



# Debates of the Senate

---

1st SESSION

•

36th PARLIAMENT

•

VOLUME 137

•

NUMBER 150

---

OFFICIAL REPORT  
(HANSARD)

**Tuesday, June 15, 1999**

—

THE HONOURABLE GILDAS L. MOLGAT  
SPEAKER

## CONTENTS

(Daily index of proceedings appears at back of this issue.)

---

*Debates*: Chambers Building, Room 943, Tel. 995-5805

Published by the Senate  
Available from Canada Communication Group — Publishing, Public Works and  
Government Services Canada, Ottawa K1A 0S9,  
Also available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Tuesday, June 15, 1999

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

Prayers.

### SENATORS' STATEMENTS

#### CANADIAN HERITAGE

##### VIOLENCE ON TELEVISION AND IN MOVIES

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, the history of film-making in Canada is a story of interesting achievements, accomplished in isolation against great odds. It has, in many ways, been a concurrent history of a struggle against an entertainment monopoly anchored in Hollywood. Today, voices are being raised concerning the virtual plague of Hollywood movies and TV shows in which murder and violence is the common diet.

It is very difficult to watch a film or program on television in which the value and dignity of human life is totally ignored but, rather, several killings is the scene which primes the pump or gets the show started.

It is postulated, honourable senators, that movie and TV violence begets violence in the real world. What is certain is that few accept the Cartesian view that we are born with innate ideas. Rather, the young learn, and television, together with films, are powerful instruments of learning.

At times of tragedy, such as those in Littleton, Colorado or Taber, Alberta, voices are heard that are searching for solutions. Some have suggested recently a tax on movies, games or TV programs which display violence.

I wish to propose that the Canadian film industry recognize that there now exists a niche in the film market for violence-free films. It should be the policy of the Government of Canada that film assistance is restricted to violence-free films and that the Canadian film industry be encouraged by the government to seize the opportunity and fill this niche for violence-free films.

#### HEALTH

##### EFFECTS OF GENETIC ENGINEERING

**Hon. Richard H. Kroft:** Honourable senators, today I wish to draw your attention to one of the most exciting yet challenging items on the human agenda for the next millennium. It may indeed be what defines coming decades, just as surely as the

20th century has been defined by the automobile, the exploitation of new forms of energy, and air and space travel.

The last part of this century has been dramatically altered by the computer and the extraordinary power it has unleashed; the power of universally accessible information and the power of infinite numbers of calculations that have permitted a revolution and understanding of both outer space and the infinitely small pieces of inner space.

The ability to see, identify, and manipulate the smallest parts of our universe has led to the subject of my remarks today; what is commonly known as genetic engineering. This term that has become part of our language seemingly overnight will change our lives and those of our children and grandchildren even more than Henry Ford and the Wright brothers changed that of our grandparents and parents.

Science is entering new frontiers that are, frankly, unbelievable. Fundamental elements of life are being changed in a way never thought of by ordinary people. In any given week, we learn of genetic engineering that enhances food production, ensures shelf life, or improves nutrition or taste appeal. Each of these stories is and will be accompanied by expressions of fear and cries for legal restraints on this new science. In the same week, we will also learn of cures for terrible diseases, giving new hope to millions present and future.

Some of these stories, such as Monday's report from London, Ontario, tread on ground seemingly beyond understanding. There, human genes are being transplanted into tobacco plants to create a vast new source of material for anti-inflammatory medication for a variety of serious diseases.

So, again, science and technology have dealt us a contradiction. Just as the industrial revolution bred child labour, just as the automobile created an enormous threat to human life, and just as atomic energy remains a conundrum, we are now faced with a new reality.

• (1410)

Science will go on. New frontiers will be opened and wonderful things will be made to happen. At the same time, we face the challenges we always have, the need to provide a legal, moral and cultural framework in which to manage the power the human genius continues to give us.

It rests with bodies such as the Senate of Canada to marshal all the knowledge, judgment and balanced, collective wisdom available to assure that we continue to advance, in a balanced way, the human condition.

## THE SENATE

### ACCESS FOR THE DISABLED

**Hon. Brenda M. Robertson:** Honourable senators, I make this statement on behalf of Senator Carstairs and myself. In February and March of 1998, Senator Carstairs and I participated in a debate calling the attention of the Senate to its lack of full accessibility to Canadians with disabilities and to a means for dealing with disability issues. Other senators showed a keen interest.

Shortly following the debate, a process was begun to address the challenges facing the Senate in this regard. Honourable senators, I wish to report on the progress achieved to date and to invite all senators to contribute to the initiative on disability.

Let me review the process or the blueprint for tackling the obstacles to full participation in life at the Senate by Canadians with disabilities. The project manager for the disability initiative has been appointed and is guided by an advisor and a group of experts from the disability field. They have struck a working group of senior managers from the Senate. They are working to achieve the following goal which captured Senator Carstairs' and my initial intent, to improve accessibility to the Senate of Canada and to encourage participation in it for persons with disabilities by developing policies and practices which eliminate barriers and by taking other appropriate action.

The time-frame for the initiative reflects the complexity of the issues and the need to build initiatives into the regular planning process of the Senate. We expect to have a preliminary report completed by September to present to the Standing Committee on Internal Economy, Budgets and Administration.

It is our wish that we have a strategy and action plan in place to be able to announce it in the Senate by December 3, 1999, which is International Disability Day. By that time, we will also be well on our way to developing a guidebook for senators and a specialized training program that will make informed advocates of each of us.

When Senator Carstairs and I spoke to this issue, in 1998, we argued that we cannot afford to exclude Canadians with disabilities from life at the Senate lest we short-change them and this institution.

Honourable senators would agree that, in the final analysis, our actions must match the ideals and the principles we champion publicly. I am pleased to report progress and look forward to an interim report in the fall.

## THE LATE HEWARD STIKEMAN, Q.C., O.C.

### TRIBUTE

**Hon. Jeremiah S. Grafstein:** Honourable senators, when the 20th century social history of Canada is written, pioneers of the professions, such as the late Heward Stikeman, will

occupy auspicious space. Last Saturday, Harry Heward Stikeman, Q.C., O.C., known as Heward Stikeman, passed away at the age of 85, at his home in Bromont, Quebec.

Heward was one of Canada's outstanding tax lawyers. He rose to that position after a long and remarkable career in the public service. In 1939, he joined the predecessor to the revenue department and served there with great distinction until 1946. During that time, he acted as government counsel before the British Exchequer Court, then Canada's final appellate body for tax matters, and before the Supreme Court of Canada. He became the outstanding specialist in income tax. While in the department he helped to prepare and shape all the Second World War budgets.

His career holds special significance to the Senate. In 1946, he considered it a leap upward in his career when he left the Department of National Revenue to become counsel to the Senate Banking Committee, mandated to investigate and recommend changes to Canadian taxation law.

That benchmark study led to the 1948 Income Tax Act. Taking his leave from public service, he joined Fraser Elliott to form a law firm called Stikeman & Elliott, specializing in tax law. A year later he was joined by George Tamaki. Led by Heward, they built their firm into a global law firm with offices across Canada, Europe and the Far East. In the process, he helped to transform not only the legal and accounting professions, but also business practices. In the early 1960s, he was joined by the Right Honourable John Turner, Q.C., P. C. the former prime minister, who served as a partner to that firm before his appointment to cabinet in 1965.

Heward was the author of numerous texts and articles on the tax system. He took special delight in editing tax reports, like the late Bora Laskin, who for years edited the *Dominion Law Reports*. He provided a signal service to the legal and accounting professions, helping to codify the burgeoning tax structure.

I first had the pleasure of meeting Heward in the mid-1960s and enjoyed a number of exchanges with him over the years. I can attest to his curious, probing, exacting and quicksilver type mind. He understood not only the arcane structure but also the social and public policy behind the tax system. On occasion, we acted as co-counsel on several exacting files, and I came to admire his ability to focus on problems and find solutions that were fair and defensible not only to the client but to the public purpose.

Heward, modest as he was, by his life's work, could lay credit to causing the legal and accounting professions to look outward to the world. In the process, the staid Canadian business leadership turned its attention outward to the globe. His work helped to reforge and refashion Canada, and its major companies, as players in a leading-edge trading nation. The work of the tax system and its practitioners was too often condensed and rarely praised. This is a deficit in popular thinking. A fair tax system lies at the heart of democracy and the rule of law. For democracy

to work, acceptance of the tax system by our citizens depends on fairness and comprehension. Heward always argued for simpler, fairer tax rules. Heward fought against the Department of Revenue when it ran roughshod over simple questions of justice and equity within the tax system, as the department was bound to do time and time again.

Honourable senators, Heward's work goes on.

### VISITORS IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I draw your attention to some distinguished visitors in our gallery. This is a delegation from Brazil led by the Minister of Agriculture, the Honourable Francisco Turra.

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

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

### INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

**Hon. Lois M. Wilson:** Honourable senators, June 26, 1999 is United Nations International Day in Support of Victims of Torture, a day inaugurated with a view to eradicating torture. It also serves to promote the effective functioning of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This convention entered into force on June 26, 1987, a date whose anniversary is imminent.

A refugee known to my Toronto colleagues is a victim of torture. He is caught in a Catch-22 situation. It is required that he rehabilitate himself in order to get work. He must get work in order to get landed status and bring his wife to Canada. In other words, he must pass tests to get his family admitted. He is a victim of torture trauma and is in no shape to pass these tests. It raises the question about whether such a refugee should have access to protection under the law in Canada until he is able to function well enough to work.

A 1994 study by the Canadian Mental Health Association, the Ottawa-Carleton region, revealed that professionals working with refugees suspected that 11 per cent of the clients they had seen in the previous two years were survivors of torture. Studies in other parts of the world estimate that 10 to 30 per cent of refugees have been tortured.

Some creative work under the aegis of the Canadian Mental Health Association has been done to attempt to bridge that gap. A counselling network committee to assist victims of war and torture has emerged in the Ottawa-Carleton region.

A series of training workshops entitled "Understanding the Unspoken Pain" has been held for elementary school teachers, physicians, nurses and other health care professionals. A training manual has been issued and new facilitators trained for an awareness level workshop.

I wish to call the attention of the Senate to this issue because the anniversary date is imminent. I ask all honourable senators to support the continuing development in this area of our work.

### CUSTOMS AND REVENUE

#### CAPE BRETON AS SUGGESTED LOCATION OF NEW AGENCY

**Hon. Lowell Murray:** Honourable senators, over the weekend I was in Summerside, Prince Edward Island, for a testimonial dinner in honour of our former colleague Senator Orville Phillips.

Although the proceeds went to the local Progressive Conservative Association, the event was a community affair. The speakers included our former Liberal colleague Senator Lorne Bonnell who spoke at length and quite hilariously. I tell honourable senators this in order to share something of the flavour of the occasion.

