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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, June 13, 2001

The Senate met at 1:30 p.m., the Speaker in the Chair.

Prayers.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of Marguerite Charlebois. Marguerite has worked in the Parliamentary Restaurant for 20 years and will be retiring on June 30, 2001.

[*English*]

Welcome, Marguerite. We are pleased to receive you here today and to show our appreciation for all the good service you have given to us over the years.

THE HONOURABLE MABEL M. DEWARE

TRIBUTES ON RETIREMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, Mabel DeWare's public career goes back to 1978 when she was first elected to the New Brunswick legislature. She served in government there until 1987 with great distinction, first as Minister of Manpower and Labour, then as Minister of Community Colleges and finally as Minister of Advanced Education. The political skills she gained there were put to good use as soon as she arrived in the Senate. She has been a member of a number of our committees, including chairing the Standing Senate Committee on Social Affairs, Science and Technology and, most notably, served on committees examining euthanasia and assisted suicide, post-secondary education, and child custody and access.

Senator DeWare's community activities have been just as varied, but her contribution to curling, both on and off the ice, including skipping the team that won the Canadian Ladies' Championship in 1963, led her to be inducted into the Canadian Curling Hall of Fame in 1986.

Long after all her achievements have been forgotten, if they ever can be, the Mabel DeWare I will always remember is the one who exudes so much love, so much kindness and so much caring. Not one of us who sat here for the first time in September 1990 would ever want to relive the tumultuous session in which the Senate engaged for two months, and nor would we wish it on anyone else. Coming together in an atmosphere of turmoil and constant disruption created a bond of friendship and even affection among the newcomers that has lasted to this day.

The one person who stood out with her warmth, good humour and always sunny disposition was Mabel DeWare. No matter how bad tempered and crotchety one was after long and frustrating attendances during the GST debate, just a short visit and a quick chat with Mabel were enough to make one more even tempered.

Mabel has always taken a tremendous personal interest in each and every one of her caucus colleagues. I have no doubt that Mabel is privy to more personal joys and sorrows of her colleagues than even some of their families. She is simply the person to whom one goes because she is simply Mabel.

As whip, she handled her responsibilities with firmness mixed with kindness. No matter what function she was called on to carry out, Mabel never gave up compassion for conscription, and it worked. Hers was not an iron hand in a velvet glove; it was a velvet hand in a velvet glove, and the results have been exemplary.

As you leave us, Mabel, I extend to you, Ralph and your marvellous family, my warmest best wishes for many happy years together. To no other senator can I say this without fear of attracting suspicion at home: Mabel, I will always love you.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am honoured today to speak on the retirement of a colleague and friend, the Honourable Senator Mabel Margaret DeWare. She has served her side, as I served mine, first as Deputy Leader and then as Leader of the Government in the Senate. I have been privileged to work with her.

As I became more familiar with not only Mabel the person but with her capable and proficient work as opposition whip over the years, my admiration for her professionalism increased.

Perhaps I got to know Mabel best when we sat on the Special Senate Committee on Euthanasia and Assisted Suicide. Senators who did not sit on that committee can imagine a room in which sat not only Mabel and myself but also Senator Corbin, Senator Beaudoin and the former Senator Lavoie-Roux. It would not be hard to figure out that it was not always a convivial atmosphere. The arguments were pretty tough on occasion, and it was always Mabel who was able to return us to calm; it was always Mabel who was able to assure everyone their point of view was being carefully considered and that we were not interested in a result report which favoured one side or the other but in a balanced presentation of the issues to Canadians. She was an extremely important voice in all of those deliberations.

• (1340)

Of course, we know of her great activity as a sportswoman, particularly as a curler, and that she was a member of the team that Senator Lynch-Staunton referred to and, as a result of that, became a member of the New Brunswick Sports Hall of Fame.

She has, of course, received awards not only for curling but also for her public service. For that, we take great pride in her accomplishment because she has been one of us.

I must say, honourable senators, that there are two things about Mabel DeWare that I will never, ever forget. The first, of course, is the blue Santa Claus suit. I do not think any of us could ever forget that. None of us in our wildest imaginations thought of a blue Santa until we saw Mabel epitomizing one. The other thing, if I am not mistaken, is that each and every year she would remove five red lights from the Christmas tree and replace them with five blue lights. This incident always occurred just after the Progressive Conservative Senate Christmas Party. We knew someone had been up to no good, and then I had the hint passed on to me that it was Mabel who kept those blue lights in her desk and who would each year remove five red lights and replace them with her Conservative blues.

Mabel, it has been a true privilege to have sat in the chamber with you, to know of your accomplishments in the legislature of the Province of New Brunswick and to have experienced your accomplishments here in the Senate of Canada. I would like to congratulate you on your years of dedicated service. I am confident that your children — Kimberly, Peter, Michael and Joanne — as well your grandchildren have witnessed that firsthand. They know the important contributions you have made and know that you leave this chamber not just with the support of your colleagues on that side but with the love and affection of your colleagues on this side.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Latin classicists teach the following: *fortiter in re, suaviter in modo* — that is, gentle in manner, but forcible in deed. These are the words that come to mind when I think of the Senate opposition whip. Beneath that gentle and caring maternal expression lies the most efficient and effective directress of operations. Her cheerful readiness assured that our members on this side would respond to the call of the whip and be in our places against important divisions.

In paying tribute today to Senator Mabel DeWare, we single out a distinguished Canadian, an outstanding New Brunswicker, and a counsellor and guide to so many within the parliamentary precincts and across the land.

The province of New Brunswick has been the beneficiary of the many contributions made by this outstanding daughter of our province. Whether as a member of the legislative assembly, a minister of the Crown, a senator or a national curling champion, Mabel DeWare has made New Brunswick very proud.

Honourable senators, it is noteworthy that Senator DeWare numbers among that generation of Canadian women who were pioneers in public life, a woman who, by so many individual achievements, is such an excellent role model for those who are willing to develop their capabilities and to work hard, and who demand to be judged not by gender but rather by the content of their character and their record of achievements.

Our retiring whip is from Moncton, on the banks of the Petitcodiac River. She has been gentle with us, like the gentle flow of that river; however, honourable senators, equally like the rush of the tidal bore she can muster up great energy and enthusiasm to foil the strategies and manoeuvres of those Langevin Block planners here on the banks of the Ottawa — all of which, honourable senators, was demonstrated during the hoisting of Bill C-78, the Public Sector Pension Investment Board Act and, of course, the clarity bill debates.

Senator DeWare will leave a gap in our ranks that cannot be filled; or, as one might have heard spoken in the Senate of ancient Rome, *hiatus valde defiendus* — a gap deeply to be regretted.

God speed to you, Mabel, and to Ralph.

Hon. B. Alasdair Graham: Honourable senators, in recent days many of us have thought of the imminent retirement of some of our colleagues and friends.

The life and times of Senator Mabel DeWare have been full of contributions to her province, her country, her family, her colleagues and her many friends.

I first heard of Mabel DeWare, not through politics, but as a fledgling, part-time sports broadcaster in Nova Scotia, when I followed Mabel's spectacular successes in the curling rink in neighbouring New Brunswick.

Several days ago, I perused the Mabel DeWare rink Web site and thought back to 1963 when, with Mabel as skip, members of her superb team became the New Brunswick and Canadian ladies curling champions. I think many of us are proud of the Canadian contribution to this wonderful sport, as we know that many of the dominant international curlers have learned from Mabel DeWare and make their homes in this country.

It is always a thrill to watch the exquisite timing of an accomplished curler in pressing forward that 44-pound stone, drawing it back, and transferring the momentum of the action with the curler's perfectly straight slide down the ice toward the target. Like Mabel herself, that is real poetry in motion, honourable senators, because at the moment of the release the curler is in perfect balance, with a slight twist delivered to the handle to produce a rotation I believe about two and one-half times. Can you not just see her? Can you not sense the hush of the crowd and then hear the roar, as the ever-popular Mabel DeWare executes that perfect twist?

I digress, just a bit. Whether we are looking on or off the rink, many of us would agree that Senator DeWare has brought a lot of that exquisite timing, balance and poetry to her career as a provincial minister, as a federal parliamentarian, as chair of international delegations, as a community worker, as a wife, mother and grandmother, and as a much-respected whip of the official opposition in this chamber.

No matter how one looks at it, this remarkable woman has been at the forefront of change in politics and in sports for decades.

I must say that, as I thought about her distinguished career, I thought about our young people and the national pride, courage and pursuit of excellence that are all a part of the wonderful world of sport. I thought about the hours of training and discipline, about the agony of loss, the ecstasy of winning and the exhilaration of a job well done.

• (1350)

I thought about the long and proud history of curling in this country and the sportsmanship and the tradition that goes along with it, and the spirit of the game and comradeship that dominates the proceedings at bonspiels. Mabel DeWare has brought the finest elements of this wonderful game to her lengthy career in political life. Senator DeWare has indeed brought excellent strategic sense, fine political balance and timing, great leadership, dedication and tolerance to the Senate of Canada.

When I had the privilege of helping to provide a leadership role in this chamber, I also had the privilege from time to time of dealing, should I say indirectly, with Mabel. Whether it was a wink, a smile or a nod, you always knew where you stood. That wink, smile or nod could be relied on absolutely.

Here is to the skip who became the whip, with many thanks for her fairness, her honesty, her friendship and, most of all, for a job well done. Happy retirement to you and your family, dear friend.

Hon. Erminie J. Cohen: Honourable senators, in her humility and her modesty, our colleague and friend Mabel does not realize how much we love her. She has earned our respect for her initiative and enthusiasm, her generosity and commitment. Her success as organizer is par excellence. Mabel gives more than she must, and she gives no thought to recognition or compensation other than the sheer satisfaction and joy she gets from simply doing.

To every position she holds, she gives everything she has. Mabel is a people person. Her warmth and friendly disposition, the twinkle in her blue eyes and the smile on her lips endear her to everyone. She loves a good party, enjoys a good laugh and tells a mean joke.

The following precept in good leadership is a reflection of our colleague Senator Mabel DeWare, and what I believe to be the key element to her success and popularity: Build a bridge, not a barrier; make a friend, not a fuss; find a cause, not a controversy; be a cheerleader, not a critic; and, seek a solution, not a stand-off.

Mabel, enjoy your retirement with Ralph and that wonderful family of yours. Your many friends here will miss you, but your friends in Moncton, Shediac and Florida will be the beneficiaries. They will have you back full time. We wish you good health, contentment and many happy times.

[*Translation*]

Hon. Rose-Marie Losier-Cool: Honourable senators, it is my pleasure to pay tribute to a great lady from New Brunswick. I met Senator De Ware in the Senate and as a member of the Special Senate Committee on Post-Secondary Education.

[*English*]

As a former school teacher in New Brunswick schools, I could appreciate and share Senator DeWare's experience and expertise in the educational field. You can image that Senator Bonnell was very lucky to have both of us serving on his Special Senate Committee on Post-Secondary Education.

Last fall, Senator DeWare and I were models in a fashion show put on at the Senate for the United Way campaign. Along with His Honour and Senator Lynch-Staunton, Leader of the Opposition, if I remember well, we were chosen Models of the Year.

Senator DeWare was first elected to the New Brunswick legislature in 1978 and reelected in 1982. She served as Minister of Labour and Manpower from 1978 to 1982, Minister of Community Colleges and Minister of Advanced Education.

Mrs. DeWare's community service includes being a United Way worker for 25 years in the Moncton area, past president of the Moncton YWCA, and she served as a member of the Moncton Family YMCA Board of Directors.

Mabel DeWare is ready for an enjoyable retirement. She enjoys curling. As was mentioned, she was inducted into the Canadian Hall of Fame as curler/builder in 1986.

The *Atlantic Advocate* in February 1988, commenting on that quarterly event, said of Mabel DeWare that once a champion, always a champion, even a champion in baking cookies. She plays golf, enjoys bridge with her friends and bakes delicious cookies. What more do you want in retirement?

Mabel, I wish you a nice retirement with your husband and with your children and grandchildren. Maybe we will meet on the beach in Shediac. We love you.

Hon. Lowell Murray: Honourable senators, the burdens on a whip, whether in government or opposition, are considerable, and the demands on the whip are as varied as the different and sometimes eccentric personalities that comprise a party caucus.

The nature of the job changes somewhat, depending on the balance of forces in the chamber. The tensions are obviously greater on a government whip trying to get legislation through with the help of a tiny majority, or on an opposition whip trying to amend or block that legislation in the same circumstances. However, even a clearly outnumbered opposition, which the Progressive Conservatives are at present, presents a challenge to its leadership and daily to its whip.

A fair division of labour among a dwindling band of members is only the most obvious of the whip's problems. Maintaining the commitment of individual senators to the collective role, preserving solidarity, building morale, these are tangible necessities often achieved by intangible qualities of mind, heart and spirit on the part of the whip.

No one could be better suited by character, temperament and personality to this crucial role than Senator DeWare. No one could have served us better these past few years. It is important to remember that in serving us so well she served also the Senate, our parliamentary system and, ultimately, Canada. She leaves here with our respect and gratitude.

Hon. John G. Bryden: Honourable senators, I would like to take a minute to say a few words about my fellow New Brunswicker, Senator DeWare.

In the 30 years that I was involved in politics in the province of New Brunswick, Mabel was involved as well. Although on opposite sides, I think we observed each other and followed each other's career. We had some contact through our careers when Mabel was Minister of Labour. It was to Mabel that I, as a practising labour lawyer, would have to send a formal application requesting a conciliation board. She either granted it in her capacity or she denied it, and, depending on whether I was representing a strong union that really wanted to strike or a weak union, so would go my wish that she do one or the other.

She, in all of her roles in government for the Progressive Conservative Party in New Brunswick, discharged her responsibilities admirably and with a great deal of respect. I, in all humility, like to claim a little bit of credit for freeing her up in 1987 to be available for appointment to the Senate.

As Senator Lynch-Staunton was speaking, I could not help but think about the situation into which Senator DeWare was thrust with her appointment to the Senate.

• (1400)

I was observing those goings-on from afar, as were many of us in the country. What was going on in this chamber was referred to as many things — probably the most charitable was that it was called was a circus. I understood very well why at that circus they needed to call in the clown because Mabel DeWare is a certified clown. I do not know whether that is the part of her personality that has made her such an effective politician and certainly a wonderful participant in this chamber.

I would like to add my good wishes, Senator DeWare, to you, to Ralph and to your family, as you go forward. Having been neighbours for so many years in the province of New Brunswick, in the County of Westmorland, we will be seeing each other again.

[*Translation*]

Hon. Gérald-A. Beaudoin: Honourable senators, a number of colleagues have referred to Senator Mabel De Ware's attributes. She has acquitted herself most ably of her duties as senator and whip. Two aspects of her personality drew my attention in particular.

First, Senator De Ware is a great sportswoman. She received the Queen's medal in 1982 for her contribution to sports. Inducted as a member of the New Brunswick Sports Hall of Fame in 1976 and of the Canadian Curling Hall of Fame in 1987, Senator De Ware is no ordinary individual.

The second aspect of her personality, and not the least, that still catches my attention is her vitality. Senator De Ware is full of life. She bubbles over with enthusiasm. She is naturally optimistic. This to me is a considerable asset, and I wanted to mention it. As we often say in French, she has a joie de vivre. She has the secret. This is certainly one of the most wonderful gifts nature can give an individual. It is always a pleasure to be with people who spread joy. I wish her a happy retirement and many, many years among those near and dear to her.

[*English*]

Hon. Richard H. Kroft: Honourable senators, I appreciate the opportunity to say a very few words in tribute to our colleague Senator DeWare. In doing so, I want not to presume on the time and attention of those whose relationship with her is rooted in many years of friendship and in the special bonds of shared political commitment and experience. I have only been here for three years, but for more than half of that time I have been keeping company with Mabel DeWare.

In November 1999, she and I became chair and deputy chair of the Standing Senate Committee on Internal Economy, Budgets and Administration, and in this Parliament we have been chair and deputy chair of that same committee. In the 19 months that we have worked together, we have become good friends. I have learned a great deal from her. Her understanding of public service and of this place, what it requires of us and the opportunity it provides, is profound. In those 19 months, I have been an eager student. Most important of all, everything about Mabel DeWare confirms that honesty, fairness, intelligence and decency, together with an unremitting sense of good humour, are keys to success in this place as in all others.

Thank you, Mabel, for the good times we have had working together and for your friendship. I will miss you.

Hon. Mira Spivak: Honourable senators, yesterday and today are evidence of the depth of the talent pool from New Brunswick. I say that not with envy but with admiration. I have great admiration for the public service given by Mabel DeWare, a woman of high intelligence and extraordinary organizational skills. I want to personally thank Mabel for all her kindnesses. I am one of the caucus members who has been a recipient of her kindness and her attention, which I know she has given to everyone, and I thank her sincerely. I also thank her for the memories: the blue Santa Clauses, the off-colour stories told with style and panache, the lobster dinners and the dinners at which Mabel entertained — you had to be there; it was wonderful.

We must remember that Mabel assumed the job as whip after that gentle soul Orville Phillips. I had some experiences with Orville Phillips, and they were not the same. When I think of Mabel's tenure as whip after Orville Phillips, I am reminded of what Ginger Rogers said to Fred Astaire: "I can do anything you can do, but in high heels and backwards."

So, Mabel, thank you again.

Hon. Peter A. Stollery: Honourable senators, I would like to pay my respects to Senator DeWare with whom I have worked for some time now on matters concerning the Internal Economy Committee and the Subcommittee on Budgets. I will miss her integrity and common sense. She has been a fine person to work with, and I wish her well in her retirement.

Hon. Brenda M. Robertson: Honourable senators, after all those accolades, what can one say? One prepares notes but the notes are all taken and that is rather unfair. You have been in that position yourself.

Honourable senators, Mabel and I have spent a lot of time together; we are old friends. Senator Simard is unable to be here, but my remarks include him. Some of you may know that Mabel, Senator Simard and I were in the provincial legislature and Government of New Brunswick at the same time, and we had fun. We know Mabel so well we could regale you for hours with some of the situations she got herself into over the years — I won't say a word.

Some of my colleagues have spoken about Mabel's abilities as an athlete and as a curler. All New Brunswickers are very proud of Mabel's accomplishments at the curling rink. I cannot quite compare her to Colleen Jones, because Mabel won her championship in the days before the Worlds. Nevertheless, I am sure Mabel would have won the Worlds had there been one at that time.

Prior to her appointment to the Senate, Mabel and I were colleagues for nine years in the New Brunswick provincial legislature with Senator Simard. She was the second woman appointed to the cabinet, along with 17 men. You know who was loudly applauding that appointment to cabinet, after nine years of being by myself.

• (1410)

I remember her first cabinet meeting well. We were standing to the side of the executive council room by the coffee pot when I noticed that Mabel was anxiously counting heads and looking around for cups and saucers. I said, "We are equals around here. You are not expected to serve the men coffee." She did it anyway, as many of our caucus members know. She is quite willing to do that.

She demonstrated through her outstanding work as Minister of Labour and Manpower, Minister of Community Colleges and Minister of Advanced Education that we were not equals around that cabinet table. We both knew that we were a bit better than the men, at least as good at any rate.

Mabel has the special gifts of devotion to her responsibilities and compassion for the people with whom she dealt. Those two things set her apart from her provincial cabinet colleagues because most of us did not quite have that depth of compassion and understanding.

It has often been said by people who know the worlds of both curling and politics that skipping a curling rink was excellent preparation for Mabel's political career. Senator Graham gave a "symphony" on curling, but I should like to repeat several things that I said at our caucus dinner the other night.

We must consider the duties of the skip: always takes full credit for all games won; fairly distributes blame among all other members of the team for all games lost; sometimes gives indistinct signals to the team when they are preparing to deliver a rock in order that the skip's mistakes never become obvious to the spectators; and must develop a very loud voice that will scare the bejabbers out of the lead and second when ordering them to sweep. That prepared Mabel very well. She has always, in her curling life, been counting rocks. I would suggest that quite often she has been counting rocks in this house, especially during the past few years.

Senator Atkins: On both sides.

Senator Robertson: Yes, on both sides.

Some of my honourable colleagues have mentioned the involvement of Mabel in special Senate committees. If I had to sum up Mabel in a single expression, I would say that Mabel likes everyone and everyone likes Mabel. She has the remarkable ability of just being herself. In her public life, she has proven that one can pursue an important objective without taking oneself too seriously.

Honourable senators, Mabel and I go back a long way. We shared living accommodation in Fredericton, New Brunswick for a long time, but I will not go there.

We all know that Mabel will be missed around here. Michael and Joanne, please tell the rest of your family that we shall miss her very much in the Senate.

Mabel has a large family. Some senators might have met members of that family last Canada Day. She has dinners for 20 or 30 family members. I could fit my family on the back porch. I have always thought it would be fun to have that large family around.

Mabel, there will be fewer of those incomparable anecdotes, those outrageous jokes that you tell, and those happy times. We wish you a fond farewell. Remember, I live just across the bay. You are not going away, but you are coming home.

Hon. Bill Rompkey: Honourable senators, I am surprised no one has mentioned the candies because that is how I will remember Mabel. When I first came to the Senate, I was on the eighth floor of the Victoria Building. I have moved to the seventh floor. In another 20 years, I will make it all the way down.

Senator Cohen was across the hall and Mabel was down the hall. As I walked down the hall, there was always a bowl of candies in Mabel's reception area. It drew me in. It was like a loss leader in a supermarket. It drew me into her office. However, you find more to the supermarket than the loss leader. Perhaps Mabel is like that chocolate covered nugget in the Ganong chocolate box that is attractive on the outside but has a substantial core as well. That is my metaphor for Mabel.

Then I discovered there were perhaps other refreshments in the office. We will not go into that.

Mabel was one of the first Tories that I met in the Senate. In Newfoundland, politics is a blood sport. From the time that we are born as Liberals, we are taught that Tories are the incarnation of evil, the enemy, and that we must fight them. I fought them all my life.

Then I met Mabel. I was like Paul on the road to Damascus. I thought, "That woman is not the enemy; she cannot be the enemy." Then I discovered that perhaps there were other Tories who were not evil, but as Al Graham said, I must not digress.

Mabel, my memory is of the candies, the grace, the good humour and our experience together in Internal Economy, as well. In that committee, you showed that partisanship is not the most important thing. Dealing with people's problems and this chamber are the most important things. That can be done apart from party affiliation.

