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OFFICIAL REPORT
(HANSARD)

Tuesday, May 9, 2000

THE HONOURABLE GILDAS L. MOLGAT
SPEAKER

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THE SENATE

Tuesday, May 9, 2000

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

Prayers.

SENATORS' STATEMENTS

WORLD WAR II

FIFTY-FIFTH ANNIVERSARY OF VE DAY

Hon. William M. Kelly: Honourable senators, it gives me great pleasure to rise this afternoon to mark the fifty-fifth anniversary of the end of the war in Europe.

On May 8, 1945, the Second World War ended for Canada with the unconditional surrender by Germany in Europe. After six long winters filled with despair, Canadians across the country rejoiced in the end of this stage of the war. Men and women poured into the streets as victory parades were celebrated along every main street in Canada. Church bells could be heard for miles as celebratory bonfires were lit and children shouted with joy. At the same time, there was an indescribable heartbreak felt by many young widows, parents and siblings as their thoughts ran to their loved ones who had paid the ultimate sacrifice for our freedom.

This year, over 4,000 Canadian veterans commemorate the fifty-fifth anniversary of VE Day by returning to Holland, a place that holds a special meaning for them. For the veterans, it is a time and a country where the atrocities of the past as well as fallen family and friends are remembered.

The Dutch have not forgotten the valiant battle that these servicemen fought against a monstrous enemy. In the Netherlands yesterday, over 150,000 people lined the streets, applauding continuously, to express their love and gratitude to the Canadian soldiers who liberated them from the shackles of war.

The emotional welcome that the soldiers received in Holland should reaffirm our commitment as Canadians to never forget what was won and what was lost, all to defend the right to be free.

Honourable senators, today we must thank each and every soldier for providing Canadians with the freedom that we currently enjoy. I believe it is only fitting that we honour the sacrifices of the past by ensuring that this history never repeats itself.

NATIONAL PALLIATIVE CARE WEEK

Hon. Sharon Carstairs: Honourable senators, I am pleased to inform my colleagues as well as all Canadians that beginning yesterday and continuing until May 14 is National Palliative Care Week.

Palliative care is aimed at relieving suffering and improving the quality of life for persons who are living with or dying from advanced illness. This type of care includes the person and his or her family in planning treatment and care so that they can make choices based on knowledge and understanding.

Palliative care offers social, economic and spiritual support to the person as well as their family by members of a diverse team, which includes physician, nurse, social worker, home care planner, volunteer and other therapists.

The Canadian Palliative Care Association is a national association that provides leadership in hospice palliative care in Canada through collaboration and representation, development of national standards of practice, support in research, advocacy for improved policy, and research allocation and support for caregivers. They also work to increase awareness, knowledge and skills related to palliative care of the public, health providers and volunteers.

• (1410)

Honourable senators, please join me in commending the dedicated professionals, caregivers and volunteers who provide palliative care, and to the Canadian Palliative Care Association and its affiliates, which are working to ensure the comfort and dignity of the dying.

THE LATE JUSTICE RONALD NEWTON PUGSLEY, Q.C.

TRIBUTE

Hon. Donald H. Oliver: Honourable senators, Canada has lost a brilliant lawyer, a remarkable judge and an outstanding Canadian. Mr. Justice Ronald N. Pugsley died suddenly over the weekend at his home in Halifax. As part of his legacy, he leaves behind a rich and rewarding legal career as one of Canada's best-known trial lawyers and as a judge of the Nova Scotia Court of Appeal.

Mr. Justice Pugsley was born in Toronto, the only son of Thompson and Mabel Pugsley. He attended Upper Canada College and later received arts, commerce and law degrees from Dalhousie University in Halifax. He was an exceptional student.

Justice Pugsley's legal career began in 1957, when he practised at Stewart, MacKeen and Covert — later Stewart, McKelvey, Stirling and Scales — where he later became a senior partner. In 1973, he was appointed Queen's Counsel.

As a trial lawyer, Justice Pugsley was involved in some of Nova Scotia's most renowned legal cases, including the Donald Marshall Jr. inquiry. He was also a past-president of the Nova Scotia Barristers Society and a fellow of the American College of Trial Lawyers. He was also a past-president of the Dalhousie Law School Alumni Association. Justice Pugsley co-founded the law school's civil trial practice program, where he was an instructor for many years.

Honourable senators, I had the honour to assist Mr. Justice Pugsley with several trials. He was a brilliant trial lawyer, whose preparation for court was complete and thorough to the smallest detail. His genius, and the area which set him apart from most trial lawyers, was in his cross-examinations. They were works of art. Justice Pugsley mastered the art of painlessly eliciting information from witnesses that often marked the turning point of a trial. There were many instances when both the opposing lawyer and witnesses did not realize the devastating impact of that evidence until it was too late. He was an inspiration and he will be missed.

Mr. Justice Pugsley's greatness did not go to his head, for he was always courteous, kind and polite to all he met. He was appointed to the Nova Scotia Court of Appeal in 1993.

Honourable senators, Justice Ronald N. Pugsley will be missed. I offer my condolences and deep sympathies to his wife, Joan, sons Michael and Alex, and daughters Alison, Meredith and Amy.

NATIONAL DEFENCE

AIRWORTHINESS OF SEA KING HELICOPTERS—LOG OF PILOT

Hon. J. Michael Forrestall: Honourable senators, the radio message "Pan, Pan, Pan" from an aircraft signals that there is an airborne problem. While it may not be life-threatening at that stage, the problem could very well deteriorate into an emergency. The Pan signal alerts those on the ground to be prepared to react to a possible emergency, and it clears all unnecessary chatter from the pertinent radio circuits.

Honourable senators, not all problems may warrant a Pan, but if a situation gets worse, to the point that emergency action must be taken, then the "mayday, mayday, mayday" message is broadcast. The mayday message is often the last heard from such an aircraft.

Concern was expressed recently by a young Sea King aviator who tried to put quibbling over the semantics of "safe" and "unsafe" into perspective. This aviator has been flying Sea Kings for five years now, and his log book reveals that in that time he has flown approximately 860 hours and has been in 24 Pan situations. By his calculations, that is one for every 36 hours of flying time, or at an average mission length of three hours, he was in a Pan situation about one out of every 12 flights. That does not mean he was trouble-free in all the other 11 flights, just that any problems encountered did not warrant a Pan.

Not all Pan situations are caused by aircraft problems. For example, one could encounter unusual icing conditions or be in a low fuel state, but I am told that in the order of 90 per cent of pans in the Sea King are aircraft caused. In training our crews, instructors always relate a potential Sea King in-flight problem and emergency to the not-unusual operational situation of being 100 miles from your ship in the North Atlantic at night and in bad weather.

The same young aviator is convinced the crews are trained adequately to handle these problems, and he still believes the Sea King is "safe." However, what he and other Sea King aviators do not like to hear is someone who does not understand the situation quoting some authority that the helicopter is "not unsafe," by so doing implying that everything is fine and therefore the underlying safety issues associated with this old, tired and not reliable aircraft can be ignored.

CONSERVATION OF FRESH WATER

Hon. Lorna Milne: Honourable senators, the most precious commodity in the world is not gold, nor diamonds, nor oil. It is water — fresh, clean, potable water. This fact is being daily hammered home by reports of dead livestock in Mongolia, India and Pakistan, by drought in the American Midwest, but mainly by the pitiful pictures of the wasted limbs, the gaunt faces and the lacklustre eyes of dying children in Ethiopia.

Almost 70 per cent of the world's surface is covered by water, but all but 2.5 per cent of that is salt water. Most of the world's small amount of fresh water is locked up in the polar ice caps or on mountaintops. Much of the rest comes to earth in seasonal monsoon rains or flows into the oceans from the world's largest rivers. This leaves most living organisms competing for the remainder — the "accessible runoff." However, we humans, only one species of the 7 million that share this globe, already use at least 54 per cent of that accessible water. Add in the fact that humanity is projected to increase by 45 per cent over the next 30 years. Add in also the fact that almost all the world's arable land is already being intensively farmed. There is no more farming land and there is no more water. Both are finite, and already people are dying of starvation. The tragedy looming ahead becomes almost unimaginable.

Honourable senators, here in Canada, we are blessed with the world's largest supply of fresh water. In Ontario alone, there are over 3,000 freshwater lakes. We have 2,600 kilometres of shoreline along the Great Lakes — the longest freshwater border in the world, yet even here we are in trouble. The water table in southern Ontario is the lowest it has ever been. The water levels of the Great Lakes range from half a metre to a full metre below normal. Harbours are drying up and dredging is being done right now to keep the international shipping lines open, as well as emergency dredging for some of the marinas. In addition, we had one of the lowest snowfall levels in history this past winter. There is no relief in sight.

Honourable senators, we do not know whether this climate change that we are beginning to witness is due to a normal cycle of warming and cooling or if it is just the beginning of global warming, caused by the unthinking, unheeding inventiveness of humankind. Either way, this situation will be with us for a long time and its effects will not be cheaply, easily or quickly reversible, or even reversible at all.

Governments at all levels must begin to educate people about ways and means to conserve water. We must stop wasting it in our present wanton fashion. I urge the federal government to begin a proactive program of positive incentives for industry to encourage the use of less water in manufacturing and in building.

Honourable senators, read your morning papers and see the future. If we do not voluntarily begin to conserve this most precious resource, water conservancy will inevitably be forced upon us.

• (1420)

THE HONOURABLE MICHAEL A. MEIGHEN AND DR. KELLY MEIGHEN

CONGRATULATIONS ON RECEIPT OF HONORARY DOCTORATE DEGREES FROM MOUNT ALLISON UNIVERSITY

Hon. Mabel M. DeWare: Honourable senators, yesterday during Spring Convocation at Mount Allison University in New Brunswick, honorary degrees were conferred on a fellow senator and his charming wife. I would ask that you join me in congratulating Dr. Michael Meighen and Dr. Kelly Meighen.

PAGES EXCHANGE PROGRAM WITH HOUSE OF COMMONS

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

Adrienne Fowlie is from Nepean, Ontario, and is studying environmental science and English at the University of Ottawa.

[*Translation*]

Mark Greenan is a political science student in the Social Sciences Faculty, University of Ottawa. Mark is a native of Summerside, Prince Edward Island.

On my right is Devorah Kobluk, who is studying in the Arts Faculty at the University of Ottawa.

[*English*]

She is majoring in English and is a native of Edmonton, Alberta.

On behalf of all honourable senators, I wish you welcome to the Senate. May you have an interesting and useful week with us.

[*Translation*]

ROUTINE PROCEEDINGS

MARINE LIABILITY BILL

REPORT OF COMMITTEE

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Tuesday May 9, 2000

The Standing Senate Committee on Transport and Communications has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-17, an Act respecting marine liability, and to validate certain by-laws and regulations has, in obedience to the Order of Reference of Tuesday, April 4, 2000, examined the said Bill and now reports the same with the following amendments:

1. *Page 10, Clause 29:* Replace lines 4 to 15 with the following:

"loss of life or personal injury to persons carried on a ship otherwise than under a contract of passenger carriage is the greater of

(a) 2,000,000 units of account; and

(b) 175,000 units of account multiplied by

(i) the number of passengers that the ship is authorized to carry according to its certificate under Part V of the *Canada Shipping Act*; or

(ii) if no certificate is required under that Part, the number of persons on board the ship.

(3) Subsection (2) does not apply in respect of

(a) the master of a ship, a member of a ship's crew or any other person employed or engaged in any capacity on board a ship on the business of the ship; or

(b) a person carried on board a ship other than a ship operated for a commercial or public purpose".

2. *Page 14, Clause 37:* Replace lines 31 to 39 with the following:

"the same or another place in Canada, either directly or by way of a place outside Canada;and

(b) the carriage by water, otherwise than under a contract of carriage, of persons or of persons and their luggage, excluding

(i) the master of a ship, a member of a ship's crew or any other person employed or engaged in any capacity on board a ship on the business of the ship, and

(ii) a person carried on board a ship other than a ship operated for a commercial or public purpose".

Respectfully submitted,

LISE BACON
Chair

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

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

[*English*]

PROCEEDS OF CRIME (MONEY LAUNDERING) BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-22, to facilitate combatting the laundering of proceeds of crime, to establish the Financial Transactions and Reports Analysis Centre of Canada and to amend and repeal certain Acts in consequence.

Bill read first time.

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

On motion of Senator Hays, bill be placed on the Orders of the Day for second reading, Thursday next, May 11, 2000.

[*Translation*]

BILL TO CHANGE NAME OF ELECTORAL DISTRICT OF RIMOUSKI—MITIS

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-445, to change the name of the electoral district of Rimouski—Mitis.

Bill read first time.

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

On motion of Senator Rompkey, bill placed on the Orders of the Day for second reading on Thursday next, May 11, 2000.

CANADA-FRANCE INTER-PARLIAMENTARY ASSOCIATION

MEETING HELD IN PARIS, FRANCE—
REPORT OF CANADIAN DELEGATION TABLED

Hon. Gérald-A. Beaudoin: Honourable senators, I have the honour of tabling the report of the Canadian group of the Canada-France Inter-Parliamentary Association, which took part in the meeting of the standing committee of the association in Paris, from March 6 to 10, 2000.

[*English*]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate.

I suggest that the comments made by me and by others over the past week have not been cries of mayday at all. However, let there be no doubt that we are certainly declaring a Pan alert.

As you know, those in authority who ignore a Pan are criminally liable, just as those who ignore a mayday are liable. It is just a matter of how long they will spend in prison.

Will the government continue to ignore the cry of "Pan, Pan, Pan," or do they intend to initiate a program to replace the Sea King helicopters? Are we in fact facing the status quo? Have the decisions long since been taken? Does the government in fact have no intention of getting on with calling for the replacement program now or in the foreseeable future?

• (1430)

Which is it? It is not fair to the men and women who serve in these planes, nor is it fair to this chamber, that, although we continue to ask questions, the answers are not forthcoming.

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for his continuing interest in this important subject. I also thank him for his clarification with respect to some of the comments that were made in this chamber last week.

I can appreciate the fact that the honourable senator wants to make the point very strongly that the situation requires attention. I would say that everyone involved, including the Minister of National Defence, has made it clear publicly that it is an extremely high priority. In fact, the minister has stated it is highest priority to replace that equipment, the reason being that the equipment is old and requires high levels of maintenance, as we have discussed.

The minister also recognizes — as does the honourable senator, who has raised the matter in this chamber — that the replacement will not happen overnight. Supposing there was an official announcement this afternoon, the government would still be committed to a significant program of repair, renovation and upgrading of the equipment to the extent of approximately $50 million. That program apparently is proceeding quickly and should be completed within a reasonable time. It is not intended to preclude or to eliminate the priority that we have spoken of, but it does indicate that the minister is well aware of the urgency of this type of upgrading.

Senator Forrestall: Honourable senators, I had not really wanted to ask a supplementary, but the minister just told us once again that the government is responding to Sea King safety issues with a $50 million upgrade program. Is the minister aware that virtually 50 per cent of that $50 million is devoted to reducing sustainment costs? Just take a look at the Sea King weapon systems support plan, WSFP 1998-2003, dated 4 September, 1997. Simply put, we are the last country that uses the engine type and gear box in question. The cost and lack of availability of spare parts for both are the cause of the increase in spending — not the benevolence of a government concerned about the safety of the aircraft. We had to spend the money or the things would not have flown, safely or otherwise.

Senator Boudreau: Honourable senators, I appreciate the fact that the honourable senator refers to the report I provided him with respect to the nature of that $50-million program. It is not an entirely complete report. I will not repeat information that I gave previously, but there are programs dealing with centre-section replacement and repair, an upgrade on the engine and replacement of the gear box, which by themselves involve $46.5 million. Those are major repair items, and they are undertaken to address questions of ongoing safety concerns and, indeed, to extend the useful operational life of the aircraft. Some of the problems that have been referred to and reported by the honourable senator and others are traceable quite correctly to these various programs of upgrading. It is hoped that these expenditures, which are proceeding quickly, will address for the most part those ongoing problems.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before I call on other senators, I should like to introduce a very distinguished visitor in our gallery: His Excellency Chairman Li Ruihuan, Chairman of the Chinese People's Political Consultative Conference of the People's Republic of China. Chairman Li is accompanied by a delegation from the Consultative Conference, which I might inform honourable senators is about the equivalent of the Senate in Canada.

Chairman Li and all members, we wish you welcome here in the Senate of Canada.

ENVIRONMENT

ONTARIO—EFFECT OF DEVELOPMENT PROJECT ON OAK RIDGES MORAINE

Hon. Mira Spivak: Honourable senators, I have a question for the Leader of the Government in the Senate about the Government of Canada's role in the issue of whether further development should occur in the Oak Ridges Moraine. There is a basis for that role because, in 1999, the then minister of the environment established an environmental assessment review panel to evaluate the Red Hill Creek Expressway, based on, in her words, the level of public concern surrounding the issue, and the potential of the project to have a significant adverse environmental effect.

The moraine feeds some 30 rivers, and development of these lands could have a dramatic impact on the way in which the moraine processes water. As to public concern, close to 3,000 residents of the Greater Toronto area, on three separate nights, attended public meetings to oppose development, and 465 scientists signed a document calling for the protection of the moraine. The Government of Ontario also has expressed its concern in this matter. The current Minister of the Environment, then responsible for Fisheries and Oceans, also recognized the local concerns and potential environmental impact in asking for a review of the proposed extension of the Red Hill Creek Expressway.

Why has the Government of Canada, through its Department of Fisheries and Oceans or through the Department of the Environment, not declared itself a responsible authority, as it did in that previous case, under the terms of the Canadian Environmental Assessment Act, and set up a review panel, as it did for the Red Hill Creek Expressway, in order to ensure that the people of the Greater Toronto area continue to have fresh water, rivers with fish, and confidence that their government truly cares about the environment in that area?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the honourable senator for that question. She wishes some very specific information about that project. I am not familiar with it in detail, so I think the prudent thing for me to do is to draw it to the attention of the Minister of the Environment, the then minister of fisheries, as she refers to him. He was, by the way, well-known for his strong concern and advocacy for environmental issues long before he took over the responsibility for that department. I will ask him exactly what the current position of the Government of Canada is, and perhaps what the role or position of the Government of Ontario and its Department of Environment might be.

Senator Spivak: Honourable senators, I am, of course, familiar with the credentials of the Minister of the Environment and consider him an admirable person. Nevertheless, it seems to me that there is a federal responsibility here. It is not just a matter of helping out the Government of Ontario. The responsibility is mandated under federal legislation and was exercised — to my pleasant surprise — during the issue of the Red Hill Creek Expressway.

We would not want to cast any political aspersions here, but in his conversation with the minister or the department, perhaps the Leader of the Government could also find out why, in the instance involving the Red Hill Creek Expressway, they came up to the plate very quickly, whereas in this instance, where there will be such a monumental impact on Ontario, they have not yet acted.

• (1440)

Senator Boudreau: Honourable senators, I will certainly direct that inquiry to the minister, along with the references Senator Spivak made to the other situation. It is to be hoped that the minister will address that issue as well in the response.

As the honourable senator knows, jurisdiction for the environment is shared by the provincial and federal governments. As I am not familiar in specific terms with the project the honourable senator has mentioned, I would be reluctant to draw any conclusions at this stage. I can certainly put the question to the minister, framed in the way that the honourable senator has requested.

NATIONAL DEFENCE

AGREEMENT ON ANTI-BALLISTIC MISSILE DEFENCE SYSTEM WITH UNITED STATES—DECISION-MAKING PROCESS

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. Can the minister confirm, or otherwise explain, a story in *The Toronto Star* last week stating that a special cabinet committee has been struck to examine the controversial issue of whether Canada should join in the U.S. proposed national missile defence system?

Can the minister state in what way the government will make that decision? Will it by a secret cabinet decision, by a parliamentary resolution, or by consultation with nuclear disarmament experts in Canada?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I did not hear the entire question. With respect to the first portion of it, I am not aware of any such committee at this time, but that may only indicate that I am not on it. However, I will make the inquiry on behalf of the honourable senator.

Could the honourable senator repeat the second part of his question?

Senator Roche: Honourable senators, I thank the minister for his response. Many people in Canada are seriously concerned about how a decision on Canada joining in the U.S. proposed missile defence system will be taken. *The Toronto Star* said that there will be a special cabinet committee struck to come to an early decision in this matter.

[Senator Spivak]

Has the government noted the statements made over the past two weeks at the Non-proliferation Treaty Review Conference held at the United Nations? At that conference the closest allies of the United States, particularly the United Kingdom and France, have criticized the missile defence system as dangerous to international stability and undermining of arms control agreements.

Senator Boudreau: Honourable senators, I am sure the government is aware of that statement. With respect to the U.S. missile defence system, the government has taken no position to date. In fact, the information I have indicates that no request has been received by the Canadian government from the United States or any of its departments to play a role in that project.

I cannot anticipate what action the government or cabinet may take. However, at the moment cabinet has no position on the matter. In fact, to the best of my present information and belief, cabinet has not been asked to take a position on it.

[*Translation*]

Hon. Roch Bolduc: Honourable senators, three months ago, the government had not expressed its position on this subject. The Minister of Foreign Affairs has opposed it, however. The Minister of National Defence has said that the matter is not resolved. There seems to be a lack of coordination between two ministers in cabinet. This is awkward for the government.

I should like to know whether the government leader's answer means that the government has no position. Three months ago, the government had not expressed its position clearly. However, at one point the government will have to make up its mind. This is what we want to know. When will the government make up its mind?

[*English*]

Senator Boudreau: Honourable senators, I would like to believe that my information is more up to date than three months old. The government has not taken a position on this issue. It is obviously involved with the United States, through NORAD, in the defence of the continent, but it has not taken a position on this issue.

More to the point, my most recent information — and I will check to ensure that I have the most current information — is that the request has not come forward. As long as the request has not come forward, there will be no occasion to take a position on it, one way or the other.

Hon. Marcel Prud'homme: Honourable senators, some of us were asked that question recently in another part of the world. It seems to us that there is a debate going on at cabinet, so it must have reached cabinet, at least for discussion. We all want to know who is winning at the moment; who is ahead. Is it the Minister of Foreign Affairs or the Minister of National Defence? Also, who is speaking for whom?

I had the honour to attend the United Nations Committee on Disarmament with Prime Minister Trudeau. Why is it that every time there is talk of non-proliferation treaties we immediately point fingers at Pakistan and India while remaining silent on the Middle East? It is no longer a sin to say publicly that Israel is a nuclear power. In the old days, it was a capital sin to even suggest that they had nuclear powers. Yet, the Canadian government and our ambassador to the UN persistently refuse to mention four of the non-signatories by pointing out only two; those being Pakistan and India. Either mention them all or talk generally about those who have not signed.

Will the minister report back to us by the end of the week on who is winning at the moment in the cabinet discussions?

Second, will he kindly ask that when the government mentions non-signatories to the non-proliferation treaty we name all of them? I know how embarrassing it is for some to mention them all, but Israel exists and they have contaminated all of the Middle East. They brought to the Middle East an arms race that is totally out of line with the principles of Canada, that great peacemaker in the world.

Senator Boudreau: Honourable senators, the second question is a little easier to answer than the first one. With respect to the second question, I will certainly convey the view of the honourable senator, that when any mention is made of non-signatories to the Nuclear Non-proliferation Treaty, all non-signatories should be named.

As to discussions that might occur within cabinet, I have more difficulty promising to relate anything with regard to them or, indeed, even if such discussions took place. However, if a decision is made by cabinet on this issue, I will convey the details of that decision at the earliest possible moment.

FOREIGN AFFAIRS

RESPONSE TO CIVIL WAR IN SIERRA LEONE

Hon. A. Raynell Andreychuk: Honourable senators, when the United Nations was either unable or unwilling to move effectively in Kosovo, Canada was among the countries that initiated creative action there under the guise of human security.

• (1450)

Would the Leader of the Government in the Senate agree that the human security issues in Sierra Leone today are equal to those that existed in Kosovo one year ago? What creative solutions is Canada proposing in light of the fact that the UN is either unable at the moment or unwilling to become more effective in that situation?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, I thank the Honourable Senator Andreychuk for raising that very timely issue, as we have seen it in the news particularly in the last number of days.

As the honourable senator probably knows, there is no Canadian embassy now in Sierra Leone. The embassy in India, a neighbouring country, has responsibility for the country of Sierra Leone.

I am informed that the department has maintained a travel advisory report advising Canadians not to travel to that country. More recently, in May, that travel advisory was updated. We are requesting not only that Canadians not travel to that country but that any Canadians in the country depart as quickly as possible.

Although we do not have a diplomatic presence in the country, I believe our minister visited that country approximately one week ago. Probably at some personal risk, he met with the various parties in an attempt to clearly indicate Canada's position that the peace agreement should be enforced and strengthened and that the United Nations presence should continue. I believe that is the case.

The decision is that the United Nations presence will continue. I am told that currently the largest United Nations presence anywhere in the world is in that location. I am also told that it will be strengthened further in an effort to deal with the issues of personal security that the honourable senator raises.

Honourable senators, I am not familiar enough with the situation in Sierra Leone to compare it to previous trouble spots in the world, but I do know that the situation is very serious. It is being monitored closely by the Department of Foreign Affairs. One hopes that the United Nations presence will be strengthened and that it can proceed with its role as peacekeeper, rather than maintaining the current situation, which is anything but peaceful.

Senator Andreychuk: My concern is that when it comes to Africa, we are always "working to strengthen the United Nations." However, when it comes to Europe, we intervene personally, as we did in Kosovo.

Honourable senators, I cannot think of a more desperate situation than the one in Sierra Leone. Children are losing limbs daily. It is frightening. The war is being fought with child soldiers. Surely, strengthening and adding more peacekeepers is not sufficient when we know the command and control structures are not working. If we are convinced that human security is to have some meaning in the world, it cannot just have meaning in Europe; it must have a global meaning.

What is the government's position with respect to utilizing the human security agenda to do something creative and different in Sierra Leone? For example, it is a diamond issue. In Angola, Canada led a good initiative to call immediately for an end to the illicit diamond trade. What is the Canadian government, which has put itself on the forefront of human security, doing in Sierra Leone today?

Senator Boudreau: Honourable senators, with respect to the situation in Sierra Leone, as I have indicated, the position of the Canadian government is to strengthen the efforts of the United Nations. It is very important that the United Nations succeed in its efforts in that particular theatre. It is not a one-country show. We endorse the efforts of the United Nations. In terms of personnel, I believe we had a very small presence in that country, and I think most of them routinely were rotated out. We have probably almost no one there now, perhaps very small presence.