• (1420)

Speakers at the dinner recognized and lauded the significant role played by Senator Phillips in bringing to reality such important projects as the Fixed Link, the Summerside Aerospace Centre and the GST Centre in that city. These two facilities were located in Summerside by the Mulroney government to try to offset the economic problems that would be caused by our decision to close Canadian Forces Base Summerside. When we had to take a major facility out of a community, we accepted the responsibility to put something back into that community. We attracted private enterprise to the Aerospace Centre and we created direct government employment at the GST Centre.

By all accounts, these investments of public and private funds have been crowned with success. I was told that the GST Centre, which we forecast in 1991 would employ 400 people, now has a payroll in the vicinity of 1,000 and counting. This proves that if you want a growth industry under the Liberals, it is tax collection.

The occasion also served to remind me of the campaign underway to locate an important federal facility in Cape Breton. As honourable senators know, the termination by the federal government of the Cape Breton Development Corporation means a loss of several thousand jobs directly and indirectly associated with the Cape Breton coalmines. The opportunity is at hand for the government to offset the dire economic and social effects of its closure decision by establishing in Cape Breton the national headquarters of the new Customs and Revenue Canada agency. When the legislation creating this agency was before Parliament, the government accepted an amendment which would allow the headquarters to be located anywhere in Canada.

No doubt there is resistance in some circles to locating this agency's headquarters away from Ottawa. There was resistance to the decision in the 1970s by a previous Liberal government to locate the Department of Veterans Affairs in Charlottetown. However, that crucial commodity — political will — carried the day. Political will was the decisive factor when the Progressive Conservative government decided that the GST Centre would be in Summerside. I can testify personally to the fact that there was plenty of resistance until the day that Prime Minister Mulroney let us know that he was heading for Summerside to make the announcement. Thus ended the argument. Will Prime Minister Chrétien now do as much for the people of Cape Breton?

[Translation]

## QUEBEC

### INTERPRETATION OF HISTORICAL FACTS

**Hon. Marcel Prud'homme:** Honourable senators, Senator Forrestall and I were appointed by Mr. Pearson to sit on a special committee on Canada's national anthem. There is a reason why people in this country do not get along with each other: What you sing in English is totally different from what is sung in the original version of *O Canada*, which was written on the occasion of the annual Marian Convention of the Saint-Jean-Baptiste Society in Quebec City to be sung on June 24, 1880. This, despite the fact that, on July 1, 1980, it was mistakenly said that it was the national anthem's centenary. So this is a first ambiguity among Canadians.

The second is the Canadian flag. There are few people left here who voted for the maple leaf as the Canadian flag. Senator Whelan and Senator Stewart are two of these people. We French Canadians in Quebec had always wanted a distinctive Canadian flag. We got it. Since then, those who wanted it want it less and those who did not want it wrap themselves up in it and distribute it 20 million at a time.

The controversy in this morning's newspapers goes beyond these misunderstandings. I will come back to this in the next sitting, that is, on the statement attributed to the Right Honourable Jean Chrétien, the Prime Minister.

Mr. Chrétien is a personal friend, as is Brian Mulroney. I do not turn on my friends. My friend Jean Chrétien seems to be embroiled in a huge controversy. On television this morning, it was awful. Nobody understood Mr. Chrétien's humour. All of Canada's historians are now up in arms because Jean Chrétien apparently said that it was not his fault, that he could not rewrite history and that, if he had been there when Montcalm was beaten, he would have woken him.

Those who know the Right Honourable Jean Chrétien, my friend — which may bother some people — and who were upset by what he said understood absolutely nothing. So we end up in another huge controversy. You should have heard the open-line shows this morning and even the television. A certain

Lowell Green was having fun saying that Mr. Chrétien, my friend, was a separatist.

Honourable senators, those who missed the point are creating separatists, because they understand nothing about the humour of some and the true feelings of us French Canadians from Quebec in the Senate.

[English]

## ROUTINE PROCEEDINGS

### PUBLIC SECTOR PENSION INVESTMENT BOARD BILL

REPORT OF COMMITTEE PRESENTED AND  
PRINTED AS APPENDIX

**Hon. Michael Kirby,** Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, June 15, 1999

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

### TWENTY-SEVENTH REPORT

Your committee, to which was referred the Bill C-78, An Act to establish the Public Sector Pension Investment Board, to amend the Public Service Superannuation Act, the Canadian Forces Superannuation Act, the Royal Canadian Mounted Police Superannuation Act, the Defence Services Pension Continuation Act, the Royal Canadian Mounted Police Pension Continuation Act, the Members of Parliament Retiring Allowances Act and the Canada Post Corporation Act and to make a consequential amendment to another Act, has examined the said bill in obedience to its Order of Reference dated Thursday, June 3, 1999, and now reports the same without amendment, but with observations and two letters which are appended to this report.

Respectfully submitted,

MICHAEL KIRBY  
*Chairman*

**The Hon. the Speaker:** Honourable senators, is it agreed that the appendix to the report be printed as an appendix to the *Journals of the Senate* of this day?

**Hon. Senators:** Agreed.

(For text of Appendix see today's Journals of the Senate, Appendix A, p. 1749.)

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

On motion of Senator Kirby, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

## SCRUTINY OF REGULATIONS

SIXTH REPORT OF COMMITTEE PRESENTED  
AND PRINTED AS APPENDIX

**Hon. Wilfred P. Moore**, for Senator Hervieux-Payette, Joint Chair of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, presented the following report:

Tuesday, June 15, 1999

The Standing Joint Committee for the Scrutiny of Regulations has the honour to present its

SIXTH REPORT  
("A" presented only for the Senate)

Your committee, which is authorized by section 19 of the Statutory Instruments Act, R.S.C. 1985, c. S-22, to review and scrutinize statutory instruments, now requests approval of funds to attend the biennial conference on delegated legislation in Sydney, Australia.

Pursuant to section 2:06 of the *Procedural Guidelines for the Financial Operations of Senate Committees*, the Committee requests that it be empowered to adjourn from place to place outside Canada.

Pursuant to section 2:07 of the *Procedural Guidelines for the Financial Operation of Senate Committees*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

CÉLINE HERVIEUX-PAYETTE  
*Joint Chair*

**The Hon. the Speaker:** Honourable senators, is it agreed that the report be printed as an appendix to the *Journals of the Senate* of this day?

**Hon. Senators:** Agreed.

(For text of Appendix see today's Journals of the Senate, Appendix B, p. 1762.)

**The Hon. the Speaker:** Honourable senators, when shall this report be taken into consideration?

On motion of Senator Moore, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[Translation]

## ADJOURNMENT

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

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, June 16, 1999, at 1:30 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

[English]

- (1430)

## INTER-PARLIAMENTARY UNION

ONE HUNDRED AND FIRST CONFERENCE HELD IN  
BRUSSELS, BELGIUM—REPORT OF CANADIAN GROUP TABLED

**Hon. Joan Fraser:** Honourable senators, I have the honour to table, in both official languages, the report of the official parliamentary delegation of the Inter-Parliamentary Union, which participated in the 101st Inter-Parliamentary Conference, held in Brussels, Belgium, from April 10-16, 1999.

## NATIONAL FINANCE

COMMITTEE AUTHORIZED TO MEET  
DURING SITTING OF THE SENATE

**Hon. Terry Stratton:** Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on National Finance have power to sit at 5:30 p.m. today, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

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

**Hon. Senators:** Agreed.

Motion agreed to.

## ACCESS TO CENSUS INFORMATION

### PRESENTATION OF PETITION

**Hon. Lorna Milne:** Honourable senators, I have the honour to present 54 signatures from Canadians in Alberta who are petitioning the following:

We request the release to the public of all post-1901 Canadian Census Records 92 years after they were recorded. This would begin with 1906 census records being released immediately. The 1911 census would be released in 2003 and subsequent census records would be released after 92 years and be made available for research as part of our Canadian heritage.

## QUESTION PERIOD

### NATIONAL REVENUE

#### INCREASE IN FOREIGN PROPERTY COMPONENT OF DEFERRED INCOME PLANS—GOVERNMENT RESPONSE TO SENATE MOTION

**Hon. Michael A. Meighen:** Honourable senators, my question is to the Leader of the Government in the Senate. On Tuesday last, honourable senators in this chamber gave bipartisan support to my motion, seconded by Senator Kirby, urging the government to increase the foreign property component of deferred income plans from 20 per cent to 30 per cent over a five-year period.

My question is the following: Did you, minister, have the opportunity to convey the wishes of this chamber to the members of the government and, if so, to whom, and what was the response?

**Hon. B. Alasdair Graham (Leader of the Government):** Yes, honourable senators. I would remind Honourable Senator Meighen that the motion was passed on division. However, I did bring the motion to the attention of both the Prime Minister and the Minister of Finance. With respect to this motion, there has not been a specific response, as yet.

**Senator Meighen:** Honourable senators, as the Leader of the Government knows, the decision of this chamber, albeit on division, has received extensive and favourable national media coverage. No doubt the Leader of the Government in the Senate noted that the British Columbia papers have written perhaps the most extensive articles, and favourably so, since last Tuesday. What would be the minister's estimate of a possible date when we could look forward to a change in the limit?

**Senator Graham:** If I could estimate that, I probably would be the Minister of Finance, and I am sure that no one in the country would want that to happen.

Honourable senators are aware, as Senator Meighen has indicated, that this has been a matter of public discussion for some time. If an announcement is to be made on this subject, the Minister of Finance will be the one to determine the most appropriate time. In the meantime, it is and will continue to be a matter of discussion in the Finance Department and in the financial sector.

**Hon. J. Michael Forrestall:** Honourable senators, let me assure the Leader of the Government that I would welcome such an appointment. Having trained under Senator MacEachen, when you are finished with Cape Breton you can start in on the Eastern Shore.

## THE CABINET

### POSSIBLE MEETING ON FRIDAY, JUNE 11, 1999

**Hon. J. Michael Forrestall:** Honourable senators, my question is for the Leader of the Government in the Senate. I know it would be asking the minister to break cabinet confidence were I to ask him what took place, or anything about what might have taken place at a cabinet meeting. However, would the minister tell us whether or not there was a cabinet meeting at any time on Friday last and, if so, at what time?

**Hon. B. Alasdair Graham (Leader of the Government):** Honourable senators, I would not want to break any confidence with respect to a cabinet meeting that might have been held on Friday last. However, I can say categorically that I was not present and I would have been notified if such a meeting had been held.

## FINANCE

### PRUDENCE OF BUDGET ALLOCATIONS—APPLICATION OF SURPLUS—GOVERNMENT POSITION

**Hon. Terry Stratton:** Honourable senators, my question is addressed to the Leader of the Government in the Senate. It is with respect to this year's budget and the anticipated surplus. The estimate by economists is that the surplus will range from \$3 billion to \$15 billion. Some economists, however, are apparently growing tired of these surpluses being spent on other things.