Even if you leave, Mabel, leave the legacy — leave the candies in the reception area. Have a good time!

Hon. Gerry St. Germain: Honourable senators, Mabel will not be leaving because, believe me, her spirit will live on forever. Of all the people with whom I have worked in the Senate, on both sides, she stands out for her sincerity, the excitement she creates around her work, her unpretentious ways and, most of all, her sense of humour.

Mabel, you are accomplished and competent. You are a golfer, but I understand that you are a better curler.

All of the things that have been said about you cannot truly describe the quality of your character. I have met your husband. I can see why he looks so good because he has lived with such a tremendous surrounding all his life.

I will miss your jokes, Mabel. I want you to know that we have the finest golf courses in the world in British Columbia, and you are welcome to come and share them with us.

Good luck and God bless you.

Hon. Norman K. Atkins: Honourable senators, Mabel DeWare has received many wonderful tributes today, all of which are well deserved. I can only add that her cheerful outlook, boundless energy and enthusiasm could not have failed to have had an effect on me. She has been truly an inspiration.

I have had the advantage over many of those in this chamber since she has been my seatmate for many sessions. I have always marvelled at the way in which she has conducted herself as a whip, except for her choice of caterer for caucus lunches.

The only positive factor about her retirement is that I will get back half of my Senate desk. Since she has been my seatmate, she has seconded one-half of my desk area and sprawled out all of her papers.

Being involved in politics, whether provincial or federal, requires an incredible amount of energy. However, what I found most significant about this remarkable woman was her spirit and positive attitude. That had a tremendous effect on all of us regardless of the venue. Mabel seemed to carry out her duties in such a way that you would think all of her activities were effortless.

• (1420)

Mabel, as you become a permanent snowbird and fixture on the golf course, may you improve your handicap so that you can become a champion at golf, as you were a champion curler and senator. To Mabel, Ralph and family, I wish you all the happiness in your retirement for many years to come. We will certainly miss you in this place.

Hon. Marcel Prud'homme: Honourable senators, people say that when everything has been said, one should sit down and bow, so I will be very brief. That does not mean that I do not like Mabel. Is there a nicer word in French than "ma belle"?

I have a special mission to accomplish on behalf of all the pages. They are all crying and heartbroken. They say, "Who is going to give us cookies?" They specifically mentioned peanut butter and chocolate chip cookies. If anyone would like to step in to fill the void — perhaps Senator Poulin — please feel free to do so. The pages insisted that someone should thank Mabel warmly because with her they felt great security. They felt happy, loved, adopted and secure. They asked me to thank Mabel on their behalf. I join with them and hope that in the future when Mabel visits us, she will meet the new pages.Who knows? Maybe she will again bring peanut butter and chocolate chip cookies.

Hon. J. Michael Forrestall: Honourable senators, I wanted only to make a minor correction to the wonderful record of Mabel's achievements here today. I was one of those who came to the Senate in 1990, in September of that year. Senators will recall that it was a rather stormy session.

I have known of Mabel's contributions. I have been a beneficiary of her kindness, of her thoughtfulness and of her wisdom. She is a hard taskmaster, but it was always a pleasure to say, "If you need a live body, you know where to find it." I have wondered about some of the others around us from time to time.

I wanted to correct the record and say this: Among the fraternity of golfers, there is an enormous amount of pride when someone comes into the nineteenth hole with a big grin, having just fired an ace, a hole-in-one. Everyone cheers and applauds, and of course someone might buy a round of drinks.

Far above the sense of pride that comes with having shot an ace is when a golfer comes into the pro shop, leans on the counter and says, "You know, I am 74, and I just shot a round of golf that matches my age."

Earlier this morning, we talked about a caucus trophy for golf tournaments, although in the winter it is difficult to play. I get the scores from the members of our caucus and anyone else who wants to submit one, following which I ask them for their handicap. Mabel shot 108.

Ralph, you won't tell the truth about this, will you?

She said it was not a very good round. Her handicap is 36, leaving a net 72. She is 74 years old. Believe me when I say that nothing gives a golfer greater pride. You cannot shoot your age at 20, 30 or 50. Tiger Woods may be doing it in his late 50s. However, when you card a score two strokes below your age, you have achieved everything.

Honourable senators, Senator DeWare has shot not just her age in service to Canadians, but she has beaten that by two strokes.

The Hon. the Speaker: Honourable senators, before calling on Senator DeWare, I should like to draw your attention to the presence in the gallery of Senator DeWare's son, Michael DeWare, of her daughter, Joanne Blight, and as well, of course, of her husband, Ralph.

Hon. Mabel M. DeWare: I have to be like Senator Cohen yesterday, honourable senators. Wow. Where does one begin when you have all these people paying tributes? I believe Senator Molgat was right when he said it was time we did something about this.

I rise to reflect on the very special memories this place holds for me and to express my appreciation for all the people that make this place happen. I thank you from the depth of my heart for those tributes today. I am pleased to know they are all true.

There have only been 836 senators appointed to this place since Confederation, and I find myself in awe that I could be one of that prestigious group, as are all of us. It is amazing, considering that there are 30 million people in Canada today.

There are many special occasions in one's lifetime — when you turn 16 or get married or have your first child or graduate. Two of my special occasions were in politics. One was the day, a month after I was elected to the New Brunswick legislature, that former Premier Richard Hatfield called me up and said he wanted me to be Minister of Labour for the Province of New Brunswick. I wish you could have seen my face at that point. I was absolutely shocked. I entered the political scene. Brenda Mary became my political mentor. She had years experience as the only woman in the New Brunswick legislature. We roomed together for over six years before she was appointed to this place. I also learned a few lessons and took a few sideswipes from New Brunswick's French lieutenant, and I thank them both for their remarks today. They were in the Senate before I got here. I will retire this month, and, believe it or not, they will be here after I leave. That tells you something about these two politicians.

The second special moment was the day I received a call from the Right Honourable Brian Mulroney. Fortunately, Marjory had called me first and told me to keep my head up and stay close, that I was about to receive a phone call. I said to Ralph, "What do you suppose that is all about?" He said, "I am damn sure he is not going to send you to Kuwait." I got the phone call and was told not to tell anyone until caucus had been told.

Dare I state my thoughts about the dreaded letters "GST"? Arriving here as one of the controversial GST senators, but legally, certainly gave meaning to the expression "baptism by fire." In the end, though, despite how rough the filibuster was and how hard we worked — someone said two months but I thought it was three months, 24 hours a day — I believe we developed a special camaraderie among us that has lasted 10 years. The group that was appointed at that time and was sworn in around September 23, including Senator Forrestall, call ourselves the class of 1990, and we still enjoy an evening together once a year. It has been fun.

I especially want to thank the leadership at that time. God bless Senator Murray and Senator Doody for their guidance and leadership. Of course, there was Orville, whose shoes are still pretty hard to fill.

Honourable senators, I was privileged to work with many of you in some of the most contentious and emotionally charged debates, such as euthanasia and assisted suicide, and custody and access. Much of the testimony was heart wrenching, but we worked together, often crossing party lines to find acceptable solutions to complex issues. I feel proud of the report, "Of Life and Death." It has become part of the curriculum of many universities and under Senator Carstairs' leadership palliative care has become a priority.

• (1430)

Humour, of course, has carried us through some of the tougher times. I remember one evening, after countless long days spent writing the report on euthanasia, when we met to discuss titles. "To Be or Not To Be" and "Life is a Terminal Disease" were just a few of the giddy suggestions by that weary crew.

Parliament is truly a place where people from many disciplines across the country work together to improve the lives of Canadians. To my fellow senators who were here when I arrived, who have been appointed since and who have left before me, it was exciting and motivating to work with and learn from all of you.

I would like to express my appreciation to the support and administrative staff. Each and every one of you has made my job as senator possible. I must say that after working with the Finance personnel, the Human Resources personnel, you realize the magnitude of the job they must do to run this place.

We also have an ever vigilant security staff. There was a mention earlier about me being a clown. One night there was a Christmas party that included the children. I dressed up in my clown suit, which belonged to an organization called Clowns Canada. I headed out to the children's party, but Senator Charbonneau was having a party for senators and staff on the same night so I decided to make an appearance. I managed to get by a couple of the security staff, but then, as I got closer to Senator Charbonneau's office, they began to look at me closely. Fortunately, I had put my Senate card in my shoe. As they tried to remove me from the Senate, I took my shoe off and showed them my card, and they let me go in. Finally, I took Senator Charbonneau out on the floor and we had a little dance together. You are right, I was a clown once.

Then we must remember the researchers, the maintenance crew, the committee clerks, the reporters, the translators, and, of course, our wonderful pages. I had a lot of fun cooking up batches of cookies to share with the pages.

I would also like to pay tribute to a capable staff who ably provided for my every need over the past 10 years. There was Jacqui, who left us to do wonderful things; there was Margot, who came through every time I needed her; and now, there is Monique, who has come to pick up at the end and to see this senator off. I will miss you all.

I would like to thank the former Speaker, the late Senator Molgat. He and his wife Alice could not have been more attentive or wonderful than they were to us when we travelled together.

I thank the present Speaker, Senator Hays, and I congratulate him and Kathy on their wedding. Paul Bélisle has been special to me and to all of us, and we thank him for his hard work and dedication. It has been a pleasure to know them.

I wish to express my sincere thanks to John and Noël for their leadership and friendship and to John for giving me the unique opportunity to serve my caucus as its whip, and as caucus vice-chair while our chairman was ill. I could not have done this job without their support. It has been a pleasure and it has been fun.

Whipping duties bring out all kinds of personalities, when you are awarding trips and arranging office space and committee memberships. They love you one day and they hate you the next. Truthfully, it was a pleasure to work for you all. I thank you for your patience and understanding during those years.

I would be remiss if I did not acknowledge my respect for Senator Mercier. We shared a cooperative working relationship in our roles as Senate whips. He was kind and cooperative, and we managed to work out difficulties with our office space. I wish him a speedy recovery.

I owe my deepest gratitude to that guy up there, Ralph, and my family. As they said in the beginning, back in 1978, "Mom, if you are going into politics, we know you will love it and do a great job, but you must make sure you and Dad can work it out." During my 20 years in politics, over 10 years in Ottawa, Ralph has always been supportive. During our daily morning calls, he was upbeat and encouraging. It was a wonderful way to begin each day. I look forward to our retirement together. Ralph says it will be pretty stressful.

I am pleased to have our daughter, Joanne, and son, Michael, with us today. I have special memories that I will cherish in the days to come. I owe a debt of gratitude to Brian Mulroney for giving me the opportunity to serve my country. I played a small role in making it a better place for our grandchildren, great grandchildren and the generations to follow. I wish you all a very pleasant summer.

[*Translation*]

SENATORS' STATEMENTS

LA VOIX ACADIENNE

Hon. Eymard G. Corbin: Honourable senators, for 24 years now, the Acadian community of Prince Edward Island has been served by a remarkable little weekly newspaper, *La Voix Acadienne.* I characterize it as remarkable because, having been a journalist myself, I feel I am well placed to compare and appreciate a good product and journalistic excellence.

Jacinthe Laforest is the editor, supported by the no less talented reporter Annie Racine. Janine Arsenault prepares the copy. I would be remiss not to also name the CEO, Marcia Enman, and Ghislaine Bernard, who looks after accounts, subscriptions and photocomposition. This is, therefore, a newspaper wholly produced by women.

Its reporting, editorials and presentation are all top notch. I have been a subscriber for some years now. As a result, I am able to keep informed about the vitality of the PEI Acadian community, which is actively involved in restoring its distinctive culture, successfully so I might add.

That said, honourable senators, I would like to tell you about an extraordinary event that took place this past April 1 in the Acadian parish of Mont-Carmel, which is well known to me. When I was a journalist for the *Évangéline* in the 1960s, I used to take the ferry, and what a pleasure it was to do so at that time, to cover important events there.

The extraordinary thing that took place on April 1 this year, and which was reported in *La Voix Acadienne* in its Wednesday May 30 issue, was this:

> Pastor David Adcock of the Southampton Community Church in the great English seaport of Southampton contacted the parish priest of Mont-Carmel, Fr. Eddy Cormier, in the spirit of ecumenism, about taking part in mass on Sunday April 1.

Here is what Pastor Adcock said, in impeccable French, to the faithful, when commenting on an excerpt of the Epistle of St. Paul to the Corinthians on reconciliation. He said:

> Last year, when I visited Prince Edward Island, for the first time, I read about the Deportation of the Acadian people and, as an Englishman, I was shocked to find out what had happened to you. If you think it is appropriate for an Englishman, a minister from Southampton, England, in 2001, to apologize, allow me to do so in this fashion: I ask your forgiveness for the way my people treated you.

La Voix Acadienne says that no one was expecting such a statement, and added: "Some had tears in their eyes and there was a thunder of applause in the church."

Honourable senators, Acadians are generous people and they are particularly patient. They are still waiting.

[*English*]

• (1440)

BRITISH COLUMBIA

ANNOUNCEMENTS BY SECRETARY OF STATE FOR WESTERN ECONOMIC DIVERSIFICATION

Hon. Edward M. Lawson: Honourable senators, last Friday I had the pleasure of accompanying Mr. Ronald Duhamel, the Secretary of State for Western Economic Diversification, around British Columbia while he was announcing investments in British Columbia.

We first went to the University of British Columbia, where the minister announced the federal government is investing $2.7 million to help Fuel Cells Canada develop six new research laboratories in Vancouver. Western Economic Diversification is contributing $1 million and the National Research Council of Canada is contributing $1.7 million toward the hydrogen-safe laboratories on the campus of the University of British Columbia.

The minister said that the Government of Canada expects to see Vancouver's Fuel Cell Technology Centre become an international showcase for Canadian fuel cell technologies and a platform for collaborative technology and product development.

Fuel Cells Canada President Brian T. Josling said:

> In 2001, we believe that the fuel cell industry is the greatest opportunity for Canada in terms of job creation — both knowledge based and manufacturing.

As an aside, they demonstrated a bicycle powered by a fuel cell contained in a little black box measuring two-by-two-by-six. The bicycle produces no emissions and one can ride all day, never turning a pedal.

We then travelled to the British Columbia Cancer Agency, where the minister provided the BCCA with a $1-million contribution to acquire equipment urgently needed by the Genome Sequence Centre to meet its research needs. The Genome Sequence Centre performs high-volume DNA sequencing to generate genetic information for use in developing new diagnostics and therapies for cancer and other diseases. Through partnerships, the centre will also be an important Western Canadian resource for other life sciences such as silviculture and agriculture.

Dr. Victor Ling of the BCCA said:

> We are grateful to Western Economic Diversification for its commitment and support of genomic research. The addition of this new equipment will greatly enhance our ability to realize our vision of a genome sequence centre that will advance our scientific expertise and with hope and hard work, lead us to significant advances in new cancer treatments, cures and prevention strategies.

Probably the greatest contribution made by those visits and investments is the progress towards healing and reducing the feeling of Western alienation. I commend the government and Minister Duhamel for their activity in this regard.

THE LATE CHARLES BRADLEY TEMPLETON

TRIBUTE

Hon. Jerahmiel S. Grafstein: Honourable senators, I wish to make a brief tribute to the late Charles Templeton. He passed away last week.

As honourable senators are aware, Charles Templeton was an outstanding journalist, writer, editor, playwrite, actor, broadcaster, artist and politician. It is about his political career that I wish to comment briefly.

Mr. Templeton decided in the early 1960s to seek the leadership of the Liberal Party. I was actively engaged in the Liberal Party in those days and supported a former colleague of ours, Mr. Andrew Thompson, who was also seeking the leadership of the Liberal Party.

The only reason I wish to comment is that at the Liberal convention, Charles Templeton, who was a magnificent speaker and broadcaster, made one of the most outstanding political addresses I have ever heard, before or since. It was my task to help Mr. Thompson prepare his speech for that particular event. While Mr. Thompson did not reach the eloquence of Mr. Templeton, he certainly matched it in the same arena. I say that because had Mr. Thompson not stood up to the test and matched at least the level of rhetoric of Mr. Templeton, Mr. Templeton would have become the leader of the Liberal Party and history would have changed and history in this chamber would have changed.

I wish Mr. Templeton's family my heartiest and sincerest condolences. He was a great Canadian, a great speaker, and in time he could have been a great politician.

ROUTINE PROCEEDINGS

FARM CREDIT CORPORATION ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Leonard J. Gustafson, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Wednesday, June 13, 2001

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRD REPORT

> Your Committee, to which was referred Bill C-25, An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts, has, in obedience to the Order of Reference of Tuesday, June 12, 2001, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LEONARD J. GUSTAFSON
Chair

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

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

[*Translation*]

ADJOURNMENT

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

> That when the Senate adjourns today, it do stand adjourned until tomorrow, Thursday, June 14, 2001, at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

[*English*]

APPROPRIATION BILL NO. 2, 2001-02

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-29, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2002.

Bill read first time.

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

On motion of Senator Robichaud, with leave of the Senate and notwithstanding rule 57(1)(*f*), bill placed on the Orders of the Day for second reading later this day.

• (1450)

FOUNDATION TO FUND SUSTAINABLE DEVELOPMENT TECHNOLOGY

RESOLUTIONS OF STANDING COMMITTEES OF ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES AND NATIONAL FINANCE ON BILL C-4—NOTICE OF MOTION TO FORWARD TO COMMONS

Hon. Mabel M. DeWare: Honourable senators, pursuant to rule 58(1)(*i*), I give notice that on Thursday, June 14, I will move:

> That the Senate endorse and support the following statements from two of its Standing Committees in relation to Bill C-4, being an Act to establish a foundation to fund sustainable development technology.
>
> From the Fifth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources, the following statement:
>
> > "The actions of the Government of Canada in creating a private sector corporation as a stand-in for the Foundation now proposed in Bill C-4, and the depositing of $100 million of taxpayers' money with that corporation, without the prior approval of Parliament, is an affront to both Houses of Parliament. The Committee requests that the Speaker of the Senate notify the Speaker of the House of Commons of the dismay and concern of the Senate with this circumvention of the parliamentary process."
>
> From the Eighth Report of the Standing Senate Committee on National Finance being its Interim Report on the 2001-2002 estimates, the Committee's comments on Bill C-4:
>
> > "Senators wondered if this was an appropriate way to create such agencies and crown corporations. They questioned whether the government should have passed the bill before it advanced the funding. The members of the Committee condemn this process, which creates and funds a $100 million agency without prior Parliamentary approval."
>
> And that this Resolution be sent to the Speaker of the House of Commons so that he may acquaint the House of Commons with the Senate's views and conclusions on Bill C-4, being an Act to establish a foundation to fund sustainable development technology.

INFORMATION COMMISSIONER

NOTICE OF MOTION TO RECEIVE IN COMMITTEE OF THE WHOLE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, pursuant to rule 58(1)(*i*), I give notice that on Monday, June 18, 2001, I will move:

> That the Senate do resolve itself into a Committee of the Whole, on Wednesday June 20, 2001, at a time convenient to the Government and the Information Commissioner in order to receive the Information Commissioner, Mr. John Reid, P.C., for the purpose of discussing the most recent Annual Report of the Commission, including the call in that report for whistleblowing legislation; and
>
> That television cameras be authorized in the Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

QUESTION PERIOD

FINANCE

IMPOSITION OF TAX ON CARTONS OF CIGARETTES—EFFECT ON DUTY-FREE SHOPS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, I intervened on Bill C-26 and brought to the attention of honourable senators the fact that the bill inadvertently undermines Canada's duty-free industry by the imposition of a $10 tax on a carton of cigarettes. I gave facts that demonstrated that duty-free outlets employ directly thousands of Canadians and that many more jobs result indirectly from the millions of dollars of purchases made by this industry of local and national goods and services.

Was it the government's intention in carrying out its much desired intention of protecting the health of Canadians respecting the consumption of tobacco to inadvertently decimate the duty free industry in Canada? If not, will the minister speak with the Department of Finance and ask them to withhold implementation and enforcement of that particular surcharge until such time as further consultation can take place with the industry?

As the minister will know, an amendment to that effect was made by the Standing Senate Committee on Banking, Trade and Commerce in committee, but it was voted down by the Liberal majority. In essence, therefore, is it the government's intention in the passage of Bill C-26 to inadvertently bring about the death of the duty-free industry in Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, not only is it not the government's intention, advertently or inadvertently, to bring about the death of the duty-free industry, it is not the purpose of Bill C-26. Nor is it part and parcel of the government's policy.

The government's policy is very clear in Bill C-26. The government believes that Canadians should be discouraged from smoking. One of the factors in discouraging Canadians from smoking has been proven to be the price of cigarettes. Why should a Canadian who buys his or her cigarettes in a duty-free shop pay less for that carton of cigarettes than a Canadian who buys it from any other outlet anywhere in this country?

Senator Oliver: Honourable senators, with respect, that answer did not deal with the central part of my first question, which was whether or not the minister would intervene with the department and discuss with them the possibility of suspending that particular provision, which might bring about the death of the duty-free industry, until such time as further consultation with that industry took place.

Senator Carstairs: Honourable senators, no, I will not intervene. I was the sponsor of Bill C-26, and I knew exactly its purpose. I supported Bill C-26 in its entirety. I do not think an intervention is necessary.

Hon. David Tkachuk: Honourable senators, are the taxes on liquor in Canada a way to prevent alcohol consumption?

Senator Carstairs: Honourable senators, the most recent estimates indicate that the loss of 47,000 Canadians per year from smoking is a unique situation. I do not think that applicable comparisons can be made with the liquor industry.

Hon. J. Michael Forrestall: Honourable senators, what happens when marijuana goes up for sale at the border?

Some Hon. Senators: Oh, oh!

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—TENDENCY OF EUROCOPTER COUGAR FOR STATIC ROLLOVER—FITNESS FOR NAVAL OPERATIONS

Hon. J. Michael Forrestall: Honourable senators, I want only the safest aircraft that it is possible for the people of Canada to obtain for the people who have to fly them. I draw the attention of the Leader of the Government in the Senate to United Kingdom Air Accident Investigation Bulletin No. 6/96. It states that that AS332L, the Super Puma, the land model of the Eurocopter Cougar, has a tendency for static rollover, a condition not known to exist with the two other primary corporations in quest of providing the helicopters we need for shipborne replacement, namely, the Sikorsky and the EH-101.

