** Honourable senators, on hearing Senator Lynch-Staunton in regard to Senator Fairbairn, I can only comment that the love affair of earlier this day has quickly dissipated.

**Senator Lynch-Staunton:** Wait until next year!

On motion of Senator DeWare, debate adjourned.

**VISITORS IN THE GALLERY**

**The Hon. the Speaker:** Honourable senators, I should like to call your attention to some distinguished visitors in the gallery. They are representatives of the Maria Labrecque Centre of Calgary, led by their president, Micheline Paré.

Also in attendance are representatives of the Alzheimer Society of Canada, led by their president, Marg Eisner.

On behalf of all honourable senators, I bid you welcome to the Senate of Canada.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** I know that you have been waiting for a long time to reach this point in our proceedings, but I trust that you found the rest of the afternoon interesting.

•(1710)

**COMPASSION FOR CITIZENS  
SUFFERING LOSS OF AUTONOMY**

## MOTION TO ESTABLISH DAY OF RECOGNITION

**Hon. Dan Hays,** pursuant to notice of April 21, 1999, moved:

That May 20, 1999 be recognized as a day of compassion for Canadian citizens suffering a loss of autonomy.

He said: Honourable senators, I am pleased to stand today in this chamber and bring to your attention the issue of citizens — most often senior citizens — suffering the effects of illnesses that rob them of their autonomy.

At the outset, I should like to thank Senator Cohen for seconding this motion; Senator DeWare and the leadership on the other side for making this a bipartisan issue; Senator Carstairs and our leadership; and Senator Fairbairn and Senator Callbeck who, in addition to Senator Carstairs, may have a few words to say on this motion.

Conditions such as Alzheimer's disease and stroke are most often the cause of the devastating consequences that affect not only the victims but also their families and friends. My own special interest in making this motion is because my mother was a victim of Alzheimer's disease. As well, I am motivated by the plight of close individuals whose spouses are, or have been, victims and for whom they became the primary caregiver.

A wonderful and poignant book on this topic has just been published entitled, *Elegy for Iris*. It is a book about the philosopher and novelist Iris Murdoch, who has now lost her autonomy. Written by her husband, John Bayley, the book recounts the consequences for Iris Murdoch and for her husband, who has chosen to become her primary caregiver. I commend it to all honourable senators as a way of coming to understand, through the medium of a wonderfully written book, how frustrating and difficult this process can be.

[Translation]

Honourable senators, the purpose of this motion is to stress the difficulties experienced by older people suffering from these diseases, taking into consideration that 1999 was proclaimed the International Year of the Older Person by the United Nations. In 1992, the General Assembly decided to make 1999 the Year of the Older People to remind us that the world population is aging and that this is a worldwide demographic phenomenon.

The UN Secretary General, Kofi Annan, provided a good description of that phenomenon:

During the second half of the 20th century, the average life expectancy increased by 20 years. Within 30 years from now, one third of the population of the more developed countries will be over 60. The world as a whole will reach that percentage before the year 2015. Today, about 10 per cent of people over 60 are already in their eighties and that figure will climb to 25 per cent by the year 2050.

By thus recognizing the place of older persons in the world, Secretary General Annan reminds us of their contribution and the fact that life is becoming a marathon event.

[English]

On the same day that Mr. Annan declared the International Year of the Older Person, the Honourable Allan Rock and Mr. Don Harron announced Canada's full participation in this programme. Our Canadian efforts are coordinated by the Canada Coordination Committee, co-chaired by the Mr. Harron and the Honourable Flora MacDonald. Canada's committee aims to promote awareness and interest in issues concerning seniors.

Honourable senators, it is in that context that this motion is proposed. I believe it coincides well with the United Nations and Canadian efforts. Later in these remarks, I will detail some of the activities planned for the Day of Compassion.

Prior to outlining the suffering caused by Alzheimer's, I should mention that some of the more positive elements of an aging population are, in fact, a reality. Cicero put it well when he said, "It is not only by muscle, speed, or physical dexterity that great things are achieved but by reflection, force of character, and judgment; in these qualities old age is usually not only not poorer, but is even richer."

Seniors make an invaluable contribution to Canada. Many are volunteers, caregivers, and integral members of their community and government. Most are healthy, physically active, able to work and enjoy a variety of leisure activities. Most seniors are independent, with 92 per cent living in their own homes.

[ Senator Hays ]

[Translation]

Honourable senators, although most Canadians can look forward to aging gracefully and continuing to be useful to their family and their community, the motion before us today concerns those others whom an insidious disease is depriving or will deprive of the joys of the autumn of their life. Those who will not enjoy their final years and who are truly deserving of our compassion, our help and our prayers, honourable senators.

[English]

Diseases such as stroke and Alzheimer's are particularly stressful to the patient and to the caregiver because they do not simply affect the physical well-being of the patient but the very essence of their humanity: the soul. Plato wrote that the well-being of humans depends largely on the proper relationship existing between rational, spiritual and appetitive parts of our being. To put it simply, one's mind, spirit and body must all be functioning well for a person to be healthy at the most fundamental level. Alzheimer's destroys the mind, and disrupts the balance of our life. It is because this disease touches at the heart of our being that is so stressful for all involved.

