



CANADA

Debates of the Senate

1st SESSION

• 37th PARLIAMENT

• VOLUME 139

• NUMBER 58

OFFICIAL REPORT
(HANSARD)

Tuesday, October 16, 2001



THE HONOURABLE ROSE-MARIE LOSIER-COOL,
SPEAKER *PRO TEMPORE*

CONTENTS

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

Debates and Publications: Chambers Building, Room 943, Tel. 996-0193

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

THE SENATE

Tuesday, October 16, 2001

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

Prayers.

NEW SENATORS

The Hon. the Speaker *pro tempore*: Honourable senators, I have the honour to inform the Senate that the Clerk has received certificates from the Registrar General of Canada showing that the following persons, respectively, have been summoned to the Senate:

Gerard A. Phalen
Joseph A. Day
Michel Biron

INTRODUCTION

The Hon. the Speaker *pro tempore* having informed the Senate that there were senators without, waiting to be introduced:

The following honourable senators were introduced; presented Her Majesty's writs of summons; took the oath prescribed by law, which was administered by the Clerk; and were seated:

Hon. Gerard A. Phalen, of Glace Bay, Nova Scotia, introduced between Hon. Sharon Carstairs and Hon. Wilfred P. Moore.

Hon. Joseph A. Day, of Hampton, New Brunswick, introduced between Hon. Sharon Carstairs and Hon. Eymard G. Corbin.

Hon. Michel Biron, of Nicolet, Quebec, introduced between Hon. Sharon Carstairs and Hon. Céline Hervieux-Payette.

The Hon. the Speaker *pro tempore* informed the Senate that each of the honourable senators named above had made and subscribed the declaration of qualification required by the Constitution Act, 1867, in the presence of the Clerk of the Senate, the Commissioner appointed to receive and witness the said declaration.

• (1420)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am pleased to rise today and welcome three new colleagues to the Senate chamber.

Senator Gerard — better known as Jigger — Phalen taught at the Nova Scotia Eastern Institute of Technology, where he was also Chair of the Faculty Association and Chair of the Negotiating Committee. At the University College of Cape Breton, he again chaired the Negotiating Committee and served on other committees, in addition to serving as a member of the teaching faculty.

Senator Phalen has served in many positions for several unions, including President of the Nova Scotia Government Employees Union and Vice-President of the Council of Atlantic Provincial Employees.

Senator Phalen has a long-standing interest in politics and has served as a political organizer and fundraiser in Cape Breton.

Honourable senators, if you ask Senator Phalen to open up his jacket, you will see a little piece of Cape Breton tartan that has been put there in honour of today.

Hon. Senators: Hear, hear!

Senator Carstairs: Honourable senators, Senator Day is both an engineer and a lawyer, specializing in patent and trademark law and corporate legal counsel. Senator Day is certified as a specialist in intellectual property matters by the Law Society of Upper Canada, as well as certified as a professional engineer in the province of New Brunswick.

Senator Day studied at the Royal Military College and obtained a Master of Laws from Osgoode Hall. He has been called to the bar of New Brunswick, Ontario and Quebec.

Senator Day has served as legal counsel for J.D. Irving Limited. Following his tenure there, he became President and CEO of the New Brunswick Forest Products Association.

Senator Day has been very active in many legal associations, including the Canadian Bar Association and the Canadian Corporate Counsel Association. He has volunteered for many professional and community associations, including serving as Chair of the Tattoo 200 Saint John Bicentennial Celebration, the Foundation and Board of the Dr.V.A. Snow Centre Nursing Home, and the 1996 Saint John Regional Hospital "Rally of Hope."

[*Translation*]

Senator Michel Biron is President of Sogetel Mobilité, Sogetel Interurbain, NTIC and Mont Orignal. He launched modern telephony and new telecommunications technologies when he became President of Sogetel, nearly 40 years ago now.

His commitment to independent business and his dedication to organizations such as the Canadian Independent Telephone Association earned him the association's Man of the Year award in 1981.

In addition to being a dynamic entrepreneur, Senator Biron is very active in the community. He was one of the founding members of the Caisse d'entraide économique de Nicolet and a director of the Nicolet Chamber of Commerce.

[*English*]

He has been very involved in promoting entrepreneurial, artistic, sports and cultural endeavours in the region of Nicolet.

This spring, Senator Biron was appointed Member of the Order of Canada.

Honourable senators, I look forward to becoming further acquainted with our new colleagues and to working with them in the Senate chamber.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, in joining with Senator Carstairs in welcoming our new colleagues, this is as good an occasion as any to emphasize again that the Senate of Canada, despite what many in their ignorance enjoy demeaning, is able to survive attacks on its credibility by constantly carrying out its constitutional obligations in a responsible and, I dare say, enviable fashion: enviable in the sense that it succeeds where the other place too often fails. It sees legislation as a legitimate effort to improve society, not as a series of words either accepted blindly or challenged solely for some partisan advantage.

• (1430)

This place — this appointed place, this appointed chamber — more often than not shows more care for the rule of law and parliamentary democracy than does the elected one. It is in this environment that I welcome, on behalf of all my colleagues, our three new members. The background of each, despite some questionable political leanings, I must admit, augurs well not only for the enhancement of the role of the Senate but for the entire parliamentary process.

[*Translation*]

I should like to congratulate the three new senators on their appointment and assure them they have my complete support, and the support of my colleagues on this side, as they familiarize themselves with their new responsibilities.

[*English*]

SENATORS' STATEMENTS

YWCA CANADA WEEK WITHOUT VIOLENCE

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise today to draw your attention to the fact that the YWCA of Canada has established this week, from October 14 to October 20, as their Week Without Violence campaign. In light of recent world events, this is an ideal week in which to pause and consider the effects of violence on our society. Violence often prevails whenever people do not treat each other with basic human dignity: Governments fail to respect and safeguard their citizens, citizens fail their neighbours and parents fail their children. This Week Without Violence is an ideal time in which to reflect on the importance of treating each other with dignity and with respect.

In Canada, we are fortunate that we place such a high premium on human rights and civil liberties. Our governments and our

[Senator Carstairs]

courts enact laws that protect us from living in fear of violence. However, we all know that they cannot protect us from each other and from every act of violence. When we need immediate assistance, we often turn to organizations such as the YWCA.

Honourable senators, as many of you are aware, the YWCA is our oldest and largest service organization. There are 42 YM/YWCAs across Canada that address the needs of more than one million women and children each year. It has always been a reassuring presence for Canadian women who have turned to the organization for support and assistance in many areas of their lives.

YWCA chapters across the country offer a remarkable variety of employment, daycare and outreach programs. Perhaps the most valuable service is their assistance to women and children who suffer the effects of violence in their families.

Women across Canada are helped by the YWCA. In Kamloops, 603 women and children found shelter last year. In Sudbury, Geneva House has been opening its doors to women escaping domestic violence since 1983. In Oshawa, the Apple Community Project provides 24-hour assistance to women seeking refuge and assistance. In our National Capital Region, the YM/YWCA provides a counselling program especially for preschoolers who have been exposed to violence or abuse. In my home province of Manitoba, the Winnipeg YM/YWCA is launching a program at high schools called Acting Peace, which is aimed at youth violence prevention. Since 1998, the Thompson YWCA has been sponsoring Season Without Violence, a series of activities encouraging awareness of the tragic consequences of violence. This program addresses many forms of violence, including sexual assault, suicide prevention and assertiveness training for victims of violence.