The static rollover tendency of the Cougar means that the Cougar would be unstable on the back of a destroyer or frigate in the pitching seas of the Atlantic, the Pacific or, indeed, elsewhere. Is the government aware that the Cougar is prone to the static rollover and thus unsuited to naval operations?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can assure the honourable senator that I will make the information available in United Kingdom Bulletin No. 6/96 to the government.

Senator Forrestall: Honourable senators, in the past I have made inquiries about the Cougar never being "navalized." If you will, "navalization" is simply a short way of suggesting that it does not have things like folding rotors or a reinforced undercarriage — the things that make a helicopter a suitable naval vehicle.

• (1500)

Why would the government pursue this variant when it was rejected for naval operations by countries such as India, South Africa and the Nordic states? Twice here in Canada it has been rejected. Why are we now pursuing it?

Senator Carstairs: Honourable senators, it is very clear and has been clear, not only through my leadership here in the Senate but through my previous three leaders in this institution, that Senator Forrestall likes the EH-101. We accept that he likes the EH-101. It is equally clear he does not like the Cougar. That is his right and his privilege. However, I will put my faith in a tendering process that meets the needs of the military at the best possible price.

Senator Forrestall: Honourable senators, I defy the Leader of the Government in the Senate to find one single utterance of mine in this chamber that would lead her to the conclusion that I dislike the Eurocopter. It is a tremendous plane and I have said so on a number of occasions.

What I have said is that it is not the plane that I want the men and women at Shearwater climbing into for operational duty in the North Atlantic. That is what I have said and I say it again.

I will have one more chance tomorrow. I look forward to the results of the minister's inquiry with respect to the accident investigation. Indeed, if there is a static rollover problem with this equipment, not only is it not suitable for land operations, it is totally unsuitable for airborne activity or shipborne activity.

Senator Carstairs: Let me make it very clear to the honourable senator that neither I nor any of my colleagues in cabinet want anything but a safe plane for our military to climb into.

If the honourable senator has other questions, I would suggest he ask them today. I will not be in the chamber tomorrow. I will be attending the funeral of a very dear friend.

TREASURY BOARD AND JUSTICE

MEMBERSHIP OF ACCESS TO INFORMATION REVIEW TASK FORCE

Hon. Terry Stratton: Honourable senators, my question is directed to the Leader of the Government and are with respect to the comments of the Information Commissioner when tabling his report on Monday. Commissioner Reid noted that the Access to Information Review Task Force is a "wolf in sheep's clothing" designed to weaken, not strengthen, the public's access to government records. He goes on to say that it is really an insider's task force.

Could the Leader of the Government in the Senate inform the Senate who is on this task force?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the senator has asked this afternoon exactly who is sitting on the task force. I do not have that information available, but I will obtain it for the honourable senator and get it to him at the earliest possible time.

Senator Stratton: The concern we all have, particularly Commissioner Reid, is that we are trying to strive for more transparency in government. The public seems to want it. In this particular instance, we would appreciate an assurance on the minister's part that this process will, indeed, be transparent and that the revised Access to Information Act rules will be brought before Parliament in a way that not only is transparent but is perceived to be so.

Senator Carstairs: Honourable senators, we all know that a task force has been appointed. We know it has been mandated to review all components of the access to information framework. It is also important that the task force has established an external advisory committee outside of government, made up of individuals from academia, the legal profession, business and the media. When changes, if any, are made, they will be brought, as they should be, to this chamber and to the other place for full debate and discussion.

It is also important to note that the number of complaints to the Information Commissioner has fallen by 69 per cent since the last annual report: from 216 in 1999-00 to 68 in 2000-01. It would appear from the number of complaints that there is in fact more confidence among Canadians in the information and its availability.

Senator Stratton: Honourable senators, there is a fairly substantial service charge to get access to information that perhaps limits the number of requests.

Senator Carstairs: Honourable senators, the service charge is certainly an interesting issue. However, the service charge is not substantial. The indication is that the charge is relatively low and modest, and if it is utilized in a way that is both responsive to the person desiring the information and to those giving the information, I think it is the correct balance.

[*Translation*]

NORTH ATLANTIC TREATY ORGANIZATION

MEETING OF HEADS OF STATE—REQUEST FOR COMMENTS BY PRIME MINISTER

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate.

After more than 18 months, an important meeting of heads of State of North Atlantic Alliance member countries was held in Brussels this morning. The Prime Minister of Canada took part in this meeting, and honourable senators must know that he is the senior member of this fraternity of 19 allied countries. I trust, therefore, that the Prime Minister's message was one of wisdom.

Could the minister share with us the message delivered by Prime Minister Chrétien to his North Atlantic Alliance colleagues?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, because of the time change, of course, the meeting has been concluded in Brussels. I can tell honourable senators the following: The meeting was an opportunity to exchange views on the changing role of the North Atlantic Council in international security, particularly with respect to the Americans, and this was the first meeting that President Bush has attended.

Several key issues drew the attention of leaders: notably, the situation in the Balkans, particularly Macedonia; the United States' proposals on missile defence; and the whole issue of NATO enlargement, of which, as you know, our Prime Minister has been a supporter.

No specific decisions or commitments were made at this meeting. It was an informal meeting and no anticipated decisions were expected.

MEETING OF HEADS OF STATE—STATEMENT OF SECRETARY GENERAL ON CONFLICT IN MACEDONIA

Hon. Pierre Claude Nolin: On the enlargement, I think we must wait until the Prague meeting next year. We will hear more at that time. My questions are more focused on the Macedonian problem. Secretary General Lord Robertson, after the meeting, issued a statement to the press. On the subject of Macedonia, he said:

> Our goal is to see the democratic structures in the region become strong enough to be self-sustaining. That job is not yet done. We will therefore maintain our presence —

My first question is, what presence?

> — and our commitment to the tasks ahead. One immediate task ahead is to assist the government in Skopje in dealing with the ethnic Albanian insurgency. Heads of State and Government reaffirmed their full support for the government in Skopje and their complete and total rejection of the attacks on this democratic government.

What was Canada's position on that, specifically? What does it mean, to maintain our presence? Are we following the Greek proposal of last week to intervene physically and militarily in Macedonia?

• (1510)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the meeting memorandum to which my honourable friend has made reference clearly condemned the attacks against the democratic government of the former Yugoslav Republic of Macedonia and reaffirmed that the only way to address the legitimate concerns of the ethnic Albanian population is through the normal political process. As to exactly what commitments the Canadian government made at that meeting, I will have to seek that information and return it to the honourable senator.

Senator Nolin: Honourable senators, on a supplementary question, the Secretary General in his statement made a plea to the heads of states in the meeting. He said:

> As Secretary General, I gave a personal and urgent message that NATO's credibility is its capability. If we want NATO to be as successful in the future as it has been in the past, we must all invest wisely and enough, to ensure that we have the military capabilities for any crisis of the future.

What was the Canadian position? I read two words: "wisely" and "enough." What was the good news Canada gave to the meeting this morning?

Senator Carstairs: Honourable senators, I do not know what the contribution of Canada was to meet the requirements of "wisely" and "enough." However, I will seek that information and get it for the honourable senator.

FISHERIES AND OCEANS

MEETING OF STATE MINISTERS IN STOCKHOLM, SWEDEN—COMMENTS BY MINISTER ON STRUCTURED MANAGEMENT OF FISH STOCKS IN INTERNATIONAL WATERS

Hon. Gerald J. Comeau: Honourable senators, my question is addressed to the Leader of the Government.

The Minister of Fisheries was in Stockholm a couple weeks ago meeting with his counterparts from other countries at a discussion forum or discussion group. He stated, and I will use his expression, that the fish stocks around the world were seriously depleted and required more "structured management."

I am always suspicious and concerned when I hear new bureaucratic buzzwords such as those, especially when they are used far away from Canada and will not get the kind of play they would if they were used in Canada. Is the minister aware of what "structured management" means? If so, would she enlighten this house?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I can tell the honourable senator two things this afternoon. Clearly, the minister has expressed his concerns abroad, as he has expressed those same concerns here, that there is depletion of certain fish stocks in Canada and also worldwide.

I also know there was an agreement to monitor and to manage the area in international waters — I should not say "manage." There was an agreement that the situation be monitored. Greenland will be the leader in that monitoring, but Canada is in support of monitoring those fish stocks.

Senator Comeau: Honourable senators, the minister is referring to the meeting held in Spain. I was referring to a meeting a week or so earlier in Stockholm, Sweden, when the question of other species was discussed. I agree with Senator Carstairs that we do have to be careful with regard to wild salmon, which are being seriously depleted. We must be mindful that we might completely deplete all of our Atlantic rivers if we do not take action. I am referring to the Sweden discussion where the words "structured management" were used.

I will read a quote from the minister at that time. He said: "Although we see growth in some fisheries, we are also witnessing a decline in many fish stocks which have supported traditional fisheries." Again, the careful use of words such as "have supported traditional fisheries" worries me. Are we heading towards a new management structure that may leave behind traditional fisheries communities? If the minister does not have the answer today, would she try to enlighten us as to what this conference was all about?

Senator Carstairs: I must tell the honourable senator that I do not have any reference notes with respect to the meeting in Sweden, but I will attempt to find those for the honourable senator and send them to him over the summer break.

FOREIGN AFFAIRS

UNITED STATES—MISSILE DEFENCE SYSTEM—FUTURE OF ANTI-BALLISTIC MISSILE TREATY—COMMENTS BY AMBASSADOR TO CANADA

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. I want to thank the leader for obtaining the information that I requested on the proposed U.S. missile defence system. I am sure she knows that events on this subject are racing ahead.

Yesterday, President Bush denounced the Anti-Ballistic Missile Treaty as "a relic of the past," while Germany and France urged the European Union to stand firm against wrecking the ABM. The Bush administration is now planning a crash effort to put into place a rudimentary missile defence system by 2004.

This is now a defining moment in international relations. Will the government now stand up for long-held Canadian values of international law and state firmly that present U.S. conduct threatens the whole architecture of arms control and disarmament and could set off new nuclear arms races?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Minister of Foreign Affairs has been very clear and continues to be clear about the position of Canada at this time. We do not know what the United States wants to do. We do not have detailed information as to their future plans. We are pleased that they are willing to consult not only with us but with Russia, China and other allies. The position clearly is that we must protect Canada's interests above and beyond all else.

Senator Roche: Honourable senators, the minister stated that we in Canada do not know what the U.S. wants to do in this regard, but the U.S. administration does. Yesterday, the new U.S. Ambassador to Canada, Paul Cellucci, publicly stepped up the pressure on Canada to support U.S. plans for a missile defence system.

Will the government tell Ambassador Cellucci to cool down and remember that his own president said that he wanted "real consultations" with U.S. allies and was not presenting us with "unilateral decisions already made"?

Senator Carstairs: Honourable senators, with the greatest respect to Senator Roche, I would be very angry if the United States government, particularly the President of the United States, gave orders to the Canadian ambassador in Washington. Therefore, I would refrain from making the same request here in Canada of the American ambassador.

Senator Roche: Honourable senators, it is a mark of diplomacy for ambassadors to be communicated with by their host government as well as their own government.

UNITED STATES—MISSILE DEFENCE SYSTEM—
COST TO CANADA

Hon. Douglas Roche: Honourable senators, I wish to move the discussion to the question of cost. The Canadian government continues to avoid the question of what Canadian involvement in a missile defence system will cost Canadian taxpayers. Since the deployment of such a system is estimated at $100 billion or more, even a fraction of that cost will be an enormous sum for the Canadian taxpayer to bear and would divert public funds desperately needed elsewhere while the gains go to private industrial interests.

Does the government feel any obligation to share with all Canadians what they may be in for down the line if Canada goes ahead and participates in the U.S. missile defence system?

Hon. Sharon Carstairs (Leader of the Government): With the greatest of respect to the honourable senator, he is leaping to conclusions. The government is in discussions only to find out what the Americans wish to do. That is the extent of the discussions at the present time. As the honourable senator said, there should be communications between our government and ambassadors from all countries resident in Canada. However, there is a difference between having communications, keeping open lines — all of which are important to the basis of diplomacy internationally — and dictating what an ambassador from a foreign country should say or do when he or she is representing his or her country, not ours.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table the delayed answers to five questions: Senator Gustafson's question of June 5, 2001, concerning agriculture and agri-food; Senator Tunney's question of June 5, 2001, concerning agriculture and agri-food; Senator Forrestall's questions of April 26 and May 10, 2001, concerning CFB Shearwater; and Senator Gauthier's question of June 12, 2001, concerning CRTC decisions.

AGRICULTURE AND AGRI-FOOD

DOWNTURN IN GRAIN SEED AND OILSEED SECTORS—
EFFECT OF INPUT COSTS

(Response to question raised by Hon. Leonard J. Gustafson on June 5, 2001)

The subsidies provided by the U.S. and the European Union to their grains and oilseeds producers are higher than those provided by Canada. This is a concern, not only to Canada, but also to other countries, like Australia and New Zealand, which are heavily involved in the export of agricultural commodities. However, we need to ask ourselves whether higher subsidies make the agricultural sectors of those countries more competitive over the longer run, or whether the result is a sector that is more dependent on subsidies. It is important to note that there continue to be demands by European and American farmers for even higher levels of assistance.

In Canada, the objective has been to provide support in ways that help farmers deal with the income problems they encounter while also helping them to prepare for the future. Both the federal and provincial governments are expending substantial sums on research and development aimed at improving the long-term prospects for agriculture. And our safety nets are intended to help farmers manage financial difficulty without influencing their production and marketing decisions. The Net Income Stabilization Account program is a case in point; individual farmers are free to decide how best to use the funds in their accounts in meeting current difficulties.

In developing new safety net programs, Canada must comply with its international trade agreements and make every effort to avoid countervail action by our trading partners. While this is true for all countries, it is of particular importance for Canada. Given our reliance on foreign consumers, especially those in the U.S., it is essential that we design our safety net programs in ways that avoid action against our exports. Failure to do so in the past has resulted in countervail duties that offset any potential benefits to our farmers. Our hog sector, for example, lost many millions of dollars over a 12-year period through a countervail action by the U.S. The Americans and Europeans export smaller proportions of their total production and have less concern about countervail action because it would not have the same negative impact. Nevertheless, in World Trade Organization negotiations, Canada will continue to press for lower subsidies so that farmers from all countries can enjoy higher market returns.

With respect to the option of instituting controls on the prices of farm inputs, it is important to recognize that the prices of major inputs — fertilizers, pesticides, fuel and farm machinery — are determined by conditions in world markets. If Canada insisted that these products be made available here at lower prices, it would not be possible to obtain an adequate supply and farmers would not be able to purchase the inputs they need. Further, such price setting would not be considered "green" under World Trade Organization policy and legislation, and could result in countervail actions from our trading partners. Therefore, to ensure that Canada's prices for inputs are not out of line with world prices, there are few restrictions on the import of farm inputs. When restrictions are required, as in the case of pesticides, monitoring is carried out to determine whether prices in Canada are above those of the world market. To date, this has not been the case.

While the government can never shield producers fully from all risks, Canada has several measures in place to help producers to weather the effects of volatile input markets. In particular, the Canadian Farm Income Program (CFIP) and Net Income Stabilization Account (NISA) provide support for producers who suffer significant drops in net income, including those brought on by rising input prices. Producers can withdraw funds accumulated in their NISA account when their net income drops below critical levels. Significant increases in fertilizer costs could trigger such withdrawals. Similarly, when producers suffer a severe decline in net income, CFIP brings them back up to 70 per cent of their previous three-year average. These programs are in accordance with our international trade agreements, and treat all producers and regions equitably.

INTEREST FREE GOVERNMENT LOANS TO PURCHASE SEED, FERTILIZER AND SPRAYING MATERIAL

(Response to question raised by Hon. Jim Tunney on June 5, 2001)

As a loan guarantee program, the Spring Credit Advance Program (SCAP), assists producers who may need short-term financial assistance to plant their crops. Other programs under the safety net framework provide risk management and income stabilization, including the Net Income Stabilization Account (NISA) program, crop insurance, various companion programs and the Canadian Farm Income Program (CFIP). Moreover, a SCAP loan may be transferred to the Advance Payments Program in order to extend the payback deadline.

Incomes from farm businesses are subject to much uncertainty. Producers will have to decide on an individual basis to what extent they should borrow funds from SCAP or other sources, given this year's market potential.

NATIONAL DEFENCE

POSSIBLE SALE OF PORTION OF CFB SHEARWATER

(Response to questions raised by Hon. J. Michael Forrestall on April 26 and May 10, 2001)

The Department of National Defence has identified surplus lands at Canadian Forces Base Shearwater and is going through normal processes to sell the lands at market value to the Canada Lands Company (CLC).

HERITAGE

CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION—DECISION ON FRANCOPHONE BROADCAST PROGRAMMING IN BRITISH COLUMBIA

(Response to question raised by Hon. Jean-Robert Gauthier on June 12, 2001)

The Government notes that the CRTC has granted the CBC a license to provide La Chaîne Culturelle to the Vancouver area, provided it can identify a suitable frequency for that service. The CRTC has asked the CBC to do so within three months.

In the case of Victoria, the CRTC denied the CBC license application to use frequency 88.9 MHz to extend the programming of La Première Chaîne to this area. However, in making this decision, the CRTC suggested that the CBC might wish to consider other frequencies that could allow it to provide both la Chaîne Culturelle and la Première Chaîne to Victoria.

The CBC is an autonomous Crown corporation operating at arm's length from Government. It is responsible for all operational decisions including those respecting the extension of its radio and television services.

The CRTC is an independent regulatory agency. In renewing the licenses of the CBC in January 2000, it reiterated its expectation that the CBC increase the coverage of its French-language radio service, la Chaîne culturelle.

The Government is confident that the CBC will carefully assess the CRTC decisions, and take into consideration the issues identified by it with respect to improving the coverage of its French-language radio services.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we would like to begin with Item No. 2, that is third reading of Bill C-28, before moving to Items Nos. 3, 1 and 4 on the Order Paper.

[*English*]

PARLIAMENT OF CANADA ACT MEMBERS OF PARLIAMENT RETIRING ALLOWANCES ACT SALARIES ACT

BILL TO AMEND—THIRD READING

Hon. Sharon Carstairs (Leader of the Government): moved the third reading of Bill C-28, to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act.

Hon. Anne C. Cools: Honourable senators, I rise to add a few words in this debate on Bill C-28. Just days ago on May 9 and May 29, 2001, I had spoken to Bill C-12. That bill amended the Judges Act to increase their salaries. These salaries and their increments largely flowed from the Judicial Compensation and Benefits Commission. I began my speech on May 9 saying:

> ...at the outset, I wish to state definitively that I do not take issue with either the actual quantum or the fact of salary increases for section 96 judges in this bill. Judges should be well remunerated. My concerns are the process and the persistent alienation of Parliament from this process of fixing judges' salaries, which is contrary to our notion of judicial independence, that constitutional convention that supports the proper exercise of power within proper constitutional relations between cabinet, the judiciary and Parliament. Canada never had the American separation of powers doctrine. Instead, we had responsible government, meaning that powers are not separated but are fused in responsible ministers of the Crown. Our Constitution chose to separate the personalities exercising the powers and not the actual powers.

Honourable senators, about Bill C-28 and the salaries of senators and members, I will say the same thing. Again, I take no issue with the quantum of the increase in parliamentarians' salaries as proposed in this bill. However, as with the Judges Act, I do take the very same exceptions with the process used to arrive at the quantum for the salaries. In addition, I strongly object to the tying of parliamentarians' salaries to the salaries of the judges, being the salary of the Chief Justice of the Supreme Court of Canada. Bill C-28's clause 1 makes this tie. It establishes a valuation point as the basis for the salaries of members of both Houses of Parliament. It names that valuation point a remuneration reference. That remuneration reference is the Chief Justice's salary. I take strong exception to the statutory inclusion of even a mention of the Chief Justice in the Parliament of Canada Act.

Honourable senators, the phenomenon of using the Chief Justice's salary as the valuation base for parliamentary salaries is not an appropriate or a desirable parliamentary action, and is unknown and even unhealthy to Parliament, the high court of Parliament. Bill C-28's technique of enshrining in statute the link between the salary of the Supreme Court's Chief Justice with the salaries of parliamentarians is not properly respectful of the coordinate constitutional roles of Parliament, the judiciary and the cabinet. Bill C-28 is not respectful and does not honour our constitutional principles and practices around constitutional comity between Parliament, the judges, and the cabinet. Furthermore, it undermines those principles.

Honourable senators, in my speeches on judges' salaries, I had raised my objections to the Judicial Compensation and Benefits Commission's process, asserting that it impaired Parliament from exercising its proper role, pursuant to the Constitution Act, 1867, section 100's words that "judges' salaries shall be fixed and provided by the Parliament of Canada." I had also opposed the arbitrariness employed by the commission in determining the amounts of the judges' salaries. With Bill C-28, the situation will be worsened because the Judicial Compensation and Benefits Commission, which I already think is insufficient, will now, in effect, be setting parliamentarians' salaries.

Honourable senators, the government certainly could have done better than this in drafting Bill C-28. The government could have observed the principles that govern the balance of the Constitution and the proper relations between the coordinate parts of the Constitution.

Honourable senators, there are a host of problems with this bill that I shall not raise. In point of fact, I had not planned to speak or even raise any of these issues because it is my practice to leave the issue of our remuneration to other senators. However, today I speak briefly because in his remarks yesterday on this bill, Senator Grafstein referred to me, although not by name. Therefore, honourable senators, I thought I should add my few words to the record. The matter of reckoning parliamentarians' salaries by relying on a control amount, that is, a judge's salary, is not something that I could have let go without note.

Honourable senators, good governance requires the proper observance of these constitutional rules. Public servants should receive adequate compensation. These two Houses of Parliament should endeavour to establish proper mechanisms to determine the salaries of its members, its ministers, other high officials and judges — proper mechanisms that will uphold the public representative interest.

In closing, I would like to add, in respect to Senator Joyal's and Senator Grafstein's remarks yesterday, that I support most of what they had to say.

Hon. Tommy Banks: Honourable senators, I wish to place on the record my support insofar as they referred to the salary of the Speaker of the Senate yesterday; the remarks that were made here by Senator Joyal and Senator Grafstein.

I am utterly convinced by their arguments that, quite aside from the practical facts of the office and the practical demands upon the office, its symbolic nature and the symbolic position that it enjoys, particularly with respect to the putative equality of both Houses of Parliament, is something that ought to be taken into account. With respect to parity of the salary of the Speaker of the Senate with the salary of the Speaker of the House of Commons, I hope these points will be taken into account in the future.