Strokes tend to be equally distressing in that they can trap a vital mind in a damaged body — or worse, they can damage both. This, then, disrupts the unity of the three aspects of the soul. The philosopher Hannah Arendt wrote that part of our humanity is defined by our action and our ability to relate to others, and to connect them into a unique political realm. All of these diseases strike at seniors' ability to relate to others and, therefore, to their ability to promulgate their self-identity and worth.

[Translation]

Honourable senators, I would like to take a moment to provide a few statistics on Alzheimer's, one of the primary causes of loss of autonomy among the elderly. Alzheimer's does not just affect those over 60, but it hits this age group the hardest.

[English]

The September 24, 1998, edition of *The Globe and Mail* reported some interesting statistics. Alzheimer's disease affects some 250,000 Canadians. We, as Canadians, spend \$3.9 billion on the treatment of this disorder and its effect such as lost wages. Alzheimer's disease directly affects one in three families in Canada. Unfortunately, by the year 2030, three-quarters of a million Canadians will suffer from this problem.

Stroke is another disease that can cause an individual to lose their autonomy. These are just some of the difficulties faced by patients who survive. In Canada, about 50,000 people suffer a stroke every year, and 14,000 die. That is the tragic human side of the equation. On the financial side, in my province alone, strokes cost an average of \$20,500 per person per year to treat when one considers the accumulated cost of health care, social services, lost wages and decreased productivity.

Having described the challenge, let us examine the positive efforts of community groups who are dealing with the problem and who are best described as exemplars of compassion. Compassion is an integral part of our lives and, in particular, those serving the public have a duty to respond to those in need. In Parliament, in provincial legislative assemblies, in public and private service sectors and in the health care sector, we all have a role to play. Compassion is exemplified by the mission of the Maria Labrecque Centre. In fact, it is because of the Maria Labrecque Centre that Senator Cohen and I have proposed this motion and asked for May 20, 1999, to be recognized as our Day of Compassion.

Why May 20? May 20 is the birthday of Maria Labrecque, a Sister of Providence and one who has dedicated her working life to founding many health facilities in different provinces. Maria now suffers from Alzheimer's and has inspired Micheline Paré to found this centre.

•(1720)

This centre, located in Calgary, has many missions, its most important being to educate a new generation of caregivers who are specifically trained to deal with the needs of people with disorders that leave them without a voice.

[*Translation*]

Honourable senators, the centre was founded in 1994 to find solutions to the problems of abuse of the elderly. Often, caregivers, whether family members or professionals, do not know how to treat these individuals properly. The danger is that they can be treated literally as non-persons.

Their dignity is not respected, they are subjected to a rigid timetable, they are treated as though they do not exist or left in a chair all day long like some sort of inanimate object. In short, they are treated without compassion.

[*English*]

These forms of abuse can be remedied by a training system that focuses on gentleness, caring and compassion. I am very proud that an organization in Calgary is training caregivers with these principles in mind. It is so successful that 92 per cent of its graduates are working in the nursing field.

We are very pleased to have Micheline Paré, the president of the Maria Labrecque Centre, here with us today. She exemplifies compassion and has done so much to advance the idea and reality of compassionate treatment for those seniors who have lost their autonomy. It is because of her strong will and extraordinarily efforts that we have this motion before us today to ask for May 20 to be recognized as a Day of Compassion. In doing so, we will be following the example of Mayor Duerr in the city of Calgary and Bishop Henry of the Calgary Catholic Diocese, thereby providing an example for others to follow.

Thus it is, honourable senators, that I urge you to support this motion. Compassion for seniors and others who have lost their

autonomy is also evident in the efforts of the Alzheimer's Society of Canada and their local organizations.

The Calgary chapter, for example, opened its doors in 1981 and serves as an ongoing resource and advocate for this disease. In addition to valuable personal support and support groups, it has opened the Club 36 program that is designed to care for people on a day-to-day basis and gives respite to at-home caregivers. The society is also active in providing support programs, family education seminars, and education programs for the public.

[*Translation*]

We in Canada are fortunate enough to have the national network of Heart and Stroke Foundations. There is one in each province, and Alberta and British Columbia serve the Northwest Territories and the Yukon respectively.

The month of June is designated Stroke Awareness Month. I have been greatly impressed by the interest Canadians have shown in their sections every year. June is an important month for the Heart and Stroke Foundation, as far as fund-raising is concerned. A CVA, cardiovascular accident or stroke, often leaves victims unable to speak and affects their self-sufficiency, but the various activities of the Foundation across Canada do much to assist victims and provide family support.

The Heart and Stroke Foundation, like the Centre Maria Labrecque and the Alzheimer Society, make great contributions toward ensuring that every day is a day of compassion toward the elderly, whom illness has deprived of a voice.