The Royal Bank's economist John McCallum calls it prudence by stealth. Mr. McCallum has said that Mr. Martin and his officials have what might be called a reverse credibility problem. Mr. McCallum was echoing the views of several economists, who have been saying that they support using prudent assumptions in the budget on what might happen to interest rates or economic growth, but not as a cover to have money for last-minute spending programs.

Would the Leader of the Government in the Senate care to respond?

**Hon. B. Alasdair Graham (Leader of the Government):** Yes, honourable senators. The government is not using prudence by stealth. It is using prudence intelligently. Had the previous government used prudence intelligently, we might not have had the deficit we inherited. I will not mention here today the deficit numbers that we were faced with when we took office in 1993. This methodology of using prudent assumptions for fiscal planning purposes was advocated by the private sector, including most banks.

**Senator Stratton:** Honourable senators, I did not receive a complete answer to my question, which also alluded to the fact that people and economists are getting tired of the surplus, ranging from \$9 billion to \$15 billion, being used for purposes other than tax reductions or for paying down the debt. Instead, it is being spent without any attempt by this government to live up to the promise that it made during its first term in office that one-half of any fiscal dividend would go toward new spending, and the other half would be divided between debt and tax reduction.

**Senator Graham:** Honourable senators, the government is living up to that commitment.

**Senator Stratton:** Could the leader provide details regarding how the government is living up to that promise?

• (1440)

**Senator Graham:** Honourable senators, I have already done so, but I will refer to previous issues of the *Debates of the Senate* and bring them to the attention of my honourable friend.

## DELAYED ANSWERS TO ORAL QUESTIONS

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, I have a response to a question raised in the Senate on May 4, 1999 by the Honourable Senator Donald H. Oliver regarding the loss of disposable income as a result of taxation; and a response to a question raised in the Senate on May 13, 1999 by the Honourable Senator Ethel Cochrane regarding the Millennium Scholarship Foundation, progress of negotiations with the provinces.

## NATIONAL REVENUE

### LOSS OF DISPOSABLE INCOME AS A RESULT OF TAXATION— GOVERNMENT POSITION

(Response to question raised by Hon. Donald H. Oliver on May 4, 1999)

What is really important is how much tax such a family pays. The fact of the matter is that this family does not pay any net tax; in fact, they receive \$2,083 in net benefits from the government (including Canada Child Tax Benefit and the GST credit).

As family income rises, of course, these benefits are reduced.

Given limited fiscal resources, this is necessary to target government assistance to those in greatest need.

Thus it can be expected that some families would lose most of their benefits as their incomes rise appreciably.

The number of families in the particular circumstances described in the question is however quite small.

This government is committed to do better and to reduce taxes further as fiscal resources permit.

The government has taken measures in the last two budgets to provide tax relief to all Canadians.

Together, the two budgets provide for tax relief totalling \$3.9 billion in 1999-2000, \$6 billion in 2000-2001 and \$6.6 billion in 2001-2002, totalling \$16.5 billion over three years.

These measures have helped to start reducing marginal tax rates throughout Canada.

The government will provide additional tax relief in each future budget in line with available resources.

## HUMAN RESOURCES DEVELOPMENT

### MILLENNIUM SCHOLARSHIP FOUNDATION—PROGRESS IN NEGOTIATIONS WITH PROVINCES—REQUEST FOR UPDATE

(Response to question raised by Hon. Ethel Cochrane on May 13, 1999)

The Canada Millennium Scholarships Fund is about helping Canadians benefit from educational opportunities and manage their student debt.

Announced in the 1998 Budget, an initial endowment of \$2.5 billion will provide scholarships to some 100,000 students annually over ten years. Although scholarships will begin to be awarded beginning in the year 2000, Canadians still have access to existing provincial programs and to Canada Student Loans Program (CSLP) which assists them to pursue education and training at the post-secondary level.

The Canada Millennium Scholarship Foundation was established in June 1998 as an independent body to manage the \$2.5 billion endowment and to award scholarships. The Foundation is also responsible for securing agreements for the delivery of the scholarships in each province and territory.

The Foundation — not the government — will decide how best to design and deliver the Canada Millennium Scholarships within its mandate. The Foundation has set itself an objective to award scholarships in a manner that complements existing provincial student financial assistance programs and avoids duplication, to the extent possible.

We are pleased that the Alberta, Ontario, Manitoba, Saskatchewan, and Nova Scotia Governments have signed agreements with the Canada Millennium Scholarship Foundation and we are told that other agreements will be secured over the next few weeks.

With respect to Quebec, clearly we would like to see an agreement.

Our first priority is making sure that students in Quebec, like those in all other provinces, benefit from this initiative and we hope that this matter will soon be resolved for Quebec. That is why the Government of Canada appointed a facilitator, Mr. Robert Bourgeois, to help resolve this matter.

Mr. Bourgeois and Mme Champoux-Lesage, the Deputy Minister of Education of Quebec, are now discussing the issues.

As the government has indicated before, the legislation guiding the scholarships is sufficiently flexible to allow an agreement that meets the demands of the Quebec government, as expressed in the Gauthrin motion. We look forward to further developments and we are confident that an agreement can be reached.

#### **PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS**

**The Hon. the Speaker:** Honourable senators, I should like to introduce to you the pages from the House of Commons who are here on the exchange program this week.

Matthew Archibald is studying at the University of Ottawa in the Faculty of Administration. His major is public policy. Matthew is from Sydney, Nova Scotia, or should I say Cape Breton?

[*Translation*]

Annick Doucet, from Petit-Rocher in New Brunswick, is a student at the Faculty of Social Sciences at the University of Ottawa, and she is majoring in political science.

Matthew and Annick, I welcome you to the Senate. We hope that your week with us will be productive and interesting.

[*English*]

## **ORDERS OF THE DAY**

### **APPROPRIATION BILL NO. 2, 1999-2000**

#### **THIRD READING**

**Hon. Anne C. Cools** moved the third reading of Bill C-86, for granting to Her Majesty certain sums of money for the public service of Canada for the financial years ending March 31, 2000 and March 31, 2001.

Motion agreed to and bill read third time and passed.

### **MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 1999**

#### **SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Milne, seconded by the Honourable Senator Butts, for the second reading of Bill C-84, to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain Acts that have ceased to have effect.

**The Hon. the Speaker:** Honourable senators, if no honourable senator wishes to speak on this item, is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

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

On motion of Senator Milne, bill placed on the Orders of the Day for third reading at the next sitting of the Senate.

## **CRIMINAL CODE**

### **BILL TO AMEND—SECOND READING**

On the Order:

Resuming debate on the motion of the Honourable Senator Lavoie-Roux, seconded by the Honourable Senator Butts, for the second reading of Bill S-29, to amend the Criminal Code (Protection of Patients and Health Care Providers).—(*Honourable Senator Cools*)

**Hon. Anne C. Cools:** Honourable senators, I had taken the adjournment last week with the intention of finding time to prepare a full-bodied speech on this very difficult and complex matter, which in the long run is the issue of life and the determination of when lives are ended, justly or unjustly.

I believe it is well known in this chamber that I am an opponent of euthanasia, but I am aware that there are enormous issues attending the concept of palliative care.

Senator Lavoie-Roux is eager to move this bill forward to committee, and I have not had the time, because of other commitments, to carry out the depth of research that I would like to do on this item. However, in agreeing to let this bill go forward to committee, I wish to reserve the opportunity at committee stage to raise the issues about which I have deep concern.

**The Hon. the Speaker:** Does any other honourable senator wish to speak? If not, is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Lavoie-Roux, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

## ROYAL ASSENT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Bolduc, for the second reading of Bill S-26, respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament.—(*Honourable Senator Poulin*)

**Hon. Sharon Carstairs (Deputy Leader of the Government):** Honourable senators, there is some disagreement with the general principle of this bill on both sides of the chamber, but I am not one of those who is in disagreement. I happen to agree with Senator Lynch-Staunton and the process he wishes to put into place for Royal Assent. However, I might be in the minority of my own caucus, and certain senators on the other side have indicated that they, too, do not wish to change a process that we have had in place virtually since Confederation.

Honourable senators, the best place in which to continue this debate would be in committee. Therefore, after the bill is read for the second time, I will move that it be referred to committee.

On motion of Senator Prud'homme, debate adjourned.

[*Translation*]

## PRIVILEGES, STANDING RULES AND ORDERS

NINTH REPORT OF COMMITTEE REVIEWED—  
DEBATE CONTINUED

On the Order:

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

**Hon. Jean-Maurice Simard:** Honourable senators, I read with great interest the report of the Standing Committee on Privileges, Standing Rules and Orders, concerning independent senators. I congratulate the chair of the committee and I want to say sincerely that I support this report.

On motion of Senator Simard, for Senator Kinsella, debate adjourned.

[*English*]

## NORTH ATLANTIC TREATY ORGANIZATION

INVOLVEMENT IN YUGOSLAVIA—RELATIONSHIP TO  
INTERNATIONAL LAW—INQUIRY—DEBATE SUSPENDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the question of international law: Canada and the NATO action in the Federal Republic of Yugoslavia.—(*Honourable Senator Roche*)

**Hon. Douglas Roche:** Honourable senators, lessons that NATO, the United Nations and Canada should learn from the Kosovo war concerning the future of international law are the theme of this address. The Kosovo war was fundamentally about the rule of law. How will international law be imposed in the years ahead: by the militarily powerful determining what the law will be, or by a collective world effort reposing the seat of law in the United Nations system?

It is in no light vein that I stand to oppose Senator Grafstein, whose high respect in the Senate has been eminently earned. Senator Grafstein has argued that not only was NATO's bombing of Serbia and Kosovo legal but also that it was necessary because of the failure of the United Nations to act against the brutal aggression against the Kosovars committed by the forces of

Slobodan Milosevic. Senator Grafstein is in accord with the Government of Canada's position, as articulated by the Leader of the Government in the Senate, who said that NATO had to intervene because:

The alternative would have been to watch passively as an entire population was terrorized and expelled from its ancestral land.

I am in profound disagreement with this viewpoint. I hold that NATO did not have the right to take the law into its own hands. Moreover, NATO's continued bombing for 78 days caused immense suffering and damage, worsened the situation for the Kosovars, undermined the United Nations and destabilized international relations.

I do not feel alone in opposing the weight of government thinking on this matter. Former president of the United States Jimmy Carter criticized the NATO campaign, stating:

The decision to attack the entire nation has been counterproductive, and our destruction of civilian life has...become senseless and excessively brutal.