The makeup of the United Nations force was determined by the United Nations in consultation, no doubt, with Canada as one of the world leaders in peacekeeping efforts, but our presence was not required in that fashion in this particular theatre. However, we will do what we can. I understand that 700 or 800 British soldiers have landed on the scene, and hopefully that will add to the personal security issue, at least around the capital.

Honourable senators, we should continue to support and strengthen the efforts of the United Nations in any way we can. This should include the provision of additional soldiers, as was already contemplated by other countries which had made that commitment at the request of the United Nations. I believe efforts are moving in that direction.

The other issue raised by the honourable senator concerns the commercial side of the impact of actions that government might take. That is an issue on which efforts will be ongoing, no doubt. In point of fact, there is some suggestion that the tenor of the conflict actually increased as the United Nations forces got closer to the source of the diamonds.

UNITED NATIONS

GOVERNMENT SUPPORT FOR CENTRE FOR VICTIMS OF TORTURE

Hon. A. Raynell Andreychuk: Honourable senators, would the government consider not only taking a leadership role in the Security Council at the United Nations to do something more and immediate in the Sierra Leone situation, but would it also consider strengthening its commitment to the Centre for Victims of Torture at the United Nations?

We have been meeting on land mines, and I fully support that initiative because of the innocent lives that are lost and the mutilations that occur, particularly to children. The mutilations going on now leave psychological and physical scars on those people, which will have a reverberating effect on that continent and the world. The last I looked, we supported the Centre for Victims of Torture with $30,000. I understood that the minister would try to increase that figure to perhaps $60,000 to $100,000. The amount of $30,000 simply is not effective, given what our colleagues around the world are doing.

Not only do I encourage immediate action by the government in Sierra Leone, but would the honourable leader consider the long-term implications so that some assistance can be given to these children?

Hon. J. Bernard Boudreau (Leader of the Government): Honourable senators, on both of those issues — the activity in the United Nations and assistance for the victims of this conflict — I will communicate Senator Andreychuk's inquiries to the minister and ask for his response.

HEALTH

RESPONSE TO ESCALATING DEMAND ON SYSTEM

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. A new study by IMS Health Canada, a health information group, states that if current statistics on the health care utilization pattern of the baby boomer population remains the same as they get older, Canada will see a radical escalation in health care costs. According to IMS, baby boomers, Canadians age 40 to 59 who make up only 27 per cent of the population, are responsible for 52 per cent of the 22-million increase in doctors' visits in 1999.

How will the government fulfil the prescription drug requirements for an aging population whose usage of these drugs is on the increase? What happened to the national drug plan or pharmacare plan that was proposed by this government in 1993? Is it still part of the government's health care revitalization strategy, and if not, are there any alternative measures planned by this government to address these increasing demands?

• (1500)

Hon. J. Bernard Boudreau (Leader of the Government): The honourable senator raises an interesting issue. In the two years when I was not in public life, I was involved in a health-related activity. I attended a major conference in Toronto, where the Minister of Health and the president of the Ontario Medical Association made a joint presentation, and that, in itself, was an accomplishment. They placed two charts next to each other. The first chart indicated the huge increase in costs, per person, on an annual basis, upon reaching a certain age. That chart was divided demographically into various age groups, for example, zero to 30, 30 to 45, 45 to 60, and 60 and over.

The second chart contained the demographics on the Canadian population, that is, in effect, where the big bubble was located. The honourable senator is probably aware of David Foot's book entitled *Boom, Bust & Echo*. That bubble is passing through and it is about to hit the really expensive part.

The concern that the honourable senator brings forward is a very real one. I always marvel at the fact that more people do not direct comment and attention to that very point, because it represents a huge challenge for all of us. It is probably the largest challenge the government has to face, in my view. I appreciate the honourable senator raising that matter.

How will the governments of Canada address that reality? Certainly, it will involve money. As we move forward, additional resources must be committed to the system to deal with it. However, the answer is not only money. When you look at those two charts you realize, very quickly, that you cannot feed money into the system fast enough to deal with that kind of bubble.

The provinces and the federal government will be discussing these issues very soon. In fact, there is some discussion already about another meeting of the health ministers, followed at some point by a meeting of the first ministers. These are the types of questions that must be asked. The answers do not necessarily involve simply feeding more money into the Canada Health and Social Transfer. The issue must be canvassed far more thoroughly. I believe that governments will have to put aside partisanship on this issue because it is a problem for every government in Canada, and it is probably the most significant challenge that we face.

Senator Oliver: Honourable senators, by that answer is the minister saying that more funding for this problem is not now included in the government's current health care revitalization strategy?

Senator Boudreau: Honourable senators, the short answer is that additional monies have been provided. However, as we move forward and as we deal with this issue, I can foresee that the commitment by all governments will have to increase.

[*Later*]

VISITOR IN THE GALLERY

The Hon. the Speaker *pro tempore***:** Honourable senators, before I recognize another speaker, I wish to introduce Mr. Robert Sturdy, who is in the gallery with his wife, Elizabeth. Mr. Sturdy is the President of the European Parliament's Delegation for Relations with Canada. He is in Canada to participate in the workshop on "Ensuring Food Safety" organized by the Canada-Europe Parliamentary Association.

Mr. Sturdy, we look forward to close and friendly relations with the European Parliament. Welcome to the Senate of Canada.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, first, I would like to call Item No. 4, under Government Business, resuming debate on Bill C-20, which is adjourned in the name of Senator Pitfield.

BILL TO GIVE EFFECT TO THE REQUIREMENT FOR CLARITY AS SET OUT IN THE OPINION OF THE SUPREME COURT OF CANADA IN THE QUEBEC SECESSION REFERENCE

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Boudreau, P.C., seconded by the Honourable Senator Hays, for the second reading of Bill C-20, to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference.

Hon. P. Michael Pitfield: Honourable senators, it had been my intention today to speak at length about this legislation. Unfortunately, however, health problems intervened and the work that I have been preparing for you has not been completed to the standards and quality that I should like and that you deserve.

My purpose in rising on a point of order now is to apologize for that delay and to urge your continued patience as I try to prepare my case for your consideration next Thursday instead.

The problems that we are discussing are not only very complex but also have a long history. For reasons like those, they do not belong to one person or to one institution in our system of government or, for that matter, to one period of time. To the contrary, they belong to all of us — those of the future as well as those of the past — which is why it is so appropriate and important that they be examined by a Parliamentary committee.

The government seems prepared to think about the role of the House of Commons in flexible and subtle ways. I think everyone will welcome that. I would be surprised if they did not expect the Senate to be considered in a similar manner.

My concern is that the committee, like so many others in recent years, will be put in a position where it must accept material that is of less than first-class scholarship. Because I think it is so imperative that this job that we have before us is done well, I am asking for your patience in bringing this material to you.

The government has had little to say concerning the representation of interests of regionalism, individual rights, and diversity in the Constitution. All these issues are wrapped together. Surely there are ways in which the Senate, as an institution adequately reformed and removed from its splendid isolation, could be used to strengthen and support our constitutional objectives. Surely we should be able to have these questions examined by our committee.

Honourable senators, I am concerned that these sorts of questions be recognized and examined very thoroughly. I support the quality of the research that has been shown to me by our colleague Senator Joyal. The case that he has developed in these matters is very broad and well documented. It deserves to be carefully considered. It includes national sovereignty and the functions of the Senate as a national institution. It represents powerful arguments with which the government must deal.

• (1510)

With your patience and understanding, honourable senators, I trust we will be able to discharge that responsibility.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, following our distinguished colleague's comments on the point of order, we look forward to his comments on Thursday next.

[*Translation*]

Hon. Melvin Perry Poirier: Honourable senators, I am pleased to take part in the debate on Bill C-20. Several members of our house have expressed their views on this issue by looking at the bill from every possible angle.

A number of them have focussed on the role that the Senate will have in determining the clarity of the referendum question and majority. That role is not negligible, since the House of Commons will take into consideration the resolutions or official statements of the Senate on that issue.

I will confine my comments to the legitimacy of the bill and to the critical need that it meets.

Honourable senators, for at least 35 years, the Canadian political scene, and particularly the Quebec political scene, has been marked by the constant threat of Quebec's secession. There are various ways to face that threat. I shall mention four of them.

Some say that we must meet all the wishes of Quebec's ultranationalists, so as to keep them happy within our federation. The major problem with that approach is that it inevitably leads to political and constitutional excesses, since there is no way to satisfy these people.

Others propose a new round of constitutional negotiations, thus ignoring Canadians' lack of enthusiasm for such an exercise. The problem with this option is very obvious in that we still have present in our minds our past failures with that approach.

Others still are suggesting that we should not do anything, given the lack of concrete public support for a true separatist option. Personally, I think this is the worst possible avenue. I feel that, on the contrary, the Government of Canada must be ready for any contingency, which brings us to the fourth approach to the separatist issue in Quebec.

I believe that the most sensible and relevant approach to the problem is a balanced one, which consists in working day in and day out to improve our federation and to ensure that, should there be a third referendum on sovereignty, Quebecers will not risk losing Canada over a misunderstanding, in other words, ensuring that the process of a third referendum meets the criteria and requirements of clarity. That is the approach being taken by the Government of Canada.

I need not argue long to show the relevance of such an approach. The survival of a country is the most fundamental matter on which a people may be called upon to pronounce. The requirement of clarity is therefore self-evident.

[*English*]

The referendums of 1980 and 1995 demonstrated that Quebec's separatist leaders would stop at nothing and would embrace any stratagem to try to garner majority support for their option. This aspect of the debate has already been examined at great length. Thus, I will not dwell on it any longer today. We must not forget that the smoke-and-mirror tactics of the PQ government impel us to act so as to ensure that Quebecers will not lose their country, Canada, unless they clearly state that that is what they want.

[*Translation*]

We are all the more within our rights to intervene because this bill is in every respect consistent with the Supreme Court opinion of August 1998. This opinion sets out the need for clarity in the referendum process.

Honourable senators, I wonder what opponents of this bill expect of us and how they see the government's role. It goes without saying that our country is dear to us and that we would be shirking our responsibilities if we failed to ensure the clarity of the referendum process. The first to complain would be Quebecers and they would be right.

In choosing this course, the Government of Canada is not depriving Quebecers of any rights. The Supreme Court opinion stipulates that, should there be a clear majority on a clear question, the Government of Canada would be obliged to enter into negotiations with respect to secession with the Government of Quebec. The bill gives effect to this opinion.

The text of the judgment indicates that it is up to the political actors to determine what a clear majority and a clear question are. The Government of Canada being, without a doubt, one of those actors, it has the responsibility of ensuring that it enters into such negotiations only if it deems that the question and the majority make it possible to determine the desire of the people of a province to secede from Canada.

The Government of Canada did not get involved in passage of this legislation with any enthusiasm. There are numerous other matters it must address but, as I have said, few of them are as basic as the very survival of a country.

We have a duty to all Canadians, those who came before us as well as those who will come after us, to make sure that this country will not be broken apart over a misunderstanding or a partisan political manoeuvre.

[*English*]

To be sure, this bill has come in for a certain amount of criticism. One such argument is that it was not necessary to legislate and that the court's opinion was sufficient in itself. That is a view I do not share, honourable senators.

The government had a duty to give effect to the Supreme Court's opinion and to give us the means to ensure that the approach taken by the PQ government complies with all the requirements of a democracy that cares about the rule of law. Bill C-20 gives effect to this desire for clarity, which is essential for a democracy to work properly.

[*Translation*]

Honourable senators, this government is betting on clarity. We are comfortable with this approach. Comfortable because on the one hand, it is imposed by logic and on the other, because we are convinced that, with clarity, Quebecers will never renounce Canada.

• (1520)

That is what all the opinion polls indicate, that a clear question free of confusion will yield but weak support for Quebec separation. A confused question, on the other hand, one for example that involves the concepts of association or partnership, generates stronger support for the sovereignists. This has been an observable trend since the establishment of the indépendantiste movement in Quebec.

[*English*]

Another argument against this bill is that it will only fan the flames of Quebec nationalism. However, I think it is appropriate, honourable senators, to define what is meant by "nationalism".

The notion of nationalism, as it is known in Quebec, does not necessarily imply separatism. Many Quebec leaders have expressed a healthy nationalism that has been a messenger of change without advocating Quebec's separation from Canada.

[*Translation*]

Above all, we have faith in the judgment of Quebecers. We are certain that, if a third referendum on sovereignty is to be imposed on them, Quebecers, in clarity, would reject the split.

For all these reasons, honourable senators, I support Bill C-20. We do not claim to believe that it alone will resolve the question of national unity, but we believe it to be a big step forward underscoring as it does the democratic legacy Quebecers share with other Canadians.

Hon. Marcel Prud'homme: Honourable senators, would Senator Perry Poirier answer a few questions?

Senator Perry Poirier: Certainly.

Senator Prud'homme: Would the honourable senator not consider that there should not only be a committee to study this question, but that we could consider a Senate committee travelling across Canada? If we pass this bill, we will eliminate the Senate from the discussion process. Is a single committee sufficient to study this issue? Given the importance of the subject under discussion, would it not be appropriate for this committee to travel across Canada to understand and grasp the scope of this very important bill?

Senator Perry Poirier: Honourable senators, I think Senator Prud'homme has a very good idea. A committee touring Canada from one end to the other could answer the question more easily than a single committee sitting here in Ottawa.

[*English*]

Hon. Nicholas W. Taylor: Honourable senators, I believe most of my fellow senators on this side realize I am not rising to support Bill C-20. I will be speaking against Bill C-20.

Having been out of the country for the last couple of weeks, I had the *Debates* sent to me and I have kept abreast of the subject. I believe I am the first westerner to speak on the bill. I shall not cover the whole bill; rather, I shall stick to the question of precedence and the question of where the Senate fits in, in the whole scheme of things.

I might add, though, that too often, when we throw a rock into the pool here, the only ripple we think we create will be in Ottawa. We would do well to remember — and I do support the clarity portion of this bill — that we have separatists in Alberta. In fact, they were the second largest party in the early 1980s. Who knows? It may come back again. They are getting wealthy enough, and, like most wealthy people, they may like to pick up their money, move somewhere else, or put a fence around their money. The concept of separatism may not be dead yet.

Honourable senators, the notion of looking at the clarity bill, or clarifying how a province can separate, is something on which I wish to congratulate the government. I fully support that concept. However, I believe there is one gaping hole in it, and that is cutting the Senate out of the process. That causes a fatal flaw in Bill C-20.

Honourable senators, if we split the discussion on the question of whether or not the Senate should participate in the bill, we can look at both the political and legal repercussions. Let us look at the legal aspect first. The speeches given by the Leader of the Government in the Senate and then later by Senator Fraser seemed based on the fact that they thought the Supreme Court's political actors are the elected people and should be the ones making the decision. At that time, I had a quick meeting with the minister responsible in the other place, and I asked why the Senate was excluded. I got the very blunt answer back that it was owing to the fact that the Supreme Court would have made the law *ultra vires*, or illegal, if the Senate was involved. In further pursuing that area, and in talking to research staff, I concluded that the mess we got into here was caused by some researcher who could not distinguish between a political actor and an elected representative.

Coming from Alberta, I must admit that it is not hard to get actors and elected representatives mixed up. However, a mistake like that should not have any place in the basic research of putting together a bit of legislation. In other words, if the term "political actors" had been defined correctly, as it should have been in the first place, I do not think there would have been any exclusion of the Senate.

Honourable senators, some people would say, "Well, Senator Taylor, you are being too charitable. Some people have a long and distinguished record of trying to put banana peelings in front of the Senate, and this was not an accident; this was deliberate." I prefer, being from the West and having seen the clear blue air of the Rockies, to think that, indeed, it was a mistake rather than anything deliberately planned.

Honourable senators, we can go on from there; we can look into the question of the Senate and the regional vote.

• (1530)

Bear in mind, honourable senators, that if the House of Commons is to decide any issue, it must recognize that nearly 60 per cent of voters reside in Ontario and Quebec. Perhaps in the next generation or two, two-thirds of the national vote will centre in one house. In the Senate, though, Quebec and Ontario will always be restricted to less than 50 per cent. If there is any flywheel or any sort of hedge against the dictatorship of the majority or mob rule, it is the Senate. In the fields of religion, race and resources, the Senate is it.

You may say that, in this case, we are only speaking about one province. The point is that once you open the door, you never know how many horses will get out.

I will quote from Senator Fraser's speech found at page 914 in the *Debates of the Senate* on March 30. Senator Fraser is the chair of our caucus, a very intelligent and worthy person. She states:

> I find myself, however, powerfully affected by the argument that the focus of Bill C-20, the government's approach to the possible secession of a province of Canada is another such subject, something that is so fundamentally, inherently political, so directly and intimately bound up with the will of the people, that it, too, falls into that small but crucial class where it is the House of Commons and not Parliament as a whole that must take the decision and, of course, bear the responsibility of doing so.

That approaches sedition. That is a very dangerous policy indeed. Do you realize that Senator Fraser is not only the chairman of caucus but that she probably had this speech vetted by the PMO, speaking *ex cathedra*? She did not just rumble along on this topic between tea times.

Senator Fraser may well deny this and she will have a chance to ask a question in a moment. She is, in my opinion, a very important person and one whose opinion I follow closely.

I must ask what is happening here. Are these matters so fundamentally intimate and binding that they must be carried out by the House of Commons? Who constitutionally says so? Is it Quebec this time? Will it be aboriginal rights another time? How about this, those of you from the Maritimes and from the West? How about a national energy policy?

Some Hon. Senators: Oh, oh!

Senator Taylor: Just suppose, dear old Newfoundland and Nova Scotia, that the House of Commons decides to demand a national energy policy, while the world price of oil is sitting at $80 per barrel? They could demand a change in the Constitution. They could decide they made a stupid mistake, giving resources to the Maritimes and the West. What if they say they must change things by a bill, but that the matter is so important they prefer not to ask the Senate about it?

Let us go a step further. Suppose there is a question on the aboriginal languages in the high Arctic. What if the House of Commons decides, for the good of the country, not to protect northern businesses from an invasion by southern businessmen by putting the native language in some sort of an artificial corner and letting only the House of Commons vote on it?

Some Hon. Senators: Oh, oh!

Senator Taylor: Going on from there, the whole area becomes somewhat of a race. What is supposed to stop them?

I just came back from an inter-parliamentary conference in Jordan. The Israelis, the Arabs and the Iranians were all arguing in their different racial groups. We must realize how fortunate we are in Canada to enjoy an almost-non-racial society. Why is it non-racial? We do advertize it as such. I do not think we have little prejudice just because we were born under bright sunny skies and drank the clear water. Actually, my view of mankind is jaundiced enough that I believe the reason for our lack of prejudice is our lack of enough power to screw the other guy, so we all have to get along.

An Hon. Senator: I agree with you.

Hon. Senators: Hear, hear!

Senator Taylor: Bearing that in mind, why should we turn around, in this bill, and give to a majority house — which requires agreement only from Ontario and Quebec — the right to trample on the rights of everyone else?

The Senate is here for a very good reason. We should think very seriously indeed before voting on any sort of resolution that leaves the Senate out of the process. This precedent would make it very easy for the House of Commons to decide that it can administer this country by themselves. A bill was not necessary here. A resolution could have been passed, a resolution within their own house. They did not need to come here and ask us to cut our own throat.

Senator Prud'homme: Hear, hear!

Senator Taylor: For some reason, there is some repository of "wisdom" over there that thinks an elected majority from two provinces can, some how or other, never go wrong. I do not buy that for an instant.

Before I sit down, I want to touch on the strategy.

Senator Prud'homme: Oh, oh!

Senator Taylor: I am not sure what I have done wrong, honourable senators, but if my friend Senator Prud'homme is cheering me on, I will need to re-read my words.

Concerning strategy, there is no question that the Liberal Party is the only party in the House of Commons presently which is arguing for a majority greater than 50-plus-1. They are calling for 66 2/3.

What do you suppose will happen if after the next election we have a minority government? The question we are discussing today will not even get to the Senate. The Senate will be the only body demanding more than 50-plus-1 for final separation.

Suppose — terror of terrors — that out of the West comes that party which was only a small speck of dust one year ago. People used to hold their sides and laugh when I said, "Watch Reform." That speck of dust just got larger at the end of last year. Now they can almost hear the thundering hooves —

Senator Cools: He is a poet!

Senator Taylor: — and a loud cry, Frankie Lane style, as we watch Stockwell Day, Preston Manning and Joe Clark galloping across the nation. One of them could end up as Prime Minister. It could happen. Democracies do funny things. Then we would be awfully thankful, those of us who believe in the two-thirds majority, that the Senate still stands between the House of Commons and their 50 per cent plus 1.

The strategy of this bill absolutely befuddles me. In closing, I say we should vote against sending this bill to committee because it is fatally flawed. It is a bad bill.

The PMO and the people who drafted this bill should swallow their pride and realize that the idea of cutting the Senate, never mind the rest of the bill, was based on a false conclusion by some researchers who mixed up political actors with elected representatives. That is very easy to do, if you watch Question Period in the other place.

Some people say that senators are appointed to do whatever the Prime Minister says. I have never been able to quite understand why the Supreme Court judges are appointed to age 75 because they are supposed to be impartial, unaffected by politics. However, senators, also appointed to age 75, supposedly must kiss the hand that appointed them. Something is wrong there. I like to think that a certain amount of independence was involved in putting me in this position.

Some Hon. Senators: Hear, hear!

Senator Taylor: I would paraphrase that great parliamentarian, Sir Winston Churchill. He said he was not elected to preside over the dissolution of the British Empire. I do not feel I was appointed to preside over the dissolution of the Senate.

Some Hon. Senators: Hear, hear!

Hon. John G. Bryden: Would the Honourable Senator Taylor accept a question?

Senator Taylor: I shall be happy to entertain a question from Senator Bryden.

Senator Bryden: Honourable senators, that was a wonderful speech, whether or not one agrees with it, and a brave one. I compliment the honourable senator on it.

The honourable senator focussed his concern primarily on the fact that one of the most valuable functions of the Senate is the protection of minorities and the regions of our country. Indeed, he did not include this because he could not include everything. However, I will ask the question, even though it is rhetorical. Was he aware that the Maritime provinces, as they then were, would not have entered into Confederation if the parties had not agreed that there would be a senate, an upper house, that would adequately represent the views of the regions in the event that Upper and Lower Canada were in a position of majority and, therefore, in a position to control the House of Commons — indeed, the situation that exists today?

• (1540)

Senator Taylor: Yes, honourable senators, I was. I am glad Senator Bryden emphasized that point. After all these years, that is perhaps one of the reasons honourable senators will get their kick at the cat. If the oil and gas reserves turn out to be as large as some suggest, there may be a lot of people going down to Halifax to kiss my honourable friend's ring.

Hon. Joan Fraser: Honourable senators, I wonder if Senator Taylor would allow me to set his mind slightly at rest. He suggested that my remarks earlier on this bill might have been vetted by the Prime Minister's Office.

The Hon. the Speaker *pro tempore***:** Honourable senators, I regret having to interrupt Senator Fraser, but the 15-minute time period has expired. Is Senator Taylor asking for an extension of time?

Senator Taylor: Honourable senators, I seek leave for time for questions.

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

Hon. Senators: Agreed.

Senator Fraser: Honourable senators, I wonder if it would set Honourable Senator Taylor's mind at rest to know that my remarks were not vetted by anyone. No one outside my office knew what I was to say on this bill. Perhaps some people wish they had vetted the remarks, but they did not. They were the fruit of my own reflection after considerable agonizing about many of the points that Senator Taylor raised.

Senator Taylor: Honourable senators, I am relieved by the statement of the honourable senator, although I must say I am a bit surprised at her recklessness. When I read the speech, as I said, it was so fundamentally and inherently political that it did, as an old farm boy from out West, frighten the dickens out of me.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I also have a question for Senator Taylor. Given the *realpolitik* of this place and of this town, and given what I think is the overwhelming agreement with the thesis that we have a historical challenge as senators these days in securing, maintaining and protecting the integrity of this house and its consent, what kind of an amendment does the honourable senator think we would be able to bring forward to give the level of comfort that the government would need? What could we in this house who support the principle of the bill in general but who may have difficulties with various elements of it, such as the issue of the role of the Senate, propose as an amendment that would find favour with the government so that the government would see that it is only the integrity of our bicameral system that is being addressed? Do we need an amendment that would speak to the time line — in other words, that the Senate would not be holding up the consideration of the clarity of the question? Does the honourable senator think the government would be comfortable with an amendment that envisaged a joint committee of the House of Commons and the Senate that would look at the clarity of the question? What help might the honourable senator give on that particular consideration?

Senator Taylor: Honourable senators, I have not drafted an amendment, of course, because, as the honourable senator says, there are other issues besides the place of the Senate. One of the things that has always impressed me, and sometimes amazed me, is how the committee system works so well in the Senate. I had always thought that a camel, for instance, was a cow that was put together by a committee and things went wrong. In general, though, committees here in the Senate seem to turn out a good product. Thus, I would think that an issue such as this would be well within the capacity of one of our committees to study.

While we are on the subject of committees, I am somewhat disappointed that we are talking about a new committee. When we start changing committees around, we telegraph a message to the public that we are cooking the process a bit, which also sets a precedent for situations down the road. If we have an agriculture committee that is against the Wheat Board, we put together another committee that is for the Wheat Board. If we have a foreign affairs committee that is against NATO, we put one together that is pro-NATO. That manipulation can go on and on. When we start cooking up new committees, there is a concern that we are trying to get the answer we wanted ahead of time rather than letting the committee go right at it.

I am not a member of the Standing Senate Committee on Legal and Constitutional Affairs, but I know there are some real tigers on both sides of that committee, which I think is okay.

Hon. Anne C. Cools: Honourable senators, would the Honourable Senator Taylor be so kind as to take another question?

Senator Taylor: Certainly.

Senator Cools: Honourable senators, I am sure that Senator Taylor is well informed, as are most honourable senators, of Mr. Stéphane Dion's attitude with respect to the Senate. I am sure he has read in the press, as I have on numerous occasions, that Mr. Dion feels that the Senate should be abolished. No secret has been made of that and no attempt has ever been made to conceal it. No attempt has been made to be attentive to party loyalty or to the constitution of the Senate or its history.

As Senator Taylor will recall, some years ago a question was put to Mr. Dion from the floor of a Liberal Party convention. The question had to do with the choice of nationalism over political parties. I believe Mr. Dion made his famous statement, "My country before my party." Does Honourable Senator Taylor recall that statement?

Senator Taylor: I do.

Senator Cools: The statement was made in response to whether Mr. Charest should be in Quebec, along the lines of how does a Conservative become a Liberal, and Mr. Dion responded with these very famous words. They were quoted nationally across the country. They were even quoted in this chamber. He stated, "I believe in my country before my party."