[*English*]

Honourable senators, the Day of Compassion is designed to recognize that seniors who have lost their autonomy have lost so much but will never lose their emotion or their feeling. On May 20, 1999, in Calgary, the Maria Labrecque Centre will spearhead the celebration of this day, which has been recognized by the Canadian Committee of the International Year of the Older Person. Celebrations will include special activities for seniors, an evening celebration of the caregiver, and a program designed to challenge Calgarians to do something special for a senior who has lost their autonomy.

It is my hope that the passage of this motion in this chamber today will encourage Canadians to think about what they can do for seniors who have lost their autonomy, and for new programs to be developed to address the social need. May 20, 1999 will be a day of celebration and reflection, and will serve to remind us that the true test of an advanced society or government is how we care for those who are unable to care for themselves. This is the measure of our compassion.

**Hon. Senators:** Hear, hear!

**Hon. Erminie J. Cohen:** Honourable senators, it is my privilege to second the motion of my honourable colleague Senator Dan Hays:

That May 20, 1999, be recognized as a day of compassion for Canadian citizens suffering a loss of autonomy.

Honourable senators, compassion is a sentiment that should properly colour our approach to all things at all times. Cold, indeed, is the individual who cannot summon a measure of compassion when presented with suffering or pain of any kind.

This motion, however, speaks to a qualitatively different challenge. As my honourable colleague suggested, diseases such as Alzheimer's strip away one's very identity. Alzheimer's disease and other forms of dementia are as insidious as they are unrelenting.

Honourable senators have heard described some of the effects of this affliction. I would like to frame that portrait so that you may truly appreciate the impact of this malady on the victim, on his or her family and, ultimately, on society at large.

Alzheimer's begins by stealing memories one by one. Emboldened, it casts a haze on routines mastered in childhood. As the mist thickens into an obvious fog, the world begins to shrink. Robbing the individual of speech and relentlessly degrading motor functions, this scourge commits the supreme theft; it expropriates independence and dignity and, in their place, leaves helplessness and isolation.

Jules de Goncourt captured it well 150 years ago. In describing this dread disease before it had a name, he offered the following image:

A human being sheds its leaves like a tree. The sickness violently prunes it down...and it no longer offers the same silhouette to the eyes which once loved it, to the people to whom it afforded much needed shade and comfort.

If, honourable senators, my words paint a dark picture, it is not nearly as bleak as the thoughts which must race through the mind of one confronted with such a future, not nearly so despairing as the hearts of loved ones who must witness the shocking transformation that occurs in one so afflicted.

Painful as the reality is, we Canadians do not anchor our lives in despair. This motion affirms something quite different, and I should like to take a few moments to share with you, honourable colleagues, how Canadians from New Brunswick have risen to the challenge.

In my hometown of Saint John, there is a facility called The Rocmaura Nursing Home. Built and administered by the Sisters of Charity, as its Gaelic name implies, it serves as a rock of comfort and support to all in need of elderly nursing care. Recognizing the unique requirements of those afflicted with Alzheimer's disease, Rocmaura established Trinity Court, a dedicated Alzheimer's special care unit.

Like the name Rocmaura, the name chosen for the special care unit, or SCU, was no accident. However, in addition to its divine reference, I would suggest that it possesses another significance

as well. A comprehensive study undertaken by Rocmaura was completed just two months ago. It was a longitudinal investigation into the merits of an SCU. I was struck by one of the central findings of the research; namely, that compassion and caring attention do make a difference.

Here, the trinity is somewhat more corporeal: first, a patient who must be provided with every opportunity to cling to a maximal level of independent living; second, a loving and committed family that appreciate when their role as primary caregivers must yield to specialized care; and third, dedicated health care service providers who diligently look for new ways to enhance the quality of the residents' lives.

The Rocmaura study demonstrated that the introduction of SCUs dramatically improves the profile of the Alzheimer's patient. The patients ate more, slept better, engaged in more frequent social and physical activity, and required less medication and fewer restraints. The family members who knew them best uniformly believed that in many respects the erosion in their loved one had slowed or, in some cases, modestly reversed.

•(1730)

Honourable senators, this is by no means a cure, but it was a victory for the dignity of the spirit, and it was achieved through compassion, through a determination to provide support and return some of the dignity so cruelly taken away by disease and the loss of autonomy.

The success of this initiative came to my attention through my involvement in the Rocmaura Foundation. Through you, I share it with all Canadians in the hope that it will provide some encouragement and help to dispel some of the darkness.

I mentioned, honourable senators, that Trinity Court is not a cure for Alzheimer's disease. In fact, there is at present no known cure. Various levels of government expend \$4.5 million annually on the management of the disease. That represents more than 6 per cent of the national health care budget.

The Alzheimer's Society of Canada is the only national voluntary organization dedicated to research and finding the cause and the cure of a devastating disease. In addition, as the honourable senator from Alberta mentioned, the society's branches in each province provide critical support to familial caregivers of individuals afflicted with Alzheimer's.