Honourable senators, I take this opportunity to congratulate the YWCA of Canada on their sixth anniversary of the Week Without Violence campaign.

INTERNATIONAL CONFERENCE OF UNIVERSITIES

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, a few days ago I had the opportunity to participate in the International Conference of Universities named after Saint Thomas Aquinas. The meeting took place in Rome and was hosted by my alma mater, the Pontifical University of St. Thomas Aquinas — the “Angelicum.”

The Canadian delegation was led by Dr. Daniel O'Brien, President of Saint Thomas University in Fredericton, New Brunswick. Our group was privileged by an audience with Pope John Paul II, who encouraged this university work around the globe. His Holiness also shared with us some of his experiences during his visit to Armenia and Kazakhstan. I wish to place on the record of this honourable house, the Pope's words when he told us, “Religion can never be used as a justification for terrorism or war.”

I am confident that all Canadians, as all honourable senators, concur in this truth.

UNITED NATIONS AND SECRETARY-GENERAL KOFI ANNAN

RECIPIENTS OF NOBEL PEACE PRIZE

Hon. Douglas Roche: Honourable senators, the news that the Nobel Peace Prize has been awarded to Secretary-General Kofi Annan and the whole United Nations provides a moment of hope in a fractured world.

In lifting Kofi Annan to the pre-eminent status occupied by Nobel Peace Laureates, the Nobel Committee has sent a signal to the world: The route to peace with security lies in the strategies promoted by the UN to deal with the key areas of conflict, sustainable development, equity and justice.

Though wars are still fought, the UN has averted even more wars. Though poverty still scars the world, the UN has raised the living standards of millions. Though human rights are still egregiously violated, the UN has provided new norms for the protection of human dignity that are slowly being built into laws.

Honourable senators, put simply, the world is a better place because of the United Nations. Compared to the \$800 billion per year that the world spends on armaments, the \$10 billion spent by the UN on all its agencies is far more effective for peace.

Kofi Annan, in his quiet, unassuming manner, has accomplished much and is held in the highest regard by the UN's 189-member countries, as was revealed in their unanimous reappointment of him as Secretary-General for a second five-year term. The major nations ought now to listen to him more carefully when he calls for a political settlement to the conflict in Afghanistan.

Honourable senators, it is good that the whole United Nations team is singled out to share the Nobel Peace Prize. The UN vineyard is full of dedicated, competent and tireless servants of peace. Permit me to name just one: Jayantha Dhanapala, Under-Secretary-General for Disarmament Affairs, who is engaged on a daily basis in developing the measures to move the world from weapons to law in building the conditions for peace.

The whole world should be grateful, honourable senators, as it salutes Secretary-General Kofi Annan and the United Nations.

PRINCE EDWARD ISLAND

ADVANCES IN TECHNOLOGY

Hon. Catherine S. Callbeck: Honourable senators, when Canadians think of Prince Edward Island, they generally envision rolling potato fields, sandy beaches, lobster boats or, yes, Anne of Green Gables. There is little question that these are the images for which we are best known.

However, what you may not realize is that my home province is leading the way in Canada in respect of its citizens having access to technology. Advances in technology and the World Wide Web have changed the way in which we operate on a daily basis. We have quick and easy access to information, which, just a few short years ago, may have taken considerable time and

effort to find. The knowledge-based economy is dependent upon this sort of technology and to that end, it appears that the people of Prince Edward Island are well placed to take advantage of this new and blossoming sector of our nation's economic activity. A recent Statistics Canada survey showed that Prince Edward Island has recorded the largest single increase in the country in home Internet access, boasting an increase of 71 per cent from the previous year. This, combined with the fact that Prince Edward Island was the first Canadian province to connect every school and library to the Internet, certainly puts the province in an enviable position.

However, honourable senators, this is just the tip of the technological iceberg. Currently under construction in downtown Charlottetown is the multi-million dollar, state-of-the-art Atlantic Technology Centre. When this facility opens its doors next year, it will serve as an incubator for further business development in the area of technology.

It is expected to house more than 500 employees, who will work with small and medium-sized technology businesses based in the province, as well as more well-known international firms. The opening of this \$20-million centre will coincide with the province's hosting of a major international technology conference — Softworld 2002.

Honourable senators, this event will attract information technology experts from around the world, and I believe it speaks volumes for how advanced the technology sector has become in Prince Edward Island.

Honourable senators, it is my fondest personal wish that this continued development in technology will make it possible for young Islanders with a desire to stay at home to pursue their dreams to do just that. When that occurs, all Islanders will benefit.

INDUSTRY

INNOVATION AND TECHNOLOGY AGENDA

Hon. Donald H. Oliver: Honourable senators, September 11 changed the world. It also changed the way in which public policy-makers develop their priorities. In Canada, we are now obsessed with deficiencies in our defence and security capability.

In our panic over our inadequate security, we must not forget other priorities that we must develop concurrently. I was happy to read recently in the newspapers that the Minister of Industry, the Honourable Brian Tobin, is prepared to take up this matter in cabinet to ensure that high-speed broadband Internet access is available to the rural areas of Canada.

• (1440)

In the past, Canada has been a leader in information technology, and we simply cannot take our position among the world's most innovative nations for granted. Minister Tobin is talking about the so-called innovation agenda, one that promotes investment in research and development to help keep Canada as a world leader. This agenda was supposed to have been the showcase when Parliament opened this fall.

Another way to look at it is that if we continue to put money into the innovation agenda, it will support and supplement our needs to develop defence security and intelligence networks.

One writer put it this way:

First, our current situation places new, urgent demands on our continuous capacity for innovation. World War II was largely brought to a close by extraordinary advancements in encryption and — for better or for worse — atomic physics.

Honourable senators, read *The Toronto Star's* coverage of the preparations for this war. Analyst after analyst has contended overcoming our opponents will require advanced intelligence gathering capability, sophisticated weapons technology and cutting-edge surveillance and communications technology. Abandoning the development of innovations in this technology to other nations would be as irresponsible as abandoning the ground war or the relief effort to others.

Finally, there is no question one day the United States and its allies will have been successful in bringing an end to the regimes that have brought terror to the world and, when that time comes, where will Canada be in terms of its innovation and technology agenda? To ensure we are not picking up the rear, surely this is the time to give support to an agenda that helps keep us in the lead.

Honourable senators, I feel so strongly about this issue that it is my intention to later set down an inquiry and speak to this matter at length before Christmas.

AGRICULTURE AND AGRI-FOOD

UNITED STATES DRUG ENFORCEMENT AGENCY DECISION AGAINST IMPORTATION OF CERTAIN HEMP PRODUCTS

Hon. Lorna Milne: Honourable senators, I rise this afternoon to inform the Senate of an emerging crisis in the new Canadian hemp industry. On October 9 of this year, the U.S. Drug Enforcement Agency announced that all hemp products that can be ingested or used as cosmetics can no longer be imported into the United States or sold there. As a result of this action, many Canadian producers of non-sterilized hemp seed and hemp oil products will be in great difficulties. The rapid growth of this promising agricultural industry has been severely injured.