The Hon. the Speaker *pro tempore***:** If no other honourable senator wishes to speak, we will proceed to the motion for third reading.

It was moved by the Honourable Senator Carstairs, seconded by the Honourable Senator Joyal, that the bill be read a third time now.

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

Hon. Senators: Agreed.

Senator Cools: On division.

Motion agreed to and bill read third time and passed, on division.

CANADA ELECTIONS ACT
ELECTORAL BOUNDARIES READJUSTMENT ACT

BILL TO AMEND—THIRD READING

On the Order:

> Resuming debate on the motion of the Honourable Senator Moore, seconded by the Honourable Senator Kroft, for the third reading of Bill C-9, to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act.

Hon. Donald H. Oliver: Honourable senators, I rise today to join in the third reading debate on Bill C-9. The purpose of this bill, as has been pointed out in the report of the Standing Senate Committee on Legal and Constitutional Affairs and by previous speakers, is to address the decision of the Ontario Court of Appeal in what is known as the *Figueroa* case.

• (1530)

In that case, the Ontario Court of Appeal overturned the provision of the Canada Elections Act that required a party to have at least 50 candidates running in a general election before the party could be identified on an election ballot. It was argued in that case by the Communist Party of Canada that this provision benefited larger political parties and therefore discriminated against small political groupings. The court held that this section contravened the Charter of Rights and Freedoms and could not be justified in a free and democratic society.

While the court decided that 50 was too high a number, it did not suggest the number that 50 should be lowered to for political parties to be identified on the ballot. The Lortie commission, which studied electoral reform after the 1988 general election, suggested 15. Bill C-9 contains the number 12.

I believe, honourable senators, that we were hoping that either Mr. Boudria, the Government House Leader, or Mr. Kingsley, the Chief Electoral Officer, would provide some explanation for this number. Alas, our hopes were in vain. There is no explicable rationale for it, save that it is the same number that a party is required to elect to the House of Commons for a political party to be recognized for the purpose of the House of Commons. However, there is no relationship between the two concepts. Unfortunately, Mr. Kingsley said that he had no explanation that would support 12 rather than some other number. He also stated that, in the case of by-election, he supported naming on the ballot all the political parties for which the candidates were running. Therefore, it follows, as was pointed out in the committee's report, that a single candidate representing a political party at a general election should also be allowed to have his or her political affiliation on the ballot, providing the party meets all other legislative requirements.

The transcript of the evidence given before the Standing Senate Committee on Legal and Constitutional Affairs reveals that representatives of the so-called smaller parties suggested lowering the threshold to between a low of two and a high of five, depending upon the witness.

It should also be noted that the *Figueroa* case is headed to the Supreme Court of Canada to be heard later this year. We will then have the Supreme Court's view on this matter. I hope that court will be more direct about stating the preferred threshold than was the Ontario Court of Appeal.

It is, however, disappointing that the government witnesses before the committee could not give solid reasons to support the key element of this bill. Denying political parties that comply with all other aspects of the Canadian Election Act the right to have their name beside or under the name of persons who are the candidates actually creates confusion and the voter does not have all the information needed to make an informed decision at the ballot box.

I would not be surprised to see this matter come before us again during the life of this Parliament.

My colleagues in the other place referred to the curious wording of the advertising blackout provisions in this bill. We will simply have to wait for a court interpretation to determine whether the day before polling day is accidentally caught in the blackout period because of the wording contained in clauses 17, 18 and 19.

Finally, honourable senators, I believe it is appropriate to again mention the practice that used to prevail in Parliament in relation to any changes in election law in Canada. The practice prior to the fall of 1993 was that no changes were made to this act unless the political parties in the House of Commons were all in agreement. Now changes to this act are like changes to any other under this Liberal government. If agreement is not reached, they are simply timetabled into existence through closure.

My colleagues and I look forward to reviewing the major changes in the Canada Elections Act that will be brought in later in this Parliament.

The Hon. the Speaker *pro tempore***:** Is the house ready for the question?

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to and bill read third time and passed.

[Senator Oliver]

CANADA FOUNDATION FOR SUSTAINABLE DEVELOPMENT TECHNOLOGY BILL

THIRD READING—DEBATE CONTINUED—VOTE DEFERRED

On the Order:

> Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Milne, for the third reading of Bill C-4, to establish a foundation to fund sustainable development technology.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, could I have leave from the Senate to answer the questions that were asked yesterday?

Hon. Senators: Agreed.

Senator Carstairs: Honourable senators, I rise to provide additional information in response to the questions that were asked yesterday regarding Bill C-4.

Senator Kinsella asked a specific question about the amount paid to date to the sustainable development foundation. The government will pay the full amount of the $100 million fund announced in the budget 2000 for sustainable development technology in stages to the foundation, with parliamentary approval for each payment. To date, Natural Resources Canada and Environment Canada each have made payments of $25 million, in April 2001, to the private-sector foundation under the authority of existing departmental legislation and through the authority of Treasury Board Vote 5, pending approval in the 2001-02 Supplementary Estimates. Natural Resources Canada and Environment Canada entered into a funding agreement with the private-sector foundation in March 2001.

As to Senator Kinsella's question of interest earned, interest on the $50 million transferred to date will accrue to the foundation. I cannot provide honourable senators with an exact amount, but this will be an item in the foundation's annual report and will be fully audited by a distinguished private-sector auditor. All interest earned will enable the foundation to do more work in support of sustainable development technologies.

Senator Lynch-Staunton asked a question with respect to the government role in creating the private corporation. The government allocated $100 million in budget 2000 for the sustainable development technology fund, an initiative targeted at sustainable development technologies, in particular, climate change and air quality. The government considered three options for establishing or choosing an organization to fulfil its budget 2000 commitment: one, establishing a foundation under specific legislation; two, by contract with a purpose-specific entity created by the private sector under the Canada Corporations Act, Part II; or three, by contract with an already existing entity, whether government or not.

The government chose a combination of the first two options, specific legislation and the Canada Corporations Act, Part II. The government's first preference is legislation, as evidenced by Bill C-46 in the last session of Parliament and Bill C-4 in this session.

When the federal election was called and the previous bill died on the Order Paper, it became apparent that the creation of a foundation for the adoption of legislation within fiscal year 2000-01 would be unlikely; therefore, the government developed a contingency plan to fulfil its budget 2000 commitments.

The government wanted to ensure a competent, prudent organization to receive the government's allocation in order to avoid lapsing of the funds. The government held discussions with individuals of high standing in the private sector to ask if they would be prepared to establish such an organization. The government advised those individuals that it would only be prepared to contract with a private-sector foundation that would operate in accordance with the government's intent, as per the provisions of Bill C-4. This was done, and the government then entered into a contractual agreement with the foundation incorporated by the private sector on March 8, 2001, under the Canada Corporations Act, Part II.

This private-sector foundation has objectives, a governance structure and bylaws similar to those of the proposed Canada foundation for sustainable development technology. The government's funding agreement with the private-sector foundation has been carefully written to ensure that operations, auditing and reporting are in full accordance with the legislated foundation. It has been fully scrutinized by Treasury Board officials and contains all the requisite safeguards.

Senator Tkachuk asked a question with respect to the members of the corporation. The Minister of Natural Resources, when he appeared before the Standing Senate Committee on Energy, the Environment and Natural Resources on May 15, stated:

> I am very happy to tell you who they are. They are Mr. Jim Stanford, a former chief executive officer of Petro-Canada, who has a very strong reputation in respect of environmental matters; Mr. Ken Ogilvie, who is with Pollution Probe in Toronto; Dr. David Johnston, the President of the University of Waterloo; and Dr. Alain Caillé, the Vice-Rector responsible for research at the University of Montreal...I think that from the personal credibility of those individuals, you could agree we are proceeding in a prudent manner.

To date, I am not aware that any new directors or any members have been appointed to the private-sector foundation.

• (1540)

Hon. Ethel Cochrane: Honourable senators, when we considered this bill at second reading stage last month, I said that I would support the bill in principle. Bill C-4 creates a foundation to fund sustainable development technology with an emphasis on technologies to reduce greenhouse gas emissions and to improve air quality. Those are initiatives that certainly deserve public support.

I also expressed some serious concerns about the bill. I said that I hoped the government members on the Standing Senate Committee on Energy, the Environment and Natural Resources would be receptive to some improvements in Bill C-4. My hopes were not fulfilled.

As a result, one could probably best describe my position on the bill as supportive in principle but opposed in practice. I, for one, shall be voting against this bill.

I have several reasons for this decision, which are essentially the same as the concerns that I voiced at second reading.

First, I do not see the need to establish a new foundation to achieve the government's stated purpose of promoting new environmentally friendly technologies. When appearing before our Senate committee on May 15, 2001, the Minister of Natural Resources said that he expects the administrative costs of the foundation to be about 10 per cent of its budget. Since it will begin with funding of $100 million, that means that $10 million will go toward administration. That is a significant amount of money.

I see no reason to set up a new foundation when these funds could be administered at a very substantial savings by the Department of Industry or by any of a number of government foundations and agencies that already exist, including the Canada Foundation for Innovation, which has received a total of $3.1 billion in funds since 1997.

The minister told our committee that a new foundation was needed because none of the existing ones orient their funding to private sector centred partnerships to tackle problems and issues of concern to a particular sector. Frankly, I do not see that as a serious obstacle. We need only add a few lines to the existing agency's mandate.

I also notice that the Minister of Natural Resources and the Minister of the Environment are in the midst of a series of announcements, which began last week, about funding for projects to promote and develop cleaner new technologies, including air quality and energy efficiency. I am sure that all honourable senators have heard of them. These projects will come to a total of $245 million. The government did not need to establish a new foundation to do this. In fact, $100 million of that total will be disbursed through the technology partnership fund.

My second concern relates to the issues of transparency and accountability. The foundation will not be subject to access to information requests, nor will it be subject to the scrutiny of the Auditor General. It will operate at arm's length from the government. This amounts to yet another evasion, in my mind, of ministerial responsibility and the undermining of Parliament's abilities to scrutinize the expenditure of public funds.

The minister told our committee that he is not concerned about transparency and accountability. The foundation will appoint its own auditors and issue an annual report. He also said:

> It seems to me that the transparency exists. The accountability is there.

He said that the funds for the foundation will come from the Department of the Environment and the Department of Natural Resources, both of which are responsible to the Auditor General.

Honourable senators, it appears that this was a bit misleading, in my view. On May 29, 2001, our committee heard from the interim Auditor General. She told us:

> We are able to look at the funding agreements and the payments made from the departments to the foundation. We are not able to look at what the foundation then does with that money.

She also said that the Auditor General should be able to "follow the dollar" and provide an independent assessment of the management of public funds in order to facilitate accountability to Parliament.

Third, I suggest that there is some concern about the provisions allowing for the fund to be transferred to the administration by a private sector entity at the discretion of cabinet. After our committee hearings, far from being satisfied on this issue, I am even more concerned. It seems that it is a fait accompli. The minister informed us that a private sector "holding company...is up and running. When parliamentary approval is forthcoming in the normal course, that holding company will be rolled into the creature created by Parliament." He also revealed that the $100 million in funds has been paid out to that "holding company" to avoid having the funds lapse at end of the fiscal year. Under what authority did the government do this?

Honourable senators, a private company as envisaged in this bill has already been set up and has received $100 million in public funds before we have even passed the bill to authorize it.

The Auditor General raised the same objection at our committee hearing. She said:

> We, too, are concerned about the issue of the authority under which these payments were made. I would like to point out some dates.

She added:

> The funding agreement was signed in March, and in April the actual payments were made. The payments were actually made after the year end.

[Senator Cochrane]

Honourable senators, the most glaring problem with Bill C-4 is not the substance of the bill but the process. The bill provides for establishing a private sector foundation to administer the fund. It certainly does not provide for that to be done before the bill is passed. Goodness gracious, how could it? Yet the government has established a private sector holding company and handed it $100 million in public funds without any authorization from Parliament to do so.

According to the minister, the $100 million that was authorized for the foundation in last year's budget would have been lost if it were not paid out before the end of the fiscal year; but, it was not paid out before then. The money was only transferred in mid-April, and that has attracted the concerns of the Auditor General.

I was dismayed when I heard of this. I was heartened, though, to find that the government members of our committee shared my dismay. They described it as, among other choice phrases, an affront to Parliament.

The minister told us that in the opinion of the Justice Department, these actions were legal. Other lawyers might come to a different conclusion. In any case, if these actions were legal, they are certainly not acceptable or desirable practices in a parliamentary democracy. The transfer of public funds to a private sector holding company before the bill to authorize those actions has been passed establishes a very serious precedent, in my view.

I have other objections as well, honourable senators, including the size and composition of the management of the foundation and the provisions for dissolution of the foundation in the future. If it is dissolved, all remaining funds and assets would be distributed to existing project recipients, whether they need the money or not. Rather than indulging in this windfall for projects, I believe those funds and assets should be returned to the Consolidated Revenue Fund. I firmly believe that.

I am sure you can see why I have ample reason to vote against Bill C-4, and I urge all honourable senators to do the same.

• (1550)

Hon. Edward M. Lawson: Honourable senators, I have just a few comments on this legislation. We have a company in British Columbia with potential to be a great copper mining venture. It has 200 square kilometres of surface and proven reserves. However, they have a new technology so advanced that it does not need a smelter. It is environmentally friendly. Instead of producing copper in the usual way of sheets or ingots, it produces copper powder. Copper powder sells at a premium of somewhere between 50 cents and $2 more than the usual price for copper. It has all the ingredients for what appears to be the criteria for applying to the foundation.

We referred the company to the science and technology fund that deals with these kinds of things. While they recognized the merits of it, the first thing that these people were told was, "The budget for the year has been spent." The second thing they were told was, "If we are going to do something, if you raise $6 million and spend $6 million, then we will reimburse you $2 million." What was the response of the company involved in the face of this unbelievably bad market in trying to raise financing because of the technology collapse and other things? "If we had $6 million or could raise $6 million, we would not be coming to you."

I want to know from the government side what will be the criteria for the selection process. What will be the ground rules? Who will be entitled to apply? If they do apply, is there cash on hand? According to my sister senator, it is somewhere in a private fund. How do you spring it loose? Who is entitled to apply and under what conditions? Perhaps someone from the government side could find that information and share it with me so I could take it back to B.C.

Hon. Terry Stratton: Honourable senators —

Hon. Donald H. Oliver: Will someone answer Senator Lawson's questions before Senator Stratton speaks?

Senator Stratton: I do not think anyone was listening on the other side.

Senator Cools: No, I was listening.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I cannot answer a question at this point. When a senator rises, it is usually to put a question to the last senator to have spoken.

[*English*]

The Hon. the Speaker *pro tempore***:** I thought the honourable senator was asking a question of Senator Cochrane. Senator Cochrane, do you wish to respond to Senator Lawson's question?

Senator Cochrane: I am not part of the government, so I have no idea what the answers are.

Senator Stratton: Honourable senators, the past few years have seen the growing use of third parties to deliver government programs, sometimes as a part of an arrangement with an existing organization and sometimes through the creation of a new entity.

A year and one half ago, former Auditor General Denis Desautels took a serious look at some 77 of these new governance arrangements. The title of his report says it all, this being "Involving Others in Governing: Accountability at Risk."

He found, in paragraph 23.4 of the study:

> For these new arrangements, the government does not have in place a consistent and generally acceptable governing framework that safeguards the essential principles of our parliamentary system. Nor has it been adequately capturing and communicating the lessons learned in these new approaches.
>
> In our view, the federal government remains accountable to Parliament for the use of federal tax dollars, assets and authorities, no matter what tools it uses or arrangements it puts in place with partners to achieve its public objectives.

Honourable senators, he went on to say:

> The government needs to ensure that departments and agencies setting up new arrangements address the essential issues of credible reporting to Parliament and the public, effective accountability mechanisms, adequate transparency and protection of the public interest.

Further down in his report, in paragraph 23.106, we see a specific recommendation:

> Sponsoring departments should ensure that, where appropriate, the design of delegated arrangements provides for:
>
> Formal mechanisms and guidance to resolve disputes with partners;
>
> Means to deal with non-performance and termination of the arrangement;
>
> Periodic program evaluations, the results of which are reported through ministers to Parliament;
>
> Consideration of value-for-money audit; and
>
> Independent assessment of the fairness and reliability of the performance information tabled in Parliament.

Honourable senators, while we are now debating Bill C-4, I think that what transpired in committee study of Bill C-17, the bill giving the Innovation Foundation a further $1.25 billion, is very relevant in this debate.

I questioned the government witnesses as to what specific measures had been taken to address those concerns of the Auditor General as it applied to concerns with respect to the Innovation Foundation. I did not receive anywhere near what could be called satisfactory answers.

For example, I asked them if, before deciding to provide the foundation with a further $1.25 billion, there had been any kind of an evaluation to see if the program was having a significant incremental effect. I asked if any kind of value-for-money audit had been conducted on the way the foundation conducted its business and if not, then why not? Unlike other spending programs, the foundation is beyond the scope of the Auditor General. I was told that there was an abundant body of anecdotal evidence.

Honourable senators, this is from the same government that until a few years ago was giving us anecdotal success stories about the Transitional Jobs Fund at HRDC, and I do not want to go through that again. Why? Here we are setting ourselves up to do the same thing again.

I was also told that the government had put together a panel to conduct a third-party evaluation. Somehow I fear that the government will be told what it wants to hear with little in-depth critical analysis. With all due respect to the Royal Society, which is conducting this study, should the Auditor General not, as Parliament's watchdog, have a major role to play in such an evaluation? As well, should the Auditor General not also have a mandate to audit the Sustainable Development Foundation that Bill C-4 seeks to create?

Honourable senators, according to the Innovation Foundation's Web site, only projects valued at more than $10 million are subject to audit by the foundation. I asked what mechanisms were in place to identify and deal with non-compliance in the case of smaller projects. I did not receive much of an answer. This leaves me wondering how the Sustainable Development Foundation will monitor and deal with non-compliance. Once it has cut the cheque, what will it do to ensure that the recipients spend the money in the approved manner?

I asked when we would see an evaluation of this program tabled in Parliament, if ever. I suspect that unlike reports of the Auditor General, any evaluation that is done will not be tabled in Parliament and that they will not be anywhere near as critical as those carried out by Parliament's watchdog.

Our colleague Senator Bolduc also had concerns about the Innovation Foundation that are quite relevant to our debate on Bill C-4. He noted that in paragraph 23.93 of this same report, the Auditor General had written:

> The Canada Foundation for Innovation was created to review Canada's aging research infrastructure, yet it has no baseline figure for the age of the research capital base before the program began. It has no obligation to measure the effectiveness of its spending in reducing the average age of the capital base, nor any target to achieve for age reduction.

Senator Bolduc then asked the government witnesses if these particular concerns on the part of the Auditor General had been addressed. He wanted to know, for example, if the government now had a baseline figure for the age of the research capital base when the program began. He asked if the government had a target to achieve for reducing the average age of the capital base and, if so, what the target is and how it intended to measure its success. He did not receive much in the way of answers.

This begs the question, honourable senators, "Will there be any yardsticks to measure the success of this new sustainable development foundation, given that there are none for the innovation foundation?" It makes one wonder how the government came to determine the right amount to be given to each foundation.

I suspect that, rather than being chosen as an appropriate amount to help research and environmental infrastructure, the money was chosen as an appropriate amount to help pare down last year's surplus.

Honourable senators, Canada's research performance falls far below that of most other nations, so I have no problem with funding university research per se. Indeed, the infrastructure on our campuses is in rough shape, as we all know. It is unfortunate that the government, a few years ago, took $6 billion per year out of health care and education. Nor do I necessarily have problems with the concept of independent third-party delivery of research programs or of sustainable development projects. However, as a parliamentarian, I have serious concerns when control over federal money is handed to a third party without an adequate system of accountability.

On May 29, 2001, the new Auditor General, Sheila Fraser, appeared before the Energy Committee on Bill C-4. Honourable senators, we should bear in mind her comments as we consider this bill. She said:

> The proposed legislation appears to contain some features that we call for in our 1999 audit, but not others, notably mechanisms that would ensure protection of the broader public interest.

Honourable senators, in other words, with Bill C-4, the government is setting up yet another arm's length agency that lacks adequate safeguards. Ms Fraser continued:

> Fiscal and technological forces are pushing governments to use innovative, non-traditional ways of delivering programs and services. As we move to these new forms of delivery, we must be careful not to weaken fundamental principles of parliamentary democracy along the way.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I wish to say a few words about this bill and some concerns that have already been expressed. Despite some of the explanations given by the Leader of the Government in the Senate in respect of the relationship between government and the private corporation, the Senate still finds itself in a most uncomfortable position. Bill C-4 does nothing less than ask Parliament to make legal that which the government has done without parliamentary approval. It is as simple as that.

Honourable senators, I will recount certain facts behind this bill, at the risk of repeating what has already been said today and earlier, because it is important to establish and to know the sequence of events leading up to our being asked to pass this bill.

In the February 2000 tabling of the 2000-01 budget, the Minister of Finance said that, to help Canada remain a world leader in environmental technology, the government would establish a sustainable development technology fund at an initial level of $100 million.

On October 4, 2000, Bill C-46, to establish a foundation to fund sustainable development technology, was given first reading in the other place, under the sponsorship of the Minister of Natural Resources. There was nothing in that bill referring to any corporation incorporated under Part II of the Canada Corporations Act. In October 2000, Parliament was dissolved for the election held on November 27. Bill C-46 fell by the wayside.

On February 2, 2001, the minister introduced Bill C-4, word for word, both in title and in text, the same as C-46, except that clauses 35 to 39 had been added and refer to, as stated in clause 35, "any corporation incorporated under Part II of the *Canada Corporations Act*," as being designated for the purposes of Bill C-4. Note that there is no mention of a specific corporation, but rather just any corporation incorporated under Part II.

That is strange, honourable senators, because at the time it was obvious that the government was negotiating seriously with another corporation. Only five weeks later, on March 8, 2001, a corporation called Canada Foundation for Sustainable Development Technology was given its Letters Patent under Part II of the Canada Corporations Act. Its objectives, as stated in the Articles of Incorporation, are, for all intents and purposes, exactly the same as the wording you will find in the summary on the inside front cover of the bill.