In New Brunswick, the Alzheimer's Society designed a strategic framework for supporting persons affected by the disease. An element of this model, which has been duplicated in other provinces, was the development of an initiative entitled "Partnership and Caring." Rooted in the very concept of compassion, this project has created highly visible community support and education programs. Most recently, with the development of new pharmaceutical products that hold out some promise to dramatically improve the quality of life for Alzheimer's sufferers, the partnership and caring structure has proven to be an effective coordinating point for contact between drug companies and the community.



It is precisely to these kinds of activities that the Honourable Flora MacDonald and Don Harron, that Canadian icon, have turned their energies as co-chairs of the Canada Coordination Committee of the International Year of the Older Person. At either end of the spectrum, whether they be activities aimed at celebrating the achievements of older Canadians or sensitizing the public to the special needs of older Canadians, these activities are all about taking ownership, of proclaiming that all Canadians are responsible one for the other. That is the value that defines family and, at the end of the day, are we not all simply members of one great Canadian family?

Honourable senators, we receive comfort from expressions of concern and gestures of support. We gain hope with the introduction of new models and medicines that can forestall the devastating effects of these diseases. Faith is reserved for a cure.

Having introduced the concept of family, I wish to tell you a fascinating story about a family from Harvey, New Brunswick. Linda Nee is a social science analyst at the National Institute of Health in Bethesda, Maryland. For 21 years she has been tracking a family that originated in Northumberland County, England, who emigrated to New Brunswick in 1837 and settled in Harvey. From there, they have spread out across Eastern Canada and eight states in the U.S.A. Members of this family show a predisposition to familial Alzheimer's disease, one of the most aggressive forms of the disease and the type that likely served as the precursor for all other varieties.

This family is known as "FAD 1." That stands for familial Alzheimer's disease, family number 1. All genetic research related to Alzheimer's is based on the genetic discoveries made on this family. Over 1,000 family members have donated cell, blood and skin samples. Dr. Peter St. George-Hyslop, of the University of Toronto, who discovered the AD3 gene in 1995, has suggested that the contributions of the family from symbolic Harvey, New Brunswick, have been enormous. Their efforts have been instrumental in the drive towards a cure.

Too often, we think of diseases like Alzheimer's, dementia or stroke, and mourn for what it takes from us. To be sure, honourable senators, they are akin to medical black holes from which no light can escape. Upon reflection, however, we can and we do pull free from its force. It may extract a very high price, but it does afford us the opportunity of claiming something in return, and that is the gift of compassion.

It is as if God has thrown down a gauntlet placing in our path the darkness, challenging us to convert that darkness into light. We can claim some measure of victory when we answer that challenge neither with pity nor with indifference but, rather, with genuine compassion; compassion for those who have fallen victim; compassion for their loved ones who valiantly struggle to help them preserve a sense of dignity and self-respect. I refer to individuals like Maurice Dionne, the former MP for Miramichi, who was stricken with Alzheimer's disease in 1991, and his devoted wife, Precille, whom he no longer recognizes but who still faithfully cares for him and is a tireless worker on behalf of the Alzheimer's Society.

The intent of this motion is to acknowledge people's suffering and their courage in facing that suffering. The motion before you, honourable senators, serves as an opportunity for us to validate people's pain, both physical and spiritual, and the heroic efforts caregivers have undertaken to alleviate that pain.

Most of all, this motion is meant to remind us all that the virtue of compassion must inform our approach to life, not just on May 20, but every day of the year, to translate empathy into sensitivity and kind thoughts into generous deeds.

Honourable senators, permit me to conclude with a passage from a poem by D.H. Misita, who so eloquently encapsulated the terrifying impact of Alzheimer's disease and its challenge to us.

Yesterday, I knew your face,  
 Forgive me today, it's become misplaced.  
 A moment ago, I could tie my shoe;  
 I can't seem to now — that's up to you.  
 A week ago I could sing that song.  
 But now I can't, the words are gone.  
 I knew this house; I knew this place.  
 But now it's just an empty space.  
 As time goes by, I've lost a lot;  
 But please remember, forget me not.

Honourable senators, by recognizing May 20, 1999, as the day of compassion for senior citizens suffering a loss of autonomy, we will have taken an important step in honouring that pledge.

The gold pin that you have on your desk today is a gift from the Alzheimer's Society that says "Forget me not" in English and French. Please remember the message.

**Hon. Senators:** Hear, hear!

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I rise today to support the motion that has been put before us by Senator Hays and seconded by Senator Cohen. Both Senator Cohen and Senator Hays have addressed in principle the Alzheimer's patient. I should like to talk about the stroke victim.

Honourable senators, in 1969, while travelling with the Senate committee on poverty, my father arrived in my home and stumbled across my kitchen floor. Since my father did not drink I knew it was not alcohol induced, but I did not know what it was. He said he was terribly tired, and he went to bed. He woke up 14 hours later. We did not realize then, but Dad had had the first of what would be a whole series of small strokes.