The most frustrating part of this decision by the DEA is that it is based on popularly held misconceptions about hemp and not on any scientific rationale. In its press release, the DEA stated the following:

Hemp is part of the cannabis plant, which is also known as marijuana... Hemp and marijuana are actually separate parts of the species of plant known as cannabis... Hemp cannot be produced without producing marijuana.

These statements in essence are wrong. The scientists at the DEA should get their science straight before making this kind of irresponsible statement. As I have informed honourable senators many times in this place, hemp and marijuana are two completely different, although related, things.

[Senator Oliver]

Cannabis is a plant. That much they got right. There are many different varieties of cannabis. Some varieties, called marijuana, have been developed by the drug lords to have high levels of THC, up to 20 per cent. It is the THC that creates the high when one smokes marijuana.

By the same token, other varieties of cannabis, both naturally occurring and engineered, have minutely low levels of THC, less than 0.1 per cent. This industrial hemp has been used to create fibres, cosmetics and food, and it is these last two products that the DEA has decided to arbitrarily ban from American stores.

Honourable senators, I call upon the government to work with the DEA to reopen the American market to Canadian hemp oil and hemp seed products. It is essential that we protect Canadian jobs from the apparent widespread ignorance south of the border. Canadian hemp producers make fine products that are useful in hundreds of ways, and they need our support and our assistance right now.

Honourable senators, this little tube that I am holding is hemp oil lip balm. I have been using it since the summer. It is lime flavoured. If I put it on my lips and lick it off, I have ingested hemp oil.

I can tell honourable senators that I am not high, nor am I about to get high. I will not test positive for THC. I have never smoked marijuana in my life, and all that might happen from taking this product is that my levels of bad cholesterol may be lowered.

Industrial hemp is not the same variety as marijuana, no more so than is a Manitoba maple the same variety as the sugar maples that are in beautiful red foliage outside our windows in Ottawa right now. I believe the officials in the DEA could use an introductory course in Botany 101. I am also informed that some manufacturers, I believe in the United States, will challenge the DEA under NAFTA.

ROUTINE PROCEEDINGS

THE SENATE

NOTICE OF MOTION TO APPOINT SPECIAL COMMITTEE ON BILL C-36

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, with leave the Senate and notwithstanding rule 57(1)(d), I give notice that tomorrow, October 17, 2001, I shall move:

That a special committee of the Senate be appointed to examine the subject matter of Bill C-36, *An Act to amend the Criminal Code, the Official Secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act and other Acts, and to enact measures respecting the registration of charities, in order to combat terrorism*, in advance of the said bill coming before the Senate;

That the bill be referred to the said special committee in due course; [English]

That the following Senators be appointed to serve on the Special Committee: namely, the Honourable Senators Andreychuk, Bacon, Beaudoin, Fairbairn, P.C., Fraser, Furey, Jaffer, Kelleher, P.C., Kenny, Murray, P.C., Stollery and Tkachuk, and that four members constitute a quorum;

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

That the committee have power to sit during sittings and adjournments of the Senate;

That the committee have power to authorize television and radio broadcasting, as it deems appropriate, of any or all of its proceedings;

That the committee have power to retain the services of professional, clerical, stenographic and such other staff as deemed advisable by the committee; and

That the committee be permitted, notwithstanding usual practices, to deposit any report related to its study of the subject matter of the bill with the Clerk of the Senate, if the Senate is not then sitting, and that any report so deposited be deemed to have been tabled in the Chamber.

The Hon. the Speaker pro tempore: Honourable senators, is leave granted that we receive this motion tomorrow after only one day's notice?

Hon. Senators: Agreed.

[Translation]

ADJOURNMENT

The 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 Wednesday, October 17, 2001 at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

CANADA-EUROPE PARLIAMENTARY ASSOCIATION

COUNCIL OF EUROPE PARLIAMENTARY ASSEMBLY
MEETING, JUNE 25-29, 2001 —REPORT OF
CANADIAN DELEGATION TABLED

Hon. Peter A. Stollery: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian Delegation of the Canada-Europe Parliamentary Association to the Parliamentary Assembly of the Council of Europe, Third Part Session, held in Strasbourg, France, from June 25 to 29, 2001.

• (1450)

CONDEMNATION OF TERRORISM

NOTICE OF MOTION

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that on Thursday next, October 18, 2001, I will move:

That the Senate:

- Considering Resolutions 1368 and 1373 adopted by the Security Council of the United Nations on September 12, and September 28, supporting initiatives to eradicate international terrorism that threaten peace, security, human rights and freedoms and political order of the free and democratic society; and

- Considering that in its special session of October 2, 2001 the North Atlantic Council determined that “the attack against the United States on September 11 was directed from abroad and shall therefore be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack on one or more of the Allies in Europe or North America shall be considered an attack against all”;

- Condemn unequivocally the use of violence and terrorism to overthrow the democratic order and the elimination of human rights and freedoms;

- Support the decision of the Government calling upon the Canadian Armed Forces on active service to join the international campaign against the perpetrators of the terrorist attacks of September 11;

- Express its preoccupation that humanitarian support be given to civilians affected by that campaign;

- Express its urgent concern that the authors and supporters of those terrorist attacks are brought to justice accordingly;

- Express its strong belief that it is through negotiation and peace settlement that legitimate claims of the States should be dealt with within the International Order; and

- That upon adoption of this motion, the said motion shall be deemed referred to the Standing Senate Committees on Foreign Affairs and Defence and Security for study and report back to the Chamber in the next 30 days.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTINGS OF THE SENATE

Hon. Lorna Milne: Honourable senators, I give notice that I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 5:00 p.m. on Tuesdays, October 16, 23 and 30, 2001, for the purposes of its examination of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

QUESTION PERIOD

CITIZENSHIP AND IMMIGRATION

MEMORANDUM OF CHAIRMAN OF IMMIGRATION AND REFUGEE BOARD REGARDING IMMIGRATION AND REFUGEE PROTECTION BILL

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, recently, I asked the minister to comment on the extraordinary statement made by the Minister of Citizenship and Immigration at the time to the effect that parts of Bill C-11, the immigration bill, were in effect although the bill is still before the Senate. The answer was not very satisfactory the following day. It was in the form of a letter from the minister, who, in the last paragraph, alluded to some media reports and distortions.

In effect, honourable senators, nothing was distorted. The quotations came from a tape and were accurate.

I raised this issue as a question of privilege. The Speaker, in his opinion, did not recognize it as such. If I bring up a similar situation today, it is because others who will be responsible for the application of Bill C-11 have already engaged in its application.

I refer to the Chairman of the Immigration and Refugee Board, who, on October 11, sent a memorandum addressed to all IRB personnel. It reads as follows:

The purpose of this memorandum is to advise you that I am commencing the selection process for the position of Deputy Chairperson of the proposed Refugee Appeal Division.

The proposed Refugee Appeal Division can be found in Part 4 of Bill C-11, which, in clause 151, creates four new divisions, of

[Senator Grafstein]

which this is one. That is bad enough by itself, but the memorandum goes on to state:

Please note that all interest for the above position should be indicated in writing by October 22, 2001...