The version of subsequent events varies, but the end result remains the same. In his testimony before the Standing Senate Committee on Energy, the Environment and Natural Resources, on May 15, 2001, the Minister of Natural Resources said:

> You will notice that this successor bill bears a very low number, C-4. It was introduced on the very first day that Parliament was back in action after the election. However, we had effectively lost four or five months of time.
>
> The money that was set aside in budget 2000 needed to be put to work before the end of the fiscal year. Otherwise, it would lapse and then we would have to start again. In order to safeguard against that possibility, we introduced the bill as rapidly as we could to give it an early start in the new Parliament, and we wrote in transitional arrangements that would allow for the creation, if you will — I am using a term here that I do not mean as a legal term — of an interim holding company that could get into action before the end of the fiscal year, under certain limits. It could not, for example, actually adjudicate on projects, but it could get up and running.
>
> This holding company, as I will call it for want of a better expression, is up and running and holding a space. When parliamentary approval is forthcoming in the normal course, that holding company will be rolled into the creature created by Parliament.

Senator Banks responded:

> I am worried about the order of that. It seems an affront — if that is not too strong a word — to Parliament that this has been done and money has been moved before parliamentary approval has been given. I am wondering if the order is appropriate. For example, who are the principals of that foundation? Are they employees of the federal government? If not, who are they? Do you think that the moving of $100 million, though it might be legal, is appropriate before Parliament has approved the bill under which the foundation will operate?

The minister replied:

> That certainly was not my preferred ordering of events. As I said, we were interrupted last year in what would have been the normal flow of events. It was important, from the point of view of the fiscal framework, to deal with this $100 million before the fiscal year ended. Otherwise, the money would no longer be available for this purpose. In order to keep the money for sustainable development purposes, we had to act during the course of the last fiscal year. We were faced with a conundrum.
>
> If we did not have a recipient in place to receive the $100 million before the end of the fiscal year, the money would lapse. We needed a vehicle to hold the space for sustainable development.

Honourable senators, I will proceed to testimony before the Energy Committee on May 29, 2001. The following exchange took place with the acting Auditor General, Ms Fraser. She said:

> We too are concerned about the issue of the authority under which these payments were made. I would like to point out some dates. Unfortunately, we have not completed all our audit work, and that will be done as part of public accounts work. The funding agreement was signed in March, and in April the actual payments were made.

Mr. Goodale had other dates and said that the $100 million was given before the end of the fiscal year. Now we find, and it has been confirmed by the Leader of the Government, that actually $50 million was deposited in the private company's bank account in April, one month after the close of the fiscal year, for which the budget announced the monies.

• (1610)

Ms Fraser continues:

The payments were actually made after the year end.

Senator Kelleher: Were those payments made to the shelf company?

Ms Fraser: Yes. There was $25 million paid by the Department of the Environment and $25 million was paid by Natural Resources Canada. We do not know at this point if the government will want to record those payments as expenditures in the year ended March 31, 2001, or not. They would set it up as an account payable.

The Chairman: I believe the minister assured us that that was the reason for taking it out and putting it in last year's budget.

Ms Fraser: That raises an issue for us because the payments were actually made after the year end.

I do not want to presume what our audit findings will be, but there are some issues about dates and we do want to assure that the authorities under which those payments were made were appropriate.

Senator Kelleher: Can you express an opinion on the way it was done in this case, which was to make the transfer to a shelf company, in trust, for a foundation that had not yet been created?

Ms Fraser: I can say that I do not like the way that that series of transactions was done. We would have preferred that parliamentary approval be given to this foundation and to the amounts of money that would be sent into it, yes. The money, as I mentioned, is being sent out of government before services can ever be delivered.

The Chairman: Not only that, it did not go to a foundation, it went to a shelf company. Some of the rest of us would end up in big trouble if we did that.

On May 30, the President of the Treasury Board, with officials, appeared before the Standing Senate Committee on National Finance and the following exchange took place:

Mr. Lieff: We have a partial answer. The organization was created under the Canada Business Corporations Act. The announcement was made to pursue this in the October update, and the government felt that it was such an important initiative on which to get started that it would advance at least the partial funds at the same time as seeking parliamentary approval to put it within a parliamentary accountability relationship with the rest of the government.

Senator Banks: We can assume, then, that the $100 million will show up in the accounting for the previous fiscal year?

Mr. Lieff: It will show up in terms of the accounting for the previous fiscal year in terms of financial statements, but when the legislation is approved, we will also show you that in the Supplementary Estimates.

Senator Kenny: I do not think anyone is suggesting anything illegal happened here, but would you say this was best practices?

Mr. Neville: Let us not forget that legislation was introduced in October of 2000. However, with the call of the election it died on the Order Paper. With the reopening of Parliament, it was reintroduced and done so for factual purposes on February 2, 2001. That being said, there was a willingness on the part of the government to move this forward. A two-track approach in fact ensued, one taking the corporation, since it was in fact incorporated, and moving some funds to keep it going, and at the same time allowing for the legislation, which is proceeding.

It is a question of circumstances with the election having been called. It did change the approach. Now it is back on track.

Senator Kenny: Bluntly put, do you not think this tends to make Parliament a bit irrelevant?

Ms Robillard: Why are you saying that?

Senator Kenny: The law is in the past, Minister. Surely we pass the laws first and then we spend the money after.

Ms Robillard: I would say that we can use other legitimate tools. Sometimes we use the legislation; sometimes we do not.

Senator Kenny: You feel this is best practices, Minister?

Ms Robillard: That was a cabinet decision.

In their respective Estimates for 2000 and 2001, the fiscal year for which Parliament was asked to allocate $100 million for the foundation, Environment Canada and Natural Resources each set aside $50 million for purposes of the foundation, which foundation was not authorized by Parliament prior to the end of that fiscal year. In their respective Estimates for the current fiscal year, each department repeats the $50 million.

Honourable senators, how does one explain a budget item which has lapsed being shown in the Estimates for the following fiscal year for which there has yet to be a budget? How does one explain the transfer of public funds whether in the year for which they were intended, or the year later, to a private corporation without Parliament's approval of the objectives of that corporation?

We know the views of the Energy Committee, that the whole procedure is an affront to Parliament. Only yesterday the National Finance Committee tabled its report on the 2001-02 Estimates and came to this damning conclusion:

> The members of the Committee condemn this process, which creates and funds a $100-million agency without prior Parliamentary approval.

Honourable senators, if we support this bill, we will unashamedly support the government's blatant spending of public monies prior to parliamentary approval. The issue before us is not the purpose of the bill as such, but those clauses which ask us to give legitimacy, if not legality, to what has been an illegitimate if not illegal process. Monies have been transferred without parliamentary approval. It is as simple and as scandalous as that.

To support this bill is to make a mockery of any defence of Parliament's rights and prerogatives. To support this bill is to confirm executive arrogance and disdain for Parliament. To support this bill is to abdicate our fundamental responsibilities to the desires of an unaccountable executive. The issue before us is not the bill itself, although I do not support a policy of moving public funds into private corporations called on to carry out government policy that existing departments, as Senator Cochrane has pointed out, are perfectly capable of carrying out themselves.

The creation of semi-independent agencies and not directly accountable corporations is a form of privatization, the privatization of Parliament. The government likes to call it a partnership, but it is a partnership between government and the private sector and not what it should be, a partnership between Parliament and the private sector. However, this is a debate for another day.

The real issue before us is the relevancy of Parliament. In the other place, there is a growing frustration and disenchantment over the concentration of authority in the Prime Minister's Office, while here alarm has been raised many times over the number of bills which ignore the Senate as an equal to the House of Commons, as specified in the Constitution.

A vote in favour of Bill C-4 is a vote in approval of the government's shameless disregard for basic conventions. Funds were allocated which have yet to receive Royal Assent. The pertinent bill for the Estimates, a supply bill, was tabled today for discussion later today and tomorrow, that is Bill C-29. That is where the $50 million or $100 million is, whether it receives budgetary support or not. We have yet to give that bill Royal Assent.

In the last fiscal year, Natural Resources and Environment each set aside $50 million for the foundation, as allowed in the budget for that year. In the current fiscal year, as I said before, each department shows $50 million again. Where is the authority? There has been no budget this year. What right allows the transfer of certain funds to a private corporation when this year's Estimates have yet to be approved?

By what right has a private corporation to carry on as an agent of Parliament, when Parliament has not given that corporation the authority? What has the corporation done since March 8, 2001? Has it hired staff, rented office space or prepared documentation for applicants? What has happened to the funds transferred to it that Parliament has not authorized?

Honourable senators, there are too many unanswered questions and I have given but a few of them. This is simply not the appropriate time to vote on Bill C-4. Nor can we ignore the condemnation of the government's actions by two of our standing committees. These were unanimous observations, without dissent. We cannot ignore the obvious discomfort, to put it mildly, of the Auditor General designate.

As a number of matters raised in the Senate were not brought to the attention of the members in the other place when Bill C-4 was being debated there, it is only appropriate that they be acquainted with them and allowed to reconsider their vote in light of the information before the Senate.

MOTION IN AMENDMENT

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, pursuant to rule 59(1), seconded by the Honourable Senator Cochrane, I move:

> That Bill C-4 be not now read the third time, but that it be referred back to the House of Commons for further study.

• (1620)

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

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

Some Hon. Senators: Yea.

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

Some Hon. Senators: Nay.

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

And two honourable senators having risen:

Hon. Anne C. Cools: Honourable senators, there is a structural problem. It is not possible to refer a bill to the House of Commons.

The Hon. the Speaker: I have put the question, Senator Cools. The voice vote has been taken and now it is my duty to call in the senators and to ask for the bells to be rung. I will take my seat in a moment to see whether there is an agreement on the time for bells.

Hon. Mabel M. DeWare: Honourable senators, pursuant to rule 67(1), I wish to defer this vote until tomorrow at three o'clock, with a half-hour bell, if my colleague will agree to the time.

Hon. Bill Rompkey: We are agreeable to that, honourable senators.

The Hon. the Speaker: The question has been put. Two senators have risen and there is to be a vote. The vote is deferred not to 5:30 p.m., as the rules provide, but to three o'clock, by agreement and consent of the house. Therefore, the bells will ring at 2:30 p.m. for a vote at three o'clock. Is it agreed, honourable senators?

Hon. Senators: Agreed.

[*Translation*]

YOUTH CRIMINAL JUSTICE BILL

SECOND READING—ORDER STANDS

On the Order:

> Resuming debate on the motion of the Honourable Senator Pearson, seconded by the Honourable Senator Poy, for the second reading of Bill C-7, in respect of criminal justice for young persons and to amend and repeal other Acts.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, as regards Item No. 4 on the Order Paper, resuming the debate at second reading of Bill C-7, in respect of criminal justice for young persons, could the honourable senators opposite advise us when they will be ready for debate on second reading?

We received the bill on May 30. On June 5, the Honourable Senator Pearson moved second reading, and at the end of her speech, the debate was adjourned. Many senators would like to move forward with this bill, because it is an important piece of legislation.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I thank the Deputy Leader of the Government for his question. I am pleased to inform you that Senator Andreychuk has begun an in-depth review of this bill. However, honourable senators will understand that, since we do not enjoy the support of all the departments as our colleagues opposite do, we must conduct our own research.

Senator Andreychuk, a former judge, is very knowledgeable about this area of the law. Her speech concerning the explanation of the principle underlying this bill will be vital. If senators opposite wish to speak now at second reading stage, we are prepared to give up our colleague's position, provided that, as opposition critic, she is allowed to keep her allotted 45 minutes.

Senator Robichaud: Honourable senators, I am still waiting for the answer to my question. From what he has said, Senator Kinsella is inviting us to continue the debate. We are in agreement. If senators on this side wish to speak, we will still leave the senator opposite 45 minutes to state her position. Before proceeding, however, my colleagues on this side of the chamber would still like to know what the opposition's position is. May we expect them to reveal it in a sitting in the near future?

Senator Kinsella: Honourable senators, as one of my professors taught me, it is always better to speak from the point of view of a historian than that of a prophet. I hope that Senator Andreychuk will be ready, if not next week, then the week after that, but within a reasonable amount of time.

Order stands.

[*English*]

APPROPRIATION BILL NO. 2, 2001-02

SECOND READING—DEBATE ADJOURNED

Hon. Isobel Finnerty moved second reading of Bill C-29, for granting to Her Majesty certain sums of money for the Public Service of Canada for the financial year ending March 31, 2002.

She said: Honourable senators, this bill, Appropriation Act No. 2, 2001-02, provides for the release of full supply for the 2001-02 Main Estimates a total of $36.1 billion. The Main Estimates were tabled here and in the other place on February 27.

The 2001-02 Main Estimates total $165.2 billion, an increase of 5.8 per cent over the 2000-01 Main Estimates. This reflects the expenditure plan set in the Minister of Finance's October 2000 Economic Statement and Budget Update. It includes provisions for spending under statutory programs and for authorities sought through Supplementary Estimates. The budget update also provides for the revaluation of the government's assets and liabilities, and allows for the anticipated lapse of spending authority.

• (1630)

The Estimates include information on budgetary and non-budgetary spending authorities. Appropriation Act No. 1, 2001-02, provided for the release of the Interim Supply for 2001-02 Main Estimates amounting to $16.3 billion. Interim Supply received Royal Assent on March 30, 2001. Parliament is now being asked to consider the appropriation bill for Full Supply, the remaining portion of spending appropriated annually.

Budgetary expenditures include servicing the public debt, operating and capital expenditures, transfer payments and payments to Crown corporations. Non-budgetary expenditures include loans, investments and advances.

These Main Estimates support the request for parliamentary authority to spend $52.4 billion under the program authorities. The remaining $112.8 billion is statutory.

The following is an overview of the 2000-02 Main Estimates.

Major increases: $3.8 billion for the Canada Health and Social Transfer payments to the provinces; $1.4 billion for direct transfers to individuals, such as Old Age Security; $957 million for fiscal equalization payments to the provinces; $596.1 million for National Defence spending; $360.3 million for the new Infrastructure Canada Program; $283.8 million for salary increases, including funds for the salaries of judges and RCMP members, and related employee benefit costs; $200 million for Government Contingencies, Vote 5, relative to such items as the amount and timing of claims settlements for First Nations; $195.2 million for employee contributions to insurance plans for public service employees; $143.8 million for the international assistance envelope; $120 million relating to the implementation of the Canadian Research Chairs Program; $116.2 million to carry out the 2001 census of the population scheduled for May 15, 2001; $114.9 million for Indian and Inuit programming initiatives to help Indians and Inuit achieve self-government and economic, social and cultural aspirations; $107 million relating to the establishment of the new Agricultural Risk Management Program; and $100 million for transfer payments to territorial governments.

Major decreases: $505 million due to the sunsetting of the Agricultural Income Disaster Assistance program; $300 million for reduced forecast of public debt, interest and servicing costs; $265.7 million for the decrease in resource assistance activities in Kosovo as well as the termination of the Canadian Forces presence in Kosovo; $245 million for the reduction in grants to trustees with Registered Education Savings Plans; $204 million for the Canada Student Loans Program; $191 million for the decrease in grants and contributions programs to provinces under the terms of the Disaster Financial Assistance Arrangements; $165.8 million for the encashment of demand notes by the international financial institutions; $115.4 million for the decrease in budgetary payments to various international financial institutions; and $101 million for reduced requirements under the School Net Community Access Program.

With respect to non-budgetary Main Estimates, the major increase is $1.9 billion for the estimated direction to students under the new direct financing arrangements of the Canada Student Loans Program. The major decrease is $437.9 million in non-budgetary payments to a variety of international financial institutions.

Honourable senators, should you require additional information, I would be pleased to provide it to you.

On motion of Senator Kinsella, for Senator Murray, debate adjourned

BILL TO REMOVE CERTAIN DOUBTS REGARDING THE MEANING OF MARRIAGE

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Cools, seconded by the Honourable Senator Wiebe, for the second reading of Bill S-9, to remove certain doubts regarding the meaning of marriage.—(*Honourable Senator Cools*).

Hon. Anne C. Cools: Honourable senators, I rise to speak to the second reading of my bill, Bill S-9, to remove certain doubts regarding the meaning of marriage. Bill S-9 will create a statute called an act respecting marriage. Its short title will be the Marriage Act.

Bill S-9 is a consequence of the Modernization of Benefits and Obligations Act enacted in June 2000. That omnibus act amended numerous statutes in respect of same-sex benefits and pensions. Its section 1.1 set out the meaning of marriage as an interpretation tool for the purposes of that particular act and distinguished marriage as unique to man and woman. Section 1.1 stated:

> 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.

Those words "one man and one woman to the exclusion of all others" are from the 1866 judgment in the case of *Hyde v. Hyde* in the United Kingdom's Courts of Probate and Divorce. Believing that it would be consistent and appropriate that that very same meaning of marriage should be set out in an act specific to marriage, I have developed Bill S-9 and have placed it before the Senate. Bill S-9 will create a specific marriage act that is also based on *Hyde v. Hyde's* definition of marriage as the lawful union of one man and one woman. I shall provide the Senate with a historical and legal analysis of marriage as a societal phenomenon that is foundational to society itself.

Honourable senators, I shall begin with one example of a church marriage service, being the 1549 Anglican Church's *Book of Common Prayer,* which calls it "The Form of Solemnization of Matrimony." This service begins:

> Dearly beloved, we are gathered together here in the sight of God, and in the face of this Congregation, to join together this man and this woman in holy Matrimony, which is an honourable estate, instituted of God...

These are familiar and ancient words repeated by and to generations.

The *Book of Common Prayer* service tells the purpose of marriage, saying:

> 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;

The *Book of Common Prayer* service's Gospel reading Mathew, chapter 19, verses 4 to 6, repeats this saying:

> Jesus answered and said unto them, Have ye not read, that he which made them at the beginning made them male and female, and said, For this cause shall a man leave father and mother, and shall cleave to his wife: and they twain shall be one flesh? Wherefore they are no more twain, but one flesh.

All the major religions of the world that form the basis of our Canadian heritage have similarly upheld marriage as between man and woman. Marriage is a solemn act with a profound social purpose. Marriage was also a sacrament that hallowed the unique ability of the sexual union of man and woman to bring forth issue, to procreate, that is, reproduction. The public interest in marriage is reproduction, the continuation of the species, the offspring. There is no public interest in sex or the gratification of sexual impulses for their own sake.The law's interest is the public interest in the continuation of the species and the children.

Honourable senators, a word now about reproduction and conjugal sex. In the Senate, I have maintained that the term "conjugal" is a term of matrimonial law and that conjugal sex is unique to the male and female sexual union. I had opposed the statutory use of this matrimonial law term "conjugal" to describe homosexual sexual relationships in the Modernization of Benefits and Obligations Act. I believe that such drafting was intended to create conditions for court challenges and judgments and that such drafting is intended to defeat marriage as between a man and a woman.

I had said that conjugation means genetic mixing. In biology, *The Shorter Oxford English Dictionary* defines "conjugation" as the union of two cells for reproduction. In biology, conjugation is the act of genetic recombination; that is, the recombination of genetic materials. A consequence of this genetic mixing is the production of offspring called children in the human species. Being of the same species, human offspring are similar to both parents, but though of the same species, on an individual basis, each offspring is a unique organism and a unique person.

Honourable senators, the prerequisite condition, the condition absolutely necessary for genetic recombination in humans — that is, for procreation — is the existence of two different mating types. For procreation or reproduction to occur, there must be two mating types of the same species, but yet two different mating types. They must be different from each other biologically, different in both mating capacity and different in mating function. This difference means a male and a female. The two necessary mating types are a genetic donor, typically described as male, a man; and a genetic recipient, typically described as female, a woman. This fusion of genetic materials 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 is not possible where two organisms are of the same mating type — a condition described as homosexuality. Homosexual sexual activities cannot be conjugal for the purposes of mating because two homosexuals are of the same mating type. Consequently, homosexual sexual activities and relationships cannot be conjugal relationships because they cannot conjugate.

• (1640)

Honourable senators, I come now to our Constitution. The British North America Act, 1867, section 91(26) sets out "Marriage and Divorce" and assigned it to the powers of the Parliament of Canada. The BNA Act, section 92(12), sets out "The Solemnization of Marriage in the Province" and assigned it to the powers of provincial legislatures. The history of this separation between the whole marriage and divorce, and the solemnization of marriage alone needs to be told. To do this, we must look to the Fathers of Confederation, the Confederation Conferences, and to the Confederation Debates, all between 1864 and 1867. At the Quebec Conference in October 1864, the subject of marriage and divorce had been wholly assigned to Parliament. At Quebec, in those resolutions, there had been no separate category on the solemnization of marriage. This separation only happened at London. Between the 1864 Quebec conference and the 1866 London conference, events and politics, including the Confederation debates had occurred. These events resulted, at the London conference, in the Fathers of Confederation cutting out the peculiar power of the "solemnization of marriage" from the general power of "marriage and divorce," and assigning it to the local legislature as a separate legal and constitutional category. The solemnization of marriage attained its own constitutional category for some very profound reasons that were mostly religious and moral.

Honourable senators, I come now to the Confederation debates on the 72 Quebec resolutions, being the 1865 debates in the Legislative Council and the Legislative Assembly of the United Province of Canada. On February 3, 1865, in the Legislative Council, Sir Étienne Taché, Premier of the Province of Canada, moved the motion for the debate on those 1864 Quebec resolutions. That same day, on February 3, three days before debate in the Legislative Assembly was to begin, Mr. Cauchon, a Quebec member from Montmorency asked a question of John A. Macdonald, then Attorney General of Canada West, about the law of marriage. Mr. Cauchon asked whether marriage was assigned to the general Parliament or to the local legislatures. About Mr. Cauchon, the debates, as recorded in Parliamentary Debates on the Subject of the Confederation of the British North American Provinces, report that:

> There were part of the resolutions about which there might be some misunderstanding and difference of opinion, as for example those clauses by one of which it was stated that the civil laws of the country were to be under the control of the local governments, and by the other of which the law of marriage was placed under the control of the General Government. The law of marriage pervaded the whole civil code, and he wanted to know how it could be placed under a different legislature from that which was to regulate the rest of the civil law.