In May of 1970, he had a massive stroke. It was a stroke that left him, as a politician of 45 years at that point, unable to say a word. All of you who have that honourable profession must understand how very frustrating that must have been. He was paralyzed totally on one side. He had no bladder control. He was, all of a sudden, a vulnerable person.

My father was one of the lucky ones. With a great deal of effort, a great deal of support from my mother, he got back the power of speech. With the help of physicians, he regained his bladder control. He remained, for the most part, paralyzed on one side, but with the help of aids he learned to walk again. However, his speech never had the same clarity, and I believe Senator Stewart knew that he had a great oratorical ability. He never had that again.

•(1740)

I brought him to this chamber a couple of times. I wheeled him in, in his wheelchair. Perhaps the most painful experience, though, occurred in Calgary. That is where my husband and I lived at that time, and where he visited us in 1973. He came down with pneumonia while there. I took him to an emergency ward and they said that they would take him to a room because, clearly, he needed care.

When I got to the room, the young attendant, who I think was an aid and not a nurse, was yelling at him. She was treating him with great disrespect. Yes, he could not walk and he was not speaking very clearly, probably at that point because of the pneumonia. I quickly realized that they had also removed his hearing aids. Like me, he wore double hearing aids. He could not hear what was being said to him.

I made them restore the hearing aids, and then we began to make them understand that, yes, he was handicapped and he had all kinds of vulnerabilities, but he did understand. He was still an intelligent human being. He could answer their questions.

On a lighter note, one of the things my father liked most in the world was to play bridge. When he died and tributes were paid in this chamber, Senator Henry Hicks, who was not a particularly good friend of my father's, made a comment to the effect that all he would say about Harold Connolly was that he never knew a man who got such bad cards and played them so well.

When my father got home from the hospital, we decided he should play some bridge. Playing bridge was not an easy task because he could not shuffle, could not deal, could not hold the cards. We had a receptacle for the cards and he played, but he was getting his usual very bad cards. He decided he needed to use the washroom and, with my mother's help, down the hallway he went. I quickly said to my husband: "Stack his hand." So he did. He took a bunch of aces and kings, put them together and put them in my dad's card holder. Then he dealt the rest of the cards.

Little did my husband know that he had also dealt to me a fabulous hand. My father and I were partners in that game. My father came back from the washroom, opened up this hand and he beamed. He bid and he made a double, and re-doubled to a count of 7, and he never stopped talking about it until he died. This was by far the best bridge hand he had ever had. We, of course, never told him that it had been arranged.

My father died in 1980 of another massive stroke. For a short period of time, as is so often the case for stroke victims, he was

connected to life support. There are six siblings in our family, but I was the one who was asked by my mother to go and have the life support turned off. Little did I know that, seven months later, I would have to do the same thing for her. I had to do it for her because she ruined her own health through ten years of looking after my father.

A day of compassion says to me: A time to remember, a time to show respect, and a time to make things better.

**Hon. Senators:** Hear, hear!

**Hon. Joyce Fairbairn:** Honourable senators, this motion to create a special annual day of compassion on May 20 for senior citizens or others suffering a loss of autonomy through debilitating illness affecting the mind offers all of us a rare opportunity to create awareness and understanding across our country.

I thank my friends and colleagues Senator Dan Hays from Alberta, Senator Erminie Cohen from New Brunswick and, always, Senator Sharon Carstairs from Manitoba for bringing this initiative to the Senate. They have my own heartfelt support and I know that is shared by members throughout this chamber.

I also want to thank most particularly Maria Labrecque, who was born in Quebec and grew up in the Peace River area of Alberta's north. A Sister of Providence, she was also a nurse who was instrumental in the founding of many health facilities across Canada.

I want to thank Micheline Paré, president of the Maria Labrecque Centre which was opened five years ago in Calgary. She is a long-time associate of Sister Labrecque, whose birthday falls on May 20.

As has been said, sadly, Sister Labrecque herself suffers from Alzheimer's. The mission of the centre which bears her name is to ensure that proper care is provided to those who suffer from forms of dementia.

Honourable senators, in my view, we as a country are long overdue in focusing active attention on the special needs of seniors who, in the new century, will be the fastest growing portion of our population. The demographics have been before us for many years. The statistics are not a surprise.

Yet we are just now coming to accept the true dimensions of this reality, and we must scramble to prepare for it. Indeed, those dimensions are already with us and require not just money but a creative will and a sensitivity on the part of governments, of communities, of the health care system and the countless individuals in families across this country who live with these special challenges every day of their lives.

Most agonizing among these challenges is how to develop a caring and respectful haven of support for those who have drifted away from us through dementia, of which Alzheimer's is the most common form, and the effects of heart disease and strokes in their lives. How do we let them know that they are loved for their very presence, not just for all the good years that have

passed? How do we use every tool of medical science, compassion and practical understanding to give these citizens every stimulation possible to maintain dignity in their lives and surroundings at a time when they cannot express and articulate their needs, let alone their desires?