Honourable senators, the bill will still be before the Senate on that day, as we have agreed here to dispose of it no later than five o'clock on October 31. From the list of witnesses that will be heard next week, I gather that we will have the bill before us long after October 22. Yet applications are to be received for a position before even its creation has been approved.

Included in a "Statement of Qualifications" attached to the memorandum is the following: "thorough knowledge of the Immigration Act." The Immigration Act is in the form of a bill before the Senate. It is not in a final form. There may be amendments brought to it. Those amendments, if approved, will be sent to the House of Commons. This may be theoretical. It may be supposition. Nonetheless, the fact that the Chairman of the Immigration and Refugee Board has gone ahead with application of part of the bill shows contempt for this place and for Parliament as a whole.

I am asking the minister to immediately get in touch with her colleague the Minister of Citizenship and Immigration and ask her to instruct the chairman of the board to withdraw his memorandum and to ignore any applications he has received. If this is not done, the question is asked again: What are we doing examining proposed law in the form of bills if we are told for the second time — the first time by a minister and this time by the Chairman of the Immigration and Refugee Board — that parts of the bill are being applied as if they were already law?

I think there is a question of privilege there, but I will respect the opinion of His Honour on that matter. Certainly, it is contempt of Parliament and contempt of the whole process.

Before she answers, I remind the minister that a similar situation took place in 1998, when we were examining the Canada pension bill. We found, thanks to Senator Tkachuk and Senator Kinsella, that some actuarial tables had been posted on the Department of Revenue's Web site despite the fact that the department had guaranteed this place in writing that no information would be given in any form until the bill was passed. This is exactly the same situation. Only when they were found out did Revenue Canada backtrack, post a disclaimer and finally, I believe, withdraw the information completely.

We have a similar case here. I would hope that the government, through the minister, will lead us to the same result. Otherwise, some of us are left to wonder why we examine a bill before committee only to find out, as in this case, that it is already in application.

Senator Kinsella: Good question!

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to thank the honourable senator for his question. I totally agree with the comment made by Senator Kinsella that it is a good question. In fact, I agree with the spirit of everything that Senator Lynch-Staunton has had to say.

I wish to assure the honourable senator that I will speak to the minister this afternoon. I am not sure that I can instruct her, but I can speak with her. I will ask her to instruct her officials not only to withdraw the circular but also to withdraw all applications received thereon.

• (1500)

FINANCE

POSSIBILITY OF ECONOMIC STATEMENT

Hon. David Tkachuk: Honourable senators, the surplus was at risk before September 11 and now even the Minister of Finance concedes that the books could soon be in the red again. We are told that neither the tax cuts nor the increased health spending announced last fall are in jeopardy but that other spending will have to be cut to pay for new spending priorities.

Let me list a few of the spending priorities announced lately: \$280 million last week for increased security; \$160 million to compensate airlines; \$447 million to Pakistan for debt relief for an annual cost of \$16 million. We have donated \$6 million for Afghan refugees. Our military contribution price tag has not yet come in. Has the government begun to identify programs that are likely to be scaled back to help keep its books in balance?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the question as posed includes a great deal of supposition. I do not accept that the surplus was at risk prior to September 11. However, circumstances have significantly changed since September 11. I think it is incumbent upon the government to be very fulsome in its economic update, which it will deliver soon. At that time, I understand the minister will indicate the future spending priorities.

THE SENATE

REFUSAL OF GOVERNOR OF BANK OF CANADA TO APPEAR BEFORE BANKING, TRADE AND COMMERCE COMMITTEE

Hon. David Tkachuk: Honourable senators, that response leads into my second question. The Minister of Finance promised an economic statement quite some time ago. We invited him to come before the Standing Senate Committee on Banking, Trade and Commerce to talk about the state of the country as a result of the events of September 11, which he said he would do after the economic statement is given. We have not yet received a date. Can the Leader of the Government in the Senate give me any indication of when that will take place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am informed that this will take place in the month of October, which we are in now. I know the date was to be announced after meetings with private sector economists, and I understand those meetings are taking place today. I would expect to have a date very shortly.

Senator Tkachuk: We have also sent a letter, through Senator Kolber, Chairman of the Banking Committee, to the Governor of the Bank of Canada. The governor has also refused to come before the Senate committee. I find it intolerable that, as we go to

war, the Minister of Finance will not appear before the Banking Committee and the Governor of the Bank of Canada refuses to appear to give a statement. Will the minister use her good offices to urge the head of the Bank of Canada to appear before the Standing Senate Committee on Banking, Trade and Commerce?

Senator Carstairs: As honourable senators are aware, there are many pressures on the government at the present time. Various departments are extremely busy as a result of the activities of September 11. I would hope the Governor of the Bank of Canada, who has attended before the Banking Committee in the past, would be agreeable to do so in the very near future. I will speak to the Minister of Finance about both the desire for the governor to appear and the desire for him to appear.

TRANSPORT

AIRLINE INDUSTRY—ADVANCED EXPLOSIVE-DETECTION SYSTEMS TO SCAN LUGGAGE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It relates to the government's announcement that it is purchasing advanced explosive-detection systems for checked luggage screening at our airports.

An article in Sunday's *Ottawa Citizen* revealed that even once the systems are up and running, Canada will not meet the level of explosive detection for checked luggage that is in place in Europe. Currently, in the U.K., 100 per cent of all checked bags are scanned for explosives. The European Civil Aviation Conference has set the end of 2002 as the target date for screening all checked bags at airports in its 32 member countries.

In Canada, there has been no commitment to a target date for scanning all checked baggage, even with the new equipment. In other words, some checked bags will still be loaded onto Canadian passenger jets without any screening at all. Has or will this government commit to a target date for screening all baggage for explosives and, if not, why not?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I understand that the Department of Transport is examining the technology behind advanced explosive-detection machines. It is their desire to get the most up-to-date equipment. I want to make very clear that to this point there has been no commitment to any specific machinery. The department is examining the potential need for such equipment and the most up-to-date equipment available.

AIRLINE INDUSTRY—GOVERNMENT ASSISTANCE TO OFFSET CURRENT DOWNTURN

Hon. Donald H. Oliver: Honourable senators, still in the area of transport, Canada 3000 has warned that it needs more aid from the federal government or it could run out of cash by Christmas. According to Canada 3000's chairman, John Lecky, neither of the major airlines, Air Canada nor Canada 3000, will make it past Christmas without some sort of assistance. That is according to *The Globe and Mail*, October 16, 2001.

Mr. Lecky says that the \$160million in support the federal government has already provided to the airlines to compensate them for when the air space was closed is not enough. Mr. Lecky also said the Canadian airlines need loan guarantees similar to the sort that Washington has offered to the American carriers.

Is the government considering a contingency plan for our airlines to account for the protracted decline in airline bookings as a consequence of the September 11 terrorist attacks?

Hon. Sharon Carstairs (Leader of the Government): The issue raised by the honourable senator is important. We know that travel is down significantly, particularly international travel, which has impacted airlines such as Canada 3000. I am pleased that he recognized, as did the chair of Canada 3000, the infusion of money for the period of time in which the airlines were all prohibited from travelling in Canada.

I assure honourable senators that the government is monitoring this situation very carefully. It is looking at a variety of options, including the option probably preferred by all of us — that there be a private sector solution.