Mr. Cauchon's questions were pivotal. Three days later, on February 6, 1865, John A. Macdonald began the debate in the Legislative Assembly on the same motion on the Quebec resolutions already under debate in the Legislative Council. The French Canadian Roman Catholics caused debate on marriage. On February 21, 1865, in the Legislative Assembly, Hector Langevin, then Solicitor General for Canada East, explained marriage by saying:

> With the view of being more explicit, I now propose to read how the word marriage is proposed to be understood:
>
> The word marriage has been placed in the draft of the proposed Constitution to invest the Federal Parliament with the right of declaring what marriages shall be held and deemed to be valid throughout the whole extent of the Confederacy, without, however, interfering in any particular with the doctrines or rites of the religious creeds to which the contracting parties may belong.
>
> This is a point of great importance, and the French Canadian members ought to rejoice to see that their fellow-countrymen in the Government have not failed in their duty on a question of so serious a nature.

The Fathers of Confederation were attentive to the religious needs of their followers. On February 20, 1865, in closing debate, Premier Taché said:

> If the honourable gentleman will but take his pen, he will be able to note my answer: The word ..."marriage" has been inserted to give the General Legislature the right to decide what form of marriage will be legal in all parts of the Confederation, without in any way interfering with the rules and prescriptions of the Church to which the contracting parties belong.

The French Canadian Roman Catholic concerns would prevail at the 1866 London Conference.

Honourable senators, in 1866, in London, England, at the London conference, the Fathers of Confederation cut out the solemnization of marriage from marriage and divorce and assigned it to the local or provincial legislatures. The London Conference's resolution had used the phrase "Property and civil rights, including the solemnization of marriage." The first draft of the bill, dated January 23, 1867, changed this, so that the solemnization of marriage attained its own category distinct from property and civil rights. Section 37(12) "The Solemnization of Marriage in the Province," and section 37(13) "Property and Civil Rights in the Province." This structural and constitutional difference between the dominion's powers in "marriage and divorce," and the provincial legislative powers in the "solemnization of marriage," was maintained throughout the next several drafts of the BNA Act. I believe, honourable senators, there were seven or eight drafts in all.

On February 12, 1867, Lord Carnarvon, the Secretary of State for the Colonies, introduced the BNA Act in the United Kingdom's House of Lords. Weeks later, on February 26, 1867, it was introduced in the House of Commons. The BNA Act received Royal Assent on March 29, 1867, and was proclaimed on July 1, 1867, Dominion Day, now called Canada Day.

Honourable senators, Sir John A. Macdonald always maintained that the power given to the local legislatures on the solemnization of marriage was inserted in the BNA Act at the instance of the representatives of Lower Canada, who, as Roman Catholics, desired to guard against laws legalizing civil marriages without their clergymen or their religious rites. They desired that the legislature of each province should deal with this religious portion of the law of marriage, being solemnization. To the Parliament of Canada was left the power over all legislative matters relating to the status of marriage, specifically between what persons and under what circumstances marriage shall be created.

Honourable senators, Bill S-9 will re-establish the Marriage Act and legislate that marriage is between one man and one woman, as based on *Hyde v. Hyde*. Bill S-9's clause 3 states in part that:

> Marriage has the meaning declared in the 1866 decision of *Hyde v. Hyde* in the Courts of Probate and Divorce in the United Kingdom, and as understood in sections 91 and 92 of the *Constitution Act, 1867*, being a voluntary union of one man and one woman as husband and wife to the exclusion of all others...

• (1650)

Hyde v. Hyde is and was the definitive judgment on the meaning of marriage. My bill simply upholds and declares that fact. My bill is based on Minister of Justice Anne McLellan's definition drafted from *Hyde v. Hyde* into the Modernization of Benefits and Obligations Act passed last year. I also based it on the minister's words in the House of Commons debate on marriage in June 1999.

In the House of Commons, on June 8, 1999, Minister McLellan spoke on a resolution on marriage proposed by Eric Lowther, then Reform Member for Calgary Centre. That resolution said:

> That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps to preserve this definition of marriage in Canada.

The minister thanked Eric Lowther, saying:

> I would like to thank the hon. member...for giving the government the opportunity to clarify our position on this important issue.

Minister McLellan continued:

> The definition of marriage, which has been consistently applied in Canada, comes from an 1866 British case which holds that marriage is "the union of one man and one woman to the exclusion of all others". That case and that definition are considered clear law by ordinary Canadians, by academics and by the courts. The courts have upheld the constitutionality of that definition.

She then told the House of Commons that the Ontario Divisional Court had upheld the constitutionality of that definition of marriage in the 1993 case *Layland v. Ontario*. She quoted Mr. Justice Southey's judgment that:

> Unions of persons of the same sex are not "marriages", because of the definition of marriage. The applicants are, in effect, seeking to use s.15 of the Charter to bring about a change in the definition of marriage. I do not think the Charter has that effect.

In concluding, the minister said:

> I support the motion for maintaining the clear legal definition of marriage in Canada as the union of one man and one woman to the exclusion of all others.

This motion carried on June 8, 1999 by a vote of 216 to 55. A few months later, in March 2000, as a result of that, the Minister of Justice was compelled to amend the Modernization of Benefits and Obligations Act to include this definition of marriage while the bill was in Commons committee.

Honourable senators, I also note that about two months ago we passed the Federal Law-Civil Law Harmonization Act, No. l, section 5 of which, with regard to marriage, stated:

> Marriage requires the free and enlightened consent of a man and a woman to be the spouse of the other.

By this, the government has now recently used *Hyde v. Hyde*'s definition of marriage in two different federal statutes. This reveals the need for a specific marriage act. Bill S-9 is that, and it merely confirms the definition of marriage as it already existed in law and as it was intended in the British North America Act, 1867.

Honourable senators, Bill S-9 places the meaning of marriage, as per *Hyde v. Hyde*, into statute with the title the Marriage Act. The bill is declaratory of the law as it has stood. I shall cite the precise words from *Hyde v. Hyde* as delivered in judgment in 1866 by Lord Penzance, the eminent jurist. Lord Penzance said:

> I conceive that marriage...be defined as the voluntary union for life of one man and one woman, to the exclusion of all others.

Undoubtedly, the Fathers of Confederation, particularly John A. Macdonald, Hector Langevin, and also Lord Carnarvon, the sponsor of the act in 1867, were all informed of Lord Penzance's 1866 ruling in *Hyde v. Hyde*. Undoubtedly, the meaning of marriage in the BNA Act 1867's sections 91 and 92 is that which the Fathers of Confederation had intended and meant, namely, as between "one man and one woman."

Honourable senators, a marriage is a public act simultaneously combining a personal rite of passage with the force of law. A marriage is no ordinary contract. Marriage cannot be entered into simply by the consent of the contracting parties, and no agreement between the parties can alter its terms and conditions. Further, a marriage cannot be dissolved or terminated by simple agreement of the parties. Clearly, the word "contract" in respect of marriage is not always helpful and often insufficient to explain marriage socially, legally and constitutionally.

Honourable senators, I come now to the nature of marriage. I shall cite two other celebrated judgments, one by the same Lord Penzance later in 1870, and the other by Lord Birkenhead in 1922. In *Mordaunt v. Mordaunt*, in the Courts of Probate and Divorce, Lord Penzance posed an important question, being whether "...marriage is an ordinary contract?" Lord Penzance answered the question thus:

> Marriage is an institution. It confers a status on the parties to it, and upon the children that issue from it. Though entered into by individuals, it has a public character. It is the basis upon which the framework of civilized society is built; and, as such, is subject in all countries to general laws which dictate and control its obligations and incidents, independently of the volition of those who enter upon it. Marriage, moreover, has features, which belong to no other contract whatever; ...

In the 1922 House of Lords case *Rutherford v. Richardson*, Lord Chancellor, Lord Birkenhead said:

> ...marriage is more than a simple contract between spouses, or a thing which they can dissolve by their own acts and choice, even consensually. It is a status, involving other and more important interests...

I ask senators to direct their minds to the social and legal constructs, being "status" and the "other and more important interests." Marriage confers a civil status. Further, the more important interests are best described as the public character of marriage and the nature of marriage itself as a public act.

Honourable senators, I come now to the civil status and those more important interests. These are the public interests, formerly described as the public good, the common good. The public good in marriage is the procreation of children and the public protection of that sexual act which causes procreation. It is that which attaches the law and Her Majesty's agreement. Marriage is no mere mutual agreement between a couple. It is an agreement among three parties, not two. There are three parties to a marriage as there are to a divorce. The third party in every marriage is Her Majesty the Queen. The Queen, embodying the public character, is a party to every marriage as to every divorce. It is under the law of the Royal Prerogative that marriage in Canada is performed. The Royal Prerogative grants licences to clergymen and commissions to judges and justices of the peace to perform marriages. The Royal Prerogative vests legal and civil authority in them to perform marriages, to pronounce persons married and to confer on married persons a peculiar civil status. The grant of licences and commissions are acts of the Royal Prerogative. Marriages can only be performed, that is, solemnized by persons licensed or commissioned by Her Majesty the Queen. The power to perform marriage, to join persons in marriage, is the Queen's Royal Prerogative. After the conquest of 1759, this prerogative power in 1763 was vested, by royal commission, in the then Governor-in-Chief of Quebec, Captain James Murray. On Confederation in 1867, that prerogative power by commission was vested in Governor General Monck, the Queen's representative and the first Governor General of Canada. That prerogative power is still held by the Queen and her representatives. The sovereign, the Queen, holds an absolute interest, the public interest, in every marriage. By the Royal Prerogative, in Canada our Constitution has given the Queen and her representatives special powers in these life and death questions. In the marriage law, that prerogative power has buttressed marriage as the protector of life itself. The Queen's prerogative powers protect and superintend the continuation of the species.

Honourable senators, the determination of who may marry is a power reserved exclusively to the Law of the Prerogative, *lex prerogativa*, and the Law of Parliament, *lex parliamenti*. The courts have no constitutional power whatsoever to determine the civil status of marriage, the public character of marriage, or those persons who may marry. My bill's preamble, in its fifth paragraph, states:

> AND WHEREAS it is expedient that the meaning of marriage as public policy be determined by the Parliament of Canada because marriage is a matter and a cause that is cognizable only by the High Court of Parliament;

I repeat, the meaning of marriage is a cause cognizable only by the High Court of Parliament.

The constitutional power to determine who may marry, that is, the legal capacity to marry, rests not with the courts but with Parliament and the Queen. In the law of marriage, Her Majesty holds two constitutional roles, a double constitutional role: one as the enacting power of Parliament in the Royal Prerogative of Royal Assent to bills, and, secondly, in the act of marrying people in the Royal Prerogative of license and assent to marriage.

Honourable senators, marriage is the permanent union of a man and a woman, moved by the instinct of reproduction. Marriage is that legal, civil and religious arrangement which has sustained and maintained the sexual union of a man and a woman.

Historically and legally, marriage had been a sacrament of the Church and the sole sexual union supported by the law or by the Church. The lust for sex, the sexual impulse, or sexual drives are supported nowhere else in law. In fact, the law has always eschewed lust and sought to constrain and limit lust.The law understands that sexual impulses have no limits and that left to their own will and devices can become inordinate. The lust for sex, for sexual gratification, unbounded and unbridled by social and legal boundaries, is antisocial. Such unbridled lusts can be socially disastrous because of the very nature of lust itself.

Human lust is actuated by strong primitive instinctual cravings, impulses and urges. These urges are powerful and profound and can become ungovernable. It was to the governance of one sexual urge, the man and woman sexual union and its procreation factor, that marriage was developed. Marriage was developed for the protection of the function of procreation, for the continuation of the species, and the securing of property therein. Marriage is about the governance of that powerful organic force between men and women, that force of nature which is driven by nature's sexual instinct to bring forth offspring, to reproduce. It is a powerful instinct and not totally understood. Marriage purports to be the healthy condition for the proper exercise of those sexual functions to which the reproduction of the species has been entrusted. Marriage attempts to limit the negative, even contrary effects of the abuse of those sexual functions to which reproduction has been entrusted.

Honourable senators, little is known about the origins of the moral life and behaviour of human beings. However, we do know that primitive morality developed around the preservation of life, meaning food usage, and around the preservation of the species, being procreation. Around the satisfaction of these instinctual needs, we find a knitting together of the instinctual processes around pregnancy, birth, puberty, marriage and death as being encounters in which human beings are forced to confront the sacred and the divine. These instinctual processes were all bound up with the great instinctual preoccupation of self-preservation and the preservation of the species. Consequently, these human impulses, including human sexual needs, also gathered to themselves much moral thought, moral code, and eventually regulation and even law.

Life and the handing on of life are two vital societal interests. Primitive morality with its primitive taboos and customs eventually developed over millenniums into the mature body of law called the law of marriage. The law on marriage was assembled for good reason and is constitutionally protected by Parliament and Her Majesty the Queen. Human life is so vital and the man-woman sexual act in procreation is so pivotal that the body of law called the law of marriage buttressed this sexual act. It did so because the law understood that lust, like all human passions, is not to be trusted. Lust and sex on their own have no public character and contain no public interest or public good. Marriage is about man and woman in a peculiar act of bringing forth offspring.

Honourable senators, I thank Senator Wiebe for seconding this bill. I thank all honourable senators for their attention and I urge all honourable senators to support my Bill S-9.

Hon. Jack Wiebe: Honourable senators, it is my great privilege to have the opportunity to second Bill S-9. It is my intention to contribute to the debate, but like my colleague from Saskatchewan, Senator Andreychuk, I wish to study quite seriously the content of Senator Cools' remarks and would hope to make my comments some time next week. In that case, I move the adjournment of the debate.

On motion of Senator Wiebe, debate adjourned.

STUDY OF HEALTH CARE SYSTEM

BUDGET AND REQUEST FOR AUTHORITY TO TRAVEL—REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—release of additional funds) presented in the Senate on June 12, 2001.—(*Honourable Senator Kirby*).

Hon. Marjory LeBreton moved the adoption of the report.

Motion agreed to and report adopted.

OFFICIAL LANGUAGES

BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES—REPORT "A" OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report (A) of the Standing Joint Committee on Official Languages (budget) presented in the Senate on June 12, 2001.—(*Honourable Senator Maheu*).

Hon. Shirley Maheu moved the adoption of the report.

Motion agreed to and report adopted.

[Senator Cools]

• (1710)

STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE

BUDGET—REPORT OF FOREIGN AFFAIRS COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Foreign Affairs (budget—release of additional funds) presented in the Senate on June 12, 2001.—(*Honourable Senator Stollery*).

Hon. Peter A. Stollery moved the adoption of the report.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

BUDGET AND REQUEST FOR AUTHORITY TO TRAVEL—REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the seventh report of the Standing Senate Committee on Energy, the Environment and Natural Resources (budget—release of additional funds) presented in the Senate on June 12, 2001.—(*Honourable Senator Taylor*)**.**

Hon. Nicholas W. Taylor moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON STATE OF FEDERAL GOVERNMENT POLICY ON PRESERVATION AND PROMOTION OF CANADIAN DISTINCTIVENESS

BUDGET AND REQUEST FOR AUTHORITY TO ENGAGE SERVICES—REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE ADOPTED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Social Affairs, Science and Technology (budget—special study on Canadian identity) presented in the Senate on May 16, 2001.—(*Honourable Senator Kirby*).

Hon. Marjory LeBreton moved the adoption of the report.

Motion agreed to and report adopted

DEFERRED MAINTENANCE COSTS IN CANADIAN POST-SECONDARY INSTITUTIONS

INQUIRY

On the Order:

Resuming debate on the inquiry of the Honourable Senator Moore calling the attention of the Senate to the emerging issue of deferred maintenance costs in Canada's post-secondary institutions.—(*Honourable Senator Austin, P.C.*).

Hon. Norman K. Atkins: Honourable senators, it gives me great pleasure today to join in the inquiry started by Senator Moore regarding the problems that beset our post-secondary educational institutions in Canada because of the enormous costs associated with deferred maintenance.

I want to thank Senator Moore for raising this issue because I believe it complements the issue of student debt and the problems associated with the Canada Student Loans Program, which I tried to highlight in an inquiry that I initiated in the last Parliament.

My purpose in joining in the inquiry today is to broaden the debate. You can be assured, honorable senators, that I am not proposing any amendments to the inquiry. I wish to lend my support to what I hope will be the natural conclusion of this inquiry. That conclusion should be a referral of all the funding issues concerning post-secondary education to the Standing Senate Committee on National Finance.

Honourable senators, as horrendous as the problems associated with the lack of regular maintenance on our post-secondary institutions are, they are symptomatic of the larger problems that beset these institutions, their faculty and students. I do not believe you can study and attempt to resolve one issue or problem in isolation from the others.

We need a definitive vision as to the future of post-secondary education in Canada. The base from which I think we must begin to address the problem is to decide as a nation what role post-secondary education is to play in our future prosperity and then build upon that role accordingly.

In building on that role, we must address four related matters. I list them in no particular order of importance. They are equally important.

The first is the crumbling infrastructure of post-secondary educational institutions, which Senator Moore has raised in this inquiry. The second is the serious shortage of professors now and in the indefinite future. The third is the combined issues of student debt and how qualified students in financial need are to be guaranteed access to post-secondary education. The fourth is the funding of university research.

All of these problems could probably be solved if someone would write a great big cheque. The problem is that there does not seem to be any one body, be it government or otherwise, willing to do so. Our job in discussing these issues is to first identify what we are trying to accomplish by post-secondary education — our vision — and then devise new innovative ways to tackle the issue of funding, which, in turn, will begin to resolve the four issues that I have raised.

For a vision, we could do no better than to revisit the report to which Senator Andreychuk referred in her intervention on this inquiry. I speak of "A Senate Report on Post-Secondary Education in Canada" produced by the Special Senate Committee on Post-Secondary Education chaired by two senators, now retired, Senator M. Lorne Bonnell and Senator Thérèse Lavoie-Roux.

On page 3, that report states, in part:

> We envision a post-secondary capacity of national scope which, to the fullest extent that resources permit, is characterized by:
>
> - research and development at the highest standard, making original contributions to the global understanding of ourselves and others...
>
> - programs of education and training beyond secondary school the quality of which rivals the best of those available elsewhere, that collectively encompass all disciplines and levels of post-secondary study, and that serves the many purposes of learning — for democratic citizenship, for personal development, for employment, and for sheer enjoyment and enrichment.

If that is our vision, how do we address the main problems in post-secondary. First, we must set aside jurisdictional squabbles. These are national issues, and it will take a Canada-wide plan to address them. From the federal government, we need to explore restoring the cash portion of the CHST to at least 1993-1994 levels immediately.

If we are interested in addressing the problems of post-secondary education, however, we must ensure that a certain percentage of this money actually goes into post-secondary education. The problems are real. They must be recognized as real. If we are to specifically address them, it perhaps would mean that we return to conditional grants.

While those who have spoken so eloquently before me have addressed in details the problems of deferred maintenance, I would like to take a few minutes to add a few comments to that debate. I would also like to outline the other issues that must be dealt with if we are to arrive at a holistic solution to the post-secondary issues in Canada.

The need for additional university and college professors in Canada is well present in "Faculty Renewal, the Numbers, the Direction," published by the Association of Universities and Colleges of Canada. The situation with regard to university faculty is particularly troubling. Between 1992 and 1997, there was a 10 per cent reduction in the number of faculty at Canadian universities, while full-time student enrolment rates have remained stable. Universities will have to hire more than 12,000 new faculty members over the next 10 years to meet increased enrolment demands and to replace those faculty who were cut back throughout the 1990s.

In addition, about 20,000 faculty will need to be hired to replace a large cohort of faculty members who will be retiring. Canadian universities will need to compete internationally to gain these 32,000 new faculty members. That is a staggering challenge, considering that there are only 33,000 faculty in Canadian universities at present.

How will we attract quality professors? We must recognize that Canadian universities are competing in the global marketplace. There are few incentives to stay in university today. The obvious answer is money. We must provide well-resourced research/work facilities with the latest equipment, libraries with current materials and campuses where shingles are not falling off the roof. Universities must be resourced so that they can compete with the private sector.

• (1720)

Following up on this, I believe it is imperative that we review the way we deal with research grants. Such a review should also take into consideration the role of the private sector in both direct research and financial support.

Research grants awarded by the granting councils only contribute toward the direct costs of research. Since indirect costs can be substantial — for example, 40 per cent or more of the total direct costs — Canada is at a competitive disadvantage in relation to countries such as the United States and the United Kingdom where mechanisms for the funding of the total costs of research exist. In fact, U.S. universities enjoy a significant competitive advantage over Canada as they can invest the additional resources into research staff and students.

The recently announced program of 21st Century Chairs for Research Excellence allows for the compensation of researchers and for all costs associated with their research activities, such as administrative and research support. However, it will apply only to a maximum of 2,000 researchers, leaving such support absent for the other 30,000 professors and researchers in Canadian universities. For the most part, this will be absorbed by the larger universities. In order for the smaller universities to benefit, thought must be given to partnership with government and industry in the area of research and development.

I have spoken at length in this chamber about the problems of student debt and the need to find new ways to ensure access to post-secondary education by qualified students who lack financial resources. Therefore, I will briefly list some of the problems along with possible solutions.

Based on evidence given by the Canadian Federation of Students to the House of Commons Finance Committee, the average student debt upon graduation has increased from $8,900 in 1990 to $25,000 in 1998. It is higher now. This dramatic increase has put higher education out of reach for most low-income Canadians. These amounts must be paid back out of after-tax money, making it imperative that graduates have the opportunity to find satisfactory jobs.

Of the 29 members of the OECD, Canada and Japan are the only two countries without a national grants program. The Canadian Federation of Students, in its submission to the House of Commons Standing Committee on Finance in the fall of last year, stressed that a needs-based program is the only method of ensuring that those Canadians who cannot afford the up-front costs of post-secondary education have access to the system.

A recent British Columbia study produced by the Minister of Advanced Education states that recent research shows that young people from low- and moderate-income families find costs a barrier to accessing and completing post-secondary studies. The university participation rate for 18- to 24-year-olds from lower socio-economic backgrounds has increased very little over the past eight years in comparison with learners from higher socio-economic backgrounds. Students from poorer families are staying away from higher education.

This is directly related, of course, to the fact that university tuition fees increased on average by more than 126 per cent since 1990, while community college students have been hit by even larger increases, over 200 per cent in some provinces.

The first issue to be addressed is to eliminate the taxable status of scholarships. The last federal budget increased the non-taxable threshold to $3,000. It makes no sense for universities and community colleges to give money to students in the form of scholarships that then become taxable in the hands of the student. We should be rewarding academic excellence, not punishing it. Therefore, the Income Tax Act should be amended so that scholarships are not included in the taxable income of students.