Since I do not believe Mr. Dion would discuss this bill with me, I am wondering if the honourable senator would have any idea if Mr. Dion's statement, "My country before my party," applies to Liberal senators.

Senator Taylor: I do not know about putting the country before my party, but it sounds like a good policy, actually. My saintly old grandmother said she always voted for the person. When I asked her how she voted, she had voted Conservative all her life because she had never found another person worth voting for. You might argue that a good party does what the country wants, so the country always appears to be number one. I think it should be number one.

• (1550)

As far as Mr. Dion is concerned, I know of his past. I had a meeting with him. We know each other very well. We have attended the Calgary Stampede together. When you do the Stampede together, a bonding occurs that those from the East may not realize. It is not quite the same as pricking your finger and bonding together, but there is a bonding that goes on there when you watch the animals being tortured. The bull riding, of course, appeals to any politician.

Mr. Dion was the one who said that he thought the Supreme Court would have ruled the bill out of order if it had allowed for the Senate, clearly based on the idea that the elected representatives should decide the matter. I believe that much of this debate about the Senate is based on a mistake. Somebody with a slip of the pen has led to a wrong interpretation.

Since then, I have not had a meeting with him. However, I certainly got from his lips that he thought if the bill had left the Senate in there in the normal position, it would be illegal in the eyes of the Supreme Court.

This leads to two questions. I know Senator Cools does not love the Supreme Court any more than I do. The Supreme Court could decide, as they did in the lobster case, and redefine what a political actor means. I do not know if anyone will go to court and ask for a ruling on what is a political actor. The fact is, as of now, Mr. Dion's researchers have interpreted the ruling to include only elected representatives.

Senator Cools: Honourable senators, many of us who have read the Supreme Court decision in this matter were mesmerized by the lack of clarity and precision in the judgment itself. Certainly, courts write about the powers of Parliament and prime ministers and enacting statutes. It is beyond credibility that any such careless, imprecise terms could be applied accidentally.

Senator Taylor was alluding to the question that I put previously. My secretary, who is listening downstairs through the electronic system has just sent me the newspaper article handed to me by a page. The article is from the Montreal *Gazette*, Sunday, March 22, 1998, and is by Joan Bryden. The article reads as follows:

> ...Intergovernmental Affairs Minister Stéphane Dion, who won the most prolonged, spontaneous ovation for the shortest answer.
>
> "My country before my party," Dion said succinctly, responding to a delegate who questioned why the government is letting Charest, the leader of the 'fifth party', be portrayed as the champion of federalism.

Perhaps we may not settle this question here, but it is a question that could be asked of Mr. Dion when he comes before us.

Hon. Charlie Watt: Honourable senators, in regard to Bill C-20, I should like to raise a most compelling issue. I address honourable senators today as both a senator and an Inuk.

The issue to which I refer was not fairly considered by the House of Commons. I am referring to their urgent need to ensure that the aboriginal peoples of Canada, especially those in the province that is proposing to secede, will be direct participants in any future secession negotiations. Therefore, I urge the Senate to amend Bill C-20 to expressly include aboriginal peoples as direct participants.

Aboriginal people such as myself, who live in the province of Quebec, know that the threat of Quebec secession is very real. As reported in a front page article in the Montreal *Gazette* on May 8, the Quebec government is now launching a major offensive toward Quebec sovereignty. In this regard, Premier Lucien Bouchard has declared: "Our objective, our obsession, is the sovereignty of Quebec, as soon as possible."

In addition, in Quebec's latest version of Bill 99, the Quebec government is seeking to deny aboriginal peoples the status of distinct peoples. We are being forced to identify ourselves as part of a single "Quebec people." We are being denied our rights to self-identification and self-determination. In any future Quebec referendum on secession, our distinct voice will be drowned out. These acts by the Quebec government are grave violations of our human rights.

Over the years, aboriginal peoples in Quebec have contributed immensely to the secession debate. We have held our own referendums in order to express our democratic will to remain with our traditional territory in Canada. We have participated as interveners in Quebec secession references. Many of us are continuing our efforts to ensure that Quebec does not separate from Canada.

Yet, we still find that our efforts and positions are being weakened by the actions of the federal government. I am referring here to the failure of Bill C-20 to guarantee the participation of aboriginal peoples in any future secession negotiations. We have lived and governed ourselves for thousands of years in what is now known as Canada, yet we are still being denied equal treatment and respect.

During the debate on the third reading of Bill C-20 in the House of Commons, Intergovernmental Affairs Minister Stéphane Dion confirmed that section 35.1 of the Constitution Act, 1982, establishes a binding principle. This principle requires the federal and provincial governments to invite aboriginal people to participate in discussions on any constitutional amendments affecting us. Mr. Dion claims that Bill C-20 respects that principle since it does not limit any future secession negotiations to solely federal and provincial governments.

Mr. Dion acknowledges that his government did not expressly include aboriginal peoples in Bill C-20 as participants in any future secession negotiations. He feels the bill should not "go beyond the Court's Reference by creating an obligation for actors other than those to which the Court specifically assigned" a duty to negotiate secession. In regard to the aboriginal peoples, this argument is simply not valid.

First, our participation in constitutional negotiations is already expressly contemplated in section 35.1 of the Constitution Act, 1982. Second, the James Bay and Northern Quebec Agreement and other treaties with aboriginal peoples in Quebec cannot be altered without aboriginal consent. They reinforce the role of aboriginal peoples as distinct "political actors" who must participate fully and directly in any future secession negotiations.

Third, it is ridiculous for the federal government to claim that it did not include aboriginal people as a participant, since it did not wish to impose any obligations on us to negotiate secession. Aboriginal peoples have constantly stated that we must represent ourselves and participate directly in secession negotiations. The government has a fiduciary obligation to act according to our wishes and our constitutional status and rights.

It is an unacceptable double standard to expressly include federal and provincial governments in Bill C-20 as participants in future secession negotiation and, at the same time, omit aboriginal peoples. In the Quebec secession reference, the Supreme Court did not give such authority to the Government or Parliament of Canada.

• (1600)

Consistent with the principles of democracy, federalism, and the protection of aboriginal and treaty rights, Bill C-20 must be amended to include aboriginal peoples as direct participants in any future secession negotiations. Today, I am providing you with proposed amendments that would achieve that result. These amendments are totally consistent with the spirit and letter of the Supreme Court judgment and with Canada's Constitution. The amendments are also fully consistent with the treaty, aboriginal, and other human rights of aboriginal people.

The Senate of Canada was created to provide a voice to the regions and peoples who might not otherwise be heard. It is the chamber of sober second thought. Therefore, I strongly urge honourable senators to amend Bill C-20. The Senate should not be party to the same acts of exclusion of aboriginal peoples as has marked Canada's history. The Senate should not, in effect, assist the breakup of Canada by weakening the status of aboriginal peoples in the Quebec secession context.

I should like to have these proposed amendments dealt with at committee rather than in the Senate chamber.

Hon. Lowell Murray: Does the honourable senator believe that the relationship of the aboriginal peoples of Quebec to the federal Crown and federal Parliament could be changed without their consent? Could the court and provinces, in the course of a secession agreement, simply transfer responsibility for aboriginal peoples from the federal Crown and Parliament to some new entity outside Canada without the consent of the aboriginal peoples of Quebec? Also, what does the senator think the government's view is on this?

Senator Watt: Honourable senators, I do not believe that the Government of Canada or the provinces, singly or jointly, have the authority to make that decision without consulting the aboriginal people.

Senator Murray: Honourable senators, my point was not only one of consultation. As my friend has pointed out in his speech, one would think that consultation is guaranteed under section 35.1. My question is whether, as a constitutional matter, the aboriginal peoples could be transferred out from under the jurisdiction of the federal Crown and Parliament without their consent. That is a matter that we may want to put to the government at some point.

Senator Watt: Honourable senators, allow me to elaborate on why aboriginal peoples cannot simply be transferred from federal to provincial jurisdiction. The Constitution clearly states, in section 35, that if there is to be any alteration to aboriginal status, the aboriginal peoples must be consulted and they must provide consent.

More important, the only existing agreement between the Government of Canada and the Province of Quebec is the James Bay and Northern Quebec Agreement, which was signed in 1975. It is considered to be a modern-day treaty. If there is any alteration to the Constitution, that text will be impacted in many ways. For that reason, it is more important that the aboriginal peoples are direct participants in whatever negotiations take place with regard to secession.

Senator Prud'homme: Honourable senators, I always listen with great interest to matters pertaining to the future of our country. I am afraid that there is sometimes a lack of sensitivity on what Canada is all about. I have seen that for the seven years that I have been in the Senate, and I have seen it often in the House of Commons.

This is one of the infrequent occasions that we will have to demonstrate why the Senate was created. We had a great occasion with regard to a promise made to the people in Newfoundland that their school system would never be touched. Democracy obligated us to take away the rights of people who joined Canada in 1949. At least we had a long debate. I strongly urged the Senate to go to Newfoundland, and we did. I believe that the Senate did its duty.

Senator Watt said that he intends to propose an amendment but would prefer to move it in committee rather than here. I am of the opinion that nothing will come of the committee study. I do not want to prejudge what will happen there, but we can already see a trend developing of the members who are being considered for that committee not being in a mood to accept amendments. It may be unfair, but that is my perception.

Would it not be wiser, therefore, for Senator Watt to move his amendments here? If he decides that he should do so, but the Speaker rules that, as Senator Watt has finished his speech, he is no longer entitled to do so, perhaps he could convince a senator who has yet to speak to move those amendments at second reading in order to dispose of them one way or the other. In that way, Senator Watt would have the opportunity to move them again in committee.

It seems evident to me that the House of Commons is in no mood to adopt any amendments to Bill C-20. I have spoken with a large number of members from various parties. They do not want the Senate to be considered and they do not want the Senate to tamper with "their Lords," as I now call them. They do not want us to tamper with what they have already decided.

• (1610)

Honourable senators know my sensitivity to the first Canadians. We tend to forget about that, but I have not. I have always accommodated them. I changed my approach to Canada when I started to meet people like Senator Watt and Senator Chalifoux and all these people throughout Canada.

Senator Watt: I thank Senator Prud'homme for his interest and also the sincerity of his point and not wanting me to miss the chance to highlight the actual amendments.

Senator Prud'homme also raised the issue of sensitivity and the need to require some clear thinking and understanding, as well as the need to restore respect, which quite often does not exist at all.

I am also relying heavily on our committee members to take this matter seriously at the committee level. They would have much more time to properly screen the matter. Hopefully, it will also educate the House of Commons and the Canadian public because at times they do require education.

For that reason, rather than do what Senator Prud'homme is proposing I do, I would put my faith in the committee that will be handling this issue. However, if nothing happens at that committee, I do not think I would be prevented at third reading from introducing those amendments. For some reason, if the committee chooses not to introduce the amendments, then I would still have the opportunity to put forward the amendments.

Senator Prud'homme: Honourable senators, I am satisfied with the answer. I think sometimes we are afraid to say we are satisfied with the answers given, but I am very satisfied.

It so happens that I sat on a very touchy committee with some of the senators that I note will be sitting on this committee. Their sense of fairness and honesty was evident then. I see one in particular who sat on a special committee on veterans affairs. Senator Watt is right: That experience served well. Their televised hearings served to educate Canadians. I will put my faith in Senator Watt. Of course, everything depends on whether this bill reaches committee, and it has not reached that stage yet.

The Hon. the Speaker *pro tempore***:** Senator Cools, I regret that time has expired. Are you asking for an extension of the allotted time?

Senator Cools: Honourable senators, I have one quick question.

Senator Watt: Honourable senators, I seek leave for time for questions.

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

Hon. Senators: Agreed.

Senator Cools: I thank Senator Watt for raising what I think are very important questions about our first peoples. He has said he will leave matters to the committee. If the committee does not make an amendment as he would wish, he would be content, then, to move an amendment himself at third reading.

The task before Senator Watt is somewhat daunting. The first task and the first item on the agenda should be to get the committee to consider the issues he has raised so that the committee may consider amending the bill.

Is Senator Watt contemplating moving an instruction asking the committee to, in particular, study the impact of Bill C-20 on the James Bay treaty and the other related First Nations issues?

Senator Watt: I thank Senator Cools for her question. I have actually spoken to senators on a one-to-one basis, those who have mentioned that they will become members of the committee. I have not spoken to them all. I still intend to emphasize how important this matter is to the other committee members when the committee is put together.

On motion of Senator Joyal, debate adjourned.

MODERNIZATION OF BENEFITS AND OBLIGATIONS BILL

SECOND READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Pépin, seconded by the Honourable Senator Maheu, for the second reading of Bill C-23, to modernize the Statutes of Canada in relation to benefits and obligations.

Hon. Anne C. Cools: Honourable senators, I rise to speak to second reading of Bill C-23, to modernize the Statutes of Canada in relation to benefits and obligations.

Senator Lucie Pépin, the sponsor of Bill C-23, commenced second reading debate a few days ago. In her response to a question from Senator Fernand Robichaud about family members living together out of economic need, Senator Pépin said at page 1190 of Hansard:

> You are right when you say that when several people live together in a family, there is a relation of economic dependency. However, after examining the obligations and the scope of such a bill, the government has concluded that this situation should be dealt with in a separate bill.
>
> Since these people do not live as couples, it would be better to keep both types of situations separate instead of joining them in a single bill, because they are different.

Honourable senators, Senator Pépin's response on the question of economic dependency is starkly different from Minister of Justice Anne McLellan's response on this matter of economic dependency and relationships some years ago. Before the Standing Senate Committee on Legal and Constitutional Affairs on September 23, 1998, on Bill C-37, to amend the Judges' Act, Minister McLellan said that she and her department were examining the extension of benefits to all relationships of economic dependency. She told the Senate committee the following, as reported at page 31:20 of the committee proceedings:

> I will be very candid: This government's expressed approach to this is that we will deal with every case on a case-by-case basis. The court has said that it will take a similar approach. However, I would remind honourable senators — and I said this in response to Senator Bryden — that we are doing policy work that potentially speaks to a fundamental change to whom benefits might be extended within Canadian society, at least within the federal jurisdiction, and that we do not want to restrict ourselves to a discussion simply of same sex or opposite sex, but to consider a more legitimate question in Canadian society which is one of true dependency. When that work is done, as I have already indicated, we may return to both you and the House of Commons with an omnibus piece of legislation which will deal with the extension of benefits or entitlements of one sort or another on the basis of dependency. That work is well on its way, and my colleagues and I will be talking about it in detail starting next week.

Honourable senators, at some point in time, the minister abandoned her intention as stated before the committee and moved to this mode of extending benefits based on sex and sexual activity. It is a question that I hope the committee will examine during its study on Bill C-23 and will inquire of the minister how is it and why is it that she changed her mind.

Honourable senators, last year, Bill C-78, to establish the Public Sector Pension Investment Board, was before the Senate. Clause 75 of Bill C-78 used the words "in a relationship of a conjugal nature." I spoke here in this chamber on June 16 and September 10, 1999. I objected to those words, particularly the words "of a conjugal nature." I am saddened that almost a year later the Minister of Justice has yet again declined to heed my counsel and did not draft the bill adequately to reflect its policy objectives. At that time, I had based my objection largely on the judicial activism of the courts and also on the risk that such a definition would pose to marriage as a social and religious institution. I asserted at the time that the term "conjugal" was a distinct term of matrimonial law.

• (1620)

On June 16, I told the Senate that the government must simply find a way to accommodate the concerns and interests of homosexual persons for pension benefits without any further diminution of marriage. I sincerely believe, honourable senators, that the government has a duty to balance these interests and that it is entirely possible to draw up and bring forth a bill that can balance both of these questions.

The government must cease manipulating the words and the accompanying legal meaning of the words "man," "woman," "husband," "wife," "marriage," "spouse," and now "conjugal." The legal and definitional manipulation, so rampant in the courts and in government, is cruel, divisive, prejudiced and unnecessary. The term "conjugal relationship" is a marital or matrimonial term, and "marriage" means between a man and a woman.

Honourable senators, marriage was originally a sacrament of the Roman Catholic Church, proscribed by canon law. That canon law was later underwritten by civil, common, and, in some jurisdictions, statute law. I should like to quote the Solemnization of Marriage Service found in the Anglican Church's 1549 *Book of Common Prayer*. The prayer book's marriage service states, in part at page 564:

> Matrimony was ordained for the hallowing of the union betwixt man and woman; for the procreation of children to be brought up in the fear and nurture of the Lord; and for the mutual society, help, and comfort, that the one ought to have of the other, in both prosperity and adversity.

This concept of marriage, honourable senators, has served humanity for a few hundreds of years now and I think it is important that this concept of marriage must not be diminished and undermined. Marriage as a social institution should absolutely be protected.

Honourable senators, I wish to speak now to the dictionary definitions of the word "conjugal" and the plain meaning of the word. I shall explain the word's origins. *The Shorter Oxford English Dictionary* defines "conjugal" as:

> Of or pertaining to marriage, or to husband and wife in their relationship to each other, matrimonial.

The term "conjugal" had its genesis in the Latin term *coniugalis* or *conjugalis* — in Latin, "I"s replace "J"s — and means "relating to marriage." There are several Latin words for marriage and the different aspects of marriage. They include *coniugium, matrimonium, nuptiae, conubium*, *consortium*. There are many more words. These are just some of the matrimonial terms. In English, these terms mean respectively, conjugal, matrimonial, nuptial, connubial, and consortium, and all are expressions of the several dimensions and elements of marriage and matrimonial law. The celebratory festival itself was the *nuptiae*, nuptials; the *coniugium*, conjugal, was the obligation to bring forth offspring in marriage; the *consortium* was the right and duty to sexual performance of one partner to the other; and the *matrimonium* being the several obligations pledged to each other and to the *familia*. The unmistakable and defining characteristic of a conjugal relationship rests in the blessing of the capability to bring forth issue, offspring, children, in marriage. For centuries, the weight of jurisprudence and law has supported this. This proposed change is revolutionary and unsupported by history.

Honourable senators, the term "conjugal" is a matrimonial term and simply cannot be legally stretched to apply to erotic or sexual relationships between homosexual persons. The word "conjugal" is not that elastic legally, socially or biologically as this bill suggests. *The Shorter Oxford English Dictionary* defines the word "conjugate" and then it defines the word "conjugation." The dictionary defines the word "conjugation" in grammar, botany, mathematics, physics, chemistry and in biology. "Conjugation," in common parlance, is mating, as, for example, the term "the mating season." About the meaning of conjugation in biology, *The Shorter Oxford English Dictionary* informs us that "conjugation" is the union or fusion of two cells for reproduction.

Honourable senators, this morning, in the National Finance Committee, we heard an excellent presentation from some of the personnel from Health Canada. They were talking about the reproduction and development of a mutation in viruses, the threat that will be placed before our community, the need for vaccination, and so on. Furthermore, in that particular committee this morning, they made reference to some of the biological aspects of what one calls "genetic mixing." It is important that we understand the meaning. About the meaning of "conjugation" in biology, *The Shorter Oxford English Dictionary* informs us that "conjugation is the union of two cells for reproduction. In biology, "conjugation" means genetic recombination — that is, a recombination of genetic material. "Conjugation" is a mixing of genetic material. Such genetic mixing invariably produces offspring in the human species, called issue or children. This human offspring is similar to both parents in respect of being of the same species, but though of the same species, on an individual basis, it is a unique organism, a unique person.

Honourable senators, the prerequisite condition absolutely necessary to genetic recombination in humans is the existence of two different mating types. There have to be two mating types of the same species, but two different mating types — that is, different from each other biologically in mating capacity and mating function in the biological process of reproduction. Reproduction is not a legal process, it is a biological one.

The two mating types are, first, a genetic donor, typically described as male, man; and, second, a genetic recipient, typically described as female, woman. This is the process of genetic recombination. It is a recombination of genetic materials from both a man and a woman. It follows, then, that biological conjugation, genetic recombination, simply cannot occur in a situation where two mating organisms are of the same mating type, a condition simply described as homosexuality, hence the Greek prefix, *homo* and the word "sexual": homosexual. Homosexual sexual activities cannot be conjugal in the business of mating. The two homosexuals, as the prefix *homo* dictates, belong to the same mating type. Consequently, homosexual, erotic, carnal relationships cannot be conjugal.

Honourable senators, I should like to speak now about clause 1.1 of Bill C-23, which states:

> For greater certainty, the amendments made by this Act do not affect the meaning of the word 'marriage', that is, the lawful union of one man and one woman to the exclusion of all others.

This is an amendment made in the House of Commons at the prompting of Minister McLellan herself. It was presented as proof that the minister was concerned about marriage, and to reassure Canadians that bill C-23 will not affect the meaning of the word "marriage". Honourable senators, this amendment will not appear in a single one of the several dozen statutes, 68 in all, that Bill C-23 is amending. These words will not appear in any of those amended statute laws and will simply fall away, if and when Bill C-23 is passed.

Mr. David Brown, a Toronto lawyer with the firm of Stikeman Elliott, has given a legal opinion on the principles of statutory interpretation in relation to Bill C-23. About clause 1.1, David Brown said:

> Put another way, section 1.1 is not an enacting provision of the Bill; it does not operate to amend any of the particular acts referred to in the Bill by including a definition of the word "marriage". Passage of a version of Bill C-23 which includes section 1.1 will not result, as a matter of law, in any of the specific bills containing a definition of "marriage". Section 1.1 is not an enacting provision; it is simply an interpretative section.

Honourable senators, I hope that the committee will give Bill C-23 serious study and offer some improvements. I hope that the committee will attempt to find a balance between the societal interest in marriage and the societal interests in providing benefits for homosexual persons.

• (1630)

Honourable senators, in this chamber on May 2 of last week, in response to my question of Senator Pépin, Senator Joyal stated, as reported at page 1191 of the *Debates of the Senate*:

> The Supreme Court judgment in the case referred to by Senator Pépin, and in particular Justice Cory, has defined clearly what is a conjugal relationship.

I would ask the committee to study this question. My reading of the Supreme Court's judgment in the 1999 case of *M. v. H.* informs me differently — and I believe that is the case to which Senator Joyal was referring in response to my question of Senator Pépin. It is true that Mr. Justice Cory did mention the words "conjugal relationships," but the court did not define what is a conjugal relationship; the question was not settled at all. In fact, Mr. Justice Cory mentioned those words in *obiter.*

In *obiter*, Mr. Justice Cory referred to a lower court decision, being the Ontario District Court 1980 case of *Molodowich v. Penttinen*. I note that the *Molodowich* case discussed conjugality in the context of heterosexual relationships. In *M. v. H.*, Mr. Justice Cory stated at paragraph 59:

> *Molodowich v. Penttinen* (1980), 17 R.F.L. (2d) 376 (Ont. Dist. Ct.), sets out the generally accepted characteristics of a conjugal relationship. They include shared shelter, sexual and personal behaviour, services, social activities, economic support and children, as well as the societal perception of the couple. However, it was recognized that these elements may be present in varying degrees and not all are necessary for the relationship to be found to be conjugal. While it is true that there may not be any consensus as to the societal perception of same-sex couples, there is agreement that same-sex couples share many other 'conjugal' characteristics. In order to come within the definition, neither opposite-sex couples nor same-sex couples are required to fit precisely the traditional marital model to demonstrate that the relationship is 'conjugal'.

The case of *Molodowich v. Penttinen* made no mention of same-sex relationships.

I am hopeful that the committee will study this matter. I am sure that many questions will follow.

Honourable senators, I note that the decision in *M. v. H.* by Mr. Justice Cory, supported by Chief Justice Lamer and Justices Claire L'Heureux-Dubé, Beverly McLachlin, Frank Iacobucci and Ian Binnie, was based not on whether homosexual partners lived in a conjugal relationship, but, rather, on the interpretation of the purpose of section 29 of the Ontario Family Law Act. The majority concluded that the purpose of that section was to reduce the demands on the public welfare system.

The Hon. the Speaker: I regret to interrupt the Honourable Senator Cools, but her 15-minute speaking time has expired.

Senator Cools: May I have leave to finish my speech, honourable senators?

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

Hon. Senators: Agreed.

Senator Cools: They concluded, therefore, that it was discriminatory to exclude same-sex couples from these provisions since it would purportedly defeat the purposes of the act. In effect, the mention by Mr. Justice Cory that same-sex couples were, in fact, in a conjugal relationship was not essential or relevant to the decision, but rather was included as *obiter dicta* only. I hope the committee will clarify this question as to what Mr. Justice Cory actually said, and its impact on the judicial determination of the meaning of a conjugal relationship.

Honourable senators, for the sake of the record I should like to cite a particular statement from the 1980 decision in *Molodowich v. Pentiinen*. The judgment was given by Mr. Justice Kurisko of the Ontario District Court. He stated:

> The suit for restitution of conjugal rights was the enforcement of the essence of the marriage contract recognized from time immemorial that there be cohabitation and that conjugal rights be rendered.

Honourable senators, I sincerely believe that it is possible to be fair in our community, and it is truly possible to do justice to all. I may be a little naive, although I do not really think so.

My objection to this particular bill comes down to the particular use of the words "conjugal relationships." I have always believed that law has eschewed enactments based on lust and carnal activity. That has always been my understanding. In point of fact, very little law has supported "sexual relationships" per se. I think that a better way to draw this bill would have been to call on the traditional history of bill drafting and to proceed in a way that was consistent and consonant with our fine traditions.

My last point in closing has to do with the origin of morality, the origin of marriage and the origin of duties to each other. I would have been much happier if Bill C-23 had ground entitlements and commitments voluntarily given rather than in a conjugal relationship based on sexuality.

I have attempted to look quickly at some of the documents that I have on the origins of morality, which is a very complex and large issue. What we do know is that primitive morality was something that came about in the very beginnings of the moral life of man. As we know, in animals, there is no rudimentary morality but, rather, the material that, in human life, intelligence fashions into morality. The only source of knowledge available of the mind of the primitives is that which was reflected in the relics and folklore of primitive ways of thought. Some of those survived in the folklore and in the superstitious practices of peoples.

What is important to understand is that morality and law all began to build around what one would call the basic needs of human beings. I say to honourable senators that the basic need of human beings, and the basic need that was to be served, was the need to endure and be preserved as a race. Marriage has always been thought to be the most effective, and certainly the most successful, social institution around the question of the bringing forth of issue, children.

It is important that society accords protection to homosexual persons. All of us have read a great deal and studied a great deal about this matter. I have often quoted from the profound writings of Oscar Wilde, in particular his work *De Profundis*, in which he talked about the enormous suffering that he experienced caused by his homosexuality.

I am sure all honourable senators agree that no homosexual person should ever be made to suffer and that we all agree that justice should be done. I would be happier if the minister could have found a way to achieve that end without having to resort to sex or sexual activity as the basis for the law. That is revolutionary and unheard of.