Former leader of the Soviet Union, Mikhail Gorbachev, said that the possibilities for a political solution were not used and NATO's disregarding the views of countries like Russia, China and India has placed the world "in a very, very difficult situation." Pope John Paul II deplored the human suffering caused by the bombing. Here in Canada, James Bissett, former Canadian Ambassador to Yugoslavia, said:

NATO's unprovoked attack is a blatant violation of every precept of international law.

Historian Michael Bliss said that NATO's action was "ill-considered and reckless."

Honourable senators, let us consider for a moment what actually happened. Using 700 aircraft and 20 ships, NATO flew nearly 35,000 sorties, dropping 20,000 bombs on 600 cities, towns and villages. There were 13,000 civilian casualties, including 2,500 dead. Utilities, roads, bridges, hospitals, clinics and schools were destroyed along with military targets. There has been no spring planting and, thus, there will be no autumn harvest. Countless wells, which are the principle water source, have been poisoned with human bodies, dead animals, and toxic substances such as paint and gasoline. The NATO bombardment, which cost NATO countries about \$100 million a day, has set much of Yugoslavia back into a pre-industrial state and the cost of rebuilding the demolished infrastructure will be between \$50 billion and \$150 billion.

Western media downplayed the fact that the negotiations between the U.S. envoys and Milosevic were on the verge of an agreement before the bombing. The Serb Parliament was ready to accept the withdrawal of the bulk of Serb forces from Kosovo and permit the entry into Kosovo of 1,800 unarmed international

inspectors, and would allow overflights by NATO planes. NATO threatened air strikes to force a peace agreement to be monitored exclusively by NATO's ground troops. The negotiations floundered on NATO's threat to bomb. Once NATO had issued this threat, it felt compelled to follow through. Thus, when Milosevic rebelled, NATO — without a legal mandate — started bombing. NATO persisted in the bombing because the credibility of NATO itself had become an issue.

Why was the Secretary General of the UN not immediately dispatched to personally conduct negotiations on behalf of the entire Security Council? The answer to that question, which historians will surely probe, is that the United States, which proudly proclaims itself as what it calls the "indispensable nation," decided that it and its NATO partners would force a solution.

The consequences of the imposition of force by the nuclear-armed western military alliance have been startling. The military action has virtually halted Russian-American consultations on nuclear disarmament, buried the START II Treaty, and has bred a dangerous trend pushing some countries out of the non-proliferation regime. China, whose Belgrade embassy was bombed, has excoriated the U.S. and NATO for bullying tactics. NATO should learn that humiliating the Russians and the Chinese is no way to build world peace.

Only a decade after the end of the Cold War, the hopes for a cooperative global security system have been dashed on the rocks of power. The trust engendered during the early post-Cold War years is now shattered. New arms races are underway.

Honourable senators, it has been said that NATO action was a "just war." Senator Grafstein cited Hugo Grotius, the father of international law, to advance this idea. However, two of the requirements for a "just war" are limitation and proportionality. The damage must be limited to combatants and no greater than the securing of a military objective. As we can see, such rules were formulated before the technological development of modern warfare. Killing and damage, as Kosovo showed, are now indiscriminate. The phrase "collateral damage" had military doublespeak, covering up the killing of innocent people.

• (1500)

It was said that the bombing was to stop the ethnic cleansing of the Kosovars. When the bombing started, 45,000 Kosovar refugees fled. After the strikes began, the number of refugees swelled to 855,000. Bombing worsened their situation.

To say that the Kosovar war was not just nor justifiable in the political circumstances does not mean that I am closing my eyes to the horrors for which Milosevic now stands indicted before the special Yugoslav tribunal. Of course something had to be done. However, it is the UN Security Council, not NATO, which has the primary responsibility for the maintenance of international peace and security.

When nations signed the UN Charter, they accepted the obligation as set out in Article 2.4, to refrain from the threat or use of force, and under Article 42, to use force to stop acts of aggression only under a mandate of the Security Council.

The UN Charter is the modern embodiment of the international law that has been built up through previous centuries. We lost sight of that basic fact yesterday. To downgrade the UN Charter is to close one's eyes to the structural role played by the UN in the development of international law which has at last produced an agreement on an international criminal court. Even NATO's own Charter says that NATO's actions must follow the UN Charter.

The Security Council did in fact adopt three resolutions on Kosovo: on March 31, 1998, September 23, 1998, and October 24, 1998. It is a myth for the proponents of the war to keep saying that the UN was paralyzed. The Russians and Chinese were certainly opposed to NATO troops being the exclusive intervenors in Kosovo and would have likely vetoed a resolution authorizing NATO alone to intervene, but where is the evidence that they would have vetoed an international force? In fact, the latest resolution, number 1244, dated June 10, 1999, specifies that the deployment of a force in Kosovo will now be "under United Nations' auspices." Moreover, the interim administration for Kosovo is "to be decided by the Security Council."

NATO troops are a leading element of the international force, to be sure, but the overall responsibility for keeping the peace in Kosovo as well as coordinating humanitarian relief foundations has been handed back to the UN. Thank God for the United Nations. It is a tragic irony that, after all the NATO blundering, we are back to where we were before the bombing, that is, with the UN Security Council now determining how to maintain international peace and security. Moreover, the potential sovereignty for Kosovo, the stumbling block of the Rambouillet agreement, has now been removed.

It is only through the United Nations that the whole international community can jointly pursue such basic Charter values as democracy, pluralism, human rights and the rule of law. As the Secretary-General of the UN, Kofi Annan, stated a few days ago:

Unless the Security Council is restored to its preeminent position as the sole source of legitimacy on the use of force, we are on a dangerous path to anarchy.

Honourable senators, the Security Council must unite around the aim of confronting massive human rights violations and crimes against humanity. In a world where globalization has limited the ability of states to control their economies, regulate their financial policies and isolate themselves from environmental damage and human migration, the last right of states cannot and must not be the right to enslave, persecute or torture their own citizens. States must find common ground in upholding the principles of the UN Charter and also find unity in defence of our common humanity — a double challenge.

Since the end of the Cold War, the world has witnessed important instances in which the Security Council did rise to the challenge and legitimized both peacekeeping operations and the use of force where they were just and necessary. Central America and the reversal of the Iraqi aggression against Kuwait are prime examples of the Security Council playing the role envisioned for it by its founders. The failures of the Security Council should be measured against its successes to dispel this spurious charge that it cannot keep the peace.

Honourable senators, finally the Kosovo crisis of 1999 has exposed the contradictions in Canadian foreign policy. For a long time, Canada has tried to balance its adherence to the United Nations system and its allegiance to NATO. When the United Nations was trying to rid the world of nuclear weapons and NATO said they were essential, Canada tried to accommodate both viewpoints. When NATO expanded into Eastern Europe at the expense of the development of the pan-European body, the Organization of Security and Cooperation in Europe, Canada went along.

When the United States and the United Kingdom began, in 1998, protracted bombing of Iraq without any mandate from the UN Security Council, Canada acceded. The war, opened up by NATO's bombing of Serbia and Kosovo, a direct violation of the UN Charter as well as NATO's own Charter, has brought the fissures between western military might and the global strategies of the United Nations into the open.

Canada is still trying to balance its adherence to both the UN and NATO. Increasingly, this is becoming an impossible task as the differences between each become irreconcilable. The UN wants peace through peacemaking techniques. NATO wants peace through military dominance. Canada is caught in a dilemma. Its fundamental values lie with the United Nations as the guarantor of international peace and security. Its own protection during the Cold War lay with the western military alliance that would come to Canada's defence if attacked. As long as there was a reasonable compatibility between the two, Canada could absorb the clashing of the two systems.

In choosing to not only support but participate in NATO's bombing of Serbia and Kosovo, Canada for the moment put NATO above the UN. Of course, the other NATO members did the same thing. They all subverted international law by war.

The pragmatics of attempting to stop the ethnic cleansing and suffering by the Kosovars at the hands of Serbs won out over the principle that only the UN Security Council has the right to take military action against an aggressor. The planes that Canada sent to bomb Serbia and Kosovo illustrate the skewing of Canada's priorities. Canada sent the planes to show it was an active participant in the NATO action. However, their need, relative to the overwhelming U.S. strength, was marginal. Canada's effort to resolve the Kosovo crisis would have been better served by using resources to strengthen political and diplomatic endeavours than to contribute forces to a UN-approved international force.

Honourable senators, I see that my time has expired but I am on my last page.

**The Hon. the Speaker:** Is leave granted?

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, I suggest that we grant leave but I think there may be questions afterwards. Can we have agreement to hear Senator Gauthier now on Item No. 34 on the Order Paper, and then return to this order, whereupon we would grant the extension of time?

**The Hon. the Speaker:** Is it agreed, honourable senators, to suspend this particular debate to hear from Senator Gauthier on Item No. 34, then to return to this order and the speech of Senator Roche, and that leave be granted to extend the time then?

**Hon. Senators:** Agreed.

**Hon. Marcel Prud'homme:** Honourable senators, mention was made of questions and answers. May we understand clearly what is being proposed?

**The Hon. the Speaker:** That is agreed.

[Translation]

That is so, anyway, according to the rules, comments and questions.

Debate suspended.

## OFFICIAL LANGUAGES ACT

PROGRESSIVE DETERIORATION OF FRENCH SERVICES  
AVAILABLE TO FRANCOPHONES OUTSIDE OF QUEBEC  
INQUIRY—DEBATE CONTINUED

Leave having been given to proceed to Order No. 34:

On the Order:

Resuming debate on the inquiry of the Honourable Senator Simard calling the attention of the Senate to the current situation with regard to the application of the *Official Languages Act*, its progressive deterioration, the abdication of responsibility by a succession of governments over the past ten years and the loss of access to services in French for Francophones outside of Quebec.

**Hon. Jean-Robert Gauthier:** Honourable senators, first of all, I wish to thank the Honourable Jean-Maurice Simard for having drawn the Senate's attention to a very important matter, namely the situation currently faced by francophone or anglophone minorities in Canada.

I am going to speak about the education and training of the young and the not so young living outside of Quebec. For 20 to 25 years, they have been working very hard to get provincial governments to provide satisfactory elementary and secondary

schools. As you know, this issue was resolved by section 23 of the 1982 Canadian Charter of Rights and Freedoms.

This section stipulates that Canadian citizens whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, and I quote:

...have the right to have their children receive primary and secondary school instruction in that language in that province.

The provinces took a long time to comply with this provision. It took the Supreme Court of Canada and help from the federal government, before francophone communities managed to obtain justice and to have the obligation to comply with section 23, a strict minimum, understood. In defining a context in which to interpret section 23, the Supreme Court stressed the important link between language and culture and confirmed the role of the provision in maintaining both official languages and cultures throughout Canada and promoting their growth by giving minority language parents the right to educate their children in their language.

With this interpretation, the Supreme Court gave section 23 a remedial nature in order to counteract the progressive assimilation of the other official language minorities. One aspect of this remedial nature lies in the requirement to allow the parents and communities in question to administer and control the schools.