To ignore their importance as individuals in our families and in our country, to fail to listen to them, is as cruel a form of abuse as I can imagine. All of us must become their voices, which is why this motion is being presented.

•(1750)

Each one of us in this chamber has probably been touched by this issue through family and friends, as have I. We have seen the faces behind the statistics. For me, one of them was Muriel Hays, Senator Dan Hays' mother, who was a truly wonderful friend to me. Another one was mentioned by Senator Cohen, a former member of the House of Commons, Maurice Dionne, who represented the Miramichi for the Liberal Party for many years.

Maurice, who is 62 now, learned he had Alzheimer's around the beginning of this decade. He told me he had been experiencing memory lapses for some time, as we all do, but he did not fully face his concerns until the day he forgot to pick up one of his young sons at school. Maurice was one of those feisty New Brunswick politicians, similar to many whom we have in this chamber. He had fought vigorously for the benefits of his area throughout his career.

Prior to the 1993 general election, rather than simply retiring and returning to the Miramichi, he came to our national caucus to explain why he would not run again. That took courage. It was tough. For many there, myself included, it was a real lesson in understanding an issue which, even then, we seemed to discuss in whispers.

As all of us struggled to keep our composure that day, our colleague, typically, tried to reassure us with a bit of gentle humour by telling us that one of the positive sides of his disease was the number of new friends he discovered every day. When he left, Maurice and his wife, Precille, became public advocates on behalf of understanding and sensitivity for Alzheimer's. I was, and am, enormously proud of both of them. I called their home today simply to leave a message that this motion was being discussed today in the Senate, and that we were thinking of them and we will certainly send them a copy of the Hansard of today.

The other person closest to me in my life was my mother. Senator Prud'homme knew my mother. In her later years, she suffered from what was diagnosed simply as dementia. That was back in the mid-1980s. I asked if that meant Alzheimer's, but no one was prepared at that point to even commit to the word. So there she was.

When that diagnosis was made, she was quickly losing many of her cognitive faculties, including speech. It just went away. During her last three years, until her death at 92 years of age back in 1991, she did not speak at all. She was a gentle woman,

surrounded by gentle and compassionate caregivers, both to her and to me, during that period. Both she and they taught me a great deal about coming to grips with something that I could neither see nor hear. She never lost her capacity to recognize me, something for which I was enormously grateful.

Once I learned more of how to deal with this issue as best I could, it became clear that she did retain an understanding, certainly an understanding of certain voices right to the end. She also retained a sense of enjoyment of small things that had been part of her ordinary life. My husband and I would take her out, with difficulty because arthritis had incapacitated her and she was in a wheelchair, to picnics in our river valley in Lethbridge, where she enjoyed the breezes from the cottonwood trees, the wildlife, a sudden deer coming to the picnic, or rabbits, or chipmunks, or birds calling. She definitely had some faded recognition of the historic, high-level bridge which is a central feature of our community, and would gaze up at it fondly. She would wave and smile with her eyes at the children at play.

Soon there came a time when she did not want to go out any more. It was too difficult, so we just held hands and I talked. We would share on every occasion what remained to the end, I think, her greatest pleasure, which was a small chocolate sundae from the Dairy Queen.

I mention this only to underline how much we need to know and to feel in order to fulfil the mandate of this motion. That knowledge must include an understanding of that difficult period of time which leads up to the recognition of the problem. In retrospect, I feel a sadness that I did not fully and truly appreciate what my mother was entering into when her personality began to change. Without doubt, I could have helped with greater patience and sensitivity during that period when the anxiety and the fear of what the person is losing is escalating by the day. So often I was told that it was all just a part of growing old. However, it was much more than that. Those earliest days of change could have been better handled, with greater knowledge.

For that reason, I am so grateful to the Alzheimer's Society of Canada and all the societies attached to it in our province. I particularly welcome our local Lethbridge president, Beth Fisher, recently elected as president of the Alzheimer's Society of Alberta who is, I believe, in the gallery today.

I am also very proud of the efforts of a dear friend of mine, Keith Robin, who has worked tirelessly as a volunteer for the Heart and Stroke Foundation cause for the last 25 years. He was one of the early founders of the original committee in my hometown of Lethbridge. He was also president of the Alberta Heart and Stroke Foundation and a member of several of its national committees.

These kinds of leaders, and the leaders we have in the gallery today, along with so many other volunteers, have helped to build the base of fund-raising, of awareness programs, of assistance for those who are ill and those who must care and support them. All of us are in their debt.

The motion before us today takes us a step further in involving the government sector in a strong commitment to quality of life for those without voices, to care for those who are unable to care for themselves.

Honourable senators, I have been a senator for almost 15 years now, during which time I have also worked in our community. I wish to tell you that, in my experience, our seniors are the wisest, the most active, the most generous and the most boldly patriotic of all our citizens. They help all of us and, most especially, they help each other, particularly when the going gets tough.