[*Translation*]

INTERNATIONAL COOPERATION

AID TO AFGHANISTAN

Hon. Pierre Claude Nolin: Honourable senators, my question is for the Leader of the Government in the Senate. Since September 11, and since last week in particular, the member countries of the international coalition, under the leadership of the U.S. government, have decided to move on from words to action and to engage in a military campaign in Afghanistan.

Increasingly, especially in the past two or three days, we have heard international food aid organizations reminding the coalition members, primarily the U.S., but Canada as well, that civilian populations will be affected by this military campaign. If I am to believe what I hear, from both this government and the U.S. government, the target is not civilian populations, but rather a very specific group of terrorists.

What does the Canadian government intend to do in response to this appeal from these international organizations?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, apparently a great number of promises and commitments have been made, but to date only \$40 million is on the table, of which \$6 million is Canada's. We have shown strong leadership thus far in this field, but the situation is being monitored on a daily basis. The \$6 million is in addition to the aid package of \$12 million that was put into place for the fiscal year, long before the events of September 11, bringing the total commitment to Afghans to \$18 million.

Minister Minna says that this aid is being monitored. Humanitarian aid appears to be a great need not only for the refugees at the border — whose numbers do not seem to be getting larger — but also for those inside Afghanistan itself. The problem is how to deliver that aid.

[Senator Oliver]

• (1510)

I am sure that over the weekend many of us read about the packages not reaching the individuals who require them. There is also a very serious concern about land mines and the danger presented by dropping supplies into what is potentially land-mined territory. While the dropping of supplies may provide one aspect of life support, the existence of land mines endangers another aspect of life support.

I assure the honourable senator that this is being monitored on a daily basis.

[*Translation*]

Senator Nolin: The minister's reply made reference to the U.S. government's intervention, which consists of dropping food rations. I will keep my opinion as to how we might perceive such a gesture to myself. I am far more concerned by the comments from international organizations critical of the U.S.'s way of spreading its largesse. They are of the opinion that the best way to reach those in greatest need of food aid is to use the channels they themselves have set up for that purpose. The minister says that the Canadian government is monitoring the situation. To what type of delivery mechanism does the minister believe it will give precedence? Where does the minister think it will spend the funds allocated for this purpose?

[*English*]

Senator Carstairs: Honourable senators, to date they have been using NGOs that have both knowledge and expertise in the delivery of food into the areas occupied primarily by refugees, some of whom are right on the border and others of whom are across the border. As honourable senators know, in some cases the borders have been blocked.

If additional access routes are to be developed, I will get that information to the honourable senator.

AFGHANISTAN —POLICY TOWARD TALIBAN REGIME

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is addressed to the Leader of the Government in the Senate. Is it the policy of the Government of Canada that the current Taliban regime which governs Afghanistan be removed from power?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the present government of Afghanistan, which is Taliban directed, has been, until this point in time, protecting the terrorists. They have been asked to release those terrorists. To this point, they have failed to do so. Therefore, the hope is that the people of Afghanistan might choose a different government.

AFGHANISTAN —POLICY TOWARD POST-TALIBAN REGIME

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, if it is the policy of the Government of Canada that the current Taliban regime which governs Afghanistan be removed, what is the policy, if any, of the Government of Canada in terms of the post-Taliban regime? Does the Government of Canada have a position? If so, what are some of the cornerstones of that policy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, all I can indicate is that there is an active and ongoing discussion between members of the coalition and the broader community as to the future of Afghanistan. There is a great deal of recognition that the Afghani people have not been in crisis just since September 11 when we, perhaps, became more aware of the problems of the Afghan people. They have been suffering from a lack of food, education and basic hygiene for at least 20 years.

One of the figures that shocked me when I saw it is that power is available to only 5 per cent of the population of Afghanistan. We are talking about an extraordinarily poor country. The coalition partners and the broader community are discussing how Afghanistan can be helped in the future.

NATIONAL DEFENCE

AFGHANISTAN —EXIT STRATEGY FOR TROOPS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I understand that the Prime Minister is in Halifax today to bid farewell to a number of Armed Forces units that are setting sail for that theatre of the world. Does the government have a policy, any norms or criteria set out that will determine its exit strategy? How will the Government of Canada know when it is time to bring those forces back to Canada?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the question of the honourable senator roams into the area of speculation. I believe that the Prime Minister will be in Halifax tomorrow and not today. At that time, he will bid farewell to our troops, as the Governor General did yesterday.

I think that everyone, including the Americans, wishes to stop as soon as possible the engagement that is taking place at this time. That clearly is the exit strategy. However, there will not be any exit until the terrorists have been caught and brought to justice.

FOREIGN AFFAIRS

AFGHANISTAN —OFFICIAL STATEMENT CONDEMNING TREATMENT OF WOMEN

Hon. David Tkachuk: Honourable senators, has the Government of Canada ever officially issued a statement condemning the Taliban, the Government of Afghanistan, for its barbaric treatment of women?

Hon. Sharon Carstairs (Leader of the Government): I cannot tell honourable senators if there has been an explicit statement to that effect. If there has been such a statement, I will ensure that the honourable senator receives it.

NATIONAL DEFENCE

AFGHANISTAN —SHIPS ASSIGNED TO MIDDLE EAST

Hon. Terry Stratton: Honourable senators, I wish to follow up on Senator Kinsella's question with respect to the Prime Minister travelling to Halifax tomorrow to see off our troops. It is

my understanding that on October 8, the Minister of National Defence announced that Canada's military contribution to the war on terrorism would include six ships, namely, a naval task force group of five warships and one other ship. These ships are being deployed to meet our NATO commitments.

To date, as I understand it, only five have been named. Could the minister tell me why?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my understanding is that one ship was already on the way to its destination. Five will leave tomorrow. That makes a total of six ships.

I should also inform the Senate that of the countries involved, Canada's contribution is the third largest of all contributions to this point, ahead of both France and Australia who have committed troops to this endeavour.

Senator Stratton: Honourable senators, as I understand it, these ships are the frigates *Halifax*, *Charlottetown* and *Vancouver*, the destroyer *Iroquois* and the supply ship *Preserver*. Does the minister have the name of the sixth ship?

Senator Carstairs: Honourable senators, I believe it is the *Halifax*.

Senator Stratton: Honourable senators, I mentioned the *Halifax* in my question. If the minister can get the information for me, I would appreciate it.

Senator Carstairs: I will get that information for the honourable senator as quickly as possible.

• (1520)

FOREIGN AFFAIRS

AFGHANISTAN —INVOLVEMENT IN POST-WAR REHABILITATION STRATEGY

Hon. Douglas Roche: Honourable senators, I received a communication from the distinguished Canadian Judge Gurcharan Singh Bhatia, CM, who is President of the John Humphrey Centre for Peace and Human Rights in Edmonton, who I think was probably speaking for many Canadians when he asked me to find out if Canada is actually involved in the planning or strategy for the post-war, post-Taliban rehabilitation in Afghanistan.

This work has already been started by the United Nations. My question is: In what manner is Canada sharing in the planning of the post-war rehabilitation in Afghanistan?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I answered similar questions that were posed this afternoon, the government has already entered into discussions with their allies as to this exit strategy.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table three delayed answers. The first is in response to a question raised by Senator Wilson on September 27 about the release of personal information on students by universities to police and government agencies. The second and third are in response to questions raised by Senator Forrestell on September 26 about HMCS *Charlottetown*.