If we look at school administration nationally, we realize that, little by little, over a period of 15 to 17 years, the provinces eventually handed over some control of schools to their linguistic minority.

In the case of British Columbia, although the School Act, authorized the creation of a francophone school board, only one has been created up to now. In theory, school administration is a possibility for francophones but, in practice, it is very limited.

As I mentioned, francophone communities must be able to administer their schools, and the boards must be able to count on not only qualified but sufficient manpower.

For this speech, I tried to obtain information from various resource persons, and my research revealed an astonishing paradox: On the one hand, francophone communities receive little information about the life of their community but, on the other, these same communities claims greater resources without the backing of specific and verifiable information. They lack credible statistics.

In this context, it is difficult to prove our claims to the authorities involved. This situation is not new. In his report to the Department of Canadian Heritage, to the Secretary of State, to the Secretariat of the Treasury Board and to the Privy Council Office, Donald Savoie raises this thorny issue, contending that Statistics Canada, an agency that has the capacity to carry out such socio-economic studies, lacks the mandate to do so.

For their part, the various organizations devoted to defending the rights of francophones outside of Quebec obviously have neither the financial resources nor the infrastructure to conduct such studies or research.

Mr. Savoie, a professor at the University of Moncton, reached the following conclusion:

It is vital that all departments and organizations have accurate statistics, whether for policy development or the delivery of quality service. Without access to relevant data, departments will not be able to define viable policies and programs to further the development of francophone communities outside of Quebec.

My own 11 years of experience with the Ontario school system here in Ottawa, from 1960 to 1972, brought home to me the impact that an inadequate infrastructure can have on a community. Statistics on the number of students and teachers were not available either.

A study published in 1966 by the Ontario Institute for Studies in Education concluded that only 14 per cent of Franco-Ontarians continued their education past Grade 10, with 86 per cent of them abandoning their studies because of the lack of publicly funded French-language schools.

This high drop-out rate could not be explained away as francophones' lack of aptitude for higher education, or an entire community's lack of intellectual wherewithal. And this was borne out when, in 1969, the Ontario government of John Robarts made funds available to establish French-language secondary schools in Ontario. The situation immediately improved. In 1969, there were 1,700 students in private French-language secondary schools, in Ottawa. Less than three years later, there were 7,200 students in seven public French-language secondary schools in the national capital.

Let us now take a look at the present situation, using the 500,000 French-Canadians in my province as an example. How is it possible, in such a context, to anticipate future needs for francophone teaching staff in Ontario? By referring to the various retirement figures available, we can simply conclude that there will shortly be such a need.

Indeed, close to 25 per cent of the total teaching staff will reach retirement age within the next four years. Worse still is the fact that we are currently experiencing a shortage of teachers for certain subjects, including French as a second language.

• (1520)

In the specific context of the teaching of French as a second language, it is estimated that 3,700 teachers will retire over the next 10 years. However, fewer than 450 students seem interested in taking over from them by registering in Ontario's education faculties.

It is therefore safe to say that the demand for teachers will be significant in the near future, both for anglophone and francophone teachers.

But what about the offer? This is where we have a problem. Generally speaking, the number of students in education has never been so low. In Ontario, registration has been constantly declining, from 20,000 in 1990 down to 8,000 in 1997.

Also in Ontario, it is interesting to note that the number of students in instructional units has been relatively stable since the early 1990s. The number of francophone students at the elementary and secondary levels has remained around 95,000. It goes without saying that the number of anglophone students is much higher.

The student base definitely seems to be there, but this relative stability does not seem to have any impact on the training of francophones to become teachers. In other words, we do not have enough people to take over from our teachers and educators. In a context in which our young people are somewhat at a loss over their employment prospects and the course of their life in general, how can we explain the low attraction of a profession in which the demand, as far as staff is concerned, far outweighs the supply? Unfortunately, I have no answer, but I know that a lack of qualified personnel to take over threatens the very vitality of our community. Access to education in one's mother tongue is essential.

This situation is especially distressing, because assimilation seems to be making ever greater inroads among the Franco-Ontarian population. A series of articles appearing recently in *The Ottawa Citizen*, and reprinted in part by *La Presse* of Montreal, showed that fewer and fewer Ontarians indicated that French was their mother tongue or considered French to be the language in use at home.

With this sombre portrait, it becomes increasingly clear that the federal government, the main force behind the application of and respect for Canada's linguistic duality, must examine this question.

The interest for the federal government in promoting and respecting minority linguistic communities has been well established. More than ever, the government is showing its will to act. Before spending blindly, the government ordered in-depth studies by experts in order to evaluate the shortcomings and failures of the current system.

On the basis of the conclusion of these various reports — I am thinking of the Fontaine and the Savoie reports, in particular — the federal government is now in a position to take specific action. The first was to inject an additional \$70 million in direct aid into the communities, bringing the total invested to \$250 million. Again today, I was reading that some \$8 million had been given to the Department of Human Resources Development over three years, I think, to promote computer studies.

Other measures were announced, but I will wrap up my remarks by mentioning that the federal government has now recognized the negative impact the lack of socio-economic data has on minority language communities.

A task force, chaired by Michael O'Keefe of the Department of Canadian Heritage, was formed in order to better coordinate enforcement of sections 41 and 42 of the Official Languages Act. Composed of officials from various departments, this committee is responsible for ensuring that interdepartmental research into official language services is effectively coordinated. Having looked into this myself on a small scale, I was struck by the lack of coordination between federal departments with respect to the services they are required to provide to official language minorities.

Statistics Canada is a member of this committee, which will have to find a solution so that francophone communities are finally provided with relevant socio-economic data.

We still do not know whether francophone communities outside of Quebec will take part in the work of this interdepartmental committee, or whether it is just an informal exercise among officials. We might be told that this should be left to the Department of Canadian Heritage, even though we feel that it is the responsibility of the Department of Human Resources Development and of the Department of Industry.

In Nova Scotia, \$60 million was set aside for a joint federal-provincial program to help install computer systems in schools. To my knowledge, francophones were not consulted and nothing has been planned for French schools. When the Fédération des communautés francophones acadiennes raised the matter with the Department of Industry, they were told that it was not its problem, but that of the Department of Canadian Heritage. So there is a lack of coordination. This is not a case of ill will, but simply of nobody having taken the matter in hand and wanting to help improve the prospects of francophones outside of Quebec.

I hope that this new committee, which will coordinate research projects, will find the necessary funds for programs that will be more accessible to francophone communities.

Montfort Hospital was in the limelight for several weeks. The issue is now before the courts. Why? It is to try to make people understand that we are concerned about our aging population and by the inadequate access to health-care institutions, to the management of these institutions by our people for our people. No more, but no less. I would ask that, in the fall, all of us together — and I will give notice of an inquiry to that effect — discuss the overall situation in our country with regard to health, which is now one of the most controversial issues. Education was for a number of years our community's main concern. Now, it is health. They want to deprive us of Montfort Hospital, the only French-language medical training institution outside of Quebec. And that, honourable senators, is important. We either believe in it or we do not. If francophone minorities, and the anglophone minority in Quebec, are abandoned by the majority, we will not

need the PQ and the federalists to divide the country, it will just happen.

Honourable senators, we must look after the health and education of these young francophones so that they can, from province to province, have access to education programs, post-secondary programs and health-care services in their language.

On motion of Senator Kinsella, for Senator Rivest, debate adjourned.

**The Hon. the Speaker:** I thank the honourable senators for having allowed Senator Gauthier to speak today. We are aware of his health, and it was a courtesy we owed to him.

[English]

## NORTH ATLANTIC TREATY ORGANIZATION

INVOLVEMENT IN YUGOSLAVIA—RELATIONSHIP TO  
INTERNATIONAL LAW—INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Grafstein calling the attention of the Senate to the question of international law: Canada and the NATO action in the Federal Republic of Yugoslavia.—(*Honourable Senator Roche*)

**Hon. Douglas Roche:** Honourable senators will be glad to know that I will not repeat all of the comments that I made before Senator Gauthier's intervention.

My final point is that Canada's effort to resolve the Kosovo crisis would have been better served by using resources to strengthen political and diplomatic endeavours and then contributing forces to a UN-approved international force. This would have underscored Canada's commitment to international law, but it would have meant stepping outside of NATO's action. Canada is not ready to leave NATO, but Canada wants UN solutions. Therefore, this country continues to try to balance both sets of obligations.

It is becoming clearer that remaining in a nuclear-armed western military alliance is undermining Canada's ability and desires to express our yearning for peace through the United Nations system. If, by remaining in NATO, Canada can successfully work with allies to eliminate NATO's reliance on nuclear weapons and ensure that NATO works under, not above, the UN, the allegiance will be worthwhile. However, it will take far more determination than has yet been seen on the part of the Canadian government to achieve these goals.

As long as NATO remains imperious, the demand of thinking Canadians, concerned about the requirements for a truly global security system, for Canada to leave NATO will grow.

**Hon. John B. Stewart:** Will Senator Roche help me by answering a few questions?

Senator Roche referred to the Security Council's resolutions on Yugoslavia. He implied that the Security Council was prepared to authorize whatever measures, including force, were necessary to enforce those resolutions.

Would the honourable senator state his views on why members of NATO concluded that they could not rely on the Security Council to undertake whatever intervention would be required to persuade Yugoslavia to conform to the security resolutions, the ones to which he has already referred?

As well, will he give us his explanation of why the United States government decided, along with its NATO partners, to intervene as they did?

**Senator Roche:** I thank the Honourable Senator Stewart for his questions. They are rather linked.

While the negotiations were concluding, at least in their final stages, the U.S. envoy conducting the negotiations on NATO's behalf was authorized to state that NATO would start bombing unless the Milosevic regime would accept the Rambouillet agreement, and specifically that NATO ground troops would be exclusively permitted to monitor the situation in Kosovo. Milosevic rebelled at that, and there was much to and fro occurring. When NATO, having threatened to bomb, was still unable to secure the agreement under NATO's terms, it then decided that it had to follow through with its threat. As I mentioned earlier, the first few days of bombing not having achieved the desired and intended result of bringing Milosevic immediately to his knees, NATO concluded that it had to continue bombing, among other reasons, to preserve its own credibility.

With respect to the United States' decision to intervene, it is fairly clear, as Václav Havel mentioned in his joint Senate and House of Commons parliamentary address, that there was an ethical dimension to this war unlike any other. This war was being fought not for aggrandizement of territory or resources but for a new situation in international relations — the protection of the human rights of people who live within a sovereign state. Under Article 2.7 of the UN Charter, this had previously been considered off limits. A nation state cannot intervene in the domestic problems of a government, and this has been a well-established principle.