•(1800)

We must never take them for granted. We must never let them down. Canadians pride themselves in being citizens of a nation that excels in terms of human rights, privileges and freedoms and its compassion in offering help to those who need help the most. Ultimately, that is our human challenge for the 21st century, and our success in meeting it will determine our success as a truly productive nation.

It is with enthusiasm and pride that I support this motion for a day of compassion so that May 20 will stand out each year as a day to remember the strength of our commitment.

As I conclude, honourable senators, I would simply remind you that Senator Hays and Senator Cohen are hosting a reception for our friends in Room 263, the Francophonie Room, when we conclude today. I hope all of us will join to give each other a hug or two, and to reaffirm our commitment today.

**Hon. Senators:** Hear, hear!

**The Hon. the Speaker:** Honourable senators, I presumed you do not wish me to see the clock?

**Hon. Senators:** Agreed.

[*Translation*]

**Hon. Marcel Prud'homme:** Honourable senators, I did not realize until today that we were going to follow up today on Senator Hay's excellent proposal. I am speaking on behalf of Senator Roche, who would like me to tell you that we would have appreciated advance notice that this excellent motion was to be debated today.

[*English*]

We did not know that it was to be implemented today. Neither Senator Roche nor I — and I have his permission to say this — would dare oppose such an excellent proposal.

[*Translation*]

It is an extraordinary coincidence that the four people who have spoken have brought four things to mind for me. I had the honour to sit in the United Nations with the father of Senator

Hays. When a person spends four months at the UN, he certainly gets to know people better.

Senator Carstairs happens to have mentioned her time in Calgary. At that time, I was very active with the Young Liberals and she invited me to speak to the students of her school in Calgary. A lot of people, even here in the Senate, do not realize that Senator Carstairs had a very illustrious career in Alberta.

When Senator Fairbairn was actively involved in the office of the Right Honourable Pierre Elliott Trudeau, I always made it a point to go to see her. Once I even went to visit her mother in Alberta, without telling her, just to please her.

Senator Cohen spoke to us of Maurice Dionne. I have a few remarks on this subject. Often, our society can be rather mean, not to say hypocritical. One evening, on leaving Parliament, I recognized Mr. Dionne. The first reaction people have when they meet someone who seems a little lost is to think they have drunk too much. I could see this was not the case with Mr. Dionne. He had in fact got lost between Parliament and my place. This was my first brutal contact with what Senators Hays and Cohen have described. It struck me for the rest of my days. I knew he was a hard man from having been in his company. He had very definite opinions on many subjects, but he taught me a lot. I looked after him.

I support this resolution. I have a few remarks to make about society's attitude to people who are losing their independence. Society is becoming harder and harder. Today, we arrive at a funeral home — as we did 30 or 40 years ago — to offer our condolences to the family of people we have known.

In the past, the young people even had a tear because they were touched by our sympathy. Today, people are glad we come to the funeral homes, they are very happy to see us, but we often hear comments like:

[*English*]

She was 85, or he was 95, and it was as if it did not matter any more. These were things that I never heard when I was younger, even as a member of the House of Commons. Today you hear that. Today, because society is becoming greedy, you hear people who say "Well, perhaps after all, you know, they have had their time, so we should have euthanasia." I do not want to open a debate on euthanasia, but it is almost related to this.

People got up this afternoon and thought on their feet, and made a speech if they felt like commenting. That is what I like best. This afternoon, we had a debate on another issue: The sanctity of life. It is a debate which is very important. I could see it was very difficult for the whip, I am sure, my esteemed friend, and very difficult for some people to come to a decision. What was the subject-matter? Sanctity of life — to be ready to keep alive here in Canada the worst of the criminals. I voted for the abolition of a death penalty in a district that was 92 per cent in favour, and I was re-elected.

Perhaps we should reflect together as to what we can do as senators. We have a role to play. Is there something more important or more touching than reflecting on the resolution put forward to us by Senator Hays? We used to have a committee on poverty or ageing chaired by Senator Croll which produced an extraordinarily good report, if my memory serves me well.

We should involve people, and involve ourselves. Yes, May 20, thanks to your excellent suggestion, will be proclaimed, and it should be proclaimed. However, it is not only on May 20 that we should think of these issues. We are growing old, senators. I will not paraphrase the speech of Senator Hays. However, society is becoming older and older. We know what it will cost. Will we neglect these people who may have complete loss of autonomy and say that they are not productive in society? I commend all of these people who are with us today.

[Translation]

I offer my sincere congratulations to the people who came from Alberta today. It takes a lot of patience to look after someone who is losing his or her independence.

[English]

•(1810)

I have that experience. It is unbelievable how much like a saint you must be daily to look after someone who has suffered a loss of autonomy.

I always like to make concrete suggestions. I would make more if I were a member of committees. That privilege will come someday, probably when I am out of here. I regret to put the two together.