SOLICITOR GENERAL

RELEASE OF PERSONAL INFORMATION ON STUDENTS BY UNIVERSITIES TO POLICE AND GOVERNMENT AGENCIES

(Response to question raised by Hon. Lois M. Wilson on September 27, 2001)

The threat environment has changed dramatically following the September 11 attacks. As I am sure you can appreciate, this has resulted in a higher level of investigative activity in Canada.

I can assure you that the RCMP and other investigative agencies are sensitive to the special role that academic institutions play in a free and democratic society, as well as to the need for preserving the free flow of ideas.

In this regard, the RCMP and other government agencies are responding to the current situation in the most professional and least intrusive ways possible.

A university registrar is not required to release information unless satisfied that the request is a legitimate part of a police and/or security investigation.

Such investigations are not “fishing expeditions”, rather they are intended as much to eliminate genuine students from unwarranted suspicion as they are focussed upon identifying those who may be a threat to the safety and security of the Canadian public.

The Government of Canada’s approach to fighting terrorism has been and will continue to be grounded in our commitment to ensure a balanced approach to individual rights and public safety, within the parameters of our legal system.

NATIONAL DEFENCE

PRESENT LOCATION AND ASSIGNMENT OF HMCS CHARLOTTETOWN

(Response to question raised by Hon. J. Michael Forrestell on September 26, 2001)

QUESTION:

Is the HMCS *Charlottetown* or a similar vessel travelling with the USS *Theodore Roosevelt*? Why and what is its mission?

ANSWER:

HMCS *Charlottetown* returned from OP AUGMENTATION (Persian Gulf) on July 1, 2001 and has been alongside since for leave and maintenance.

HMCS *Charlottetown* will be part of the Canadian Naval Task Force to be sent to the Middle East.

QUESTION:

Otherwise, why is that vessel at sea at this time? Is it taking part in joint exercises? Where is it? When is it expected back in port? Are the families aware of the location and return date of the members of crews on board any Canadian war ship that may be out of port on duty?

ANSWER:

There were only two Canadian ships at sea around September 26, 2001:

- HMCS *Saint John*: Sea Trials off Halifax; and

- HMCS *Halifax*: With Standing Naval Force Atlantic and conducting exercise that week with Standing Naval Force Mediterranean. It was confirmed that no carrier was present.

Families are aware of the general location of the ships that family members are on, and know the intended return date for the ships that are not currently in homeport.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTINGS OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Lorna Milne: Honourable Senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have power to sit at 5:00 p.m. on Tuesdays, October 16, 23 and 30, 2001, for the purposes of its examination of Bill C-7, An Act in respect of criminal justice for young persons and to amend and repeal other Acts, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I have not heard arguments advanced as to why this committee should be sitting even though the Senate is sitting. Honourable senators will recall that our practice is that if a minister appears before a committee, or if a witness can only be heard by a committee at a certain time, that on occasion the Senate will take the decision that we would hold in abeyance the rule that a committee cannot sit when the Senate is sitting. I should like to hear the special case in order to satisfy me, at least, that we should have a committee sitting when the Senate is sitting. The priority is in this chamber, not in committee. Perhaps the Chair of the Standing Senate Committee on Legal and Constitutional Affairs might make a special case.

Senator Milne: Honourable senators, thank you for the opportunity. As you know, I am one of the most assiduous members to attend when the Senate is sitting, and I try never to call committee meetings while the Senate may be sitting. However, in this case, we have Bill C-7 in front of us, and I believe the list of witnesses who want to appear before the committee so far is well over 30. We also have received Bill C-24, to amend the Criminal Code regarding organized crime and law enforcement. It appears to be an interesting bill and we want to take our time to deal with it properly.

I have discussed with committee members and received general agreement on the proposal that we sit on Tuesdays rather than Fridays. In order to get through the workload and hear the witnesses who want to appear, we will need to meet three times a week. The general consensus seemed to be five o'clock on Tuesday.

Senator Kinsella: I wonder if I could ask the honourable senator, regarding Bill C-7, the youth justice bill, is the Government of Quebec listed as one of those 30 witnesses?

Senator Milne: Yes, indeed, as is the Government of Ontario. It will be most interesting to hear the two of them in juxtaposition.

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

Hon. Senators: Agreed.

Motion agreed to.

[*Translation*]

ORDERS OF THE DAY

INTERNATIONAL BOUNDARY WATERS TREATY ACT

BILL TO AMEND —SECOND READING —
DEBATE ADJOURNED

Hon. Eymard G. Corbin moved the second reading of Bill C-6, to amend the International Boundary Waters Act.

He said: Honourable senators, it is my pleasure to begin debate on second reading of Bill C-6, to amend the International Boundary Waters Treaty Act. Obviously, I support this important initiative.

Before starting my comments, I should like to congratulate our three new colleagues, Senators Biron, Phalen and Day. I wish them much satisfaction in fulfilling their duties.

Honourable senators, we all recognize that fresh water, as a natural resource, is different from other resources. It is ubiquitous in every aspect of our daily lives: at home, at work, in industry and even in our leisure activities. We owe, in large part, our economic and agricultural development in Canada to the fact that we have abundant resources of clean fresh water.

Fresh water has been a factor in deciding where factories, cities, towns, parks and even our individual houses and cottages are located, in addition to influencing how we travel and ship goods. Finally, and most important, water plays a critical role in the health of our ecosystems and all living organisms that depend upon them.

I know that I do not need to convince you. Canadians expect all levels of government to take immediate measures to protect Canadian waters and boundary waters.

[*English*]

I now want to get down to brass tacks. Over the decades, Canadians and the Government of Canada have responded consistently to extravagant schemes to redirect the waters of the North American continent. Canada's water is not for sale. Many of these designs have involved the Great Lakes, which contain 20 percent of the world's fresh water. The aim of Bill C-6, to amend the International Boundary Waters Treaty Act, is to protect bodies of water we share with our American neighbours, including the critical resource of the Great Lakes, from bulk water removal under federal law. As much can be said about the St. Croix River, between New Brunswick and Maine, not to mention others.

The law as it currently reads implements the 1909 Canada-U.S. Boundary Waters Treaty, one of the oldest treaties and a landmark in Canada-United States relations. With over 300 lakes and rivers along and criss-crossing the Canada-U.S. border, the drafters of the treaty recognized the critical role played by water, and the importance of providing a structure and mechanism to prevent and resolve disputes between the two countries. The International Joint Commission was established at the outset to address these concerns. Today, 92 years later, we are using the same mechanisms to ensure that in this century these waters will be protected for future generations in both of our countries.

• (1530)

I know honourable senators will agree with me when I say that we were and are fortunate and greatly indebted to successive members of the International Joint Commission and its professional staff, who have performed so loyally in the interests of both Canada and the United States of America over the past several decades.

[*Translation*]

The amendments to the International Boundary Waters Treaty Act in Bill C-6 are based first on Canada's treaty obligation to the U.S. not to take actions in Canada which affect levels and flows of boundary waters on the U.S. side of the border. Obviously, the U.S. has the same obligation to Canada.

The amendments also have a second objective: to protect the integrity of boundary water ecosystems. The amendments have three key elements: a prohibition provision; a licencing regime; and sanctions and penalties.