However, that principle is now being overtaken by the ascension of the recognition of human rights — the universality and indivisibility of human rights and their inherent quality in every human being. We have entered a new stage in international politics in which the rights of individuals are now being considered to be higher than the protection of the sovereign state. This dilemma faces the entire international community, not least the United Nations. Thus, the United States decided, as the principal driving force within NATO, that it would launch its attack.

If there were other reasons that the U.S. had for maintaining a military solution to the Kosovo dilemma, that is not for me to say. I will not attempt to read the mind of the U.S. administration. Many commentators have made such an attempt, but I will not use this forum to go beyond what I said above.

It is clear that the United States has stated, in very formal statements by Ms Albright, and repeated by the President, that it considers itself an indispensable nation, and that it would have to be the chief arbiter and negotiator of problems pertaining to world peace. This, of course, is directly connected to the United States' diminishment of the United Nations, and not only through its failure to pay its dues, which is a technical manifestation. Forces within the U.S. Congress are inimical to the multilateral solutions for which the United Nations stands. The U.S. administration is listening to those voices today.

**Senator Stewart:** I wish to ask a supplementary question, which to some extent is a repetition of my first question. I did not hear words that seemed to me to answer the question.

• (1540)

I asked for Senator Roche's explanation as to why the members of NATO concluded that they could not rely on the UN Security Council to take the necessary steps. Senator Roche has given us his explanation as to why NATO decided to act as it did. Why was it that NATO came to the conclusion that the Security Council would not act?

**Senator Roche:** I think the answer to that, honourable senators, is that there was an assumption, and perhaps there were even discussions *in camera* that led the United States to believe that Russia and China would have vetoed a resolution calling exclusively for NATO ground troops to monitor a political solution.

NATO was determined that it was going to run the show in Kosovo. I say parenthetically that this little imbroglio we are now witnessing with Russia occupying the airport first is but a recognition that Russia is determined, as it was before, that this would not be an exclusively NATO show, that there would be an international force and it would play a responsible role within an international force.

**Hon. Marcel Prud'homme:** Honourable senators, NATO has spent billions of dollars for over 50 years to anticipate any situation. How could NATO not be ready for everything? How could they not know that the Russians would move in first?

Second, how can those who believe in sanity in world affairs believe that we will have sanity by humiliating Russia? That country is going through great difficulty, and for some to say, "Let us crush them" is not practical.

Third, I applaud the arrival of Russian forces in advance of NATO. Would the honourable senator comment on my assumption that as NATO and the Russians are both present in this area, this will force the situation to be resolved?

**Senator Roche:** I thank the honourable senator for that question. On the first point, in regard to NATO being able to predict this outcome, General Clark, the NATO commander in the field, said that it was not a military problem, that he could have got to the area first, but rather what he described as a political problem. He was clearly throwing the ball back to his political masters.

We are now seeing some of the difficulties inside the changing Russian leadership through this question, which is connected to the United States' reaction. It may have overplayed its hand a bit and thus is taking a cooler approach to Russia's desire to play by not reacting. The official United States response to Russia's moving into the airport was to downplay the event. However, as far as the prediction is concerned, NATO clearly could have seen that coming if they had been more prescient with respect to the needs of Russia.

On the second point, the humiliation of Russia by the West has been ongoing for some time. It is a very risky business to expect that we can build a global security architecture for the 21st century without Russia as a keystone player along with China. The West must get over the idea that we will run the whole show for world security, and that brings us back to the utility of the United Nations. For no small reason was the United Nations formulated on the basis that the five permanent powers would have to agree on common goals in order to stop regionalization in military efforts.

Third, Senator Prud'homme says that he applauds the Russians arriving first. I suppose that he will probably have much company in that applause. However, I suspect that a couple of heads will roll in light of these events.

**Hon. Nicholas W. Taylor:** Honourable senators, I have a question for the honourable senator. I wonder whether the honourable senator was trying to lead me down a bit of a garden path when it comes to the Russians and the occupation of Kosovo.

There are two ways that one can control a corporation or a government. First, you may act in unison and all vote. Second, there is the divided method, where each one has a certain sector of the company to run. We could divide the area into peace sectors, as was done with Berlin. The honourable senator may not be as old as I, but he might recall the period following World War II when French, English, American and Russian sectors divided up that city.

Does the honourable senator believe that Kosovo would be better managed with three governments, a Chinese, Russian and a UN sector? Was he saying that the Russians must be included, but they would have to come in with the UN vote where their solutions might be considerably watered down? Which solution is the senator recommending?

**Senator Roche:** I certainly was not recommending a partition process in Kosovo. Indeed, the resolution adopted by the Security Council maintains that the establishment of an interim administration for Kosovo be determined by the Security Council

of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo.

As I tried to indicate earlier, the Russians were determined to get their oar in the water to ensure that not only the world but the Russian people understood that they were a part of the international presence. I believe that Russia is very much committed to preserving the integrity of the Kosovo state.

**Hon. Jeremiah S. Grafstein:** Honourable senators, I wish to add to the congratulations of other senators to Senator Roche for his articulate defence of the position that NATO forces were in breach of international law when they decided to intervene on a question of humanity in Kosovo.

I wish to ask the senator if he could focus on a narrow question: Was the Federal Republic of Yugoslavia, because of its actions in Kosovo, in breach of either customary or conventional international law?

**Senator Roche:** Any country that treats its citizens the way the Federal Republic of Yugoslavia treated the people of Kosovo is in breach of its international requirements not only to keep the peace but to preserve human rights.

I said earlier that there is coming into play now in the international arena a recognition of the universality of human rights which challenges the previous and hitherto assumption that nothing was more sacred than national sovereignty. Therefore, my short answer to the Honourable Senator Grafstein is "yes."

**Senator Grafstein:** It is clear from the honourable senator's position that there was just cause. Where we disagree concerns who is mandated under the rule of law to enforce international law. That is the question before us.

• (1550)

**Senator Roche:** The very words "just cause" bring to mind the idea of a "just war." If I recall correctly, I believe Senator Grafstein referred to that yesterday in quoting Hugo Grotius. However, in talking about a "just war," you have to talk about limitation and proportionality also — two qualities that were totally absent in the NATO action.

As to who mandates, I do not think I can do any better in answering that question succinctly than to quote the Secretary-General of the United Nations who has appealed to the international community to restore the UN Security Council to what he has called its "pre-eminent position as the sole source of legitimacy on the use of force." Indeed, the very resolution that was adopted by the UN Security Council to bring about a peaceful resolution of the Kosovo crisis states in its first preambular paragraph:

Bearing in mind the purposes and principles of the Charter of the United Nations, and the primary responsibility of the Security Council for the maintenance of international peace and security, —

Thus, the answer to the question is clear: The United Nations Security Council has the authority to legitimate force.

**Senator Grafstein:** I do not quarrel with the fact that the Security Council has the legitimacy in terms of enforcement. I want to deal with the question of the UN Charter, upon which the honourable senator's argument is founded. In respect of the questions that were raised by Senator Stewart, he has acknowledged that the UN Charter, in some parts, has been superseded by subsequent conventions, both customary international law and conventional international law. He has mentioned that with respect to human rights.

Article 2 of the Charter states, in part:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; —

I think the honourable senator has now agreed that some aspects of the UN Charter at least have been superseded by conventional international law. Is that fair?

**Senator Roche:** Honourable senators, the Charter is a living tree; it is itself growing. The Honourable Senator Grafstein is quite correct in saying that subsequent treaties have given a new understanding of things. One example is the non-proliferation treaty which came into existence in 1970. When the UN Charter was adopted in 1945, nuclear weapons had not been invented. Thus, in order to deal adequately with nuclear weapons, the international community had to go to a new treaty, the non-proliferation treaty. Therefore, the non-proliferation treaty has the same function and role as the UN Charter. Yes, it has been superseded.

As a matter of fact, Chapter VIII of the UN Charter turns it around and states that it fosters regional bodies for the purpose of supporting the UN strategies on global peace and security.

**Senator Grafstein:** That is precisely what NATO has said it is doing, which is to support UN resolutions. As the honourable senator has pointed out, President Havel said precisely that. It was not in aid of aggrandizement; it was in aid of supporting UN resolutions.

I wish to return to the UN Charter for a moment. I take it that the honourable senator's case about exclusivity, as well as Annan's proposition of exclusivity or sole power, rests on Article 2, 4, which states:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state —

The word "refrain" does not mean "prohibit," it means "avoid." That clause refers very much to Article 2 of the Charter which the honourable senator says has been superseded by conventional treaty and territorial integrity.

How could the UN under Articles 2,4 or 2,7 of its Charter use force to intervene to support UN sanctions if, in fact, it was

argued by the Federal Republic of Yugoslavia to this day before the international court that this would be an invasion of its sovereignty and its territorial integrity? Was that not the source of the UN's inability to move on this issue?

**Senator Roche:** Honourable senators, Article 2,4 needs to be read in conjunction with Article 42, which authorizes the use of force against an aggressor when legitimized by the Security Council.

The nub and heart of my whole argument today is that the military action, if required, must fall under Article 42 to ensure that it is the entire international community that is taking this action against an aggressor, not just one regional body. That is the only way you will get global support.

Finally, I believe it was Senator Grafstein yesterday who advanced the argument, and in so doing I think he named Italy, Greece and one or two other countries that claimed that this was not just a domestic occurrence, because the spillover of refugees was making this an international situation and they were afraid of such dislocation in their internal domestic considerations that they had to call for international action.

**Senator Grafstein:** I cannot give honourable senators personal knowledge concerning China's actions with respect to the use of its veto. However, I do have personal and direct knowledge, as do other parliamentarians, with respect to Russia's conduct in terms of NATO members trying to induce Russia to be part of an international force. I say this from firsthand knowledge, all of which is contained in the records of the OSCE meeting held in Copenhagen last year.

At that time, the Americans made a great effort to try to establish a resolution of the OSCE which would involve Russia as a member of the contact group in a forceful intervention against the Serbian government's breaches of international law. Many hours were spent in trying to develop a resolution. The Russians would not agree to such a resolution. They would not agree to force. On the facts, firsthand and secondhand, Russia indicated clearly that it was not prepared to play.

Now that we have come down the road to Damascus with a conversion, which I recognize and accept as being prudentially positive for the future of the United Nations, at the crucial time when people were being slaughtered and ethnically cleansed, Russia refused to move. It refused to budge. I say that to the honourable senator not as a question of fact but as a question of argument.

**Senator Roche:** Senator Grafstein is returning the argument to his basic convention. The problems Russia has been facing are connected to its economic dislocation and the denuding of its military forces. It is simply not in a position today to match NATO's strength. It is fearful that NATO's overwhelming strength, which is 10 times greater than all the rest of the countries put together, will be used in a way that will disadvantage Russia. The expansion of NATO earlier this year sent shivers down the spines of many Russian military people.