It is legitimate from a jurisdictional point of view for the federal government to be involved in the student loans or grant program. Solving the problem of student funding once and for all cannot occur through half measures. It will require imagination and possibly the commitment of significant financial resources by government.

One method of raising separate, designated funds to be used to finance a student loans grant program would be for the federal government to sell a one-time savings bonds issue with the money raised designated for student loans grants.

Another alternative would be for the federal government to establish an autonomous agency or Crown corporation to manage the financing of student grants, scholarships and loans. The necessary funding would emanate from annual appropriations by Parliament and the sale of post-secondary education bonds.

A third alternative, and one I have floated before, is reinventing the program that was put in place at the end of the Second World War under the Veterans Rehabilitation Act, 1945. I thought about it today when Dr. Ralph DeWare was upstairs. He was one of the beneficiaries of that program when he went through medical school at Dalhousie, and Senator DeWare will attest to that.

Those veterans who indicated a desire to attend university had their tuition paid directly to the university by the Department of Veterans Affairs. They were given a living allowance on a monthly basis. This continued as long as satisfactory progress was made in university. This was a massive investment by the government in the future of the country, but because of its success, Canada had a well-educated, tax-paying population contributing positively to society just a few years after the end of World War II. Veterans graduated with an education or trade virtually debt-free.

The establishment of the Canada Education Assistance Trust would require a commitment by the federal government of, perhaps, $1.5 billion on an annual basis. Now, annually, there are more than 700,000 students enrolled in some form of post-secondary education. Of that number, more than 300,000 annually seek financial assistance through existing programs, but these programs are not providing significant funding where necessary and are leaving students with crippling debt loads when they graduate.

Eligibility for the programs, I suggest, would obviously have to be determined based on certain established guidelines.

The Hon. the Speaker: I regret to interrupt the honourable senator, but his 15-minute time allocation has expired. Does he wish leave to continue?

Senator Atkins: Yes.

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

Hon. Senators: Agreed.

Senator Atkins: I thank honourable senators.

Eligibility for the program, I suggest, would obviously have to be determined based on certain established guidelines, and those eligible would have their tuition and a portion of their living expenses funded through this program. Tuition would be paid directly to the educational institution if that arrangement could be reached with the institute through a voucher system. It could be administered by the same bureaucracy established to deal with the Millennium Scholarship Fund with help from the educational institutions' Student Awards Office.

Repayment will only begin one year following the student obtaining full-time employment. Then and only then would interest be charged. However, all interest paid would form an income tax deduction, at least for the first 60 months of the repayment period. Initially, money would be given as a loan, but up to one-half the amount would be forgivable, perhaps 25 per cent of the amount if the student graduates on time and another 25 per cent if the student achieves reasonably high academic standing in two years of a four-year program. This would help with the repayment problems.

Finally, I will address the subject of Senator Moore's inquiry, the crumbling infrastructure of our post-secondary institutions resulting from deferred maintenance.

• (1730)

For the past 20 years, little has been spent on infrastructure, and the costs of renewal are mounting. Renewal includes everything from fixing a leaky roof to wiring for the Internet. New laboratories must be built and old ones refurbished, so that we can keep up with the needs of researchers. Money must be directed to make our institutions competitive on a global scale so that those wishing to do interesting and valuable research on a world-class scale have access to world-class facilities to explore their various areas of interest.

The need for infrastructure renewal, as senators have explained, is described in "A Point of No Return: The Urgent Need for Infrastructure Renewal at Canadian Universities," a study prepared by the Association of University Business Officers. They found that deferred maintenance on Canadian campuses totalled approximately $3.5 billion, and it continues to grow. Nearly $1 billion is needed immediately, since, as I pointed out, no one is ready to write a cheque. What do we do?

Senator Meighen, in his interventions in the debate, listed a number of innovative ways that our institutions could raise needed funds. Perhaps consideration could be given to issuing tax-exempt bonds, where interest earned is not taxable to the extent of the exemption. Consideration must be given to partnerships with the private sector. At the university I am most familiar with, Acadia, a whole new environmental science research complex is being built with money provided basically from one benefactor.

Another proposal could be in the form of matching grants. A capital renovation fund could be established by the federal government, and that fund could be accessed if the institution raised a certain amount of money to address its maintenance and infrastructure problems. Such a fund could focus on helping the smaller universities, who have difficulty competing for the large endowment funds currently enjoyed by, for example, the University of Toronto. Not all students are capable of flourishing in a large university, and that is why we should pay particular attention to the needs of smaller institutions.

No one disputes the issue of the cost required to put the physical plants of our post-secondary institutions back into the condition they should be in. The question is this: How are we to finance this enormous task?

Honourable senators, I thank Senator Moore for raising this issue. It should be dealt with in the larger context presented by other problems that our educational institutions are currently experiencing. All these matters are related and must be solved together, because the solution to one set of challenges may affect the solution to others. The greatest investment a taxpayer can make in the future of this country is an investment in education.

Those in school now will be our leaders in the next generation. They need a solid education to compete in the global marketplace. The education of our youth now represents the future of tomorrow.

Honourable senators, I support Senator Moore's desire to have these matters studied in depth by the Standing Senate Committee on National Finance.

Hon. Wilfred P. Moore: Honourable senators —

The Hon. the Speaker: I wish to advise the Honourable Senator Moore that, if he speaks now, he will be closing debate on his inquiry.

Senator Moore: In bringing this inquiry to a close, I wish to thank all honourable senators who participated in this debate. Eight colleagues have joined me in canvassing this important issue, including honourable senators from all regions of Canada. The debate has been stimulating and has resulted in various innovative approaches to this issue coming to the fore.

Later this day, I intend to move the motion in respect of this matter standing in my name. Should that motion enjoy the favour of this chamber, there will be an opportunity for other honourable senators to join in this debate at committee.

I thank all honourable senators for their participation in this inquiry, for their work in preparing and presenting their addresses and for the interest that they have encouraged in this matter in the university community across Canada.

Hon. Senators: Hear, hear!

The Hon. the Speaker: This inquiry is now considered debated.

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:
>
> That this House:
>
> (a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity;
>
> (b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Bacon*).

[Senator Atkins]

Hon. Serge Joyal: I wish to speak today on the motion by Senator Maheu and Senator Setlakwe to recognize the Armenian genocide that took place primarily in Anatolia between 1915 and 1923. In 1918, Theodore Roosevelt stated:

> The Armenian massacre was the greatest crime of the war, and the failure to act against Turkey is to condone it...the failure to deal radically with the Turkish horror means that all talk of guaranteeing the future peace of the world is mischievous nonsense.

It is now estimated that between 1 million and 1.5 million Armenians were exiled or murdered by the Ottoman Empire.

This afternoon, I intend to address three questions: Did the genocide actually happen? What are the implications of publicly recognizing it? What is the position that we senators should formally adopt?

How does one define "genocide?" In everyday language, the term is defined in the *Encyclopaedia Britannica* as "the deliberate and systematic destruction of a racial, political or ethnic group." The word "genocide" comes from the Greek word *genos*, meaning "race," "nation" or "tribe," and the Latin word, *cide*, meaning "killing." It was coined by Raphael Lemkin — who is being remembered at a ceremony at the UN today — after events in Europe in 1933-45 called for a legal concept to describe "the deliberate destruction of large groups."

There is also a precise definition contained in the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide, and Senator Maheu has already cited that definition.

Did the Armenian genocide actually happen? One cannot dispute the overwhelming historical evidence that the Armenian genocide did, in fact, occur. This horrific tragedy happened and has been confirmed by eyewitness accounts, by the initial political settlement of World War I and by subsequent academic studies.

Allow me to bring the attention of honourable senators to a few samples of the contemporary evidence that has been brought forward.

• (1740)

To begin with, there are eyewitness accounts of the genocide. The U.S. ambassador to the Ottoman Empire in 1915, Mr. Henry Morgenthau, later wrote in his memoirs that:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact...I have by no means told the most terrible details, for a complete narration of the sadistic orgies of which these Armenian men and women were victims, can never be printed in an American publication.

These eyewitness accounts are supplemented by a wealth of documentary evidence from both Turkish and foreign sources. On May 24, 1915, France, Great Britain and Russia signed a joint declaration stating that:

> Inhabitants of about one hundred villages near Van were all murdered...In view of those new crimes of Turkey against humanity and civilization, the Allied governments announced publicly...that they will hold personally responsible —

— for —

> — these crimes all members of the Ottoman government and those of their agents who are implicated in such massacres.

After the war, the Allied powers included article 230 in the peace treaty with the Ottoman Empire, the proposed Treaty of Sèvres, which required the Turks to turn over those individuals responsible for carrying out massacres on their territory. The Turkish government consented to the treaty, and this provision, but it was ultimately never ratified due to the military success of the Turkish resistance led by Mustafa Kemal.

Accounts of Turkish atrocities could perhaps be dismissed as mere propaganda if they were based entirely on the testimony of its wartime enemies. They are, however, corroborated by the reports of German and Austro-Hungarian officials — allies of the Ottoman Empire — which also documented the annihilation and specifically refute Turkish suggestions that the slaughter was a response to an Armenian uprising or the unfortunate by-product of a civil war.

Visitors to the region in the years after the massacres observed the suffering of the survivors. In 1929, during his journey to Palestine, the author Franz Werfel visited Damascus and wrote that:

> The pitiful scene of the starved and mutilated children of the Armenian refugees gave me the last push to redeem the cruel fate of the Armenian people from the abyss of oblivion.

Later investigations have confirmed these initial accounts. In 1985, a sub-commission of the United Nations Economic and Social Council on the Prevention of Discrimination and Protection of Minorities reiterated that reliable estimates by independent authorities and by eyewitnesses clearly indicate that "...at least 1 million, and possibly well over half of the Armenian population, were exterminated."

On November 15, 2000, the European Parliament, which includes representatives of 15 European countries, also recognized the existence of the massacres by adopting a resolution calling on Turkey to publicly recognize the Armenian genocide as a step toward its eventual European Union membership.

The existence of the genocide has already been acknowledged by Argentina and Sweden, as well as by three NATO countries: France, Italy and Belgium, which is the seat of NATO. Pope John Paul II has also acknowledged it, stating: "The Armenian genocide has been a prelude to the horrors that followed."

In addition, last year, on April 24, the Armenian day of remembrance, the Israeli Minister of Foreign Affairs and the Minister of Education both publicly recognized that the genocide actually took place.

Honourable senators, the dangers of rushing to judgment on historical questions before all the facts have been subjected to serious study have rightly been pointed out during this debate. I fully share these concerns, but I think that after nearly a century of investigation of the sources by experts, the inescapable conclusion is that the Armenians were undoubtedly the victims of genocide. This conclusion is supported by a majority of academic opinion.

In 1989, the Union of American Hebrew Congregations recognized the genocide. Professor Elie Wiesel, the 1986 Nobel Peace Prize winner, said that:

> The U.S. Holocaust Memorial Museum Executive Council has unanimously agreed to include reference to the Armenian and other genocides to help illuminate or relate to the story of the Holocaust.

In 1997, the Association of Genocide Scholars, an international non-partisan organization consisting of more than 100 academics dedicated to studying and teaching people about the world's genocides, unanimously reaffirmed that:

> The mass murder of Armenians in Turkey is a case of genocide which conforms to the statutes of the United Nations Convention on the Prevention and Punishment of Genocide.

In March 2000, 126 Holocaust scholars signed a petition affirming that the World War I Armenian genocide is an incontestable historical fact and accordingly urging the governments of Western democracies to likewise recognize it as such. Amongst them were writers, professors and editors, including Professor Elie Wiesel; Professor Stephen Feinstein, Director of the Centre for Holocaust and Genocide Studies, University of Minnesota; Professor Yehuda Bauer, Director of the International Institute of Holocaust Research, Jerusalem; and Professor Dorota Glowacka, King's College, Nova Scotia.

Taken together, the mass of eyewitness testimony, the documentary evidence of the First World War period and numerous subsequent studies clearly establish that the massacre of the Armenians is a case of genocide.

Honourable senators, let us deal with the second question. What are the implications of publicly recognizing the Armenian genocide?

As Canadians, when confronted with a clear violation of such fundamental human rights, we must ask ourselves these two simple questions: Does Canada put a price on the value of human life? Are the fleeting economic and political benefits gained by refusing to formally recognize the genocide worth sacrificing our fundamental principles?

I ask these questions, honourable senators, because it has now become apparent that it is commercial and political interests that are behind the U.S. President's decision to refrain from recognizing the Armenian genocide. On October 19, 2000, in a letter to Congress focused specifically on the Armenian question, then-President Clinton indicated his opposition to acknowledging the genocide, due to the far-reaching negative consequences for significant U.S. interests in the region, such as the containment of Saddam Hussein.

The new Bush administration has also maintained this policy. A February 2001 *Washington Times* article reported that:

> ...administration officials instead highlighted Turkey's potential usefulness in helping to build a new pipeline in the Caucasus and the country's $6 billion yearly consumption of goods.

The U.S. concerns raise important questions about how far economic and political objectives should be allowed to supersede the fundamental ethos of a country.

Of course, there is trade between Canada and Turkey, and Turkey is also a member of NATO. Those are important economic and political considerations, but should they prevent us from following the underlying spirit of the Canadian Charter of Rights and Freedoms and the Universal Declaration of Human Rights? Should we close our eyes to the most serious of all crimes against humanity for the sake of an indeterminate amount of money or ill-defined geopolitical considerations? How large must the profit margins be in order to persuade Canada to forgo its principles?

• (1750)

Trade is significant, but, equally, if not more important, are the principles that we as Canadians value and support domestically and internationally: the sanctity of human life, the protection of minority rights and the obligation of the international community to fight any form of or attempt at genocide. These are the principles that we have fought for, espoused and committed ourselves to uphold by signing a significant number of international treaties and conventions, including, of course, the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which Canada signed on November 28, 1949.

The preamble of the Genocide Convention states the following:

> ...genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world.

The link between our international stance and domestic policies was explicitly outlined in the recent Supreme Court decision, of February 15, 2001, in the case of Burns and Rafay, *United States v. Burns*. The court stated:

> Canadian support of international initiatives opposing extradition without assurances, combined with its international advocacy of the abolition of the death penalty itself, leads to the conclusion that in the Canadian view of fundamental justice, capital punishment is unjust and should be stopped.

This decision of the Supreme Court is clearly parallel to Canada's stance against genocide and our ensuing obligations.

As the preamble of the Geneva Convention states, genocide is against the spirit and values for which Canada stands. Faced with an act of genocide, we cannot abdicate our moral responsibility if we want to remain coherent in our domestic and international stances. Most recently, Canada has been a leading champion of the creation of an international criminal court specifically mandated, according to article 5, paragraph 1, of the Rome Statute, to try those responsible for committing genocide. Our international reputation will come into question if we shy away from our responsibility and contradict the very principles and conception of human rights that we have encouraged other countries to endorse.

The Hon. the Speaker: Senator Joyal, I must advise you that your 15 minutes have lapsed.

Senator Joyal: I seek leave to terminate my remarks.

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

Hon. Senators: Agreed.

Senator Joyal: I will try to conclude quickly.

It would be inappropriate to suggest that the recognition of the Armenian genocide by the Turkish government would be a simple and uncomplicated matter. Dealing with such an issue will be difficult for Turkey, even though the present constitutional government of Turkey cannot directly be held responsible for the crimes committed by the Ottoman Empire.

Nonetheless, many other governments confronted with similar historical tragedies have recently been forced to accept their past: Germany, France, Switzerland, and even the Vatican have all acknowledged their roles in the Holocaust. As recently as 1995, French president Jacques Chirac, speaking on the Holocaust, confessed publicly that "those dark hours forever sully our history and are an insult to our past and our traditions...France had committed the irreparable" by delivering "those she was protecting to their executions."

Facing the same responsibility, the Vatican stated on March 12, 1998: "We have to purify our hearts through repentance of past errors and infidelities..." and "heal the wounds of past misunderstandings and injustices" done to the Jews.

Although it has taken a long time for all these countries to recognize their past, as their admissions of wrongdoing have been wrenchingly painful and often entailed consequences, it has been an essential step in confronting their history and moving forward.

Turkey is not different. An admission of genocide could eventually lead to demands for financial compensation and, possibly, territorial claims, although this has been denied by the President of the Armenian Republic, Robert Kocharian, who, in a February 1, 2001 television interview reported on Turkish daily news formally stated: "Recognition of Armenian genocide will never result in Armenia's demand for land."

Difficult as these problems may be to resolve, democratic countries can address them in a satisfactory manner. Germany has proven this and has moved forward by envisaging a future based on acceptance and reconciliation.

Furthermore, Canadian recognition of the genocide would in no way violate our obligations under the North Atlantic Treaty. As NATO members, we are committed to joint defence under article 5 and to enhancing friendly relations under article 2, but, certainly, not at the expense of our fundamental principles and other commitments that we have pledged ourselves to uphold in other international human rights treaties and in our constitutional principles.

Given all these factors, we must examine the third question: What position should the Senate adopt? Let me conclude, honourable senators, with a statement made by Yossi Beilin, the Israeli Minister of Foreign Affairs, on April 24, 2000:

> I think that our attitude towards such a dreadful historic event cannot be dictated by our friendly relations with Turkey, even though that relationship is particularly important to me as one who worked so hard to develop it. I also see the contradiction between the political track and the ethical one. Something happened that cannot be defined except as genocide. One and a half million people disappeared. It wasn't negligence, it was deliberate...An ethical stand cannot be dictated by political needs — these are two separate tracks.

Honourable senators, by formally recognizing the Armenian genocide, Canada will not be breaking new ground. We will even not be the first in Canada, as both the governments of Ontario and Quebec have already done so. We will live up to the principles we have promoted throughout the world. The long-term benefits that we will derive from affirming our conviction will far outweigh any temporary circumstances that might need to be addressed.

[*Translation*]

I share the opinion expressed by the German academic, Dr. Tessa Hoffman, who wrote the following in the preface to a work on this issue:

> Forgetting, silence, indifference can make us accomplices to the crime of genocide in our century. The concept of the moral, collective and indivisible responsibility of peoples and states toward each other is more timely than ever.

[*English*]

Therefore, honourable senators, I urge you to reaffirm the values and principles we Canadians stand for and support Senators Maheu and Setlakwe's resolution.

Hon. Senators: Hear, hear!

Hon. Jerahmiel S. Grafstein: Honourable senators, this awesome resolution placed before the Senate by Senators Maheu and Setlakwe compels each and every senator to independently examine whether the frightful designation of genocide, ethical and legal, applies to the Armenian question of 1915 and the events following.

First history, first facts, and then policy. History tells us that Armenians have lived in the land of the Middle East from the shores of the Black Sea to those of the Caspian along the Mediterranean for millennia.

• (1800)

The Hon. the Speaker: I regret to interrupt Honourable Senator Grafstein, but I must bring attention to the fact that it is now six o'clock and I am obliged to leave the Chair unless honourable senators agree not to see the clock.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I move that we not see the clock.

The Hon. the Speaker: Do honourable senators agree that we not see the clock?

Hon. Senators: Agreed.

[*English*]

Senator Grafstein: Millions have resided under various regimes since the independent Kingdom of Cicilia, the first Armenian Kingdom, which fell in 1375. Over the years the lands of Armenia were divided, re-divided, partitioned and re-partitioned into what is known as the Turkish Provinces, largely inhabited by Armenians, and Russian Armenia, now the Republic of Armenia, the largest portion of lands lying within the boundaries of modern-day Turkey. In the Caucasus, in addition to Armenia, Azerbaijan and Nagorno-Karabakh still obviously have a substantial population of Armenian descent. As you know, Nagorno-Karabakh remains a simmering problem to this very day.

Certain of the Balkan peoples emerged in the last half of the 19th century as nation states. The Armenian Question, however, within the Ottoman Empire, now the modern Turkish state, took a different and very revolting course.

Following the Russian-Turkish War of 1877-78, Article 16 was introduced under the Treaty of Berlin. Under that article, the Ottoman authorities were required to undertake local reforms in the provinces inhabited primarily by the Armenians and guarantee their security. Thus, as many historians have suggested, the Armenian Question was launched in the sea of international law in the modern era.

The evidence appears overwhelming that the Ottoman Empire would not implement its treaty obligations respecting Armenian human rights. In 1895-96, the Ottoman Empire provoked or allowed a series of massacres, whith a cost of lives estimated to range from a low of 40,000 to a better number of around 300,000 Armenians. These massacres triggered a public outcry in the West, especially in England and France.

As a result of these massacres, Armenians contend that they resorted to self-defence for the preservation of their human rights. In their desire for independent status, Armenian discontent within the Ottoman Empire animated discontent amongst the Turks themselves for greater rights. The Ottoman authorities vacillated over the history of time toward its minorities, including the Armenians, sometimes protecting them and other times provoking violence and bloodshed.

A coup d'état was staged in the Ottoman Empire on July 10, 1908. In the result, the Ottoman Empire adopted a constitution for the first time. Armenians anticipated that under a constitution, reforms would be introduced in the Armenian provinces to respect their linguistic and religious rights. The so-called Eastern Question, in effect, primarily the eastern portion of modern Turkey, was again placed on the international agenda after the combined forces of Bulgaria, Romania, Greece and Serbia, all seeking greater "lebensraum," attacked the Ottoman state and defeated her, having reached within 25 kilometres of Constantinople, now Istanbul, in 1913. This violent interlude was called the Balkan Wars. Religion and nationalism combined with Christian nationalism to foment the historic claims of greater ethnic nation states. The operative political cry was the word "greater"; Greater Bulgaria, Greater Romania, Greater Greece and Greater Serbia, mostly at the cost of the Ottoman territories. Echoes of that nationalist agenda persist to this very day.

The European Powers met in Bucharest and London after the Balkan Wars to discuss peace terms between Turkey and the Balkan States which resulted in a peace settlement that ratified the loss of Turkish territory to Greece, Serbia and Bulgaria. The so-called Eastern Question was not resolved. The Eastern Question substantiated the Armenian claims, but the Eastern Question, respecting Christian Armenia, was never resolved.