[English]

The prohibition provision imposes a ban on the bulk removal of boundary waters out of their water basins. Removal of boundary waters in bulk, as set out in the prohibition and the regulations, includes large projects which typically have physical features that allow a continuous flow of water such as natural or artificial diversions, pipelines, canals, tunnels, aqueducts or channels, and volume thresholds for removals by various modes of transport such as ships or trains. Exceptions such as the following will be considered: ballast water, short-term humanitarian purposes, and water use in the production of food or beverages, for example, bottled water.

While the scope of the bill is narrow, because Canada's jurisdiction in this field is also narrow, its impact is significant. While there are many boundary waters along the Canada-U.S. border affected by the prohibition, the main focus is on the Great Lakes, the largest system of fresh surface water in the world.

Many of the bulk water removal projects over the past few decades up to and including the Nova project of May 1998 have included Great Lakes water. This legislation, if passed, enables Canada to block any future plans for bulk water removal out of the Great Lakes.

[Translation]

There would be a licensing regime separate from the amendments dealing with prohibition. Licences would cover dams and other projects in Canada that obstruct boundary and transboundary waters if they affect the natural level and flow of water on the other side of the boundary. Under the treaty, such projects must have the approval of the International Joint Commission and the Government of Canada.

I would point out that the approval procedure for these projects has been applied without problem for 92 years under the treaty. The licencing regime is the second objective covered by the bill and is to modernize the Government of Canada's approval process for works covered by articles 3 and 4 of the treaty. I would draw your attention, however, to the fact that this part of the bill is separate from the provision on prohibition.

Canada feels that a more explicit, better structured and more transparent approval process is necessary to better fulfill its obligations under the treaty. The wording of Bill C-6 is absolutely clear on this point. Any proposal for diversion of boundary waters outside of the basin would be covered by the prohibition provision, not covered by the licensing regime.

The prohibition in Bill C-6 excludes bulk removals out of water basins from the licensing regime expressly and imposes a prohibition on such projects which are binding on the government.

[English]

Bill C-6 will also allow for clear and strong sanctions and penalties. This will give teeth to the prohibition and ensure Canada is in a position to enforce it.

I would also like to set Bill C-6 in the general context of Canada's overall strategy announced on February 10, 1999, to

[Senator Corbin]

prohibit bulk removal of water out of all major Canadian water basins. Why did the Government of Canada take this initiative? The removal and transfer of water in bulk out of a water basin may result in irreversible ecological, social and economic impacts. The government's goal is to ensure, for future generations of Canadians, the security of our freshwater resources and the integrity of our ecosystems.

However, any credible policy approach to the issue of bulk water removal must address two important elements: First, the management of Canadian waters involves multiple jurisdictions; and, second, any approach should take into consideration the man-made and natural factors that exert significant stresses on our water resources.

To pretend that one government can solve the issue with a wave of the legislative wand, or that the issue may be simply reduced to one aspect such as water export, in the words of some critics, is unrealistic, ineffective and undermines the goal we all share. Water does not respect political boundaries. In the case of the Great Lakes system, two federal governments, eight state governments, two provincial governments and a number of regional and binational organizations are involved in managing and protecting freshwater resources.

The question of bulk water removal also entails the significant pressure and uncertainty of diversions, consumption, population and economic growth, and the effects of climatic change and natural cyclic phenomena. Finally, we must factor in the important influence of the cumulative effects of so much pressure on our water resources.

[Translation]

All levels of government must act effectively and in concert with their respective jurisdictions, hence Canada's February 1999 initiative was threefold. First, Canada would act within its jurisdiction. By "Canada," I mean the federal government. Bill C-6 follows up on that commitment. Second is the recognition of the primary responsibility of provinces and territories for water management. The federal Minister of the Environment proposed a Canada-wide accord to prohibit bulk water removal out of all major Canadian water basins. As of today, several if not most provinces have put into place or are developing legislation and policies to prohibit bulk water removal.

Third, Canada and the United States agreed on a reference to the International Joint Commission to investigate and make recommendations on consumptive uses, diversions and removals in the Great Lakes, the greatest of our shared waters. In its February 2000 report, the IJC concluded that the Great Lakes require protection from bulk water removals and other factors. Bill C-6 is consistent with and supportive of the IJC's conclusions and recommendations.

[English]

The IJC concluded that the water of the Great Lakes is a non-renewable resource. The vast volume of the Great Lakes is deceiving. Less than 1 per cent of the water is renewed every year through the hydrological cycle. The rest — the other 99 per cent of the water — is a gift of the glacial age, which ended between 10,000 and 12,000 years ago.

• (1540)

The IJC report also indicated that, if all the interests in the Great Lakes basin are considered, there is never a surplus of water. Every drop of water has several potential uses.

Forty million Canadians and Americans depend on the waters of the Great Lakes for every aspect of life: day-to-day living, industry, recreation, transportation and trade. On top of this, the ecosystem of the Great Lakes has its own equally but fundamentally important demands on the water. As we are dependent on the future health of the Great Lakes, the future health of the ecosystem is dependent on our actions.

The International Joint Commission report also demonstrated the fallacy that fresh water flowing into the ocean is “wasted” and therefore surplus. The IJC noted that the influence of the freshwater outflow of the Great Lakes has critical ecological effects for the Gulf of St. Lawrence that may even be detected as far as the Gulf of Maine. To comprehend, honourable senators, the magnitude of that statement, I invite you to have another look at the North American seaboard.

[*Translation*]

The IJC concluded that the Great Lakes need to be protected, given current and future tensions and uncertainties. All levels of government in Canada and in the United States of America received recommendations on the measures to be taken. These recommendations form the basis of a consistent policy on both sides of the border regarding the protection of the Great Lakes. The Government of Canada agrees with the conclusions of the IJC. Thanks to the provisions of Bill C-6 prohibiting bulk water removal, the protection of the Great Lakes will be ensured, as recommended by the IJC.

The Great Lakes form the greatest freshwater basin in the world and if the IJC feels that we must be cautious in managing the water of the Great Lakes basin, the same is undoubtedly true of smaller bodies of water or ecosystems across Canada.

Honourable senators, I should also like to mention four questions that were raised concerning Bill C-6 and Canada’s strategy on bulk water removal.

First, the scope of Bill C-6; second, Bill C-6 and provincial jurisdiction; third, why not prohibit exports; and fourth, the need to cooperate with the United States to protect the Great Lakes.

With regard to the scope of Bill C-6, it was never intended to cover all of Canada’s waters. At the outset, we recognized that to completely protect our freshwater resources from bulk removals, all levels of government had to act within their jurisdictions. This recognizes the important role that provinces must play as the owners of natural resources.

In 1999, the Minister of the Environment proposed action by all levels of government in Canada to prohibit bulk water removal out of major Canadian water basins. Significant progress has been made.

In May 1998, only two of fourteen federal, provincial and territorial jurisdictions in Canada had legislation to prohibit bulk water removal. Today, all fourteen have put into place or are

developing legislation and policies to prohibit bulk water removal.

I believe that the action of the provinces, complemented by what the federal government is proposing today, will set up a strong legislative framework to protect Canada’s freshwater resources. That is the goal we must all work toward.