We must have a little more understanding of what is really going on in Russia. I remember Senator Kinsella, myself and others pleading with the Government of Canada on an almost daily basis to get Russia involved, as opposed to there being a military engagement, because Russia possessed the key to a diplomatic and political solution.

• (1600)

**Hon. Noël A. Kinsella (Deputy Leader of the Opposition):** Honourable senators, there have been fewer important debates in this chamber than the one we are engaged in right now. Not only does it speak to an issue involving Canadian men and women in that theatre of the world, it also speaks to many other theatres of the world, and thus my question to Senator Roche.

What lessons must we draw from this experience, in terms of our responsibility as a member state of the United Nations, to use more creatively our seat on the Security Council? We are in this very special position in these days. If there was any apprehension of a potential block of a resolution at the Security Council — and this is hypothetical — why would a country such as Canada not be using the General Assembly?

**Senator Roche:** I thank the Honourable Senator Kinsella for his question. The honourable senator is quite correct, that Canada, in its position as a member of the Security Council, is instrumentally placed to advance solutions. We must recognize, though — and I suppose we all do — that by world standards Canada is a small player and it is better, perhaps, not to try to over-reach in a unilateral, solo effort. That is why, in many questions today, we are calling for Canada to work with like-minded states.

Many like-minded states have come into their own following the end of the Cold War, and recognize that a common effort is needed to advance multilateral solutions that will carry the support of regions around the world. We cannot leave everything to the superpowers of the past tense, or the superpower of the present tense.

Canada's continuing, entangling relationship with the United States is an inhibiting factor in our freedom of action. There is a common feeling that we cannot annoy the Americans, and I certainly would not make that my career. I feel that it is necessary, however, in recognizing the dependence Canada has on the United States on many security and economic questions, that we, at the same time, espouse a friendship to the United Nations in speaking to them perhaps privately, but frankly, in support of multilateral solutions. The United States itself, therefore, would not feel it must carry the burden as world policeman.

I believe that, in working with like-minded states, we can summon up some courage, bravery, and a better explanation by the Government of Canada to the Canadian people as to what is involved in bringing forward Canadian strength, and perhaps recovering some of the strength that Canada had in earlier years in espousing foreign policies.

There is much to be said on this subject, and I will confine my answer there. However, Senator Kinsella evokes within me a sense that Canada has a tremendous responsibility in the modern world. We are the second largest piece of real estate in the world, a country which the United Nations called the number one country for our social life indices. We do not know how blessed we are in the sense of the capacity we have. Having worked at the United Nations myself for some time, I was always impressed, even sometimes embarrassed, at the manner in which other delegates would approach me. I am sure others in this chamber have been in similar circumstances and felt the same attitude, namely, the trust that other states and delegates repose in Canada.

I am only pleading here that Canada, having gone through this unfortunate experience in the Kosovo war, now redouble its efforts to build the conditions for peace, and work with like-minded states.

**Senator Kinsella:** Further, Senator Grafstein quite rightly raises the practical problem of the gross and consistent patterns of human rights violations that were occurring in Kosovo, being perpetrated by the Serbian authorities against the Kosovar Albanians. However, at the same time, there were atrocities being perpetrated by the Kosovar Albanians on the Serbian community. Therefore the world community is aware of gross and consistent patterns of human rights violations. That, of course, speaks to resolution 1503 of the General Assembly.

In many parts of the world, however, the United Nations Human Rights Commissions, and others, have said that there are gross and consistent patterns of human rights violations occurring. In different theatres of the world, will the regional forces be justified in banding together and bombing that country? Is this what we have opened up? Are we involved in an international Wild West model, or are we able to learn from this experience and challenge, by the points that Senator Grafstein has raised, and that we must tie together with the law, which may be dragging a little behind, the regional organizations that are playing critical roles in international order?

**Senator Roche:** Honourable senators, Senator Kinsella has very effectively answered his own question. I am in total agreement with what he has said, so I will not repeat it all.

I did not refer at length this afternoon to the KLA, the Kosovo Liberation Army. A dangerous situation indeed now lies on the horizon with respect to what they will do. With respect to other regional trouble spots, what is happening, or might happen, in Tibet, or Taiwan, and other sources of conflict today, as a result of the certain inspiration that others may have received as a result of a regional body taking unto itself the enforcement powers of deciding when force will be used. All of that poses some real dilemmas down the line. Therefore, I once more appeal for Canadian strength and action in working with like-minded countries to strengthen the United Nations' capacity to deal with international peace and security questions in every region of the world.

On motion of Senator Kinsella, debate adjourned.

## DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I should like to draw your attention to the presence in the right-hand side of our gallery of a distinguished visitor. We have with us one of our past colleagues, the former honourable senator the Honourable Richard Stanbury.

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

## INTERNATIONAL POSITION IN COMMUNICATIONS

Leave having been given to revert to Reports of Committees:

### CONSIDERATION OF REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the report of the Subcommittee on Communications of the Standing Senate Committee on Transport and Communications entitled: “Wired to Win! Canada’s Positioning Within The World’s Technological Revolution,” deposited with the Clerk of the Senate on May 28, 1999.—(*Honourable Senator Spivak*)

**Hon. Mira Spivak:** Honourable senators, as the Deputy Chair of the Senate Subcommittee on Communications, I am pleased to have the opportunity of speaking on the tabling of “Wired to Win!” which, unfortunately, I was not here for. The whole title is “Wired to Win! Canada’s Positioning Within The World’s Technological Revolution.”

This report has been a work in progress for more than three years. The interim report was submitted in April 1997, and now the final report, containing 21 recommendations, has been tabled. I consider them to be important documents for one very important reason: At no time in world history has humankind countenanced such a massive exchange of information on a planetary scale. The industrial revolution of some 200 years ago had far-reaching consequences that were ineffable at the time. An agrarian existence gave way to factories, machinery, and to the migration of country folk to the villages and towns of Europe.

For good or ill, that is for another debate. On the one hand, there were the sweatshops, environmental pollution and horrendous exploitation. However, this great leap forward also brought with it wealth and the creature comforts we enjoy today. True, many parts of the world are less fortunate than we, where freedom and security are lacking, basic possessions scarce, and access to health care and education practically non-existent. However, if knowledge is power, then the benefits of instant communication and the sharing of information that modern telecommunications allows could well be the key to a brighter future.

• (1610)

Throughout the hearings for the two reports, a newly minted phrase was heard repeatedly — the death of distance — for that

is what the technological revolution has achieved; a capacity for instant communication between any two points on earth. As with the industrial revolution, the new information era presents unknowns, and it was with that in mind that the Subcommittee on Communications went about the task of trying to identify the impact of telecommunications technology on Canada. It examined where we have been and where we are — at the so-called old media, in the form of regulated radio and television, that offer point-to-multipoint distribution, and at the new media of the Internet and the World Wide Web, the so-called point-to-point distribution.

The interim report focused on Canada’s international competitive position in communications and established that we are well placed, because of our talent and telecommunications infrastructure, to play a leading role in this new revolution. The findings of the final report stemmed from a sweeping inventory of where we fit into the technological market-place, the evolving industry that is driving it, and in particular the impact upon our own culture.

Let me say, before I go any further, that it was the expert witnesses who allowed the subcommittee to put into context divergent views on complex issues. The result is a list of 21 recommendations that form the basis for discussion on how this country should respond to the challenges of the technological revolution. Their testimony provided invaluable resource material, and on behalf of the committee I wish to extend our sincere appreciation to them.

Without exception, it was recognized by all those who provided input into the hearings that Canada has a right and a responsibility to safeguard its cultural identity. The final report reflects this in the recommendations, with roughly half of those recommendations referring specifically either to culture or Canadian content — words frequently used synonymously.

The Internet and the World Wide Web figured prominently in the discussions, and these two are mirrored in the recommendations, along with the need for competition within the industry, new media literacy, the development of young talent, the protection of intellectual property, and the role of our cultural agencies and the CRTC. We covered a lot of ground, but, in the interests of time, I will confine myself to only a few aspects of the recommendations.

The committee wrestled with the question of what constitutes culture. Is it art, literature, a ballet performance, or something broader, something that more accurately defines who we are? The committee elected for a broader view along the lines of that taken by UNESCO, whose definition of culture includes architecture, the arts, crafts, heritage, multiculturalism, native culture, parks and recreation, religion, sports, and urban design. As noted in the executive summary of the full report, that perspective gives us a lot to celebrate, for Canada has much to showcase in each of these categories. The committee firmly believes that these values must be reflected in the new media products of the future, in the ways we present ourselves through emerging technologies. As such, the recommendations are designed to ensure that Canadian culture, talent and technology command a global presence.

Fiscal incentives and other inducements are suggested to encourage producers of media content and cultural products to develop exportable commodities, such as movies and TV programs. In particular, the committee recommends the creation of a national cultural trading agency to consolidate current international marketing activities and provide a one-stop venture for Canadians engaged in producing content or cultural items for export. The committee goes further in suggesting that English-language public television broadcasters should emulate French broadcasters and seek alliances with their international counterparts to provide a new global network offering top quality programming. It is in this context that I believe the protection of the future of the CBC and its venture lies.

The committee also suggested that a committee be set up under Part I of the Status of the Artist Act to examine the working conditions and laws affecting the self-employed who are increasingly found in the cultural arena and new media. It is, of course, a vast area of employment at very modest rates that our artists have provided for Canada.

As for the World Wide Web, incentives should be offered to Canadian portal companies so that they will give prominence to domestic cultural content — rather than imposing conditions for doing business. In the same vein, the CBC, as this country's public broadcaster, is encouraged to devote resources for a portal or search engine that would provide access to Canadian content on the Internet. This race for portals on the Internet and who will control them is the hottest race at the moment.

These measures should not be viewed as protectionist but as initiatives to promote Canadiana at home and abroad. However, as far as international trade negotiations are concerned, the government should reaffirm its position that Canada will not relinquish its cultural sovereignty, that our culture is not negotiable.

In the debate over foreign access to our market, it should be noted that Canada is already wide open: 90 per cent of the prime time television we watch is American; 95 per cent of the movies we watch are not made in Canada; 84 per cent of the records we listen to are in voices other than our own; 70 per cent of books we read are written by non-Canadians; and 50 per cent of the magazines we buy come from elsewhere. I certainly wish the Minister of Canadian Heritage every strength that she can muster to make sure that that remains the way it is because, honourable colleagues, not only are we open to foreign competition but our cultural identity has thrived despite being inundated with foreign material. All you have to do is think of the home-grown female singers — male as well — topping the recording charts, our authors, actors and producers who have succeeded in the big leagues of the entertainment industry by having their presence subsidized and protected by the government. Here the importance of our cultural institutions in developing regional talent should not be overlooked, especially the CBC, the Canada Council and Telefilm Canada. It was through forward-thinking policies of the past that these institutions — not forgetting the CRTC and its role in ensuring Canadian content in the broadcasting sector — showed us who we are, whether on canvas, film, vinyl, cassette disk, or the printed page.