Hon. Céline Hervieux-Payette: Honourable senators, I should like to ask a question of the honourable senator.

Senator Cools: Please do.

• (1640)

Senator Hervieux-Payette: In order to clarify the honourable senator's apprehension, would Senator Cools have been happier had the benefit been allocated to people who are in a relation of dependence, whether they are parents, a daughter and a father living in the same family, or two friends, or cousins, or any people who are supporting each other and living in the same residence? Also, would the honourable senator have been happier if the measure were applied in a broader fashion, without going into the bedrooms of the nation; that is, to everyone who is in a relationship of dependence or interdependence?

Senator Cools: I thank the honourable senator for her thoughtful remarks.

Honourable senators, a couple of things spring to mind. It would be fair to say that all honourable senators would support the extensions of benefits to all situations of family members in economically dependent circumstances. I am sure that there are many senators here who have aging parents or disabled relatives to care for. One senator has indicated that she has a disabled son. I am convinced, however, that the agreement would be unanimous because we can all look around the community and see endless examples of people who are faltering under the burden of supporting others. I shall give an example. In our dining room upstairs, there is a particular waitress who has raised her grandchildren. There are endless relationships like that.

Honourable senators, I had hoped that that would be the route taken by the minister because it is by far one of the easiest routes of interest, and that is why I put that quotation on the record. The minister told the Standing Senate Committee on Legal and Constitutional Affairs that she would proceed in that way and that she would be looking at all familial relationships of dependency. Therefore, I intend to ask the minister, at some point, how and why she retreated. Yes, I think there are large numbers of people in our community who are simply burdened, out of duty to family members who are in need of assistance.

On the second point raised by the honourable senator, which is a more difficult question, in 1968 homosexuality was decriminalized. I believe that one of the expressions at the time, which was coined by our own former leader, Mr. Trudeau, was to the effect that the state should stay out of the bedrooms of the nation. Honourable senators, this bill will do the opposite. This bill is putting the state into the bedrooms of the nation because this bill does not indicate how the existence of a conjugal relationship will be determined.

For example, if two persons are married, the marriage certificate is the proof that a commitment to support each other exists. One must be mindful, even when the years of sexual activity have faded, of the commitment voluntarily made and accepted. This bill does not speak to that. Someone else will need to make a determination as to whether or not a conjugal relationship exists. I would submit to the honourable senator, therefore, that I do not know quite how it will be done. Perhaps there will be conjugal relationship police, I do not know.

I submit that that question should be reviewed in a careful way by the committee. I see Senator Nolin looking at me from across the way. I am sure that Senator Nolin, as a lawyer in many large insurance settlement cases, or in succession cases in wills and estates, knows that one always asks for the death certificate and the marriage certificate or certificate of divorce.

Honourable senators, we are dealing here with a bit of an oddity. That is part of my disappointment, that the minister simply never read the record on what I had to say on this issue. The minister could have found a way to achieve her policy objective, which was the question that Senator Kinsella asked, without moving to the reliance on sex. I know of no other legislation that looks to sex, or that employs those kinds of terms. Even all the jurisprudence around marriage speaks in very different terms. Therefore, it is very troubling.

Honourable senators, I do not want anyone to think that I am a little old lady who is easily shocked. However, it seems to me that the best way to write legislation is to, first, be consistent with past legislation, in as tidy a way as possible, and with as little offence to people as possible. My understanding has been that the law has always eschewed lust.

[*Translation*]

Hon. Serge Joyal: Honourable senators, it is with great pride that I take part in the debate on Bill C -23, to modernize the Statutes of Canada in relation to benefits and obligations.

[*English*]

This bill will provide same-sex couples the same benefits and obligations as those already given to couples of the opposite sex who live in common-law unions. In fact, it emanates from the judgment of the Supreme Court of Canada in *M. v. H.*, rendered on March 18, 1998. That judgment essentially dealt with the interpretation of section 15.1 of the Canadian Charter of Rights and Freedoms, which is entitled "Equality Rights." Under this section the court held that discrimination based on sexual orientation is a direct infringement of the equality rights guaranteed by the Charter. Bill C-23 is, first and foremost, a bill addressed to the right to equality and the freedom of choice that this entails. More simply put, the court has ruled that discrimination based on sexual orientation is just as reprehensible as discrimination based on race, ethnic origin, or colour.

Honourable senators, what are we talking about when we refer to discrimination based on sexual orientation? In my opinion, we are talking about one of the most serious grounds of discrimination that is still present in our so-called free and democratic society. Let us recall certain things that a number of us remember, events that occurred not so long ago.

The policy of ethnic cleansing in the Third Reich was aimed at three groups in particular: the Jews, the Gypsies, and the homosexuals. It is sometimes forgotten, but, in the Nazi extermination camps, tens of thousands of gays were also sent to the gas chambers. According to some Holocaust historians and, in particular, Rudiger Lautman, gay prisoners were, more than any others, subjected to the most male chauvinistic brutality. They were required to wear the infamous "pink" fabric triangle on their chest, and the figure 175 on the back of their uniform, in order to consistently draw their jailers' and executioners' attention to their identity.

They were subjected to the most inhumane medical experiments, not to mention operations on their brains, and the amputation of their genitals to rid them of their "degenerate" condition. After the war they were refused status as victims of Nazi persecution and denied any compensation. Some were even required to remain in prison to serve the sentences imposed by Nazi justice.

Honourable senators, the persecution of homosexuals did not stop at the end of the war. It suffered just as tragically in the dark years of McCarthyism, particularly in the United States, and it also had some tragic sequels in Canada, even within the highest levels of the Canadian government.

• (1650)

The suicide of the diplomat Herbert Norman, a leading colleague of Lester B. Pearson and Canada's ambassador to Egypt, in 1957 is the most notorious illustration. At the time, his suicide was perceived as the only way to escape public shame and professional disqualification.

How many senior officials, high-ranking officers and public men have seen their reputations destroyed by the allegation "Yes, but he is a homosexual"? How many careers in the 1950s and 1960s were ended or dead-ended because to be gay was a synonym for potential blackmail, character weakness and deviation inconsistent with senior responsibilities?

Today, of course, it must be acknowledged that one can be the mayor of a major Canadian city, a judge, an MP, a senator, a minister, an ambassador and be gay, but has the discrimination really disappeared? Unfortunately, the social and political pressure still remains extremely strong.

According to professional social studies research conducted at Laval University and published last April 27, 71 per cent of young gay males between the ages of 15 and 24 have considered suicide and 36 per cent of them have previously attempted suicide.

The social pressure of the community and the stigma still associated with being gay are stronger and more devastating than any other ground of discrimination outlawed by the Canadian Charter of Rights and Freedoms.

Why, in fact, do we have a charter? Is it to reflect the views of the majority or, instead, to reflect minorities who view suicide as simply the ultimate way in which to escape opprobrium, vindictiveness and humiliating marginalization?

In recent years, the Senate has taken some initiatives to have sexual orientation as a prohibited ground of discrimination under the Canadian Human Rights Act. In 1992, Bill S-15, presented by Senator Kinsella, revived as Bill S-2 in 1996 and finally Bill S-5 in 1997, recognizing affirmative action programs for victims of discrimination, indicated the interest our house has expressed in regard to this serious situation. However, the real meaning of the Supreme Court of Canada's 1998 judgment in *M. v. H.* is still to be debated.

Honourable senators, in my opinion, our role is to examine Bill C-23 in the broader context of the interpretation that the Supreme Court has given to protection against discrimination based on sexual orientation.

[*Translation*]

Just what did the Supreme Court do?

[Senator Joyal]

By ruling that unequal access to benefits and obligations for same-sex couples was contrary to the equality rights under section 15.1 of the Charter, the Supreme Court formally recognized sexual orientation as a prohibited ground of discrimination. In other words, the court recognized the equal rights of both types of couples. This ruling has a legal impact on all the other situations or conditions where exclusion is based on sexual orientation.

In 1981, the joint committee that I chaired at the time with the late Senator Harry Hays considered adding sexual orientation to the list of prohibited grounds of discrimination under section 15.1 of the Charter.

I was in favour of such a measure. However, at the time, legal counsel for the Minister of Justice convinced us that it was better to rely on the opening clause of section 15.1, whose general scope would allow the courts to echo evolution within Canadian society over the years.

Indeed, the list of grounds of discrimination in section 15.1 is not a comprehensive one. Rather, it is illustrative of the type of discrimination that equality rights seek to eliminate. The inclusion of the words "in particular" confirms this interpretation and defines the latitude the courts have in determining the grounds of discrimination to be prohibited.

What the Supreme Court recognized is the principle of equality among individuals, regardless of their sexuality. In other words, sexual orientation is no longer an acceptable ground to exclude someone from a benefit under the law. It is now prohibited to discriminate against a person or a couple and to exclude these people from benefits and obligations to which other people have access, strictly on the basis of their sexual orientation.

The principle of equality of people before the law, regardless of their sexuality, becomes the norm in a free and democratic society like Canada.

Therefore, anything that is directly or indirectly under the authority of the Canadian state can no longer be denied to gays and lesbians on the basis of their sexual orientation.

The rights, benefits and obligations sanctioned by the government must therefore be available to them under the same conditions and in the same way that they are to other individuals, citizens or couples, regardless of their sexuality.

Equality, the founding principle of the rule of law, is the foundation of our society, where all individuals are equal before the law. One cannot discriminate on the basis of colour, race or ethnic origin; and, since *M. v. H.*, one can no longer discriminate on the basis of sexual orientation.

This new standard in our law and in our institutions will lead to important, not to say fundamental, adjustments and changes, the full implications of which are still not known to us.

In fact, this issue is probably the most difficult one that Canadian lawmakers have had to tackle since, for a great many people, it is already the subject of moral precepts dictated by their particular religious affiliation.

However, it is our responsibility as lawmakers to take up the challenge of identifying all the situations in which the government is still awarding rights and benefits on the basis of people's sexuality.

Now that the Supreme Court has ruled against discrimination on the grounds of sexual orientation, political will does not have to wait for consensus in order to restore to individuals their fundamental right to equality.

The government has a fundamental responsibility to take all required action to ensure that the Charter provisions are fully complied with and that all its laws and decisions faithfully reflect them.

Naturally, we cannot ignore the difficulties, the passions to which such an undertaking can give rise, but we must remember the ethical neutrality of public legal order and our responsibility to protect minorities, especially those that are the most fragile, those that are the easiest to exclude and marginalize and, let us be honest, ridicule.

Some people experience a feeling of personal moral discomfort in setting aside the teachings and dictates of their religion and agreeing to enter into an intellectual process that consists in adjusting public laws and institutions so as to fully recognize the equality in law of gays and lesbians and their equal entitlement to the benefit of the law.

However, the government cannot pass judgement on the morals or religious precepts the population chooses for itself. It must allow all morals to coexist without imposing the requirements of one or the other, especially if one of the morals is dominant and imposed on the smaller number, which has chosen a different approach and constitutes the minority most oppressed under the weight of the culture of the majority moral.

This is the most difficult question we have to resolve as objective legislators. We must set aside our own choices and rules in order to return those discriminated against to the full enjoyment of their rights as free and equal citizens.

• (1700)

This is why Bill C-23, which rightly is essential in order to return the full measure of their rights to people who have been discriminated against, appears to me to contain a legal inconsistency, or a "contradiction juridique" in French, by establishing that same-sex couples living in a common-law relationship have the same benefits and obligations as opposite-sex couples living in a similar situation, but reaffirming in clause 1 of the bill the exclusion of these same couples from the benefits and obligations of marriage.

In all logic, legal recognition of same-sex couples and their free access to the rights and obligation of opposite-sex common-law couples goes beyond the mere demand for subjective rights of a specific group. It is the logical conclusion of a process of indifferentiation of the matter, without which any egalitarian initiative remains incompletely fulfilled.

In this context, marriage must be defined as an institution that is civil in nature, contractual, and between two individuals on an egalitarian basis, one that must be accessible to all regardless of race, colour, religion or sexual orientation.

When the Canadian Parliament has to address this matter, would we be doing something innovative? Would we be going against some sort of natural or anthropological law?

Honourable senators, countries or states with comparable legal systems have already legislated satisfactory legal provions in this regard. To mention but one, the State of Vermont, which could hardly be closer to our country, passed legislation on April 25, less than two weeks ago, recognizing the benefits and obligations of Civil Union, the institutional equivalent of traditional marriage, for same-sex couples. Last year, the Parliament of France adopted the PACS, which stands for Pacte Civil de Solidarité et de Concubinage, and recognizes for couples of the same sex the benefits of public sanction of the commitment made by two persons to be linked under civil law and to share the obligations of cohabitation and a shared life. Denmark, the Netherlands, Norway and Sweden have also created a civil system which provides public recognition to the commitment by same-sex couples to one another, and their mutual obligations, in deciding to share their lives.

The societies of France, Denmark, Sweden, Holland and the State of Vermont in the U.S.A. have resolved the legal challenge represented by acknowledgement of full equality and full access to state recognition of the obligation freely assumed by two individuals toward each other to share the responsibilities of a common-law union.

However, any policy of recognition must be preceded by a period of tolerance, with all the distant condescension that such a concept can imply. Still, Canadian public opinion is probably above such uneasy reluctance.

Bill C-23 is an essential step toward the legal recognition of civil equality for same-sex couples whose members wish to make a public commitment to one another. It is a benchmark that reflects the fundamental principles underlying the role of the state regarding civil unions, which is to recognize equal access for all to the benefits provided by the law and by our institutions.

In this endeavour to express, in our laws, the plurality and the complexity of new families, we cannot elude our responsibility to ensure the legal recognition by the government of the equal partnership of two people in a recognized contractual relationship.

That is the essential guarantee that may put an end to public condemnation and provide hope, through a single legal provision, in a society characterized by its diversity, whether political, religious, ethnic or sexual.

The various sexualities are now part of our social pluralism, just like race, colour or religious opinion. Any violation or discrimination based on sexual orientation must be fought with the same legislative rigour as racism, xenophobia or sexism.

From now on, any attack on the pluralism of sexualities must be perceived as a threat to the democratic values of our country. Ensuring the conditions that will give hope in life is our ultimate responsibility to future generations.

These are, honourable senators, the personal thoughts that must guide us during the debate on Bill C-23.

Hon. Lowell Murray: Honourable senators, if I understood him correctly, Senator Joyal is opposed, at least implicitly, to the clause included by the Minister of Justice late in the debate in the other place, to reassure people that the bill does not in any way affect the definition of marriage.

[*English*]

Senator Joyal: I thank the honourable senator for his question because it helps me to give precision to an aspect of my speech. I believe there is a legal inconsistency. To give social, political, and legal recognition to one type of union and impose conditions on another, fundamentally puts in question the principle of equality. Either these unions are equal or they are not. If some types of common law unions are recognized, why does the same principle not apply to other types?

The Divisional Court of Ontario dealt with that issue in *Leyland and Beaulne v. Attorney General of Canada*, in 1992. Three judges decided on the very issue of the definition of marriage. Two judges maintained the traditional definition, while the opinion of Judge Greer was contrary. I believe that, if the case of *M. v. H.* were adjudicated in the Supreme Court of Canada today, the opinion of Judge Greer would prevail. That is the interpretation I gave to the judgment in *M. v. H.*

Thus, what the minister added in clause 1.1 of the bill is the interpretation of marriage in common law in Canada rather than coming under legislation of the Parliament of Canada. There is no definition of marriage in Canadian legislation. The only legislation that we have pertaining to marriage is legislation prohibiting marriage on certain grounds, but there is no definition of marriage. The definition of marriage is essentially a common law definition. In clause 1.1 of this bill we introduce, in a legal text, the definition of marriage as it has been interpreted in the common law. However, I believe that since the judgment of the Supreme Court of Canada in *M. v. H.* in 1988, that definition is no longer accurate.

Allow me to state clearly that I will not vote against this bill. I intend to support it as is because it is a very important step toward establishing clearly the principle of equality as the Supreme Court has interpreted section 15.1 of our Charter. However, it leaves open the question on the civil definition of marriage. I insist on "civil definition of marriage" rather than "religious definition of marriage." To me there is a fundamental distinction. When the state defines marriage in the year 2000, it is to provide access to the benefits of the law and the benefits of public institutions on an equal basis.

The Hon. the Speaker: Honourable senators, unfortunately the speech and the question have exceeded the 15-minute time period allowed. Is it your desire to grant leave to extend?

Hon. Senators: Agreed.

Senator Murray: Would the honourable senator like to speculate on whether the clause to which I have referred, confirming, if that is what it does, a certain definition of marriage, will itself end up under examination by the courts?

• (1710)

Senator Joyal: Honourable senators, I do not want to predict what will happen in the Canadian courts, but sooner or later, now that we have the judgment in *M. v. H.*, someone, somewhere, will bring that issue back before the court. However, as I stated in my answer to Senator Murray, I think that we can vote on the bill as it is now, even though some of us might share the opinion that I have expressed today — that is, that the bill, by redefining marriage according to common law, will fundamentally answer the question of how far equality can be interpreted. Where does equality stop?

As I say, the decision in *M. v. H.* is based essentially on section 15(1) of the Charter. If we are interpreting a section of the Charter in a way that would differentiate a situation, in a parallel way we would be excluding racial discrimination but accepting it in some situations. For instance, in the United States, until 1967, 16 states prohibited marriage between white and coloured people. That ground of discrimination would be prohibited in our legislation.

On the definition of marriage, according to the interpretation of other sections of the Charter and based on the principles of equality and non-discrimination, the understanding of what the situation is today fundamentally leaves the question open. Given the difficulty of the question, and I am the first one to recognize it, the attention of the Supreme Court certainly will be brought to the situation again.

Hon. Landon Pearson: Perhaps Senator Joyal will permit a small correction, for the record. I have great respect for Senator Joyal, and I am sure he would not like to have an incorrect statement remain on the record. I am totally in accord with what he said about the question of the discrimination against members of the Department of External Affairs, with many tragic results, and I know about those. However, I am afraid he chose the wrong example. The suicide of Herbert Norman was not the result of that kind of discrimination. It was the result of attacks by the United States House Committee on Un-American Activities. His suicide was a result of the fact that he was a presumed or possible sympathizer to communism rather than other things in his background, as his widow would attest.

Senator Joyal: Honourable senators, I appreciate the precision given by the Honourable Senator Pearson. It was common knowledge in those days, as she knows, that the security checks in the diplomat ranks of Canada were as strict as the ones in the United States at that time. They encompassed the same consequences. Some people were informed that a security check had reached certain conclusions that, if disclosed in public, would bring shame on them, so they were given the opportunity to resign, to be promoted, demoted, or to practise their profession elsewhere. I am pretty sure that Senator Pearson will know of cases where that happened, too. In the case of Herbert Norman, I have read the memoir of the late Right Honourable Lester B. Pearson and the book just published by John English about the Pearson years. I would say that a doubt remained. His reputation was attacked, and even when Herbert Norman put an end to his life, the whisperers tried to find something else. Those innuendoes were made about him.

Senator Pearson: Honourable senators, I knew Herbert Norman. I am a friend of his wife. I feel very strongly that it was other issues that were questionable in his background from a security check point of view and that he was a man whose life and suicide was a tremendous tragedy for all of us.

Hon. Peter A. Stollery: Honourable senators, I have no quarrel with the thrust of the argument of Senator Joyal's speech, but I also wanted to endorse what Senator Pearson has said. I lived in Africa two years after the death of Mr. Norman, and I have friends who are very close to the family of the former ambassador. As to the reasons for his suicide when he jumped off the roof of the embassy in Cairo in 1957, in the first writing that I ever did on Africa, he was the subject of my story. I also think it would be unfortunate to leave what I believe to be the wrong impression for the reasons of the death of Mr. Norman. I think those reasons had to do with security questions going back to his student days in the 1930s. I know people today from that generation who are still alive. That was what was said at the time, and I have heard nothing to change that opinion.

Senator Cools: Honourable senators, I have one question. If I may, while I am on my feet, when I was answering Senator Hervieux-Payette's questions, I think I said that Mr. Trudeau was the minister of justice. On reflection, Mr. Turner was the minister of justice at the time and Mr. Trudeau was the prime minister, so perhaps the record could be corrected in that regard.

The current Minister of Justice in the other place has said repeatedly that Bill C-23 will not diminish marriage and will not impair marriage. The Minister of Justice in the other place has said repeatedly that the Government of Canada is committed to the maintenance and the sustenance of marriage. I am not too sure if I hear a difference of opinion, but we can sort all of that out in committee.

I understood Senator Joyal to say — and I may be wrong, so I can stand corrected — that marriage should be simply a civil union, simply a civil contract.

Senator Joyal: Honourable senators, I said that marriage is a contractual link recognized publicly by the state between two persons on an equal basis to face the obligations of life and to share the obligations of life. That is what marriage means to me in terms of a civil definition. That, of course, has nothing to do with the religious definition that a church or a moral code could give of marriage. However, insofar as the public sanction of marriage is concerned, to me, that is what it should be.

Having said that, I should like to associate myself with the great reputation of Herbert Norman and the fact that he was seen at the time as the leading Canadian diplomat amongst a group of highly praised civil servants in Canada who established a tradition of External Affairs diplomacy that we have proudly inherited from the leadership of the late Lester B. Pearson. The last thing in the world I would want to do is impugn his reputation. I reassure Senator Pearson and Senator Stollery that my objective is quite the opposite.

• (1720)

Senator Cools: Honourable senators, in respect of marriage being a civil contract, my understanding, and I believe I am supported by the weight of jurisprudence, is that marriage is not a civil contract, even though it bears some contract elements, because most civil contracts can be ended, just as they can be entered into, by voluntary agreement on both sides. Senator Joyal is not suggesting, I hope, that a marriage should be able to be ended merely by simple agreement of the two parties.

Senator Joyal: Honourable senators, that is why we have divorce on the basis of mutual consent. This is today the condition of divorce. One can divorce for all kinds of reasons, but, fundamentally, today divorce is granted on the basis of mutual consent.

If two persons decide they want to put an end to their marriage, they go to the court and fill out a form. There is a time frame for them to try to reconcile, and after the lapsing of that period, if nothing new has happened, that is end of the union.

That is a different context to what the situation was 30 years ago when, especially in the province of Quebec, marriage was indissoluble. It is no longer indissoluble. It can be put to an end by mutual consent. That clearly shows the contractual nature of marriage.

Senator Cools: My understanding, honourable senators, is that no marriage can be put to an end by mutual consent; that it takes a proclamation and a decree.

The Hon. the Speaker: If no other honourable senator wishes to speak, it was moved by the Honourable Senator Pépin, seconded by the Honourable Senator Maheu, that this bill be read the second time.

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

Some Hon. Senators: Agreed.

An Hon. Senator: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

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

CANADA ELECTIONS BILL

THIRD READING—MOTION IN AMENDMENT—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Hays, seconded by the Honourable Senator Moore, for the third reading of Bill C-2, respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts;
>
> And on the motion in amendment of the Honourable Senator Oliver, seconded by the Honourable Senator Murray, P.C., that the Bill be not now read a third time but that it be amended, in Clause 350, on page 144, by replacing line 6 with the following:
>
> "(2) Not more than $4,000 of the total".

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this item was adjourned by Senator Atkins after the debate had commenced on the motion in amendment by Senator Oliver. I note that Senator Atkins is at a meeting with a number of other honourable senators on another matter. I canvassed his views on this matter, and not wanting to delay in any way the normal passage of this bill through the house, we feel that the argumentation advanced by my colleague Senator Oliver has placed our concern clearly on the record. We are confident that this amendment will receive the support of all senators.

The Hon. the Speaker: If no other honourable senator wishes to speak, is it your pleasure, honourable senators, to adopt the motion in amendment?

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen.

The Hon. the Speaker: Please call in the senators.

Hon. Mabel M. DeWare: Honourable senators, I have spoken to the government whip on the other side, and he has agreed to a deferred vote tomorrow at 3:30 p.m. pursuant to rule 65(3).

Hon. Dan Hays (Deputy Leader of the Government): That is correct, honourable senators.

The Hon. the Speaker: Is it agreed, honourable senators, that the bells shall ring at 3:15, with the deferred vote to be held at 3:30 p.m.?

Hon. Senators: Agreed.

PAYMENTS IN LIEU OF TAXES BILL

THIRD READING

Hon. Wilfred P. Moore moved the third reading of Bill C-10, to amend the Municipal Grants Act.

He said: Honourable senators, I rise to address you on third and final reading of Bill C-10, the Payments in Lieu of Taxes Bill.

I should like to begin by thanking honourable senators for supporting this proposed legislation at second reading. Clearly, we all recognize the merits of the municipal payments program and its importance to municipalities across Canada. Many of us hail from communities that have benefited from the federal government's historic practice of paying grants in lieu of taxes on its real property holdings. We can well imagine what would happen should this practice end based on the government's constitutional exemption from paying local taxes. The financial impact on communities would be significant and in some cases enormous. There is no doubt that municipal grants would be cut, services would be downgraded and jobs would be lost.

Honourable senators, this legislation is intended to strengthen the payment system now in place, not to reduce its costs. Bill C-10 maintains the principles of fairness and equity that have guided this program since its inception and improves the predictability of payments, which will lend stability to the municipalities in their budgetary processes.

In 1995, the government established a joint technical committee to consider options for modernizing the municipal grants program. The committee included representatives from the Federation of Canadian Municipalities, the Treasury Board Secretariat, and Public Works and Government Services Canada. It produced two reports, in 1995 and 1997.

I believe the joint technical committee should be recognized for its important contribution to the review and reform of this program. Credit is also due to the current Minister of Public Works and Government Services. After carefully considering the work that has gone on over the past few years, the minister made a personal commitment 18 months ago to modernize the program based on national consultations with a broad range of stakeholders. Working with the Federation of Canadian Municipalities, the minister undertook an 11-city consultation tour in the summer of 1998 to learn firsthand how the program could be improved.

When speaking about that tour, honourable senators, we must acknowledge the municipal officials, appraisal professionals and other stakeholders who took the time to engage the minister in a constructive and positive dialogue. These meetings have contributed to a new level of respect and understanding between the two levels of government and no doubt strengthened national unity at an important time in our history.

Honourable senators, a number of organizations have contributed to and endorsed this legislation, including the Federation of Canadian Municipalities and the Appraisal Institute of Canada. What all this should tell us is that this is a solid piece of legislation that will make important and needed improvements to a program that has served this country well for 50 years. Bill C-10 sends a clear message that the federal government respects the standards set for other property owners. It sets out a framework for balancing the overall interests of Canadian taxpayers with the needs of local communities, and it ensures that the federal presence will continue to be a positive factor in communities from coast to coast to coast in the new millennium.