Under constitutional Turkey led by the Young Turks, the divisions of powers from the central organs of state to those of provinces or regions substantiated by the Armenians within Turkey was never fully or fairly introduced. They never received what they were entitled to by those treaties. The question of internal autonomy of the eastern provinces, primarily occupied by Armenians within Turkey within the proposed reforms for protection of linguistic and religious rights, continue to be outstanding.

On July 3, 1913, at the initiative of the Russians, ambassadors met in Constantinople where they agreed to divide the seven provinces, those substantially inhabited by Armenians, into two parts within Turkey. On September 3, 1913, at a London conference, the decision included two administrative units, two inspectors general appointed by the great powers and agreed to by the Sultan. The two administrative units would each have a general assembly with Christians and Muslims represented equally. They would have the power to appoint and discharge officials. The administrative and judicial personnel, and police officers would be recruited from Christians and Muslims equally, reserving for the great powers the right to control and implement reforms through their ambassadors.

On February 8, 1914, Russia and Turkey signed an agreement giving effect to the above, and two inspectors general, one Dutchman and one Norwegian, were appointed. In July 1914, the inspectors were on their way to their posts when the First World War broke out. Turkey entered the war on October 12, 1914, on the side of the Germans against the Allies of the West — Britain, France and Czarist Russia. The inspectors general never reached their destinations. The question of Armenian reforms was then suspended.

In this interlude, the Turkish government then, apparently, based on the evidence presented on the history record, commenced a policy of mass execution, torture and forced displacement of Armenians, which in turn resulted in Armenian refugees seeking to leave Turkish lands.

Many Canadians and Americans of Armenian descent trace their origins to this and earlier Armenian refugee streams. On April 24, 1915, mass arrests of prominent Armenians, the intellectual and political elites, were made in Constantinople and in the eastern provinces. Many were tortured and murdered. Many were essentially displaced to Anatolia and beyond to Syria, Lebanon, Iraq, Persia and the Caucasus, where many perished either along the way or upon arrival.

Young Armenians drafted into the army were disarmed and transferred to labour battalions. Later, they were massacred in groups, leaving the Armenian population largely defenceless and subjected to forced displacement, deportation and massacres. Many were burnt alive in their villages and towns. Many of those deported were comprised of old men, women and children. Upon reaching their desert displacement destinations, they were once more subjected to wholesale massacres in certain places, in particular a village called Musa Dagh, which attained special significance. I will return to that in a moment.

The Turks were joined by the Kurds and others in the slaughter, rape and pillage of these Armenian refugee streams. Having heard of the fate of their fellow Armenians and co-religionists, many could only offer feeble self-defence. A portion of the Armenian population died a tragic death in defence of their fellow Armenians.

I will take a brief aside, honourable senators, to say that in 1929, as Senator Joyal pointed out, Franz Werfel, a famous Czech writer, wrote a shocking book that he called *The Forty Days of Musa Dagh*. It was published in German in 1933. Shortly thereafter, the Nazis burned that book, along with others — a tragic but ironic fate.

Within the Ottoman frontiers, the policy of extermination and deportation continued, with the exceptions of Constantinople and Izmir. Massacres subsequently took place in Izmir, when the Turks defeated the Greeks and re-occupied that city in 1922. As a result of these massacres and deportations in Turkey, from 1915 and subsequent years, it is estimated that about half of the Armenian population — from a very low estimate of 800,000 to at least 1.5 million — perished, while the other half escaped to the mountains and were rescued by advancing Red Russians.

Many Armenians joined the Russians and many retreated to Russian Armenia while the struggle continued against the Turks. During World War II, Armenians primarily fought on the side of the Allies, with the high expectation that the promises made during the war would emerge, as Turkey was an enemy of the Allies. According to some figures, over 200,000 Armenians volunteered in the Russian Army, 20,000 Armenians fought on the Caucasian front, and another 5,000 Armenian volunteers fought with the French and the British as a separate unit in areas now known as Lebanon, Syria, Iraq, Israel and Transjordan. The British, French and Russian military leaders all applauded the soldiering of Armenians.

• (1810)

With the 1917 Russian Revolution, the territories in the Caucasus, known as Russian Armenia, established a provisional government to be known as the Soviet Republic of Armenia. After October 1917, when the great Czarist army dissolved as a result of the Russian Revolution, the Armenians continued fighting in the eastern regions of Turkey and gradually retreated until they reached the old Russian-Turkish border.

Under the Treaty of Brest-Litovsk on March 3, 1918, Turkey was given back its eastern provinces. On June 4, 1918, the Turks signed a peace treaty with Armenia in Batum and recognized the independent Republic of Armenia, located in the Caucasus. Under the Treaty of Sevres, in 1920, which designated the peace treaty with Turkey, this treaty recognized the rights of Armenians because of their military contribution especially against the Turks in the Caucasus.

After the withdrawal of Russian forces, thus delaying the Turkish-German occupation of Baku, the oil centre in the Caucasus, one month after the Treaty of Sevres, on September 20, Turkey attacked the Republic of Armenia. Unaided by the Allied powers, Armenia succumbed on December 2, 1920. A third of that territory was annexed by the Turks while the eastern portion later became a Soviet Republic. You will recall that when Stalin took over, he joined Georgia, Armenia and Azerbaijan in the Caucasus under the Soviet hegemony. In 1923, under the Treaty of Lausanne, the Armenian question within Turkey was left as an unresolved matter.

Senators will forgive me if I sketched this complicated, tangled history too quickly. I hope that I have not taken history too much out of context due to the brevity of this exposition, but I have concluded, based on the overwhelming evidence, that genocide, as defined under conventional and customary international law, took place. Indeed, the Ottoman war trials did take place after these events, but I have not been able to get access to those records or those conclusions.

In 1915, within the territories now known as Turkey, the evidence appears to be overwhelming that such was the case that genocide did take place. Let me quote from a fascinating book of history entitled *Europe* by Norman Davies, an outstanding British historian, published in 1996, at page 909. The section I am quoting is entitled "Genocide."

> On 27 May 1915, the Ottoman Government decreed that the Armenian population of eastern Anatolia would be forcibly deported. The Armenians, who were Christians, were suspected of sympathizing with the Russian enemy on the Caucasian Front, and of planning a united Armenia under Russian protection. Some two to three million people were affected. Though accounts differ, one-third of them are thought to have been massacred; one-third to have perished during deportation; and one-third to have survived. The episode is often taken to be the first modern instance of mass genocide. At the treaty of Sèvres...the Allied Powers recognized united Armenia as a sovereign republic. In practice, they allowed the country to be partitioned between Soviet Russia and Turkey.
>
> Adolf Hitler was well aware of the Armenian precedent. When he briefed his generals...on the eve of the invasion of Poland, he revealed his plans for the Polish nation:

These were his words:

> Genghis Khan had millions of women and men killed by his own will and with a gay heart. History sees him only as a great state-builder... I have sent my Death's Head units to the East with the order to kill without mercy men, women, and children of the Polish race or language. Only in such a way will we win the *lebensraum* that we need. Who, after all, speaks today of the annihilation of the Armenians?

The term "genocide", however, was not used before 1944, when it was coined by a Polish lawyer of Jewish origin, Rafal Lemkin...who was working in the USA. Lemkin's campaign to draw practical conclusions from the fate of Poland and of Poland's Jews was crowned in 1948 by the United Nations "Convention for the Prevention and Punishment of Genocide." Unfortunately, as the wars in ex-Yugoslavia have shown, the Convention in itself can neither prevent nor punish genocide.

Honourable senators, I thought, to be fair to myself, that I would not only give this version of history but that I would seek to find out what the Turks were saying about these events. I turn to an excellent book published recently, entitled *Turkey Unveiled: A History of Modern Turkey*, by Nicole and Hugh Pope.

The Hon. the Speaker *pro tempore***:** Senator Grafstein, I am sorry to interrupt you but your speaking time is up. Are you asking for more time?

Senator Grafstein: I would ask for leave to continue.

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

Hon. Senators: Agreed.

Senator Grafstein: Honourable senators, this book was published in 1996. I think it is cogent to see what Turkey says about these events. I will read to you a paragraph and a half on page 42:

> ...Turkish schoolbooks do not dwell on the subject. Subsequent events on the Ottoman eastern front, so important in the formation of European and American attitudes to Turkey, earn at most a few dozen lines. The grim tone of the half-told story in a leading textbook leaves it open to many interpretations:

This is a quote from a recent Turkish textbook:

> The Russians used the Armenians as a cat's paw. Thinking they would achieve independence, they attacked their innocent Turkish neighbours. The Armenian "committees" massacred tens of thousands of Turkish men, women and children. This made it hard to wage war on the Russians. So the Ottoman state decided in 1915 forcibly to deport the Armenians from the battlefields to Syria. This was the right decision. During the migration some of the Armenians lost their lives due to weather conditions and insecurity...the *Turkish Nation* [original emphasis] is certainly not responsible for what happened during the Armenian migration. Thousands of Armenians arrived in Syria and there lived on under the protection of the Turkish state.

The authors conclude:

> To Turkish schoolchildren, and other visitors to Turkish "museums of barbarity" in the east, the impression is given that the massacres were committed solely by Armenians on Turks. Those Turks who know that massacres of Armenians occurred are left to conclude that since the "Turkish Nation" was not at fault, the Kurdish tribes must have been to blame. The truth is not so reassuring.

I thought I would place that on the record because it is important to put this in some kind of historic context.

Beyond other claims under international law, beyond a finding of genocide, other claims, both conventional and customary, respecting the provinces of Eastern Turkey are a much more complex and difficult matter. The resolution, thankfully, does not compel me to address those questions. Suffice it to say that contesting claims, in the absence of a thorough review, are unreasonable. Such claims, considered independently, makes it almost impossible without a thorough review to render a fair opinion. The issue of self-determination within the boundaries of a recognized state invoke, as we know, great complexities and matters beyond the scope of this resolution. Once "genocide" is concluded, I have not, in the time available, considered the legal consequences.

The question of responsibility, while primarily on the 1915 Turkish authorities, opens up other questions.

While complicity in these crimes adheres to the authorities and the participants at the time, it is difficult to extend sanctions to legal entities or individuals. The question of genocide, however, is not a retroactive question. Under international law, as declared by the Nuremberg Tribunal following the Second World War, genocide is considered contrary to natural law and therefore is not retroactive. What can one do under the present circumstances?

Honourable senators, before addressing the consequences, may we revisit the Armenian question from yet another perspective. Let me add some historical points of reference that might capture more closely our Canadian attention.

In 1896, shortly after Winston Churchill was commissioned as an army officer in England, he attended the Alhambra Theatre in London with a fellow officer for an evening of theatre and enjoyment. An entertainer, inspired by Salisbury, then Prime Minister of England, and the new Russian Czar's clamour of concerns about the Armenian massacres of 1896, sang these words in his vaudevillian style:

> Cease your preaching, load your guns.
> Their roar our music tells,
> The day has come for Britain's sons,
> To seize the Dardanelles.

Winston Churchill leaned toward his friend and asked, "Where are the Dardanelles, exactly?" That word, "Dardanelles," had historic consequences for Churchill and the British Empire, including Canada and Australia, and is closely related to the Armenian question that we are debating today.

• (1820)

Let me return to 1914. The British Empire troops from Canada and Australia, together with France and England, had suffered over one million casualties on the bloody trench fields of France. We see the pictures above us. Political leadership in Canada, the Empire and Britain were frozen, trapped by geography and mass mobilization.What was required was a strategic imagination, a strategic vision, to break the endless slaughter in France. Hence, the idea of attacking Gallipoli on the Turkish Straits of the Dardanelles, attacking the soft back of the tottering Ottoman Empire, then a neutral power but leaning toward the German adversaries. This was a very important strategic vision for a union of a Christian and Balkan league of states, together with the British Empire, all seeking greater living room to match the religious ideas of greater Serbia, greater Bulgaria, greater Romania and greater Greece. On the east, Czarist Russia planned to occupy the eastern lands of the Ottoman Empire. The narrow tactic was to free the waterways from the Black Sea to the Aegean Sea through the Dardanelles by the occupation of Gallipoli.

The Greek prime minister of the day had first offered 60,000 troops to recapture the European side of the Ottoman Empire. The connection of the Black Sea to the Sea of Marmora and then the Dardanelles to the Aegean Sea would open the sea lanes for both Imperial Britain and imperial Czarist Russia, and they could attack and occupy what was considered to be the strategic lynch pin, Constantinople. Turkey was weak and unpredictable.

I recount this history briefly because this will establish the atmosphere surrounding the massacre and deportation of Armenians, which they commemorate, on April 24, 1915, a day before the imperial English attack on Gallipoli on April 25, 1915.

In September 1914, Britain had stopped Turkish torpedo boats and discovered Germans aboard. The Germans had moved to mine the Dardanelles, darken the lighthouses and cripple water transit. This was a flagrant violation of international convention, guaranteeing free passage of those straits. German cruisers, flying under Turkish colours, attacked the Czar's Black Sea ports.

Turkey finally became a belligerent on the side of Germany. The word "Chanak," located on this perilous passageway, became a rallying cry in Canada and the West and a strategic point of British attack.

In the circumstances, the Imperial War Cabinet, including the Prime Minister of Canada, Henry Borden, the Prime Minister of South Africa, General Smuts, and the Prime Minister of Australia supported the British war cabinet in its strategic attack on Gallipoli.

The Greek King, Constantine, married to a German princess, worried about Bulgarian intentions and German reactions, vetoed the Greek prime minister's offer of troops, so Britain was left without troops.

On February 19, the British naval attack force attacked the outward Turkish force guarding the lips of the Dardanelles. The Turkish defenders fled. The British marines landed and the start of the strategic onslaught against Gallipoli was underway. The Greeks had second thoughts. Seeing that the first attacks were successful, they now agreed to send troops. Turkey, encircled, looked doomed. The Greek government fell. The Russians were encountering difficulties at home, which ultimately led to the Russian Revolution two years later.

On March 18, 1915, the British naval attack resumed on the Dardanelles. On April 25, the day after April 24, commemorating the Armenian catastrophe, the Allies landed at Gallipoli. Before the year was out, the Allies suffered well over 250,000 casualties.

Churchill, now politically burned because of his support for the Gallipoli venture, ruminated to his friend Sir George Riddell on April 29, 1915. These words were found in Riddell's memoirs. Churchill said, as he looked at a map of the region, the following:

> This is one of the great Campaigns of History. Think what Constantinople is to the East. It is more than London, Paris and Berlin rolled into one. Think what its fall will mean. Think how it will affect Bulgaria, Greece, Romania and Italy, who have already been affected by what has taken place.

The dreams of a greater coalition of Christian nations still occupied Churchill's strategic imagination.

To the surprise of all, the Turks defended and held. While they did so, the massacre intensified. The Western attacks were repulsed. One historian put it this way:

> The Armenians were available. They were Christian. They were clever. They were wealthy. They were suspected of sympathizing with the Russians and smuggling arms and plotting revolts and so the planned massacres began. Leaders were captured and tortured. The young were sent to labour, the old, the weak and the children forced to march toward Syria, Persia and Mesopotamia, where they were robbed, left naked, raped and left to die of hunger and exposure. And so a million or more died.

Churchill was demoted in the Cabinet on May 22, 1915. Ironically, in the British press, Churchill was called "England's Armenian."

I add this template of history to indicate how directly and indirectly other nations, including Canada, were involved in the events surrounding the Armenian massacres, which are the subject matter of our resolution.

Let me return to the word "genocide," first coined by Raphael Lemkin, in 1944, who was then working in the United States. Lemkin defined "genocide" in two ways: as the planned annihilation of a people and as a progressive process — a coordinated plan of different actions aimed at the destruction of the essential foundations of life of national groups with the aim of annihilating the groups themselves. Under this generic definition, clearly the actions of the Turkish authorities, up to and following April 24, 1915, respecting its Armenian populations, would lead to an inescapable conclusion of genocide as defined by Lemkin.

Honourable senators, once we make this finding, in which I concur, what are we to do? Beyond the acceptance of the claim to genocide, other claims under international law, both conventional and customary, as it applies to the province of Eastern Turkey, are more complex and difficult. Thankfully, the resolution does not compel the Senate to address these questions.

Let me repeat. Suffice it to say that any other claims, hotly contested, absent a thorough review, makes it almost impossible to render a balanced opinion on these other questions. The issue of self-determination, often a tortured notion ripped from its international context, can cause great harm. Within a recognized state, it evokes great complexities, great factual issues and great philosophic and legal issues that are simply beyond the scope of this resolution.

The question of responsibility opens up other questions. Honourable senators should note the following statement made by a senior Turkish official on May 13, 1915:

> For the last month the Kurds and the Turkish populations merely have been engaged in massacring the Armenians with the connivance and often help with the Ottoman authorities.

This is grudging Turkish acknowledge of genocide. What therefore should be the sanctions? What was the role of the Ottoman war crimes tribunal? What should be done now? What are the consequence of a finding of genocide eight decades after the events? I can offer no ready solution to those questions.

I will draw the attention of honourable senators to two magnificent books that might help us address these questions, since Turkish governments past and present have barely acknowledged or appropriately dealt with these historic questions. In effect, what are the consequences of denial of historic truths on future conduct? What is the consequence of the Turkish denial of these historic truths?

First, I commend to honourable senators a book that was granted an award in this hall some months ago. That book, by a Canadian, Erna Paris, a long-time friend of mine, is entitled *Long Shadow: Truth, Lies And History.* The second book I commend to honourable senators is by Ervin Staub; it is entitled *The Roots Of Evil: The Origins of Genocide and Other Group Violence.*

• (1830)

My conclusion, honourable senators, is that nationalism married to religion always seems to activate the rawest nerves and instigate hate, defining, dividing and distorting the human condition. Memory and history require that first the truth be told so that the human condition can be exposed to this flaw of hatred, the roots of genocide, the human condition so often and so easily injected by greater calls of nationalism and religion.

The roots of evil lie not in the heart of darkness but more often in lip service and prayers invoked and taught to our children, when one person or one group is ascribed a higher place in the natural order of the human condition, where equality is displaced by theories of superiority. When one does not treat the stranger as oneself, we open the arteries to the heart of genocide. Thus, genocide lurks in the shadows and haunts us still. Will we ever learn from history?

This resolution is in itself a modest lesson in history. For that, we must commend our colleagues Senators Maheu and Setlakwe for bringing it once again to our attention.

[*Translation*]

Hon. Marcel Prud'homme: Honourable senators, I rise on a point of order. Unless I am mistaken, it is Senator Bacon who asked for the adjournment of the debate. Since the senator is absent, she must have given up her place to the two honourable senators.

I think that the debate should be adjourned again, under the name of Senator Bacon. Could the Speaker explain what could be done without depriving Senator Finnerty of this right?

The Hon. the Speaker *pro tempore***:** The Honourable Senator Prud'homme is right. The motion to adjourn is still under the name of Senator Bacon.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, after consulting with Senators Maheu and Bacon, it was agreed that adjournment would be under the name of Senator Finnerty.

On motion of Senator Finnerty, debate adjourned.

[*English*]

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR ASSOCIATION—INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario dinner in Toronto on February 1, 2001, at which she, as the keynote speaker, spoke to the topic "A Room With a View: A Black Senator's View of the Canadian Senate."—(*Honourable Senator Carstairs*).

Hon. Anne C. Cools: Honourable senators, I should like to take the adjournment on this item.

The Hon. the Speaker *pro tempore***:** Honourable senators, the adjournment on this inquiry stands in the name of Senator Carstairs.

Senator Cools: Today is the fifteenth day, after which the item will drop from the Order Paper.

Hon. Marcel Prud'homme: Honourable senators, I will speak today so that it does not die.

Senator Cools: Does the Honourable Senator Prud'homme wish to take the adjournment?

[*Translation*]

Senator Prud'homme: Honourable senators, we all know the passion and the energy of Senator Cools, who was the keynote speaker at a great dinner held on February 1, 2001, by the Ontario chapter of the Canadian Bar Association. She delivered a very important speech.

[*English*]

Her speech was entitled "A Room With a View: A Black Senator's View of the Canadian Senate." I would hate to see this inquiry disappear. It will give a chance to many members during the summer to reflect on all these matters that could disappear. I hope that someone will do me the same favour tomorrow when the number 15 will appear next to the inquiry of the Honourable Senator Andreychuk. It stands adjourned under my name, but I do not intend to speak to it tomorrow. I will speak to something else tomorrow.

Having said that, no honourable senator could better speak on the subject of the history of Blacks in Canada. You do not need to be Black, honourable senators. We could talk about the French Canadian history or the rights of the English-speaking minority in Quebec, something which I defend. You do not need to be English to defend the rights of the English; you do not need to be French to defend the rights of the French. I would say that Senator Oliver may tell us more, but other senators may do the same. I see some chief editorialists of newspapers who are now in the Senate. We will have four very prominent new senators in a short time. Some of them have touched almost every subject.

I believe my short intervention will give the chance to honourable senators to reflect this summer on this inquiry of Senator Cools. I thank her for having brought this inquiry forward. I will not be able to speak to it in the future. However, if an amendment is made to it, I will speak to it. I was glad to get up and offer my little bit of cooperation.

On motion of Senator Prud'homme, debate adjourned.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO STUDY ROLE OF GOVERNMENT IN FINANCING DEFERRED MAINTENANCE COSTS IN POST-SECONDARY INSTITUTIONS

Hon. Wilfred P. Moore, pursuant to notice of May 29, 2001, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report on the role of government in the financing of deferred maintenance costs in Canada's post-secondary institutions; and
>
> That the Committee report no later than the 31st day of October, 2001.

Motion agreed to.

AGRICULTURE AND FORESTRY

STUDY ON PRESENT STATE AND FUTURE OF FORESTRY—COMMITTEE AUTHORIZED TO TABLE FINAL REPORT WITH CLERK

Hon. Jack Wiebe, for Senator Gustafson, pursuant to notice of June 12, 2001, moved:

> That the Standing Senate Committee on Agriculture and Forestry, which was authorized by the Senate on March 20, 2001, to receive, examine and report on the papers, evidence, and work accomplished by the Committee during the Second Session of the Thirty-sixth Parliament in relation to the present and future state of forestry, and to report by June 30, 2001, be permitted, notwithstanding usual practices, to deposit its report with the Clerk of the Senate, if the Senate is not then sitting, and that the report be deemed to have been tabled in the Chamber.

Motion agreed to.

The Senate adjourned until Thursday, June 14, 2001, at 1:30 p.m.

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Wedenesday, June 13, 2001

ORDERS OF THE DAY