I want to reflect on what we have been seeing during the last two days on television, these young people killing other young people. I call them rebels without a cause because the movie of that name influenced me when I was young. It was the great film of our youth. Honourable senators will have noticed that these were not poor students. They were not people who lived in the gutter of North America. They were wealthy children, and they killed each other. Is it not because —

[Translation]

Is it not because they do not have something concrete to do? Perhaps it is a loss of values, as Senator Nolin pointed out. In today's society, people no longer know what it means to respect life, to respect the elderly. There are debates to remove religion from our schools, whose teaching is supposed to make young people aware of fundamental values, to prevent us from becoming selfish. The "me, myself and I" attitude is the easiest path, but to give time to someone who is not even aware that you are giving him or her your precious time is of great value. If the honourable senator were to ask for my support, I would go anywhere to speak in schools. In Calgary, there are a few schools

I know well, but there are others elsewhere, including in New Brunswick, where Senator Cohen comes from. The important thing is to go and talk about these values to young people. I did so here in the Senate, with groups of young people.

[English]

The best group of young kids, so wealthy that you would not believe. It is called, I believe, the Commonwealth Society. They were all here. Instead of sitting where you are, Your Honour, I circulated in front of each and every one of them. It was a full house of boys and girls of tomorrow, from fabulously rich families. I spoke to them about values. People said, "You will break your neck." I said, "Fine."

[Translation]

I told them about human values. I talked to young girls of 17, 18 and 19, and to guys as strong as young bulls but with a very kind heart. I told them about romanticism, about things people no longer want to talk about. I told them about kindness toward the elderly — even as we are speaking, I am in that mood — and they began to weep quietly and to talk about euthanasia. At that point, everyone started telling his or her story.

[English]

"I have a grandmother who has Alzheimer's," said a tall, big, tough guy. When he started to talk about his grandmother having Alzheimer's, he defined what it meant to him, and he started to cry. You would not expect that. Everyone had a story.

It is terrible to talk always to the same senators that I see here for late debate. I hope other senators who have money, who have great staff outside of the Senate, would contribute in their own way to impress young people. These are the people thanking those who take the time, such as the people who are in the gallery, for the people who do not notice.

I will not name one of our ex-colleagues, whom all of you loved dearly, who is at the moment going through a terrible time because she does not recognize her best friends, myself included. She sat here in the Senate, at the highest place. She did not want anyone to make her live longer. At the moment, if you go to see her, she will not recognize you. She is one of our own.

Honourable senators, how can we not give our support, not only to reflect on it on May 20 every year? It is like Women's Day, which inspires rude jokes sometimes when you are with women. I come from a family where women were very independent minded. Those of you who know my sister should have known my mother. She was strong, and believed in equality between boys and girls. I often hear these words on Women's Day: "Well, you have had your day now." On Saint-Jean-Baptiste Day, we French Canadians often hear, "You got your day. Forget about it for the rest of the year."

I think it is every day we should have —

[*Translation*]

We should think about it, and more to the point, do something about it, every day. There are people in the Senate with the determination, the sensitivity to believe that they can make a contribution by conveying a bit more of this sense of values to humanity, which is crying out for messages of love and being given messages of war, of division. And all sorts of messages are out there. It is so much easier to be against blacks, Jews, French Canadians, when we should be promoting real human values every day.

Honourable senators, I will conclude by saying that, if we were asked to strike some sort of committee, I would be very pleased to be on it. If there were ever a place that should be looking at these issues, it is certainly the Senate and not the House of Commons. I thank Senator Hays for getting us to give some thought to this.

I also thank Senators Cohen, Fairbairn and Carstairs, because it was because of them that I rose spontaneously, although I naturally have a speech ready for almost all the other resolutions.

Motion agreed to.

[*English*]

### ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

**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 27, 1999, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday next, April 27, 1999, at 2:00 p.m.

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**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION  
(1st Session, 36th Parliament)  
Thursday, April 22, 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 pre-clear 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			
<b>GOVERNMENT BILLS (HOUSE OF COMMONS)</b>										
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 amending and repealing 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	none <i>concur in Commons amendments</i>	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-27	An Act to amend the Coastal Fisheries Protection Act and the Canada Shipping Act to enable Canada to implement the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks and other international fisheries treaties or arrangements	99/04/21							
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 Tuk Tuk Nogat 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	none	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	98/06/09	<i>Motion for 2nd reading negated 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	98/06/10	<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				
S-28	An Act to amend the Canada Elections Act (hours of polling in Saskatchewan) (Sen. Andreychuk)	99/04/20				
<b>PRIVATE BILLS</b>						
S-18	An Act respecting the Alliance of Manufacturers & Exporters Canada (Sen. Kelleher, P.C.)  <i>Dropped from Order Paper pursuant to Rule 27(3) 98/11/17</i>  <i>Restored to Order Paper 99/04/15</i>	98/06/17	99/04/20	Banking, Trade and Commerce		
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	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	99/04/20	99/04/22

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