• (1730)

With that in mind, honourable senators, I ask to you join me again in supporting Bill C-10 so that it can be proclaimed and implemented at the earliest possible opportunity.

The Hon. the Speaker: If no other honourable senator wishes to speak, I will proceed with the motion.

It was moved by the Honourable Senator Moore, seconded by the Honourable Senator Wiebe, that the bill be read the third time now. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

SPECIAL SENATE COMMITTEE ON BILL C-20

MOTION TO APPOINT—SPEAKER'S RULING—
DEBATE ADJOURNED

On the Order:

Motion of the Honourable Senator Hays, seconded by the Honourable Senator Robichaud, P.C. (*L'Acadie-Acadia*):

That a special committee of the Senate be appointed to consider, after second reading, the Bill C-20, An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference;

That, notwithstanding Rule 85(1)(*b*), the committee be comprised of fifteen members, including:

Senator Joan Fraser
Senator Céline Hervieux-Payette, P.C.
Senator Colin Kenny
Senator Marie P. Poulin (Charette)
Senator George Furey
Senator Richard Kroft
Senator Thelma Chalifoux
Senator Lorna Milne
Senator Aurélien Gill;

That four members constitute a quorum;

That the committee have power to send for persons, papers and records, to examine witnesses, and to print such papers and evidence from day to day as may be ordered by the committee;

That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and

That the committee have power to retain the services of professional, clerical, stenographic and such other staff as deemed advisable by the committee.—(*Speaker's Ruling*).

The Hon. the Speaker: Honourable senators, I am prepared to give my ruling now on the matter that was raised in this regard.

Last Thursday, May 4, Senator Lynch-Staunton rose on a point of order when the motion to create a special committee to study Bill C-20, the Clarity Bill, was moved by Senator Hays. The senator had provided notice of the motion in properly drafted form earlier the same week, on Tuesday. In the view of the Leader of the Opposition, the motion is out of order for several reasons. Senator Lynch-Staunton argued that the motion anticipates a decision of the Senate with respect to Bill C-20 and, accordingly, it is not in order to debate the motion prior to the second reading of the bill. To support his position, he cited several procedural authorities, including Erskine May, Beauchesne's and the recently published *House of Commons Procedure and Practice* with respect to the rule of anticipation.

[*Translation*]

During the course of the discussion on the point of order, Senator Kinsella spoke in support of the position taken by the Leader of the Opposition. In his assessment, there is a problem with appointing a special committee when the *Rules of the Senate* provide for a standing committee whose mandate, he contended, includes such matters as those proposed in Bill C-20. A similar argument was made by Senator Cools who also suggested that there were some errors in the drafting of the motion. Senator Murray also intervened to question how the motion of Senator Hays could be in order, especially in view of the ruling of Tuesday, May 2, 2000 on the motions of instruction.

[*English*]

At the conclusion of discussion last Thursday, the Speaker *pro tempore* agreed to take the matter under advisement. Since that time, the Speaker *pro tempore* and I have had an opportunity to review the matter in some detail. We have studied the various points that were raised during the discussion and have reviewed the parliamentary authorities that were cited. Based on that examination, I am now prepared to rule on the procedural acceptability of the motion proposed by the Deputy Leader of the Government to create a special committee to study Bill C-20 after second reading.

As I began my assessment of the point of order, it seemed to me that there was an interrelationship with respect to some of the arguments that were raised against the motion. Nonetheless, I will try to deal with each of them separately.

[*Translation*]

The first point that was made by the Leader of the Opposition has to do with the objection that the motion to create the special committee anticipates an affirmative decision on the second reading motion on Bill C-20. While there is some sense to this position, I do not think that it violates customary parliamentary practice. Nor does it conflict with the *Rules of the Senate* as I understand them. It is true that the motion can be said to anticipate a favourable outcome with respect to the vote on second reading of Bill C-20, but it does not have any determinative effect on the outcome of the second reading vote. The two motions are separate and distinct questions from a procedural point of view. Even if the motion to create the committee is adopted before the second reading of Bill C-20, it does not preclude the possibility that the Senate might vote against second reading of the bill. If this were to happen, the motion creating the committee would simply become a nullity, as was explained by the Deputy Leader of the Government.

[*English*]

Senator Lynch-Staunton then noted that committees are limited and bound by their orders of reference. The consequence of that principle with respect to this particular case, in his view, is that it would not be proper to consider the motion creating the special committee until after second reading. Only then would it be certain that the Senate had approved the principle of Bill C-20, thus establishing the parameters of the order of reference. There is, however, a difficulty with respect to that assessment; one that also touches the intervention of Senator Murray, who appeared to find a resemblance between a motion to create a special committee and a motion of instruction, at least to the extent that neither can be moved prior to the second reading of the bill to which it pertains.

As everyone who spoke on this point last Thursday seemed to acknowledge, a motion to create a special committee is debatable. In fact, that is based on rule 62(1)(*h*), which explains that a motion for the appointment of a standing or special committee is debatable. Senator Hays went further to point out that, under the terms of rule 93, the Senate "may appoint such special committees as it deems advisable and may set the terms of reference and indicate the powers to be exercised and the duties to be undertaken by any such committee."

However, the motion to refer a bill to one committee or another following second reading is neither debatable nor amendable according to rules 62(1)(*i*) and 62(2). That is because a motion of reference to a committee is what might be classed as a procedural motion. It follows automatically as a consequence of the adoption of the second reading motion of the bill.

The only opportunity, therefore, for a bill to be referred to a special committee or a legislative committee, which is also permitted under our rules, is to create that committee by a separate, debatable motion. Moreover, as I have attempted to explain, that motion must be adopted prior to the decision on second reading of the relevant bill. Otherwise, under our current rules, it would not be possible to send the bill to that committee because it does not exist. My understanding of this procedure seems to be confirmed by several precedents.

[*Translation*]

There have been three occasions in the last twelve years when the Senate decided to establish a special committee to deal with legislation. Two of the cases predate the rule changes of 1991, the third does not. The first occurred in July 1988 and related to Bill C-72, on official languages. The second happened the following year, in November 1989, and related to Bill C-21 dealing with unemployment insurance. Of these two cases, the first motion was adopted after second reading, but the second motion was adopted before second reading. The third and most recent precedent dates to 1995 and involved Bill C-110 on constitutional amendments. Notice of all three motions was given before the motion for second reading of the relevant bill was adopted. In fact, all of them were cast in the same language as the motion relating to the present case. They all proposed to establish a special committee to consider a specific bill "after second reading." As it happened, only the 1995 precedent gave rise to any debate, though all of them were moved as debatable motions.

In addition to these Senate precedents, there is another interesting example that occurred in the other place in March 1993. On that occasion, a motion was moved to establish a special joint committee to consider Bill C-116 dealing with conflict of interests for public office holders. Though the practices of the other place are not identical to our own, like the Senate, there is no opportunity there to debate the question of the committee to which the bill will be referred once second reading debate has concluded. Consequently, the motion creating the special joint committee had to be adopted before the question for second reading was voted.

[*English*]

Taking a somewhat different approach than that maintained by the Leader of the Opposition, Senator Kinsella argued that the *Rules of the Senate* provide mandates for all of its standing committees, including Legal and Constitutional Affairs. Bill C-20, he maintained, clearly falls within the mandate of that standing committee and, therefore, the bill should be referred to it rather than to any special committee. Whatever the merits of that point of view, it does not take into account another rule of the Senate, rule 86(2), which provides that:

> Any bill, message, petition, inquiry, paper or other matter may be referred, as the Senate may decide, to any committee.

• (1740)

This rule allows the Senate to disregard, as it deems appropriate, the mandates of the standing committees. Thus, there would appear to be no obstacle based on the rules for a motion to create a special committee.

[*Translation*]

Finally, there is the third argument put forward by Senator Lynch-Staunton which resembles in part his point regarding anticipation. As was mentioned last Thursday, the rule of anticipation is not an explicit rule of the Senate or of the other place, though it is a principle of practice. Citation 512(1) and (2) in the sixth edition of Beauchesne's at page 154 notes that the rule of anticipation is dependent on the same principle as the rule on the "same question." The rule of anticipation provides that

> ...a matter must not be anticipated if it is contained in a more effective form of proceeding than the proceeding by which it is sought to be anticipated.

In a descending scale of possibilities, a bill trumps a motion which, in turn, has priority over amendments. Senator Lynch-Staunton's position was that the bill has priority over the motion to create the special committee and therefore must be given precedence.

[*English*]

I would be prepared to consider accepting that proposition, if I could be convinced that the two questions are the same, or even substantially similar, but they are not. The motion for the second reading of Bill C-20 involves a decision on the principle of the bill and whether it warrants further study by the Senate. The motion to create a special committee to examine Bill C-20 does not directly address the principle or content of the bill, but rather seeks to provide an alternative to the possibility of referring the bill to another kind of committee. These two motions are not the same in substance, and the rule of anticipation does not apply to their consideration.

For these reasons, I rule that the motion moved by Senator Hays is in order and debate on it can proceed.

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I am pleased that we have had this opportunity to clarify the matter of concern raised by Senator Lynch-Staunton. It is now for me to speak to the motion, which I propose to do at this time.

Hon. Noël A. Kinsella, (Deputy Leader of the Opposition): You had better move the motion first.

Senator Hays: Honourable senators, I shall move the motion again, although I moved it previously on May 4, which is what triggered Senator Lynch-Staunton's point of order.

Honourable senators, I move:

> That a special committee of the Senate be appointed to consider, after second reading, the Bill C-20, An Act to give effect to the requirement for clarity as set out in the opinion of the Supreme Court of Canada in the Quebec Secession Reference;
>
> That, notwithstanding Rule 85(1)(*b*), the committee be comprised of fifteen members, including:
>
> Senator Joan Fraser
> Senator Céline Hervieux-Payette, P.C.
> Senator Colin Kenny
> Senator Marie P. Poulin (Charette)
> Senator George Furey
> Senator Richard Kroft
> Senator Thelma Chalifoux
> Senator Lorna Milne
> Senator Aurélien Gill;
>
> That four members constitute a quorum;
>
> That the committee have power to send for persons, papers and records, to examine witnesses, and to print such papers and evidence from day to day as may be ordered by the committee;
>
> That the committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings; and
>
> That the committee have power to retain the services of professional, clerical, stenographic and such other staff as deemed advisable by the committee.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

Some Hon. Senators: Agreed.

Senator Kinsella: May we have an explanation of the motion, honourable senators?

Senator Hays: Honourable senators, this motion provides for a special committee to consider Bill C-20, should it be given second reading by this house. I think a fair question to ask is: Why? Senator Kinsella pointed out in debate on the point of order raised by Senator Lynch-Staunton that we have a standing committee, namely, the Standing Senate Committee on Legal and Constitutional Affairs, that by our rules would be the standing committee to which a bill such as Bill C-20 would be referred. His Honour points out in his ruling that the bill could be sent to any committee that the Senate determined would be appropriate for receipt of the bill.

In this case, we on this side are of the view that a special committee is the appropriate way to proceed. There are several reasons for saying that. One is that the Standing Senate Committee on Legal and Constitutional Affairs is a busy committee. It has before it various pieces of legislation. At this time in the parliamentary calendar, as we anticipate breaking for summer, we expect that it will receive a number of important bills that will be coming to us from the other place in the very near future. It also has to consider the private bills, public bills and Senate bills that it already has on its calendar for deliberation. It is a very busy committee.

The question remains whether there is sufficient reason to create a special committee to give additional flexibility in terms of doing the work of a committee on a bill. Our position on this side is that there is such a reason and that the way to deal with that problem is to create the special committee as set out in the motion.

Another element of importance is that the special committee can be larger than our standing committee, which is a 12-person committee. The motion that I have put for your consideration, honourable senators, proposes a 15-person committee, which gives us a bit more flexibility with two additional senators from the government side and one additional senator from the opposition side, and accords with our practice in regard to a 15-person committee.

Another reason that we on this side believe that a special committee is an appropriate way to proceed is the flexibility that such a committee will have, given that it will have but one bill to deal with. It will be able to arrange sitting times much more easily than a standing committee such as the Standing Senate Committee on Legal and Constitutional Affairs, which has a heavy agenda.

This is an important bill that we envisage going to this committee, should this house give it second reading. It will take quite a bit of time and attention. We believe that a special committee is a very good way to give it that time and attention. It may be that the committee will sit on Mondays and Fridays when some of our committees sit. Assuming that the bill is given second reading, the committee could even meet in weeks when we might normally expect to have a break. That would be up to the members of the committee.

As honourable senators will note from the motion that I have put, the committee would be entitled to televise its proceedings. Indeed, that is something that I think we on the government side would think about, as I am sure would the opposition senators who might serve on the committee.

One issue that I should comment on is the matter of membership. The motion that I have put identifies a 15-person committee but does not identify members who would serve on behalf of the opposition. This could be dealt with in a number of ways. However, I believe our practice in these circumstances is that the Committee of Selection would meet. It is chaired by the government whip, Senator Mercier. It would determine the balance of membership. In fact, it would probably confirm the membership as I have set it out in the motion put to this house. That committee would then report back to the Senate and, hopefully, we would approve the report of the committee. We would then have a committee to which to send Bill C-20, this important bill that has already taken so much of our time at second reading.

Honourable senators, those are my arguments and my explanation on the matter of the motion favouring a special committee to receive Bill C-20.

On motion of Senator Cools, debate adjourned.

• (1750)

TOBACCO YOUTH PROTECTION BILL

SECOND READING

Hon. Colin Kenny moved the second reading of Bill S-20, to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada.

He said: Honourable senators, from time to time I feel very lucky to be a member of this institution, and today is one of those days. Life has given us an opportunity to help young Canadians with a problem that affects all of Canadian society and, if I can persuade this chamber of the merits of this bill, we will have a chance to profoundly affect the lives of children for years to come.

First, I shall describe the problem that the bill seeks to address. Back in 1997, when I first began to look at tobacco statistics, 40,000 deaths were attributable each year to tobacco-related diseases. Just in the past year, Health Canada has announced new statistics that attribute 45,000 deaths each year to tobacco-related diseases — an increase of 5,000. In fact, that figure may well be conservative because Health Canada only counts the figures of smokers. It does not count those who are affected by environmental tobacco smoke. Therefore, the figure may well be significantly above 45,000.

Second, the age at which people start to smoke has gone down significantly. When I first looked at this issue, 80 per cent of smokers in Canada started before they had turned 18. This year, Health Canada announced that 85 per cent of smokers are starting before the age of 16, and it turns out that they are starting at the ages of 10, 11 and 12. That is the time when kids start, when they are preteens. You do not see anyone at the age of 40 going out and saying, "Well, I think I shall try a cigarette now." We are talking about kids, and we are talking about kids who are starting younger and younger. Finally, there is the question of costs. Health Canada points out that we directly spend $3 billion a year on tobacco-related diseases and $7 billion indirectly. That is $10 billion of costs each year that we can attribute to tobacco-related disease.

Young people are the important target group that we must focus on. Bill S-20 is about young people. The bill addresses young people and is intended to serve young people. Focusing on young people is the only way to break the tobacco companies' cycle of deception that is necessary to maintain its markets and profits. For decades, tobacco companies have waged an aggressive campaign to attract customers from all age groups. We hear the arguments of "freedom of choice" or "lifestyle." I believe in freedom of choice. I think that applies to anyone who is an adult, but it does not apply when we are talking about kids who are 10, 11 and 12.

We have an obligation to preteens, to educate them, to protect them, to nurture them, and that is what this bill is about. Bill S-20 is about protecting our kids. It is not a question of freedom of choice. All those I see in this chamber can decide on their own whether or not they want to smoke, and I would not interfere with any of you making up your mind any way you wanted. However, I feel profoundly different when the issue relates to children. Again, that is what Bill S-20 is about.

In Canada, as I have said, there are 45,000 deaths that come each year from tobacco-related diseases; it is the leading cause of preventable deaths in Canada. To put it in context, the second leading cause of preventable death is car accidents, including drunk driving, and that is in the area of 4,000. Therefore, by a factor of 10, tobacco is the most important killer that we can deal with.

Honourable senators, I do not want to mislead you into thinking that tobacco control in Canada has been a disaster. In fact, I believe that there are many good things that the government has done. I think the government should take credit for them and I am prepared to give the government credit for them. First, we have good tobacco legilation. I think that legislation is very useful and productive. Second, I believe that Bill C-42 is effective, in that it will finally put an end to cigarette promotions; we will see those three years from now finally coming to an end. I believe we also have a good proposal coming forward in terms of cigarette warning labels. I am prepared, therefore, to concede that the government has made a significant effort on a broad range of things. However, there is still one major gap left in funding. Currently the federal government allocates $20 million a year to tobacco control — $10 million for enforcement and $10 million for education. That works out to 66 cents per capita. Yet this same government collects $2.25 billion every year in tobacco taxes — $2.25 billion versus $20 million in prevention. That is less than $1 for every $1,000 it collects in taxes.

How do we find a solution? Part of the solution can be found in a document entitled, "Best Practices for Comprehensive Tobacco Control Programs," which is dated August 1999. It was published by the Centre for Disease Control in Atlanta, and it resulted from a study of all 50 of the United States. The study focused in particular on California, Massachusetts and Florida, which are states that have comprehensive and successful tobacco control programs that have proven results.

Before I started my travels this winter, I phoned a doctor in Sacramento, whose name is Dileep Bal. Dr. Bal runs the tobacco control program in the State of California. California is the state that has pioneered tobacco control.

Dr. Bal has a sense of humour. I called him up and I said, "How is it going, Dileep? How are you doing?" He said, "Oh, Colin, have I got problems. Things are really going poorly here." I said, "Dileep, how can that be? You have the best tobacco control program in all of North America," and he said, "Well, Colin, you must understand that five years ago the per capita consumption in California was 120 packs a year. This year, the tobacco consumption in California, on a per-capita basis, is 60 packs a year." His budget had been cut in half.

• (1800)

His program is very similar to what we are talking about in this bill. His funding is driven by the number of cigarettes being sold. He was successful in reducing the number of cigarettes, so his budget was reduced accordingly.

California is the unquestioned leader in the United States, but Massachusetts follows quickly behind. Massachusetts levied an extra 25 cents on each packet of cigarettes. In the first three years of their program, cigarette smoking dropped 17 per cent statewide.

When we talk about figures, the level of youth smoking in Canada today is 30 per cent. Almost one in three kids smoke. The level of youth smoking in California today is 11 per cent. Why is it that the kids in California are getting better protection than the kids in Canada? That is what this bill is about.

This bill, honourable senators, is designed to give our children and the children of Canadians the same sort of protection we are seeing in the states to the south of us. There is no reason we cannot do it. There is nothing magic down there. They have a comprehensive plan. They focused on it and are spending serious money to make it happen because their kids are important. They want to stop smoking, they want to stop tobacco, and they want to stop it now.

The Hon. the Speaker: Honourable senators, I regret to have to interrupt Senator Kenny, but it is now six o'clock. What is the wish of the Senate?

Hon. Dan Hays (Deputy Leader of the Government): Honourable senators, I propose that we not see the clock. In saying that, as I look through the scroll, we have before us, as a rough estimate, another 60 to 80 minutes of debate.

The Hon. the Speaker: Is it your wish, honourable senators, to not see the clock?

Hon. Senators: Agreed.

Senator Kenny: Thank you, honourable senators. I appreciate the opportunity to carry on with my remarks.

The point I was trying to make is a simple one. If California can have an 11 per cent youth smoking rate, we can have something comparable here. There is no reason why we cannot, if we choose to address the program. We have a model, a template. Any of the physicians in this house will tell you that the Centers for Disease Control in Atlanta is well respected when it comes to public health. They have laid out a template for all of us that gives us a path to follow and a way we can model ourselves so we can hit the same targets.

Honourable senators, I mentioned earlier that we are currently spending 66 cents per capita on our anti-tobacco programs. The Centers for Disease Control in Atlanta calls for us to spend between $9 and $24 per capita in Canadian funds, and they are not alone. I have here a list of spending in some of the states, in Canadian funds. Vermont is spending $22.95 Canadian. Mississippi, for heaven's sake, is spending $16.54 Canadian; Massachusetts, $14.54 Canadian; and Hawaii, $11.81 Canadian. The list goes on.

We are not alone. We are not inventing the wheel. This is not magic. Other jurisdictions are dedicating serious money and are getting results.

Honourable senators, the Centers for Disease Control document — the best practices template to which I referred to — believes strongly in a comprehensive approach toward tobacco control. This is reflected in the bill as well. It deals with community programs, school programs, province-wide programs, national programs, media campaigns, counter-marketing programs, cessation hotlines, evaluation, and guidance for administration. If we were to followed their model, instead of spending the $3 million that we spent this year on our tobacco control advertising, we would be spending $90 million. If we wonder why our advertising campaign is not working, first, it uses American advertisements, not advertisements created here in Canada. Anyone who understands Canada knows that we need unique advertisements for the different parts of Canada. We cannot just take an advertisement created in Toronto and try to run a translation of it in Montreal. We all know that does not work.

Senator Prud'homme: At least the Liberal organizers know that. You are right.

Senator Kenny: Thank you, Senator Prud'homme. It is not just Liberal organizers who know it. People who want to communicate with Canadians know it. We cannot just pick up something from the Americans, use the English version, translate it into French and go on from there. We need our own programs.

More to the point, we need to spend at a reasonable level. If we are only spending $3 million and the template calls for $90 million, it is time for to us re-examine why we are not getting the results we want.

What are the important principles of the bill? First, we must get a reasonable level of spending, moving from the $20 million we are currently spending up to $360 million. That works out to $12 per capita. That is in the bottom quartile of what the CDC recommends. That is not very much money if you think about. Remember Mississippi, up $6 above that. We can do better than Mississippi. Second, the bill calls for a Canadian template for a comprehensive tobacco control program along the lines of what they have in the Centers for Disease Control in Atlanta.

Third, the bill calls for the establishment of an arm's-length foundation from government. I shall come back to that in a moment.

The bill would establish a levy of three quarters of a cent per cigarette. That works out to 19 cents per pack or $1.50 per carton. That would give us $360 million per year, $12 per capita; again, the bottom quartile of what the CCD recommends.

The bill would establish a levy for industry purposes, and that would provide stable funding. The health community is stuck with erratic funding that peaks up and down from year to year. It cannot plan from one year to the next. It is stuck wondering whether it can keep program A or program B going simply because it has to wait for each budget to come out before it knows whether it will have funding. That louses up all of its planning.

The bill would have a transparent decision-making process. Every decision would be made public when it was made public. We would all know who got the money. We would know when they got the money. The board meetings would be made public.

I challenge anyone in this chamber to tell me — not just with this government, not just with the Department of Health, but in any government — what is going on on a day-to-day basis. It is really tough. It is tough for parliamentarians and it is a lot tougher for the public.

This bill would create a foundation that would be transparent. All of its meetings would be public. All of its decisions would be public and we would all know what is going on. The governance would be independent, allowing health officials to make health decisions. There would be a 5 per cent cap on costs, as we do not want to see any runaway bureaucracy.

• (1810)

Most important, 10 per cent would be set aside for evaluation of all of the projects. Anyone involved in the health community will tell you that the major problem facing health care in Canada is that we do not spend funds to evaluate our projects. If we do not evaluate our projects, we are doomed to repeat the cycle of failure over and over again, year after year.

In California, you start day one with an evaluator, and you submit an evaluation plan. It is 10 per cent of the overall grant. The evaluation has benchmarks all the way through the process to determine whether the program is meeting its target. This bill calls for the same sort of evaluation and disclosure so we will know whether it is effective or not.

Honourable senators, the second major issue that I wanted to address is why the money is important. We have talked about the number of deaths going from 40,000 to 45,000. We have talked about the number of young people who start smoking earlier and earlier, the age dropping from 18 to 16 for 80 per cent of people who smoke. We have talked about the $9 to $24 that the Centers for Disease Control in Atlanta spends. That is why it is important that we have the right sort of funding for this bill.

We have talked about the template along the lines of the Centers for Disease Control model. That was a study of 50 states. It is distilled down and available for all of us to see. The current approach is haphazard and infective. There is no concept of the appropriate levels of funding. There is a need for a comprehensive national approach.

Why do we need all of this? We need it because California has proved it works. It is popular. In the long run, it saves money. It saves taxpayers' dollars because they have moved some of the money at the back end that they spend to cure people to the front end to make sure that they never get the disease in the first place. Why are we spending $3 billion at the back end and $20 million at the front end, when if we shifted a bit of it to the front end we would save people all of the grief and all of the unhappiness in the middle? It only stands to reason.

Why should the foundation be at arm's length from government? This room is full of experienced politicians who understand the deal that goes on between ministers and deputy ministers in every government the first day a minister is appointed. The minister calls in the deputy. They shake hands. They very quickly cut a deal. The minister says to the deputy, "I will make you look good if you make me look good." We all know that successful departments need that twinning. The political side and the administrative side work in tandem with each other to be successful.

We also know that it is in the nature of departments to puff up good programs and to dampen down the bad ones. That is nothing unique to the Liberals or the Conservatives. It is true of governments everywhere. That is the nature of how governments work.

The issue of tobacco control is such that we are talking about health science. We are talking about something that is not a certainty. No one has a good grip on how the minds of adolescents work. I venture to say that those honourable senators who are parents still have trouble getting your teenagers to hang up their shirt. I know I do. If I have trouble there, I promise you that I have trouble with other issues as kids go through adolescence.

The very nature of the process of tobacco control means that many of the programs are likely to fail. That goes part and parcel with the academic and scientific process. We must accept that. If you travel to California, you will be shown a list of failures as long as your arm, and they are proud of them. They say, "We had to try these to see if they worked, and we discarded the ones that did not work. Then we were able to move on to the ones that did work, and we are going with those." They will show you the list. Our list will be a little different because we are a little different and we have different problems that need addressing. We need to address them in our own way, but we should not be worried or concerned about failure. One of the difficulties is that we cannot have failure if it is in a government department. The very nature of the beast is that the minister must get up and defend whatever goes on in his or her department and say, "I have done the right thing." The very nature of the opposition critic is to get up and say, "You have done a lousy job, and I will show you why." All of a sudden tobacco control becomes a political football.

That does not make any sense. We need to take this research and move it away from the political process — just one step away, but away from the political process. We have seen the government do this recently with the Canadian Institutes of Health Research, the CIHR. For very good reason, the Minister of Health has decided that this body should be at arm's length from government. Every experiment that the scientists carry on will not to work out perfectly, and he does not see any reason why he should stand up every day and defend every experiment that did not work. It does not make sense.