The Internet, of course, was the focal point of our hearings, and conflicting views emerged on whether it should be regulated. Some argued in favour of a hands-off approach, pointing out that Internet sites are everywhere and nowhere — and I note the recent CRTC decision. Close one down, it is said, and it opens under another guise. Others maintain that the Internet can be regulated by imposing strictures on Internet service providers. After all, everything is not a point of light on the Internet; there are also people who could, for example, be held responsible for filtering objectionable material, such as violence, pornography and racism. Laws to curb vile Web sites, along with the need to protect intellectual property, pose great challenges for the governments of the world, for it will be difficult to come to universal agreement, try, though, we must.

On the issue of regulation, it is interesting to note that the CRTC recently announced that it would not try to regulate the Internet because that would put Canadian companies at a competitive disadvantage. I do not exactly agree. Furthermore, by deciding that online broadcasts from traditional broadcasters, such as radio and TV stations, will be exempt from CRTC control, the agency has addressed a particular concern of the committee which wanted the government to clarify the distinction, if any, between telecommunications and broadcasting.

In another sphere, the committee is reiterating its admonition in the interim report that care must be taken to ensure that we do not create in Canada a group of technological have-nots — in other words, people marginalized by not having the opportunity to access computers. While we must insist on preparing young Canadians for the technological challenges of the information age, we must also insist that they be educated to a superior level of reading and writing ability, and we have someone in our midst who is trying her best to ensure that that happens — Senator Fairbairn.

A few moments ago, I briefly mentioned the necessity of developing policies to protect intellectual property. We, the subcommittee members, feel that a step in the right direction would be to expedite Phase III revisions to Canada's copyright law.

• (1620)

As well, we advocate the adoption of measures to ensure individual privacy on the Web. Indeed, one of the reasons cited why web business has not reached its potential is the fear that personal information will be disclosed to other parties, particularly for e-commerce. An attempt by some huge corporations in the U.S. to foster trust among Web users failed because of abuses and lack of standards. As a result, there are calls for tough legislation by the U.S. Congress, and the European Commission is pushing for strict international rules governing personal information about European citizens. In the absence of worldwide agreement, one idea being advanced is for Web sites to disclose which jurisdictions they abide by. This would give customers an idea of the laws under which a company operates.

What clearly emerged during the hearings was a high degree of activity taking place within the telecommunications industry. Different sectors — conventional broadcasting, cable TV, satellite TV, telephony, local wireless, and electrical utilities — are vying to become the dominant distributor of the new media. These once-regulated monopolies are vying with one another, forming strategic alliances in a competitive free-for-all.

While this market-place spirit is good news for consumers, the subcommittee is concerned that an unfettered process of acquisitions and mergers could lead us right back into a monopolistic situation. Consequently, the government is advised to be alert for any trend along these lines, and urge the Competition Bureau to ensure that competition is not stifled through mergers and acquisitions.

Earlier in my remarks, honourable senators, I hinted at brevity, but I may have overstated my intention by exploring some of the issues that we dealt with as a subcommittee. However, if they serve to highlight the importance of the issues with which we are confronted in this technological revolution, then I hope my time will have been well spent. I trust senators will read the report and glean a deeper insight into some of the ramifications swirling around us, and what we can do about them.

I cannot close without offering my sincere appreciation to the Chair of the committee, who is a workaholic such as I have never seen. Her efforts, single-handedly, propelled this report forward. I also wish to thank my colleagues on the subcommittee who I think are just fantastic. All are females, except one. That shows you what can be done if we try hard.

On motion of Senator Maheu, debate adjourned.

## ELECTION OF CANADA TO UNITED NATIONS SECURITY COUNCIL

INQUIRY—DEBATE CONTINUED

On the Order:

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

**Hon. A. Raynell Andreychuk:** Honourable senators, I wish to participate in the debate on this issue. I believe that Canada's assuming a seat on the Security Council of the United Nations is an important step and therefore one that should be scrutinized by a parliamentary process. I am not certain what reasons led the government to believe that this was the opportune time to seek election to the Security Council, but I do know that much time

and attention was spent in seeking and successfully obtaining that Security Council seat.

I know that in past times votes were traded, opportunities were gained and promises were made, and these were far-reaching in both obligations and opportunities for Canada. I know that much money and much effort was spent by many individuals in obtaining the Security Council seat. Therefore, I think it is important that, when the year is over, the Minister of Foreign Affairs undergo some parliamentary scrutiny to determine whether the objectives that were set for Canada on the Security Council have been met, because I believe the cost has been high.

Honourable senators, at a later date I should like speak in greater detail as to why I believe it would be important for the Senate to study this issue and to invite the Minister of Foreign Affairs to come before us at the end of the year, in January of the year 2000, to explain whether this effort has been successful, and whether it is important for Canada to continue. It is becoming increasingly important that foreign policy be seen as part of a strategy within a national debate.

On motion of Senator Andreychuk, debate adjourned.

## ABORIGINAL PEOPLES COMMITTEE

ROYAL COMMISSION ON ABORIGINAL PEOPLES—  
MOTION TO PERMIT COMMITTEE TO TABLE FINAL REPORT  
ON STUDY WITH CLERK ADOPTED

**Hon. Sharon Carstairs (Deputy Leader of the Government),** for Senator Watt, pursuant to notice of June 10, 1999, moved:

That, in relation to the Order of the Senate adopted on Tuesday, December 9, 1997, the Standing Senate Committee on Aboriginal Peoples, which was authorized to examine and report upon the recommendations of the Royal Commission Report on Aboriginal Peoples (Sessional paper 2/35-508) respecting Aboriginal governance, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate if the Senate is not sitting, and that the report be deemed to have been tabled in the Chamber.

**Hon. Fernand Robichaud (Acting Speaker):** Is it your pleasure, honourable senators, to adopt the motion?

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Wednesday, June 16, 1999, at 1:30 p.m.

# CONTENTS

Tuesday, June 15, 1999

PAGE

PAGE

## SENATORS' STATEMENTS

### Canadian Heritage

Violence on Television and in Movies. Senator Kinsella ..... 3649

### Health

Effects of Genetic Engineering. Senator Kroft ..... 3649

### The Senate

Access for the Disabled. Senator Robertson ..... 3650

### The Late Heward Stikeman, Q.C., O.C.

Tribute. Senator Grafstein ..... 3650

### Visitors in the Gallery

The Hon. the Speaker ..... 3651

### International Day in Support of Victims of Torture

Senator Wilson ..... 3651

### Customs and Revenue

Cape Breton as Suggested Location of New Agency.  
Senator Murray ..... 3651

### Quebec

Interpretation of Historical Facts. Senator Prud'homme ..... 3652

## ROUTINE PROCEEDINGS

### Public Sector Pension Investment Board Bill (Bill C-78)

Report of Committee Presented and Printed as Appendix.  
Senator Kirby ..... 3652

### Scrutiny of Regulations

Sixth Report of Committee Presented and Printed as Appendix.  
Senator Moore ..... 3653

### Adjournment

Senator Carstairs ..... 3653

### Inter-Parliamentary Union

One Hundred and First Conference Held in Brussels, Belgium—  
Report of Canadian Group Tabled. Senator Fraser ..... 3653

### National Finance

Committee Authorized to Meet During Sitting of the Senate.  
Senator Stratton ..... 3653

### Access to Census Information

Presentation of Petition. Senator Milne ..... 3654

## QUESTION PERIOD

### National Revenue

Increase in Foreign Property Component of Deferred Income  
Plans—Government Response to Senate Motion.  
Senator Meighen ..... 3654  
Senator Graham ..... 3654  
Senator Forrestall ..... 3654

### The Cabinet

Possible Meeting on Friday, June 11, 1999.  
Senator Forrestall ..... 3654  
Senator Graham ..... 3654

### Finance

Prudence of Budget Allocations—Application of Surplus—  
Government Position. Senator Stratton ..... 3654  
Senator Graham ..... 3655

### Delayed Answers to Oral Questions

Senator Carstairs ..... 3655

### National Revenue

Loss of Disposable Income as a Result of Taxation—  
Government Position.  
Question by Senator Oliver.  
Senator Carstairs (Delayed Answer) ..... 3655

### Human Resources Development

Millennium Scholarship Foundation—Progress in Negotiations  
with Provinces—Request for Update.  
Question by Senator Cochrane.  
Senator Carstairs (Delayed Answer) ..... 3655

### Pages Exchange Program with House of Commons

The Hon. the Speaker ..... 3656

## ORDERS OF THE DAY

### Appropriation Bill No. 2, 1999-2000 (Bill C-86)

Third Reading. Senator Cools ..... 3656

### Miscellaneous Statute Law Amendment Bill, 1999 (Bill C-84)

Second Reading. .... 3656

### Criminal Code (Bill S-29)

Bill to Amend—Second Reading. Senator Cools ..... 3657  
Referred to Committee. .... 3657

### Royal Assent Bill (Bill S-26)

Second Reading—Debate Continued. Senator Carstairs ..... 3657

### Privileges, Standing Rules and Orders

Ninth Report of Committee Reviewed—Debate Continued.  
Senator Simard ..... 3657

**North Atlantic Treaty Organization**

Involvement in Yugoslavia—Relationship to International Law— Inquiry—Debate Suspended. Senator Roche .....	3657
Senator Kinsella .....	3660
Senator Prud'homme .....	3660

**Official Languages Act**

Progressive Deterioration of French Services Available to Francophones Outside of Quebec—Inquiry— Debate Continued. Senator Gauthier .....	3660
--	------

**North Atlantic Treaty Organization**

Involvement in Yugoslavia—Relationship to International Law— Inquiry—Debate Continued. Senator Roche .....	3662
Senator Stewart .....	3663
Senator Prud'homme .....	3663
Senator Taylor .....	3664
Senator Grafstein .....	3664

Senator Kinsella .....	3666
------------------------	------

**Distinguished Visitor in the Gallery**

The Hon. the Speaker .....	3667
----------------------------	------

**International Position in Communications**

Consideration of Report of Transport and Communications Committee—Debate Continued. Senator Spivak .....	3667
---	------

**Election of Canada to United Nations Security Council**

Inquiry—Debate Continued. Senator Andreychuk .....	3669
--	------

**Aboriginal Peoples Committee**

Royal Commission on Aboriginal Peoples—Motion to Permit Committee to Table Final Report on Study with Clerk Adopted. Senator Carstairs .....	3669
--	------



*If undelivered, return COVER ONLY to:*  
Public Works and Government Services Canada —  
Publishing  
45 Sacré-Cœur Boulevard,  
Hull, Québec, Canada K1A 0S9