Having a foundation at arm's length from government is fundamental if we want this issue to proceed on a health basis rather than on a political basis. Failures will be readily apparent. The bill requires transparency. It also requires evaluation so people will know where there are failures. This will all be public. There is no problem there.

I must say that in every state where there has been a comprehensive tobacco control program, there has been gross political interference. In California, the issue was passed by Proposition 99. The state legislature started diverting the funds in California, and the American Cancer Society had to sue the state, recover the funds, and have them spent again on kids.

In Massachusetts, the governor started censoring ads. Lord knows why. He is not an expert on the issue. In fact, the ad that was censored was the one that I believe they called the seven dwarves. The CEOs of the major tobacco committees all stood up and said, "I swear to tell the truth, the whole truth and nothing but the truth," and then they sat down and each in turn said that nicotine was not addictive. That was the whole ad, yet it was yanked by the governor. Go figure. That is not part of the health process.

Let's have health professionals designing ads that will affect kids, that are aimed at kids and that will get results from kids. That is the second reason I believe it is important that we have this bill.

I wish to conclude by saying that we have a terrible health problem, but we have reasonably good laws and we have a solution. As honourable senators think about this bill, I want you to remember that the youth smoking rate in California is 11 per cent. In Canada, our youth smoking rate is 30 per cent. As you consider the bill, ask yourselves again why the kids in California are getting better protection than the kids in Canada. We have one major gap in Canada that must be filled, and that is the gap of funding. This bill will provide the funding. It meets that need without taking a nickel of tax money — not a nickel. This is not a tax bill.

Finally, honourable senators, I believe that, after all of these years, we have come to the conclusion that this is the right thing to do and that this is the right time to do it.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, this is not the first time I have supported Senator Kenny in his undertaking related to tobacco products and young people. It is not my intention to repeat all the points that have been skilfully and elegantly raised by him.

The honourable senators who have taken part in, and followed, the debates of the first session of the 36th Parliament will recall Bill S-13, which was passed unanimously in this House. It is my hope that Bill S-20 will receive the same approval, after painstaking examination in committee, which goes without saying.

Bill S-13 was not passed by the House of Commons. By correcting it, we ensure that Bill S-20 will not suffer the same fate.

• (1820)

For those honourable senators who have the bill before them, or decide to look at it a little later one, I will limit myself to this comment: Bill S-20 amends S-13 in order to ensure that the Speaker in the other place accepts it, not as a measure that is establishing a tax, but rather one that involves a levy.

In committee we will have the time to explain to the members why Bill S-20 is appropriate. There are three reasons why it is acceptable. According to the ruling by the Speaker of the other place, the preamble was what was involved. There have been legal rulings to that effect. The preamble sets out clearly why the tobacco industry, which is currently out of public favour, has no credibility to defend, promote, or counteract the way youth smoking is developing, even if it wished to. A number of industry spokespersons testified on this, but they had no credibility whatsoever. This is why it is important for there to be a fund available if such an objective is to be attained.

Bill S-20 improves on Bill S-13. It should be approved by the other place, because clause 3 of the bill establishes that a distinction must be made between the reason for establishing the foundation — the program of education for youth — and the bill. That may seem similar, but they are two completely different things. Perhaps they were not properly understood by the Speaker of the other place.

[Senator Kenny]

Clause 35 of the bill establishes the benefits for the industry. It sets out three reasons that, according to the knowledgeable counsel who examined the matter, would indicate that Bill S-20 should not meet the same fate as Bill S-13. If it receives the approval of this house, when it is under examination in the other place, we have every reason to believe that it will be passed.

Honourable senators, we must send this bill as quickly as possible to committee so we may be examine it in depth, as we did the last time with Bill S-13.

For the honourable senators who had followed the debate, it will be a bit of a repeat. We must repeat the exercise responsibly, as we are capable of doing.

Hon. Marcel Prud'homme: Honourable senators, I will add my voice to that of Senator Nolin. What I wanted to say today, I will say in committee, as he has just suggested.

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

[*English*]

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

On motion of Senator Kenny, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

SIR JOHN A. MACDONALD DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Grimard, seconded by the Honourable Senator Atkins, for the second reading of Bill S-16, respecting Sir John A. Macdonald Day.—(*Honourable Senator Grafstein*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Bill S-16, introduced by my colleague Senator Grimard, has captured the attention of a number of honourable senators. It is my understanding that Senator Grafstein and Senator Grimard have been exploring whether they might be able to collapse this bill into another bill.

Until that happens, we have Bill S-16, which has merit on its own and I believe is supportable in and of itself. However, this being the fifteenth day that the item has been on the Order Paper without debate, I look forward to seeing progress that these matters be voted up or down, one way or another, not just left to appear on the Order Paper and not be addressed.

It is my understanding that a fair amount of consultation has taken place on the principle of the bill, and I look forward to hearing further from Senator Grafstein when he speaks to the bill.

On motion of Senator Hays, for Senator Grafstein, debate adjourned.

A BILL TO CHANGE THE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE ADJOURNED

Hon. Bill Rompkey moved the second reading of Bill C-473, to change the names of certain electoral districts.

He said: Honourable senators, this is a bill like others that have come before us from time to time with regard to the change of name for ridings in the other place. Demographics is usually the reason cited for the change.

Some people have some concerns about this proposed legislation. However, those concerns are best addressed in the committee rather than on the floor of the Senate chamber.

Honourable senators, I propose that we adopt this bill at second reading and move it on to committee.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, it is true that this has already been debated and objections raised. We must put our cards on the table. We must ask the honourable members to stop what I am beginning to think is an abuse of public funds. At first blush, this seems very simple.

For instance, one member represents the riding of Dollard. He thinks it would be a good thing electorally if Kirkland, which is in the riding, were recognized and if the riding were now called Dollard—Kirkland. This is just an example, because Kirkland is not in the riding of Dollard.

• (1830)

But what was never said — the chief government whip, Senator Mercier, understands this very well, because we worked on these issues together — is that nobody seems to be paying attention to the enormous costs that this represents for Elections Canada every time we change the name of a riding. I recently learned that this may lead to logistical problems. As for the memory of computers, among other things, it becomes an impossibility or else the price will have to be paid.

I was the member for Montréal—Saint-Denis, which was represented by Azellus Denis, who was a member of Parliament for 29 years and a senator for 28. By the way, Mr. Denis holds the record as the only member of Parliament since 1867 to sit for more than 54 years. This is something we should at least point out, even if I did not always agree with him. There has always been pressure to change the riding of Saint-Denis.

I represented a new neighbourhood which, during the Trudeau years, was part of the riding of Mount Royal. That neighbourhood was called Parc-Extension. Politically speaking, it would have been a good thing for me to say that it was the riding of Saint-Denis—Parc-Extension, but I would have had to add the riding of Papineau. Then it would not have been possible to forget Rosemont, where I live. It is as if, for example, the member currently representing Mount Royal now wanted his riding to be called Mount Royal—Côte-des-Neiges. This would create political headaches in Hampstead and Côte-Saint-Luc. It would become the riding of Mount Royal—Côte-Saint-Luc—Hampstead—Côte-des-Neiges. I have nothing against that, but no one ever told us how much each of these changes costs.

When this bill is sent to the appropriate parliamentary committee, a senator should raise the issue of costs. Otherwise, it is simply a matter of approving a straightforward piece of legislation.

Honourable senators will remember that I was one of those — and I never apologized for it — who were accused of letting the act follow its course when we talked about amending the Canada Elections Act and freezing the electoral reform and redistribution system.

Thanks to a simple action by the Senate, the government saved between five and seven million dollars. It is true that the government was not happy with my decision, but I do not have to apologize for making the government save such an amount of money because of my stubbornness, as I was told at the time, right here in the Senate. No one remembers that we said no to the whim of members of Parliament by refusing to amend the Canada Elections Act. Everyone was re-elected. Everyone was happy. His name was Joe, he was Canadian and he was very happy. However, that is another issue.

Senator Rompkey is proposing, without naming them, a list of very long names. This means that when the chief electoral officer receives Parliament's decision, it will be all over. He will have no choice but to amend the electoral map. I always raise the same objections. At some point, I will not only have objections, I will also try to convince senators that I am right, that no changes should be made to the names of ridings between elections. Parliament should have the wisdom to do that. When a redistribution takes place, it should remain in effect until the next election. This is so reasonable that I wonder why we do not do so. The millions of dollars that would be saved could be used to help international organizations or associations, such as the Inter-Parliamentary Union, which delivers great speeches throughout the world and which, with some money, could promote democracy and peace in the world.

[*English*]

If I am not there when the committee meets, I hope that you will remember to ask these questions. How much does it cost? I do not want to be philosophical here. How much does every change that takes place between elections cost?

[*Translation*]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): I am totally in agreement with certain of the principles raised by Senator Prud'homme. More particularly, I would like to raise the question of the process underlying this bill.

When a simple bill arrives in the Senate, it is passed promptly, but when we engage in a process of reflection on a bill, of necessity we raise questions of principle such as the one relating to the process. Generally, one would assume that changing the name of an electoral district would relate to serious circumstances, such as riding redistribution. In the bill we have received, we have a list of ridings that wish to have a name change. At first sight this gives the impression — although I hope I am wrong about this — that the MPs see the ridings as their property. So they change names when they feel like it. Taking a riding in the province of Quebec for an example, I wonder how many senators were consulted, if only out of courtesy, by representatives of ridings that came within their districts on the necessity of a name change.

In the case of Ontario ridings as well, if I remember correctly, with the same names provincially and federally, their geographical limits were the same for both. So when such a change takes place, it affects the situation in a province directly. As all honourable senators are well aware, when a bill concerns the provinces, there is a Senate rule which states that the provinces have a right to be consulted. This is another matter of principle that arises.

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

[*English*]

• (1840)

PRIVILEGES, STANDING RULES AND ORDERS

FOURTH REPORT OF COMMITTEE —DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Committee on Privileges, Standing Rules and Orders (questions of privilege of Honourable Senators Andreychuk and Bacon) presented in the Senate on April 13, 2000.—(*Honourable Senator Austin, P.C.*).

Hon. Jack Austin moved the adoption of the report.

He said: Honourable senators, I should like to make a few comments with respect to the fourth report of the Standing Committee on Privileges, Standing Rules and Orders. The report is based on two references from the Senate, the first being the one of October 13, 1999, which resulted from a question of privilege raised by the Honourable Senator Andreychuk based on the leak of a report of the Standing Senate Committee on Aboriginal Peoples that appeared in the *National Post* on Saturday, September 11, 1999. The second question of privilege discussed in this report was raised by Senator Bacon on November 24, 1999, and relates to stories that appeared in *Le Soleil* and *The Toronto Star*.

The Senate found a prima facie case of breach of privilege in each of those questions raised in the Senate and referred those questions to the committee. The committee reviewed both questions of privilege in its proceedings.

Senator Andreychuk asked the committee not to find fault but to review the practice of committees and to make recommendations with respect to that practice and the way in which committees and their chairs could endeavour to reduce, if not avoid, questions of leaked reports. I need not describe to honourable senators the concern of the Senate with regard to leaked reports. The Senate has taken the question of a breach of privilege very seriously indeed.

Senator Bacon wished the standing committee to be more active in its investigation of her breach of privilege, in particular because of the possibility of substantial damage being done to various individuals as a result of the leak of the draft report, which had financial consequences on which possible benefits might be confirmed by prior knowledge.

The committee, in each of those cases, has reviewed the practice in the other place, the practice in the House of Commons in Britain and the practice in both the Senate and House of Representatives of Australia.

We found much to appreciate in the British and Australian practice. In those cases, as a result of their experiences, the practice has evolved to request the committee from which the breach has been alleged to undertake, of its own motion, the first investigation of that breach, the idea being that that committee is closest to the event and therefore the committee should, immediately on a belief that a breach may have taken place, inquire into the possible causes of the breach and the responsibility therefor.

That would not in any way prevent any senator from raising the question in the Senate itself. However, in the case where a committee reported to the Senate that it was undertaking an investigation of the question of a breach, the Speaker would defer the debate on the breach of privilege until the committee had made its report, whether the report was a belief that there was a prima facie breach or that there was no prima facie breach. That particular committee would also be asked to determine whether the breach of privilege caused any substantial damage. The reason for that request in its operations is to set an objective for the finding of sanctions by the Standing Committee on Privileges, Standing Rules and Orders.

The way the process would work is as follows. If the committee within which the breach is alleged reported that it believed that there was a prima facie case and it had carried out an investigation and the investigation showed either substantial or only nominal damage, a report would be made to the Senate, the Senate would debate the report, and, in the Senate's wisdom, it would either accept the report of the operating committee or alternatively accept the report and refer the matter to the Standing Committee on Privileges, Standing Rules and Orders to determine what sanction should be levied by the Senate.

These are the practices in the British House of Commons and in the Australian Senate and House of Representatives, and they recommended themselves to our committee. In our report, we are making such a recommendation to this house.

We have some additional observations, honourable senators, with respect to the practice of committees. We believe that the level of consciousness of the importance of committee confidentiality needs to be raised substantially. In our report, we have asked committee chairs to be more careful in the circulation of their reports, not to circulate draft reports except to senators, to number those reports, and to identify the people in the committee room *in camera*. We have asked committee chairs not to allow non-senators and non-committee staff into the room except as they believe their presence is necessary, not simply to let people sit around the room because they are staff members of various senators. We have asked that the attendance in committees *in camera* be taken.

We have also put forward a caution with respect to the employees of the Senate, those people who are permanent employees. While there is a provision in their employment contracts with respect to confidentiality, our suggestion is that there should also be additional advice to them — although we have no fault to find, I want to say immediately, with respect to the performance of Senate staff.

There is, however, the problem of temporary people, people on contracts. These people come in because they have a specialty or an expertise to contribute to the committee, but they are not necessarily part of the Senate culture, nor do they adopt the Senate culture or feel comfortable with it. One of our problems is that, in a number of cases, people who have expertise also have points of view, and if they are not comfortable with where the committee is going, they may decide to be a little bit adversarial with respect to the way in which the committee is handling its particular business.

• (1850)

Senator Pearson sent to the committee a letter raising various issues regarding *in camera* proceedings. The committee found Senator Pearson's letter quite relevant to its work in this instance. The sixth edition of Beauchesne states that committees should make clear decisions on how to circulate draft reports, on how to deal with evidence and on the publication of their minutes.

We do not wish to interfere with the discretion and the responsibility of the chairs of committees, the role of the steering committees or the rights of the members, but it is important for the chairs and the steering committees to agree in advance on the procedure for handling *in camera* hearings and for discussing reports.

Since our report to the Senate, a new prima facie finding of breach of privilege was made with respect to the work of the Standing Senate Committee on Banking, Trade and Commerce. Our committee in its report urged that the very committee that suffers an alleged breach should carry out the initial investigation. The Senate has not yet debated, discussed or concluded its views on our report, so I simply want to advise honourable senators that, tomorrow, the Standing Committee on Privileges, Standing Rules and Orders will commence to act as if it is the committee from which the alleged breach has sprung. We will carry out an inquiry that I hope will help in developing the model by which committees will deal with matters of this kind. Hopefully, there will be very few matters in the future.

On the question of sanctions, the United Kingdom and Australia take breaches of privilege very seriously. There, if a member of the parliament is found in breach of privilege, the member's right to sit and to participate in the business of the chamber is suspended for a period of time. That period of time is decided by the committee and approved by the chamber.

In addition, in those jurisdictions, a journalist who is found to have leaked a report of a committee is normally found to be in breach of privilege. Sanctions, usually relating to the right to be seen on the precincts of parliament, are levied.

The business of freedom of the press and the convention in our two houses of not dealing with journalists in breach of privilege have sprung up over a period of time. I want to be clear. The committee for which I am reporting is not recommending that any action be taken against journalists.

As I noted last week in the Senate, the journalist who printed excerpts of a Banking Committee report made it quite clear in his article that he was quoting from a draft report that had not yet been released. He referred to the fact that it would appear in the next few weeks. In both Britain and Australia, that would have constituted a clear breach of privilege by the journalist.

I am not doing justice to the actual text of this report. I urge honourable senators to read it. It is not a long report; it is carefully written. The Standing Committee on Privileges, Standing Rules and Orders would like the Senate to receive and approve its report and to adopt the new procedure with respect to questions of privilege that I have outlined. I believe this is a more workable system than the one currently in the rules.

Hon. Anne C. Cools: Honourable senators, I thank Honourable Senator Austin for his excellent work. I am looking at this report with some interest. He made reference in his speech to a letter from Senator Pearson. The report itself, at paragraph 31, refers to the letter. To the extent that the committee received the letter from Senator Pearson, perhaps the Senate should also have the benefit of that letter. Would Senator Austin table a copy of that letter, please?

Senator Austin: Honourable senators, I will look to see whether the letter is written as personal and confidential or whether it contains any restriction. I will then advise the honourable senator. I should like to talk to the author of the letter to obtain her consent in that regard.

Senator Cools: I am reading from the report of the committee and it states:

> By letter dated December 8, 1999, Senator Landon Pearson has raised various issues relating to *in camera* committee proceedings, which are very relevant to the issues covered by this report.

I can only assume that, to the extent that you put it on the record of the Senate chamber, that you intended the Senate to have some knowledge of it. It seems to me that it is entirely in order. To the extent that you are asking the Senate to approve your study, it is entirely proper that the Senate should have a copy of it.

Senator Austin: Honourable senators, Senator Pearson is here. Perhaps she can assist.

Senator Cools: I have no objection to that.

Hon. Landon Pearson: Honourable senators, I will discuss this with Senator Austin. I have no objection to that letter being tabled here in the Senate. I have to be sure it is the correct version, because I did some editing and improving with the help of some colleagues. We will discuss it, but I have no objection in principle to the request of the Honourable Senator Cools.

Hon. Marcel Prud'homme: Either you are tabling it or not.

Senator Cools: Honourable senators, this is an interesting situation. The author of the letter, Senator Pearson, says she has no problem with the letter being tabled here in the Senate. Senator Austin is saying he has some concerns about confidentiality. This would almost raise a whole new question of privilege, which I would be prepared to address. Can such a letter be confidential when the Honourable Senator Austin is asking the Senate to approve the report? That can be left for another day.

Senator Austin: Honourable senators, I would reply to Senator Cools in this fashion. It is important for a committee chair to be very careful with material that is submitted. I would extend the same courtesy to any senator. I would make an inquiry to see whether the senator had any objection. I am delighted to have my concern about the proper procedure removed by the remarks of Senator Pearson.

I would just add that paragraph 31 does not contain a recommendation by the committee for which the committee is seeking inclusion in the rules. It is an observation with respect to how *in camera* hearings might be conducted. It is not part of our report on the questions of privilege.

Senator Cools: Honourable senators, the question before us is the adoption of the report in its entirety, unless Honourable Senator Austin is saying that that portion is not part of the report.

We should commend the Rules Committee, because some of these questions have been lying dormant for quite some time. In recent years, Senator Kinsella and I have raised many of these questions of privilege hoping that, at some point in time, the Senate would give them serious attention. To that extent, I welcome the kind of intense work the committee has done.

• (1900)

On the question of leaks, Senator Austin knows that I feel strongly about members violating confidence and trust here, and revealing such important information to the media.

In any event, I have a great deal to say about this matter. I am most interested in it. Every day, it seems, one opens up the newspaper and there is a story about another leak. There once was a time when one saw no such reports about the Senate. I am not speaking to the matter today. My intention was to simply put those questions to Senator Austin. Having said that, I should like to take the adjournment so that I can speak to the question in a more fulsome manner.

On motion of Senator Cools, debate adjourned.

NATIONAL DEFENCE

NEED TO JOIN WITH UNITED STATES IN MISSILE DEFENCE PROGRAM—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the need for Canada to join the United States in National Missile Defence.—(*Honourable Senator Taylor*).

Hon. Douglas Roche: Honourable senators, the government's plans to have cabinet examine the issue of Canada's participation in the national ballistic missile defence system, which is now being developed by the United States, escalates the importance of the debate on this subject. Senator Forrestall, whose high regard in the Senate has been earned by his many years of service in the two chambers of Canada's Parliament, made an important contribution. My own contribution, from a different perspective, centres on these main points: first, what the U.S. National Missile Defence program, known as NMD, would do, and the opposition publicly expressed by the closest allies of the U.S.; second, why NMD is a profound danger to international stability; and, third, why it would be a mistake of unprecedented proportions for Canada to take part in such a program.

First, the $60-billion NMD system is intended to provide a defence of all 50 states in the United States against small-scale attack by intercontinental-range ballistic missiles. The primary argument made for immediate deployment is the possibility that emerging missile states hostile to the U.S., such as North Korea, might soon acquire ICBMs and use them to attack U.S. territory. The proposed NMD system would use ground-based interceptors deployed initially at one site and eventually at two sites, supported by an extensive network of ground-based radar and space-based infrared sensors. This system uses impressively advanced technology.

Since tests have so far proved inconclusive as to whether the system will work, another test is scheduled shortly, after which President Clinton has said he will make a final decision whether to commit the U.S. to deployment. However, it is precisely the deployment of such a system that the Anti-Ballistic Missile Treaty, ABM, signed by the U.S. and the former Soviet Union in 1972, was designed to stop. The ABM was designed to disallow the building of defensive systems in order to discourage the building of more offensive weapons to overcome these defences. The U.S. admits NMD contravenes the ABM treaty and is pressuring Russia to amend it or to abrogate it entirely.

Documents of the current U.S.-Russian negotiations were published in the *New York Times* on April 28. As the Union of Concerned Scientists explains in these documents, the United States asserts that Russia need not fear that the U.S. NMD system would undermine Russia's nuclear deterrent for two reasons. First, the U.S. argues that both countries "will possess, under any possible future arms reduction agreements, large diversified arsenals of strategic offensive weapons" and that both countries could deploy "more than 1,000 ICBMs and submarine-launched ballistic missiles with nuclear warheads over the next decade and thereafter" to give both countries "the certain ability to carry out an annihilating counterattack."

These documents, first obtained by the *Bulletin of the Atomic Scientists*, demonstrate that to deploy its NMD system, the U.S. is willing to give up indefinitely the potential for cutting the Russian arsenal below about 1,000 missiles. If the U.S. is telling Russia that retaining a large arsenal for the indefinite future is its hedge against a U.S. NMD system, then the U.S. cannot credibly argue that it is also taking steps toward deep reductions or the elimination of nuclear weapons.

Yet, just last week, at the Non-Proliferation Treaty Review Conference at the United Nations, which I attended, Secretary of State Albright and other U.S. government officials sought to assure the rest of the world that the U.S. remains committed to fulfilling its obligations under the NPT to pursue nuclear disarmament. These documents reveal just how empty those assurances are.

To say that the international community is in an uproar over U.S. intentions puts it mildly. There is consternation. The issue has not only split the U.S. from Russia but virtually isolated the U.S. in the world community. Even the nuclear partners and strongest allies of the U.S. are publicly trying to dissuade the U.S. from proceeding because of the irreparable harm it will do the nuclear disarmament agenda.

Russia's Minister of Foreign Affairs, Igor Ivanov, warned the U.S. that reduction programs will be jeopardized if the U.S. proceeds with NMD. The ABM treaty is a cornerstone of the non-proliferation regime, he said, and cannot be tampered with. Whereas Ms Albright said there was no good reason why the ABM treaty could not be amended, Mr. Ivanov put it plainly by stating:

> Compliance with the ABM Treaty in its present form without any modifications is a prerequisite for further negotiations on nuclear disarmament.

In his address at the UN, he made the same point several times. He said:

> Further reductions in strategic offensive weapons can only be considered in the context of preservation of the ABM Treaty.

In other words, if NMD goes ahead, it is goodbye nuclear disarmament.

China is very wary of a Russia-U.S. deal on NMD. Ambassador Sha Zukang of China weighed in at the NPT review with an attack on any kind of ballistic missile defence system as "posing a severe threat to the global strategic balance and stability." He accused the U.S. of trying to seek absolute security for itself, an impossible task that is tantamount to a nuclear arms buildup. He warned that the international nuclear disarmament process would come tumbling down if the U.S. proceeds with NMD.

While more circumspect, the United Kingdom and France, nuclear allies of the U.S., both expressed similar concerns. Peter Hain, U.K. minister of state said:

> Active missile defence raises complex and difficult issues. We have made it clear —

— to the U.S. and Russia —

> — that we continue to value the ABM and wish to see it preserved.

Ambassador Hubert de La Fortelle of France said his country was "anxious to avoid any challenges" to the ABM "liable to bring about a breakdown of strategic equilibrium and to restart the arms race."

In addition, Javier Solana, former secretary general of NATO, speaking for the European Union, said NMD could actually "de-couple" the security link between the U.S. and its NATO allies, and this would indeed lead to chaos.

• (1910)

Honourable senators, the U.S. keeps saying it has to protect itself against "rogue" states and focuses on North Korea, Iraq and Iran, but there is no evidence that any of these states could manufacture a nuclear warhead. North Korea's missile program is primitive by world standards. Furthermore, the U.S. and North Korea are making progress in a cooperative program to eliminate the North Korean missile threat. An historic summit between North and South Korea is looming. Present trends indicate that North Korea's economy may collapse, democratizing trends in Iran could alter the direction of that country, and a post-Sadam Iraq may well restore friendly relations with the West.

In short, the threat from other countries is diminishing; yet, the proponents of NMD claim an enemy is lurking, precisely because they must be able to depict an enemy somewhere in order to generate the support of U.S. taxpayers. Moreover, as the brilliant U.S. analyst Frances Fitzgerald points out in her new book, *Way Out There in the Blue*, NMD is the successor of the discredited strategic defence initiative of the 1980s known as Star Wars and is driven by the ideologically based extreme right in the U.S. that seeks an impossible unilateral security to the detriment of arms control and disarmament agreements of the past 30 years.

The motivation of this band of ideologues, which has captured control of the U.S. Congress, is to prepare the way for the U.S. military dominance of outer space. The spectre of a puny North Korea as the rationale for NMD is but a subterfuge for the real goal, which is the development of weapons in space and the preparation for space-directed wars of the 21st century. In all of this, the profits for the military-industrial complex, already at historic highs because of the $280-billion annual defence budget of the United States, will be spectacular.

Honourable senators, NMD is the trap now waiting to be sprung on Canada.

As the U.S. geographic partner in North America, U.S.-Canada defence has been intertwined for decades. The NORAD agreement, developed during the Cold War to warn of Soviet missile attacks, is an expression of the structural relationship between the U.S. and Canada. The structural agreements of NORAD and NATO defence systems cannot be tampered with lightly. Nevertheless, a concerted campaign to intimidate Canada into supporting and joining the NMD has been launched. Its most vocal advocates are the pipsqueak colonels of the Pentagon, as former prime minister Trudeau once called them, who are conjuring up irrational fears among some Canadians that the U.S. will stop protecting Canada if our country does not join NMD. Foreign Minister Lloyd Axworthy is being attacked because he said at the UN two weeks ago that "The proposed unilateral National Missile Defence would have serious implications for the NPT regime." As I have shown above, Mr. Axworthy was mild compared with what the rest of the world community is saying.

Honourable senators, in the late 1980s, when Canada was invited by the U.S. to join the Star Wars program, the same cheap threats were made that our country would suffer if we declined. After careful consideration, the Canadian government of the day said no. What happened? Nothing, except that the North American Free Trade Agreement and other economic benefits to Canada went ahead. If Canada could say no to missile defence madness in the Cold War, why can we not — politely, of course, as befits our role in international diplomacy — say no in the post-Cold War era?

Speaking of diplomacy, one of Canada's greatest military diplomats, Tommy Burns, who led our country in arms control negotiations, would be turning over in his grave at the idea of Canada becoming the laughingstock of the world in giving up our cherished ability to contribute to the building of peace by joining in such an ill-considered venture. So would other great Canadian internationalists, such as Lester Pearson, John Humphrey, Hugh Keenleyside, Saul Rae and King Gordon.

The time has come — and many, many Canadians are watching Ottawa carefully to see how we will come down on this matter — for the Government of Canada to state that the foremost priority for Canada is to build the body of international law represented by the UN system, not succumb to the militarists in the U.S. who want nothing better than to trumpet to the world that the highly-respected Canada has bought into NMD. Canada must not allow itself to be hoodwinked by being drawn into a matter that is being driven by U.S. domestic politics.

If Canada were to join NMD, it would have catastrophic consequences for our ability to continue arguing for the non-proliferation of weapons of mass destruction. At the moment, Canada is playing a major role to ensure that the Non-Proliferation Treaty —– the review of which is ongoing in New York — remains intact as a bulwark against the spread of nuclear weapons. That is where Canada's efforts must remain focused.

Finally, the answer to future threats of ballistic missiles is to preserve and strengthen the existing web of military, political, economic and legal measures designed to prohibit, impede, isolate, expose and respond to the activities of potentially hostile state and non-state actors. The alternative to NMD does exist. It is the maintenance of international legal norms backed up by properly funded verification regimes, arms control, economic incentives, cooperative programs and export control systems. This approach builds the conditions for peace. Canada must go forward to peace, not backward to war.

Hon. Senators: Hear, hear!

Hon. Marcel Prud'homme: I should like to ask a question of the Honourable Senator Roche. He was kind enough to quote the Minister of Foreign Affairs, Mr. Axworthy, but in order to understand the full intensity of the debate, would the honourable senator speak to the comments of the Minister of National Defence, who seems to be in full disagreement with Mr. Axworthy? There was something very troubling for me when I saw for the first time, I must say, in my 37 years in Parliament, two ministers with major portfolios "perceived" to be in full disagreement. In order to understand your strong views — and I do because I share them — would the honourable senator comment on the Minister of National Defence's view of the position Mr. Axworthy has so well expressed?

Senator Roche: Honourable senators, I do not believe that the Minister of National Defence, Mr. Eggleton, for whom I have high respect, has made a definitive statement in this respect. I quoted the words of Foreign Affairs Minister Axworthy, who spoke at the UN about two weeks ago to the Non-proliferation Treaty Review Conference. He clearly expressed great hesitation and reservation. I do not believe that I can do justice to Mr. Eggleton without a definitive statement on his part.

Hon. Bill Rompkey: Honourable senators, I find the arguments of Senator Roche very persuasive and I congratulate him on his speech.

There seems to be some disagreement regarding whether these rogue states do, in fact, have nuclear capability. I was in Washington some weeks ago and heard from officials at the Pentagon that four or five rogue states had the ability to reach the U.S. with nuclear weapons. They were misinformed, uninformed or deliberately misleading us. I would hate to think that officials of the Pentagon would do that. I am puzzled on a statement of fact. If, indeed, these states do have the weapons, and if, indeed, the weapons can reach the United States, then what does the United States do to protect itself given that some of these rogue states will not participate in the international structures that are put in place for nuclear disarmament?

The second question is rather puzzling, but regarding the first question of fact, perhaps the honourable senator could enlighten me.

• (1920)

Senator Roche: I believe that a concerted campaign is underway using the old methods of propaganda to convince the public that they are in danger from countries on the grounds that they possess weapons. The countries that have been named — Iran, Iraq and North Korea — do not possess nuclear weapons. They do not have a delivery capacity capable of spanning the space to reach the United States.

Moreover, with respect to their participation in international agreements, the three countries that I have named are participants in the non-proliferation treaty. Former defence secretary Perry has led a delegation on behalf of his country to North Korea to build up the relationship between the two countries. The United States has already spent enormous sums of money financing the development of reactors in North Korea for peaceful uses. The partnership that can be developed, as pointed to by the fact that there will be a summit between North Korea and South Korea shortly, illustrates that the so-called adaptation of rogue states endangering us is greatly exaggerated by those who wish to gain in political, economic and military terms from scaring the public.

On motion of Senator Taylor, debate adjourned.

FUTURE OF CANADIAN DEFENCE POLICY

INQUIRY

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Forrestall calling the attention of the Senate to the future of Canadian Defence Policy.—(*Honourable Senator Rompkey, P.C.*).

Hon. Bill Rompkey: Honourable senators, it is a great pleasure for me to rise to speak to the subject raised by my colleague from across the way. I must say that my remarks will be both complementary and complimentary. I applaud the honourable senator for raising this matter. I must say that I concur with much of what he had to say — perhaps not all, but much of what he had to say. I hope that will be evident in my remarks.

In 1994, I had the privilege of co-chairing the Special Joint Committee on Canada's Defence Policy. As a matter of fact, my co-chair is to my right. I was then in the other place, and he was in the Senate. Senator Forrestall was a member of that committee. We produced the final report "Security in a Changing World," which was our review of defence policy. I might say that at that time we were one of the few jurisdictions in the world where a parliamentary review had been done before a bureaucratic and government review.

We were quite pleased because, with the release of the white paper, the Canadian Forces, they said, as did we, were to be multi-purpose, combat capable, able to fight alongside the best. The white paper recognizes that, although we cannot cover the entire military spectrum, the Canadian Forces must be capable of defending Canada as well as defending North America in cooperation with the U.S. Two-thirds of what we recommended found its way into the white paper. We were pleased. It was satisfying for us as parliamentarians to have that reaction. However, when you examine it more carefully, a few of the most important recommendations were not followed, and that is what I wish to address today.

Some of the key rejected committee recommendations were those addressing the defence budget and the size of the regular forces. In rejecting both of those basic components, the setters of our defence policy have severely restricted the ability of the Canadian Forces to respond to the government's own objectives.

Certainly the objectives of defence policy outlined in the 1994 white paper remain sound. However, there is a serious doubt in my mind, as I think there is in the mind of Senator Forrestall, that the Canadian Forces today have the ability to carry them out.

Our 1994 joint committee had advised the government that defence funding should not fall below the 1994 levels. We argued that further reductions would fundamentally impair capabilities. The white paper did not endorse that key recommendation, and we have seen defence budgets fall by 23 per cent, or $2 billion, since 1994.

Moreover, the regular forces have been reduced from 75,000 to 60,000 in recent years despite the warning of the joint committee that a level of 66,700 represents the minimum capability required for the Canadian Forces to play a meaningful role at home and abroad.

While DND's budget was cut by some 23 per cent during the 1990s, more recent and intense pressure on the military to respond to numerous overseas missions prompted the government to invest new money. Events such as the pull-out of the Canadian Forces from Kosovo peacekeeping missions and delays in the East Timor peacekeeping deployment because of the breakdown of transport planes were some of the more obvious reasons that forced the government to act and financially rescue the cash-strapped Canadian Forces.

There has been a second consecutive increase in the DND budget following the government's federal budget for 2000. According to that budget, the Canadian Forces will receive $1.7 billion in new money over three years. That represents $400 million this present year, 2000-2001; $500 million in the next fiscal year, and $600 million in the following year. DND says that the increase in their budget will head off possible layoffs of soldiers and will allow the ministry to begin looking at purchasing new equipment, including 28 Maritime helicopters to replace the Sea Kings, upgrading the CF-18s and the Aurora patrol planes and the Hercules. While the military may well welcome these budgetary increases after decades of cuts, they fall short of the increases that our allies, Australia and the United States, recently gave their respective armed forces.

We must also consider that 10 per cent of that new money has already been spent because DND must use $180 million of its new money to repay the federal government for loans it incurred to finance the Y2K operation. It has already committed to using a significant portion of the remaining money to pay for quality of life programs. Between the money spent on peacekeeping and the portion allotted to debt repayment and for quality of life, there will be no additional funds to invest in capital equipment, training, and the crucial areas where additional funding is desperately required. Therefore, this limited influx of new money hardly raises the basic budget line. The military still will have to scramble to find ways to keep personnel above 60,000 and to pay for new equipment.

Just as important as inadequate funding is the issue of the reduction in military personnel. Despite a significant increase in the DND budget, actual troop numbers may well fall below the white paper's 60,000 mark this year. Indeed, the Canadian Forces will withdraw soldiers from peacekeeping missions to reduce the number of troops on foreign soil from 4,500 to 3,000, as the current budgetary increases will not allow the Canadian Forces to sustain their current level of overseas deployment.

• (1930)

Despite public support, the institution is stretched beyond capacity. It is increasingly questionable whether our Canadian Forces can sustain the current operational tempo. Many men and women are serving in their fourth or fifth tour overseas in the last seven years. The cycle of increased operational deployments, using the same people over and over, is degrading Canada's ability to respond at all.

I should like to briefly address the conditions to which our forces find themselves exposed. Quality of life programs are certainly where DND has placed the most emphasis in recent years and the department has been successful at implementing changes. A significant portion of the new money from the 2000 budget will be allocated to the quality of life reforms, including packages that increase pay, benefits and disability coverage. While this is definitely a step in the right direction, quality of life programs are not remedying the fact that troops are overworked and overburdened with a terribly high operational tempo and dwindling forces. Quality of life programs cannot rectify the roster of problems that force troops to work with outdated and unreliable equipment. Money invested in quality of life programs is, without a doubt, a good investment. However, it also shows that more funding is needed to address the other crisis in the Canadian Forces.

One of the most important aspects of our forces is the reserves. DND is implementing the 36 accepted recommendations of the report of the Special Commission on Restructuring the Reserves. It has already fully implemented eight of the recommendations, four of which involve support for both the cadet and Canadian ranger programs, and four of which recognize the overall composition of the Canadian Forces and the need to eliminate administrative differences between the regular and the reserve force.

The harmonizing of compensation and benefit entitlements, which is of particular importance to personnel, is well underway with the introduction of this program that significantly improves reserve pay. Reserve force pay rates are now set at 85 per cent of regular force rates and all future pay initiatives apply to all members of the Canadian Forces.

While implementation of the remaining 28 recommendations is underway, most are focused on land force reserve restructuring, which is proceeding in two concurrent phases. To date, phase one, which involves infrastructure and establishment, has addressed the introduction of total army establishments, resulting in the replacement of 14 militia districts with an initial organization of 10 brigade groups. The challenge of realigning the structure at the unit level, with the potential for adjustments to regimental organizations, lies ahead and will be the focus in the coming months. Phase two will address other longer-term issues, including training, mobilization, equipment, policies and bands.

I look forward to the report of John Fraser. I understand it is in the hands of the minister now. I have not seen it. However, I am alarmed at the indication of the differences that exist between what that report might say and what the department is planning for the future. We have our work cut out for us to monitor exactly what will happen with the rest of the restructuring of the reserves.

In its 1998-99 interim report, the minister's monitoring committee on change has been especially critical of the implementation of reforms related to the restructuring of the reserves. Ministerial decisions to shape the restructuring process have not been implemented. The committee found that the Canadian Forces had abandoned most of the main tenets of restructuring, and far too little has been accomplished since the 1988 and 1999 reviews.

While the reserve forces can and do support the regular force, both on missions overseas and domestically, there are limitations as to how much reliance can be placed on them. Following attempts from the early 1990s to deploy peacekeeping contingents with a high proportion of reservists — up to 40 per cent — the Canadian Forces subsequently placed a limit of 20 per cent reservists in any single contingent because of the costs of training and the loss of unit cohesion.

Current defence planning, as reflected in the Defence Planning Guidance 2000 and Defence Strategy 2020, emphasizes rapid response to developing crises, something that cannot easily or cheaply be accomplished by reservists. In addition, the absence of guaranteed call-out means that domestic operations must have a backbone of significant numbers of regular force troops even if a large portion of reservists are deployed.

As always, the bottom line seems to be money. Lack of funds is also having an extremely negative effect on training and equipment. This, in turn, affects the core capability and readiness of the Canadian Forces. Close to half of the departmental budget reductions since 1994 have been borne by the capital equipment budget. In 1996, following a series of budget reductions, the department made a commitment to avoid repeating the experience of the 1970s, when the "rust-out" became a serious problem. Despite this commitment, long-term capital plans and defence services program currently forecast a decline in equipment spending over the next five to 15 years.

The capital budget of the Canadian Forces now stands at about 90 per cent of its overall budget. The Auditor General warned in 1998 that DND faces the eventual rust-out of its equipment if the capital budget is not increased.

Strategy 2020, which was released last summer, sets a five-year target of 23 per cent of the defence budget for capital investment. However, DND's last attempt to hit a target for equipment purchases in the late 1980s and early 1990s was a failure.

Honourable senators, inadequate funding has led to numerous deferrals, delays and cancellations in the capital acquisition process. Improper equipment has also compromised the capability of Canadian Forces, both abroad and in their domestic missions. There are significant gaps in strategic surveillance and only a limited capability to exert our national will in the very demanding environment of Canada's Arctic. Inadequate resources also mean that Canada is finding it increasingly difficult to keep up with technological advances.

When our joint committee submitted its report to the government, it devoted an entire section to the role of Parliament. This section of recommendations was completely overlooked in the white paper and continues to be ignored and overlooked. Recommendations such as those to create a permanent standing joint committee on defence or an annual day of debate in Parliament to discuss defence policy are recommendations that must be acted on not by DND, but by Parliament directly. Ultimately, Parliament has the major responsibility for its actions and contributions in the area of defence policy.

The National Defence Committee of the House of Commons has done some useful work, in particular its study and report on the quality of life in the Armed Forces, but it has not addressed the core operational problems that plague the Canadian Forces and undermine DND's mandate. Not only have the deficiencies and shortages in the Canadian Forces impacted directly on capability and readiness, they have also drawn the attention of international allies and the domestic public. NATO has expressed the view that Canada is not pulling its weight in multilateral and bilateral security organizations.

The Hon. the Acting Speaker: I regret to inform the Honourable Senator Rompkey that his time for speaking has expired. Is there unanimous consent for the honourable senator to continue his speech?

Hon. Senators: Agreed.

Senator Rompkey: Thank you. I am nearing the end of my speech, honourable senators.

The Secretary-General of NATO, Lord Robertson, pointed out that Canada is second to last among NATO members in terms of defence spending as a percentage of GDP. Despite our excuses, we are far from the only country dealing with financial limitations and the restructuring of armed forces. Defence spending has decreased in most NATO countries, but Canada's overall expenditures remain among the lowest. In 1997, Canada spent 1.3 per cent of its GDP on defence, compared with 3.4 per cent by the United States, 2.7 per cent by the United Kingdom and 1.6 per cent by Germany.

The Canadian public is also skeptical about the forces' capabilities. A survey by the Toronto-based Pollara public opinion firm in early 1999 showed that 69 per cent of respondents felt that the military did not have the equipment to do its job. Parliament is also beginning to question further reductions to the defence budget. Many MPs are now pushing for a five-year program of budget increases. The difficulties are well known. Increased pressure to intervene in outbreaks of violence around the world has put new strains on the services, and technological changes are revolutionizing the way wars are fought. In this volatile environment, our forces have undergone massive cuts. In the past decade, the number of military missions has tripled but the number of members has dropped from 90,000 to fewer than 60,000 in the year 2000-2001.

• (1940)

About $2.7 billion was cut from the forces between 1994 and 1999. Without support and adequate funding, DND will inevitably continue to face persistent problems that can lead to the kind of scandals and cover-ups we have seen all too frequently in recent years. We have simply not done enough. Partial measures and partial successes are not good enough. Canadians deserve better.

Some Hon. Senators: Hear, hear!

Hon. Colin Kenny: Honourable senators, would the honourable senator entertain a question?

Senator Rompkey: Of course.

Senator Kenny: I should like to associate myself with the remarks made by the Honourable Senator Rompkey. I had the opportunity to serve on the special committee that was so ably chaired by Senator Rompkey and Senator De Bané.

My question to Senator Rompkey is this: Does he believe that the special committee would have made the same set of recommendations that it did make had it known at the time what its funding would be in the coming years?

Senator Rompkey: Honourable senators, that is a difficult question to answer. We are looking back at what the special committee would have recommended, had it known. I think that we were right in our recommendations. I think we established a bottom line. However, I do not think that bottom line has been followed. I think we have fallen below that bottom line. The reality now is that I, and I think many others, believe that we do not have the capability to meet all of the missions that we have entered into, both here and abroad. We have given certain commitments to Canadians, to NORAD, to NATO and to the UN. I do not believe that we can meet all of those commitments, given the structure and the budget that is in place at the present time.

Having set a benchmark, I am disappointed that that benchmark has not been followed. I do believe that it is our responsibility, as parliamentarians, to continue that monitoring. I think there is a role for us, both as parliamentarians and as senators, to ensure that what we recommended in 1994 is put in place.

Hon. J. Michael Forrestall: Honourable senators, I, too, have a question for the Honourable Senator Rompkey. First, I wish to thank the honourable senator for his remarks. I am tempted to ask his co-chair if he agrees. He is nodding in the affirmative; that is understandable. It was a good piece of work, and I think it served thoughtful Canadians well. However, it did not serve government, for whatever reason.

I wish to ask the honourable senator whether or not we were a little remiss in some of our responsibility by not having been a bit more forceful — and I am sorry the co-chair of the committee is not here now — about the establishment, either within this chamber or jointly with the other place, of the type of oversight capacity that might have allowed us and Canadians, through the presentation of their views to us, to make the point that the rust-out level has long since been reached.

I could tell honourable senators in privacy that the numbers that we believe to be in the Canadian Armed Forces are not there. We are seeing that in the flight from Sierra Leone. We read it in *The Globe and Mail* this morning. Captain Jackson, a very distinguished reservist officer, implied the difficulties. What would the senator have to say about the usefulness of this chamber going alone? We know that the argument is that we are small in numbers and if we set up another committee, it cannot meet on Tuesday, Wednesday or Thursday. If it wants to function, it may have to sit on Monday and Friday. Is there some merit in challenging that? If that is your bottom line, then let us try it. Let us see if it works. Senator Roche and I are engaged in debate concerning national missile defence. I wish members of the Senate — and I am sure the Honourable Senator Rompkey would agree — would join in the national missile defence debate also. It is critical.

I am asking about the platform. It is now late in the day and people are hungry and want to go home, I suppose, but these matters are more properly dealt with in a concerned committee that is knowledgeable. We do not have that capacity. Could the honourable senator comment on this issue? We have a missile defence program, a separate operation and maintenance and capital budgets. It is absolutely necessary that we look at it and that we find a green paper and a white paper. It is absolutely necessary to give the government the advantage of our best thinking in these areas. Could the honourable senator comment on that kind of platform?

Senator Rompkey: I shall be glad to do so. I am glad that this issue has been raised. That is something we can do in this chamber. For the last couple of years, many of us have supported establishment of a standing committee on national defence and security in the Senate. Far be it from me to put the Deputy Leader of the Government and the Deputy Leader of the Opposition on the spot, but I notice that they are both in the chamber, listening intently to both the debate and to the question of the Honourable Senator Forrestall, as well as the reply. Far be it from me to put them on the spot in the chamber today; I simply wish to reinforce with them the feeling among many senators that the establishment of a Senate standing committee on defence and security is long overdue and should be proceeded with forthwith, because there is work to do.

The Hon. the Acting Speaker: Honourable senators, if no other senator wishes to speak, this inquiry is considered debated.

[*Translation*]

PRIME MINISTER'S VISIT TO MIDDLE EAST AND PERSIAN GULF

INQUIRY—DEBATE ADJOURNED

Hon. Pierre De Bané rose pursuant to notice of Thursday, May 4, 2000:

> That he will call the attention of the Senate to the visit of the Prime Minister of Canada to the Middle East and the Persian Gulf from April 8 to 19, 2000.

He said: Honourable senators, I have the honour to report to this House on the visit undertaken from April 8 to 19 by the Prime Minister of Canada, the Right Honourable Jean Chrétien, to a number of Middle East countries, namely, Israel, Palestine, Egypt, Lebanon, Jordan, Syria and Saudi Arabia.

I was very pleased that the Prime Minister invited a number of parliamentarians from both Houses of our Parliament to accompany him. Accordingly, in the company of Senators Marcel Prud'homme and Leo Kolber and our colleagues from the other House, Carolyn Bennett, Mark Assad, Yvon Charbonneau, Sarkis Assadourian and Irwin Cotler, I had the honour of being part of the parliamentary delegation accompanying the Prime Minister, the Right Honourable Jean Chrétien.

• (1950)

This is the first time in the history of Canada that the leader of the government has made such an extended visit to so many countries in this region, where we have been involved for so long.

We could even say that the decisive role played by Canada in the 1956 Suez Canal crisis not only allowed us to defuse a crisis involving the two former mother countries of Canada, France and England, but our participation also was a very important moment in the history of our country.

It was for his key role in defusing the Suez Canal crisis that Lester Pearson, the Minister of Foreign Affairs at the time, and later Prime Minister of Canada, was awarded the Nobel Peace Prize. It was during this crisis that Canada initiated the modern concept of peacekeeping by the United Nations.

Since then, Canada has taken part in all peacekeeping operations in the Middle East, including those of the first and second Emergency Forces, the Yemen Observer Mission, the Interim Force in Lebanon and the UN Special Commission.

Canada is convinced that peacekeeping operations are contributing to stability in the area, which in turn facilitates the peace process. Currently, 239 members of the Canadian Armed Forces are taking part in five separate peacekeeping operations and related missions in the Middle East.

1. On the Golan Heights, the UN force is observing the withdrawal of Israeli and Syrian forces. One hundred and ninety members of the Canadian Armed Forces are stationed there, one as the commanding officer.

2. The agency in charge of monitoring the cease-fire is made up of 11 members of the Canadian Armed Forces who mediate between Egypt, Israel, Jordan, Lebanon and Syria, and help other UN missions.

3. Six more members of the Canadian Armed Forces are part of the United Nations Iraq-Kuwait Observation Mission.

4. Thirty members of the Canadian Armed Forces are assigned to the Multinational Force and Observers, the MFO, which monitors the disengagement between Israel and Egypt according to the Camp David Accord; either they are in staff positions or they work as air traffic controllers or in an administrative capacity.

5. Finally, there are two Canadians on the United Nations Monitoring, Verification and Inspection Commission created in December 1999 to carry on the inspection and destruction of ballistic missiles as well as chemical, nuclear and biological weapons in Iraq.

As well, Canada took part in two United Nations peacekeeping missions in Lebanon, one with the Observation Group in 1958-1959, and the other with the Interim Force in 1978.

Canada is a staunch supporter of the peace process in the Middle East, an active participant in multilateral negotiations and an important financial contributor to aid programs in the area. For close to 50 years now, Canada has been participating in the international community's efforts to promote peace in the Middle East.

The Madrid peace process was initiated by the United States and the former Soviet Union in 1991 with a view to finding a comprehensive solution to the conflict between Israel and the Arab States. For the first time since the State of Israel was created in 1948, the leaders of three Arab countries, Israel and the Palestinians sat down to discuss peace. The process resulted in a series of bilateral negotiations between Israel and its neighbours — Jordan, Syria, Lebanon — and the Palestinians.

These negotiations were long and arduous, which is a reflection of the complexity of the issues discussed and of the compromises necessary to ensure a lasting peace. The declaration in principle signed in Washington by Israel and the Palestinian Liberation Organization, the PLO, in 1993, the subsequent interim agreements — signed in 1994 and 1995 — extending Palestinian autonomy to the West Bank and the Gaza strip, and the peace treaty signed in 1994 by Israel and Jordan were major milestones during these negotiations.

In 1992, the United States and Russia launched, in Moscow, the second phase of the Madrid peace process. The ministers of Foreign Affairs and the delegates of 36 countries — including officials from Middle East, Europe, Japan, China and Canada — took part in that exercise.

Multilateral negotiations complement — they do not replace — bilateral negotiations. Five working groups were set up: arms control and regional security, regional economic development, refugees, water resources and the environment. So far, Syria and Lebanon have opted to not participate until bilateral negotiations will have made more progress.

Canada is a strong advocate of a negotiated solution to the Arab-Israeli conflict and it fully supports the bilateral negotiations process. Its main objective is to help Middle East countries find ways to cooperate with one another.

Canada is one of the main partners in the multilateral process. It chairs the working group on refugees and it is a member of the steering committee that supervises the five working groups. I am pleased to pay tribute to Mr. Robinson, who chairs the working group on refugees. Canada also sits on the ad hoc liaison committee and coordinates international assistance to the Palestinian authority. The Canadian Minister of Foreign Affairs visited the region in 1997 and met with Arab and Israeli officials.

Canada is also a member of the working group on regional security and arms control. As a facilitator for confidence-strengthening measures in the marine sector, Canada hosted a number of events, including the symposium on marine safety, which was held in Nova Scotia, in 1997. Research and rescue experts from the Middle East got together on that occasion, at the invitation of the Canadian Coast Guard, with the support of the Canadian International Development Agency, CIDA.

Canada contributes technical know-how and development assistance to the working group on water resources and the working group on the environment. Under the aegis of CIDA, a training program for Israeli, Palestinian and Jordanian technicians specializing in water data has now been established.

The persistent crisis of Palestinian refugees displaced by the Israeli-Arab conflict is one of the most important issues that must be addressed as part of the Middle East peace process. Right now, there are 3.6 million refugees enrolled with the United Nations Relief and Works Agency for Palestine Refugees in the Near East. They live in Jordan, Lebanon and Syria, as well as on the West Bank and the Gaza strip. All parties to the peace process recognize that, for there to be comprehensive and lasting peace in the Middle East, a just solution to the problem of refugees will first have to be found.

The Refugee Working Group under Canada's chairmanship, represented by Mr. Andrew Robinson, is trying to reunite families and improve the living conditions of refugees and displaced persons without jeopardizing their rights or their future status. We know that the refugee question is a difficult one. It is above all a matter for negotiation between Israel and the Palestinians, as are questions having to do with borders, settlements and Jerusalem.

The working group operates by consensus, according to rules set by all members. The main topics of discussion are data bases, human resources development — including manpower training and job creation — reunification of families, the development of the economic and social infrastructure, the well-being of children, and public health. Canada has hosted two of the eight plenary sessions held to date.

Although Lebanon is not part of the Refugee Working Group, Canada has worked with this government and with other countries concerned in order to obtain international assistance for Palestinian refugees in Lebanon and to ensure that the question of their future remains in the international consciousness.

The Refugee Working Group has helped the United Nations Relief and Works Agency to raise money for its peace implementation program.

• (2000)

It has collected more than $90 million in U.S. funds for projects on the West Bank, in Gaza, Jordan, Syria and Lebanon. The group has provided financial support for training in the fields of public health, construction, small business, agriculture and public administration.

It has assisted Palestinian refugees in Lebanon to gain access to hospitals. It has delivered medical and health supplies to the United Nations Relief and Works Agency and the Red Crescent Society for Palestinians, as well as supporting their clinics. The Working Group has also created and partially funded a program to meet the urgent needs of Palestinian children. Member parties have also provided financial help to a large number of individual projects.

The parties making up the Working Group on Refugees have one humanitarian objective in common: to reunite families separated by the Israeli-Arab conflict. Thanks to their efforts, a greater number of people have been allowed into the West Bank and Gaza to relocate their family members. With the assistance of Canada and Kuwait, the relocation to Gaza of some 500 families from Camp Canada in the Egyptian Sinai is slated to be completed by the end of the year 2000.

The Working Group on Refugees has sponsored a number of initiatives to gather and analyze basic data with a view to defining the extent of the refugee problem, establishing priorities and assessing the impact of various political options. It is one forum in which regional parties can conduct a dialogue. The latest meeting, held in March 1999 in Paris, dealt with family reunification.

The Working Group on Refugees also encourages dialogue with the refugees themselves, by carrying out international missions to refugee camps, such as those to Jordan in 1994, 1996 and 1999, and to Gaza and the West Bank in 1998. Similar missions went to Lebanon in 1994 and 1997. I felt the need to give an overall picture of the Canadian contribution to this problem, which has been an immense tragedy for more than half a century now.

[Senator De Bané]

Now, following the visit made by the Prime Minister with a number of parliamentarians from this place and the other, we can say, as I said, that this was the most exhaustive, the most thorough visit ever conducted by a Canadian head of government in that region. This trip was a success on all counts. It had many pitfalls, but there is no doubt that it was well worth taking. We were personally struck by the extremely warm welcome the Prime Minister received everywhere, from Jerusalem to Jeddah.

The Prime Minister had set four broad objectives for this visit to the Middle East and the Persian Gulf. First, to show that Canada continues to give importance to the search for a fair, lasting and global peace in the respect of dignity. The Prime Minister encouraged all parties to not lose sight of this objective. For there to be a fair and global peace, everyone must be treated with dignity.

Second, the trip enabled the Prime Minister to personally evaluate how Canada can help build and maintain peace. Third, the trip provided an opportunity to promote trade, investment and cooperation. The Prime Minister announced that a group of business people, under our Minister for International Trade, would be visiting the region before the end of the year.

Finally, the Prime Minister encouraged a dialogue on the values of democracy, human rights, good government and the rule of law. On the subject of the peace process, all parties are aware of Canada's policy based on the UN Security Council resolution and respect its fairness. The Prime Minister did not try to prescribe solutions. It is up to the parties to negotiate among themselves. However, he did encourage Prime Minister Barak, President Arafat, President Assad and the Lebanese leaders to continue and he listened to their points of view. In addition, the Prime Minister assured them that Canada would be there to help achieve the peace agreements. On peacekeeping, I have already mentioned that Canada was part of the first peacekeeping mission in 1956 under Lester Pearson. We have taken part in every mission since. On the Golan Heights, the Prime Minister said that, if the parties so wished, Canada would look for new avenues of peacekeeping. In southern Lebanon, he also made a commitment to assess the circumstances and the requests made of him. Both Prime Minister Barak and President Assad cited Canada's positive contribution to peacekeeping in the Middle East.

On the question of refugees, Canada is a significant contributor to the UNRWA fund, and as such was appointed in Madrid to chair the Refugee Working Group. When the Prime Minister met President Arafat, winner of the Nobel Prize for Peace, Mr. Arafat thanked Canada warmly for its leadership in the area of refugees and presented the Prime Minister with the Order of Bethlehem 2000.

The Hon. the Acting Speaker: Senator De Bané, your 15-minute speaking time is up. Honourable senators, is leave granted to allow the honourable senator to continue?

Hon. Senators: Agreed.

Senator De Bané: In addition to decorating the Prime Minister, President Arafat awarded Senator Prud'homme the Order of Bethlehem 2000, which I have in my hands. Senator Prud'homme has worked relentlessly for many years to bring justice to the Palestinian people, and I want to pay tribute to him.

The Prime Minister of Canada, Mr. Chrétien, also visited refugees in Jordan's Souf camp. He assured them that Canada will do its utmost to make sure they are not forgotten by the rest of the world. He repeated to them that we must arrive at a fair solution, negotiated by the parties involved.

On the issue of promotion, dialogue and values in the region, the Prime Minister reminded everyone that Canada's mission is to build bridges. The Prime Minister announced that the Dialogue for Development Fund would be extended for four years, to promote a rapprochement between Israelis and Arabs.

On the issue of mine clearance, the Prime Minister announced an additional amount of $500,000 for mine clearance operations in the Jordan Valley. As for the priority given to people, namely men, women and children, the Prime Minister proposed the establishment of a regional centre for human security, which would be based in Amman, Jordan's capital.

King Abdullah welcomed that innovative proposal to meet the needs of people across the whole region. In Lebanon, President Lahoud told us that the fact that we do not carry any excess baggage gave us special credibility in the region. Jerusalem's Jewish University gave an honorary degree to the Prime Minister of Canada to recognize the role played by Mr. Chrétien in the promotion of peace throughout the region.

The Prime Minister was the first foreign leader to visit the Arab community in Israel since that country was founded more than 50 years ago! In fact, Mr. Chrétien visited Nazareth, the largest Arab city in Israel, where Shimon Peres, also a Nobel Peace Prize laureate, joined the Prime Minister in speaking about tolerance, brotherhood and understanding to Arab and Jewish students. These students respectively attended the St. Joseph of Nazareth secondary school and seminary and the Lyada secondary school, affiliated with the Hebrew University of Jerusalem.

I should point out here that Father Emile Shoufani, known throughout the world as "the priest of Nazareth" and principal of St. Joseph of Nazareth school, was received by Prime Minister Chrétien last October in this very Parliament. Father Shoufani was accompanied by the Greek Catholic Melkite Bishop of Canada, His Excellency Sleiman Hajjar, as well as Ms Soad Haddad of Haifa, Israel.

On the economic level, I wish to point out that the purpose of this visit by Prime Minister Chrétien was to stimulate trade and other forms of cooperation, such as joint ventures and investments. In Lebanon, accompanied by Canada Post Chairman André Ouellet, he visited the Lebanese postal service, which Canada Post and some major Canadian businesses are working to revitalize. I saw the exceptional work that Mr. Ouellet and his team are doing in conjunction with the other Canadian businesses, to the great satisfaction of the Lebanese government.

The visit by the Prime Minister of Canada has opened some doors in high places for Canadian businesses. One example of this: our meeting with the Jeddah Chamber of Commerce, where many of the most influential business figures of Saudi Arabia were present and made connection with the Prime Minister and his delegation.

In a few months, the Honourable Pierre Pettigrew, Minister of International Trade, will be visiting the Middle East. The Prime Minister has also announced the renewal of the Canada-Israel Industrial R&D Foundation, a high technology partnership. He has also announced that Canada would be joining forces with Israel to develop partnerships with the Palestinians towards the creation of high technology partnerships. We also signed an agreement with Egypt on environmental technologies. Canadian know-how is in great demand in virtually every field.

In Egypt, Prime Minister Atef Ebeid publicly complimented Canada. "We are reliable partners with technical expertise and excellent management skills," said he.

Finally, to promote dialogue and Canadian values, the Prime Minister said on several occasions:

> We are not here to preach but to share our expertise and our experience.

Canada's experience can be relevant. Our Canadian Charter of Rights and Freedoms has inspired the Supreme Court of Israel; its chief justice spoke with Prime Minister Chretien. The Prime Minister showed no hesitation in broaching sensitive topics with those he met. I am thinking in particular of the issue of human rights and governance, which he raised among others with the authorities of Palestine, Syria and Saudi Arabia. In Amman, he addressed the issue of crimes of honour in Jordan. He also spoke about the impact of globalization, tolerance in diversity, and respect for human rights.

At the dawn of the new millennium, the Prime Minister reminded people of the indispensable nature of democracy, which makes it possible to liberate the energies of all citizens of a country while simultaneously recognizing their fundamental rights.

In a word, the visit was an outstanding success. We were told much Canada was admired and how grateful people were for what Canada has done, and continues to do, for the region, one of the most troubled and tormented in the world.

In Saudi Arabia, I remember foreign affairs minister Saud Al-Faysal, the son of King Faysal, telling us how much he appreciated the frankness of the Prime Minister. He added that Canada's traditional humility does not do justice to the importance of the role we are playing.

In short, this was an extraordinary visit, and all because the Prime Minister of Canada had the courage to undertake it. He is the first leader of the Canadian government to undertake such an extensive visit to the Middle East.

Before getting to certain criticisms that have been made, which again demonstrate the ignorance and bias of certain Canadian journalists, I would like to pay tribute to our diplomats working in the countries we visited. In each country I met with some of the men and women who are doing an exceptional job of representing Canada at our various embassies. I wish to pay tribute to them, be they heads of mission or those working with them. I remember, honourable senators, in Cairo when the Prime Minister of Canada hosted a state dinner. Almost the entire Egyptian cabinet was there. Who do you think was the master of ceremonies? Ms Isabelle Martin of Quebec City, a young diplomat at our embassy in Cairo. She

addressed the gathering in three languages: Arabic, French and English, with perfect ease and without a prepared text, and you should have heard the applause. It was like that in each country. I was proud to see these Canadian diplomats.

[*English*]

Before commenting on the various criticisms that were made about our Prime Minister in the area, we should point out that it was quite evident to those accompanying the Prime Minister that certain journalists had already decided, before even arriving in the Middle East, to attack Mr. Chrétien, an attitude so contrary to the ethics of journalism that many other reporters signalled their own discomfort with it. The divergence between the coverage of the tour and the tour itself was such that the participants had the impression that two very different trips were going on — the one we were making with the Prime Minister and the one reported in the Canadian media.

The malevolence of some reporters reached a peak during a background briefing given by Canadian diplomats in Damascus, Syria. It would be hard to imagine the rude and aggressive treatment that some reporters inflicted on our ambassador in Syria, Mrs. Alexandra Bugailiskis. The hostility was palpable, many times descending into sheer bad faith. Even so, she skilfully handled the interrogation. During the last press conference in Jiddah, Saudi Arabia, TVA reporter Lina Dib, who filed some of the most biased and unkind stories, had the nerve to ask the Prime Minister if he had been wounded by the attacks that she had herself authored.

This was the most extensive official visit by a Canadian Prime Minister to the Middle East. Mr. Chrétien was very well aware that he was travelling ground so heavily mined as to cause his predecessors — all of them — to refrain from visiting the whole region. He was, on the other hand, convinced that it was time for Canada — after having been engaged in the region for more than 50 years — particularly since 1956, to make an official visit that would cement bilateral relations and help advance the cause of peace.

In fact, the visit gave important momentum to the political dialogue between Canada and each of the countries visited, helped boost the exports of Canadian businesses working in this important market, encouraged the peace process in which Canada is very much involved, highlighted the views of Canada as chair of the committee struck at Madrid on refugees, encouraged adherence to the Ottawa treaty on anti-personnel landmines, and, in Amman, saw the embrace of the Canadian initiative to create a regional centre for conflict resolution to help the parties of the region — Egypt, Israel, Jordan and the Palestinians, to begin with — fortify peace and undertake different programs such as professional training for peacekeepers, the reinforcement of democratic institutions and judicial reform. The benefits of a visit by our Prime Minister will continue to be felt for many years to come.

The clearest proof that the media stories had no connection with reality is to point out that not one of Prime Minister Chrétien's interlocutors expressed criticism, disapproval or reservations of any kind regarding his statements. Even more, each one of them insisted on expressing, with clear and eloquent gestures, the quality of the relations they had fashioned with the Canadian Prime Minister. President Mubarak publicly expressed the warmth of his friendship with Mr. Chrétien, and during a dinner hosted by Mr. Chrétien almost the entire Egyptian cabinet were present.

[*Translation*]

I mentioned earlier the state dinner at which the master of ceremonies was Ms Isabelle Martin, from Quebec City, whose skill and presence were a credit to our country.

[*English*]

The same thing happened in Israel at a dinner hosted by Prime Minister Barak and attended by almost all of his cabinet. Nobel Peace Prize winner Shimon Peres set aside almost an entire day to join Mr. Chrétien at an unprecedented event in Nazareth about which there will be more later.

It is difficult to imagine the three principal leaders of Lebanon — Messrs Lahoud, Hoss and Berri — giving a warmer reception than the one offered to Mr. Chrétien. We could, if needed, give similar examples from each of Mr. Chrétien's meetings with his counterparts in each of the countries visited. Not only did the stories of many reporters not reflect, in any way, the exchange between Mr. Chrétien and his counterparts, they were also silent on events that could have contradicted their prejudices.

• (2020)

One example would be the welcome given to him in Lebanon by the Lebanese-Canadian community, close to 1,000 of whom attended the reception in his honour organized by our ambassador to Lebanon, His Excellency Mr. Haig Sarafian.

Still more significant, when the Prime Minister actually turned a new page in history, it passed unseen in the Canadian media. To wit: Mr. Chrétien is the first foreign head of government to visit Israeli's Arab community since the creation of the State of Israel more than 50 years ago. According to the leaders of Israel's Arab community, no other foreign head of government has ever done that before.

It is close to impossible to describe the emotion and the pride of Israel's Arab community to receive such recognition, from a G-7 leader, after a half century of relative obscurity.

Almost 20 per cent of the Israeli population is Arab. It is concentrated in Galilee, particularly in Nazareth, half-Christian, half-Muslim. It is the largest Arab city in Israel, a kind of national, cultural and patriotic capital for Arab-Israelis. Mr. Chrétien, accompanied by Shimon Peres, visited Nazareth's St. Joseph Seminary and High School, a school attended by Arab students of all faiths, that, for a dozen years, has maintained a program of dialogue with the Hebrew University High School of Jerusalem, Lyada. It was a defining moment of the trip, one in which the Prime Minister spoke eloquently and movingly of the Canadian values of tolerance and multiculturalism, while praising the Arab-Israeli community.

[*Translation*]

If I may add a personal note, as honourable senators know, I was born in Haifa, in Palestine. This was the first time that I had been back to Haifa since my family left in 1947. It was a moment of great emotion to again see, not only the locality where I was born, but even the very house, after more than half a century. What is more, being in Nazareth as a Canadian parliamentarian with my colleagues and the Prime Minister of Canada — whom I had the honour to also have as a colleague when we were both ministers in the Trudeau government — to salute this community, which has remained faithful to its cultural and patriotic values, was a moment I will cherish as long as I live.

Last October, during the visit to Ottawa of Father Emile Shoufani, or Abouna Emile as they call him in Nazareth, and of Mrs. Soad Haddad, who has dedicated her life to her church and her community, the Prime Minister had expressed the wish to go to Nazareth to visit the school run by Father Shoufani. If he did so, he said it would not be to meet the school administrators but to meet and speak with its students, as well as the Jewish students of Jerusalem. And that is exactly what he did while in Nazareth. By doing so, the Prime Minister was not only keeping his word, he was also making history. There were tears in my eyes when I witnessed that moment, one which I will always remember and cherish.

[*English*]

What about those statements that certain reporters branded as gaffes?

The first case was the Prime Minister's alleged error in not visiting East Jerusalem. How did the story arise? A few Canadian journalists went to see the PLO official responsible for the Jerusalem question, Faisal Husseini, and asked him about the failure to visit East Jerusalem, and he indicated his disappointment. The implication was that foreign leaders regularly accept PLO invitations to visit East Jerusalem and that Mr. Chrétien was making an error. The Israelis try to have their officials accompany any foreign leader to East Jerusalem to demonstrate their sovereignty over a unified city. President Clinton cancelled his visit to East Jerusalem when Jerusalem's mayor, Ehud Olmert, insisted on accompanying the president.

One way out is for foreign leaders to make a visit to the holy sites in East Jerusalem, as did Chinese President Jiang Zemin just hours after Mr. Chrétien.

British Prime Minister Tony Blair avoided East Jerusalem after a controversial visit by his Foreign Minister, Robin Cook, to East Jerusalem where he met with a Palestinian legislator.

President Chirac's visit to East Jerusalem led to serious jostling with the Israeli police. Neverthless, recognizing the role played by Faisal Husseini as the chair of the Palestinian delegation to the multilateral talks, Mr. Chrétien asked me before leaving Ottawa to lead an official delegation to meet with Mr. Husseini. I met with Mr. Husseini on April 10 in the company of Mr. Tim Martin, head of the Canadian Representative Office in Ramallah, as well as with Mr. John McNee, the Director General of the Middle East and Northern Africa Bureau, Department of Foreign Affairs and International Trade. Mr. Husseini assured me of Palestinian appreciation of Canada's diplomatic role on the Palestine question. Mr. Husseini has, after all, visited Ottawa on several occasions and been warmly received by senior officials.

In summary, while the Secretary of the Foreign Office of Great Britain got involved in a controversial visit, as you remember, when he went to East Jerusalem, and the Prime Minister of France also had all sorts of problems, our Prime Minister had to face only the criticisms of the Canadian media.

The second case was the meeting with PLO Chairman Yasser Arafat in Gaza. This time Mr. Chrétien was accused of embarrassing us with the Israelis by supporting Chairman Arafat's threat to declare independence unilaterally. The English language *Jerusalem Post*, owned by Conrad Black, carried the story of the meeting with Chairman Arafat with the headline: "Chrétien tells Arafat not to declare independence unilaterally."

The Hebrew-language *Ha'aretz* carried a long story about the meeting with Mr. Chrétien, saying that Canada supported a Palestinian state but only through negotiations. Several paragraphs followed on Chairman Arafat's appreciation of Canada's role on the refugee question and on developmental and humanitarian aid to the Palestinian people. Neither newspaper said anything about support for a unilateral declaration of independence.

Indeed, the Prime Minister had made this same remark to Chairman Arafat in March 1999 in Ottawa, when Chairman Arafat was making a tour of world capitals to try to get the stalled negotiations reopened. Arafat had emphasized that Israel was not meeting the deadlines in the Oslo agreements, and Mr. Chrétien said he understood that the threat of the declaration of independence was a way of keeping the negotiations moving. There was no uproar in the Canadian press when the same event had happened in Ottawa over a year earlier.

The third case was the Prime Minister's remark in Nazareth about understanding the Israeli claim to the waters of the Sea of Galilee. When asked about where the border should be, the Prime Minister responded that that was a subject for negotiations between Syria and Israel, but that was ignored by most of the Canadian media.

Former Israeli Prime Minister Shimon Peres endorsed Mr. Chrétien's statement, and that did appear as clear partisanship on the Prime Minister's part. The issue is a complex one and not as simple as it appeared. In fact, the conflict between Syria and Israel is more about borders and security than it is about water. The complex negotiations had broken down in Geneva on March 26 during President Assad's meeting with President Clinton over this question. From informed press reports from Europe, Israel and the United States, the compromise that had been worked out was that Syria would acknowledge Israel's claim to water rights in the Sea of Galilee but the Syrian border had to be re-established at the June 4, 1967 line on the northeastern shore of the lake, with some kind of joint patrols to offset Syria's concessions on Israeli water rights. Israel was insisting on the border being 100 metres back from the lake. To be sure, many of the area were probably not aware of the details of these failed negotiations, and so these remarks by Mr. Chrétien were picked up in the Ba'athist party daily in Damascus. The issue is a deeply divisive one in the Israeli cabinet and apparently between President Assad and his foreign minister, but the Prime Minister's remarks were not that far from the failed compromise agreement.

• (2030)

While noting Mr. Chrétien's presence in Nazareth, the Canadian press failed entirely to report that this was the first time ever a foreign political leader had visited Nazareth, the home of Israel's largest Arab community.

The Prime Minister's visit was particularly well received there at a time when it was reported that there were tensions between the Muslim and Christian communities in Nazareth. The Prime Minister's calls for tolerance and the need to respect diversity in every society was equally applauded by his audience, including Shimon Peres. Similarly, the Israeli press carried a long story on the influence of Canadian legislation and judicial practice on human rights practices in Israel. Stories about Canadian successes in the Middle East are obviously much less newsworthy than alleged failures.

The most embarrassing story was said to be Prime Minister's agreement with Prime Minister Ehud Barak for Canada to accept 15,000 Palestinian refugees after the final peace agreement between the PLO and Israel. The story came from a senior advisor to Prime Minister Barak in an airplane bringing him back from an urgent meeting with President Clinton in Washington on the failed negotiations. The story was denied within hours by Prime Minister Chrétien himself, personally, and subsequently by Prime Minister Barak publicly. The refugee question is one of the most controversial on the peace agenda and one where Canada's neutrality as chair of the multilateral working group on Palestinian refugees is vital.

The Israelis have never been happy with the working group, and the story was potentially damaging, particularly in Lebanon where Canada has repeatedly been accused in the press of trying to settle Palestinian refugees without dealing with the Palestinian claim, supported by the United Nations, for a right of return and compensation.

The Israeli press carried a story that a meeting of refugee experts in Ottawa in 1999 did help move ahead on the compensation question. Like the Arafat or Husseini visits to Ottawa, the Ottawa press corps does not seem to be very curious about Canadian Middle East policy, except when there might be an embarrassing story.

Other stories dealt with Mr. Chrétien's failure to criticize the Syrian military presence in Lebanon or the denial of human rights in Syria and Saudi Arabia, but the press could hardly have expected a visiting prime minister on a protocol visit to condemn his hosts directly.

The final story was the alleged misreading of dress customs in Saudi Arabia.

[*Translation*]

So, honourable senators, that ends the review of the critical reports in certain of the Canadian media. I should point out that the media coverage in the countries visited by Prime Minister Chrétien was far more exhaustive and objective. Moreover, since the visit, the ambassadors to Canada of the countries visited have made their satisfaction with it known to our Department of Foreign Affairs. The only regrets they expressed had to do with the partisan and irresponsible reports in certain of the media.

I wish to publicly thank Professor John Sigler, of Carleton University, who is one of our great experts on Middle Eastern affairs. He was a great help to me in refuting the various points raised in certain of the media and in putting things in their proper perspective.

[*English*]

The visit was long planned before the leadership fight within the Liberal Party that had so exercised the parliamentary press gallery in the weeks before the visit. The Canadian media even carried stories that the reporting on the Prime Minister in the Middle East might reopen the leadership question.

We have long deplored the relative absence of Canadian media interest in Canadian foreign policy. Now we have a classic example of an Ottawa story, played out in a foreign context, where the coverage itself may have been a principal embarrassment.

The most unfortunate conclusion to be drawn from this affair is that Canadians should avoid the Middle East as a subject, as a policy issue, as a human tragedy, because one might get into trouble in doing anything about it or in even talking about it. Mr. Chrétien had the courage to undertake the first visit ever by a Canadian prime minister dedicated to all key Middle East countries. He was warmly received by all his hosts, who were appreciative of Canada's helpful role in this region over the past five decades and Mr. Chrétien's personal dedication to the peace process. That is what leadership in foreign policy is all about.

Some Hon. Senators: Hear, hear!

On motion of Senator Prud'homme, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO EXAMINE PERFORMANCE REPORT OF DEPARTMENT OF FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Hon. Peter A. Stollery, pursuant to notice of May 4, 2000, moved:

> That the Standing Senate Committee on Foreign Affairs be authorized to examine the Performance Report of the Department of Foreign Affairs and International Trade for the period ending March 31, 1999, tabled in the Senate on November 2, 1999 (Sessional Paper No. 2/36-71); and
>
> That the Committee report no later than March 31, 2001.

Hon. Anne C. Cools: Honourable senators, Senator Stollery does not want to say anything more because the motion more or less speaks for itself. This motion was developed by Senator Stollery in discussions with myself. I support the wish of Senator Stollery and the Foreign Affairs Committee to examine the performance report.

Senator Stollery and I had agreed that the time for reporting should be August 31 of this year, but in the process of bringing the motion forward, the date became March 31, 2001. It is Senator Stollery's motion and it is not appropriate that he amend his own motion. I, therefore, move that the motion be amended in the last line to read:

> That the Committee report no later than August 31, 2000.

The Hon. the Acting Speaker: Honourable senators, is it your pleasure to adopt the motion, as amended?

Hon. Senators: Agreed.

Motion agreed to, as amended.

• (2040)

COMMITTEE AUTHORIZED TO EXAMINE EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE

Hon. Peter A. Stollery, pursuant to notice of May 4, 2000, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on emerging political, social, economic and security developments in Russia and Ukraine, taking into account Canada's policy and interests in the region, and other related matters; and

That the Committee submit its final report no later than June 15, 2001, and that the Committee retain all powers necessary to publicize the findings of the Committee contained in the final report until June 29, 2001.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I should like to ask Senator Stollery if he could advise the Senate if the record of his committee indicates that the motion was unanimously supported by the membership of the committee?

Senator Stollery: Honourable senators, yes. In fact, both parties were involved in writing the motion.

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

Hon. Senators: Agreed.

Motion agreed to.

ADJOURNMENT

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

Hon. Dan Hays (Deputy Leader of the Government), with leave of the Senate and notwithstanding rule 58(1)(*h*), moved:

That when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, May 10, 2000, at 1:30 p.m.;

That, following the deferred division on the amendment to Bill C-2, the Speaker shall interrupt the proceedings to adjourn the Senate;

That should a further division be deferred until 5:30 p.m. tomorrow, the Speaker shall suspend the sitting until 5:30 p.m. for the taking of the deferred division; and

That all matters on the Orders of the Day and on the Notice Paper, which have not been reached, shall retain their position.

Motion agreed to.

The Senate adjourned until Wednesday, May 10, 2000, at 1:30 p.m.

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Tuesday, May 9, 2000