[*English*]

Bill C-6 does not expand federal jurisdiction or activities into provincial areas of competence, neither with regard to the prohibition provision nor the licencing regime. Federal jurisdiction is being applied only to the degree stipulated in the treaty.

With regard to the licencing provision under the amended act, the fundamental test of whether or not a future project triggers federal government and International Joint Commission involvement will remain precisely what it has been since 1909. Does it fall within the scope of the treaty? Only the federal government has authority to fulfil the treaty’s obligations. Nevertheless, the federal government has consulted extensively with the provinces since 1998 on the proposed amendments. It will continue to consult with the provinces on the licencing provisions and the regulations.

Some people have advocated federal unilateral action through an export ban on water. The government believes such an approach is wrong and unrealistic, especially in the federal-provincial context and the way we do business in this country. It would be ineffective. Worse, it would actually undermine the goal we all share.

Unlike Canada’s approach, which has focused on comprehensive environmental objectives in a manner that is trade-consistent, an export ban would not address the environmental dimension. It would also have possible constitutional limitations and could be vulnerable to trade challenges.

An export ban would only regulate the cross-border movement of water once it has become a good and would therefore be subject to international trade agreements. It would likely be contrary to Canada’s international trade obligations. We can examine these various matters during the detailed study of the bill at the committee stage.

[*Translation*]

Under Canada’s environmental approach, water is protected and regulated in its natural state, before the issue of exporting arises and before it becomes a commercial good or a saleable commodity. This approach is consistent with our international trade obligations. Canadian governments have full sovereignty over the management of water in its natural state, and in exercising this sovereignty are not constrained by trade agreements, including the NAFTA.

Finally, it is self-evident that Canadians must work closely with U.S. jurisdictions, both federal and state, to ensure that the regimes on both sides of the border are as consistent and restrictive as possible. Canada and the U.S. agreed on a reference to the International Joint Commission to investigate and make recommendations on consumptive uses, diversions and removals in the Great Lakes.

The International Joint Commission, in its February 2000 final report, made recommendations which provide the basis for developing a consistent approach to protecting the Great Lakes on both sides of the border. The eight Great Lakes states are opposed to large-scale removals out of the water basin. Also, each governor of the Great Lakes states has a congressionally affirmed power to veto any new diversions.

• (1550)

In the years ahead the Boundary Waters Treaty will remain a critical instrument in protecting Canada's rights over the Great Lakes and over other boundary and transboundary waters.

[English]

Honourable senators, by adopting Bill C-6, the Senate will set down in law an unambiguous prohibition on bulk water removal in waters under federal jurisdiction, and especially in the Great Lakes. This is a forward-looking action that places the highest priority on ensuring the security of Canada's freshwater resources. It affirms an approach that is comprehensive, environmentally sound, respectful of constitutional responsibilities of the treaty and consistent with Canada's international trade obligations. Honourable senators, I seek your enthusiastic support for the adoption of Bill C-6, after due process of course, in the best of senatorial tradition.

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, this is an interesting bill. As Senator Corbin has said, it refers to one of our oldest treaties, if not the oldest, with the U.S. As Senator Corbin has so clearly explained, the industrial future of our two countries is at stake, as well as the survival of the Great Lakes basin, which is so important.

This bill calls upon us to create three major prohibitions, set out in clauses 11.(1), 12.(1) and 13.(1). I have no problem with these three. It is a matter of principle. The bill mentions exceptions to these prohibitions that will be determined by regulation. This is where I have a problem. Why not include in the bill the exemptions to the prohibitions we are being asked to approve?

Senator Corbin: Honourable senators, I am not sure I am in a position to reply to this most interesting question today. I can assure you that, at the committee stage of the bill, experts from the various departments involved will be appearing and will certainly provide the answers.

Senator Nolin: Honourable senators, looking at the regulatory power allocated to the Minister of Foreign Affairs, particularly by subsection 21.(1)(d), which empowers him to create these exemptions, he is also, in a way, given the power to be "in conflict of interest." In addition to creating exceptions, if one compares this power with the ministerial powers conferred upon him by clause 19, the minister will determine the law that will govern what he does. How can it be that Parliament is not called upon to decide on these prohibitions? We are certainly authorized to create exemptions. The minister should, at the very least, have his power controlled. It is Parliament's role to do so. The minister, through his regulatory power, is the one who will

[Senator Corbin]

determine the terms of the law. That is what the government is asking us to authorize in clause 21.(1)(b) which states:

21.(1) The Governor in Council may, on the recommendation of the Minister, make regulations

(b) defining, for the purpose of this Act, any word or expression used in sections 11 to 26 that is not defined in this Act;

I understand that Senator Corbin cannot respond to this, but it will be interesting to obtain some answers.

Senator Corbin: Honourable senators, I truly understand Senator Nolin's concerns. The powers given to the minister are not, strictly speaking, absolute powers. In making any decision, the minister will be bound by the existing legislation. He will have to take into account the outcome of a public consultation process. He will have to refer certain issues to the International Joint Commission for review and evaluation. He will therefore have to operate within a framework that will have the effect of taking away any absolute discretionary power. I once was the Parliamentary Secretary to the Minister of the Environment and Fisheries. Generally speaking, in this type of situation, the ministers whom I have known in the federal government always proceeded in this fashion and with great caution. They made a point of consulting all the stakeholders.

Of course, you are right. I have already seen draft regulations. The provinces were consulted extensively regarding the content of these regulations. We should be able to take a look at these regulations when the committee reviews this legislation.

I was supposed to introduce this bill two years ago. It was postponed for all sorts of reasons, including the fact that the consultations with the provinces were not completed. We worked diligently, but also in a spirit of cooperation. What we have before us today reflects a will to work together in the best interests of the federal government and of the provinces, while taking into account our location on the continent and the Great Lakes basin.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Does Senator Corbin have any information as to the state of readiness of regulations that would be made pursuant to clause 21 of the bill? In the honourable senator's briefing, was there any indication that the regulations are drafted or almost drafted so that they could be presented to the committee?

I ask the question of the honourable senator because the operative paragraph, the proposed subsection 11.(1), deals with the issue of building dams along rivers, et cetera, but then the proposed subsection (2) states:

Subsection (1) does not apply in respect of the ordinary use of waters for domestic or sanitary purposes, or the exceptions specified in the regulations.

We need to know what these regulations are, because a regulation could certainly eliminate the effectiveness of the substantive provision of the proposed section 11.

Was Senator Corbin given information relating to the regulations? Are they well along in terms of drafting? Will the committee have an opportunity to see the draft regulations?

Senator Corbin: I thank the honourable senator for his question. Indeed, I looked over my shoulder to see if there were officials in the gallery who might give me the nod one way or the other. I have seen the draft regulations. My understanding is that there have been wide-spread consultations with the provinces in respect of the content of those regulations.

May I ask the honourable senator to repeat the second part of his question?

Senator Kinsella: Will the committee see the draft regulations?

Senator Corbin: Undoubtedly, they would see them. I do not anticipate any objections to committee members acquainting themselves with the draft regulations. I am not suggesting that they have been firmed up, but I have seen a project on the regulations. As honourable senators know, they will not come into effect until we adopt the bill. I am sure that whoever will appear on behalf of the government will be pleased to acquaint honourable senators with the regulations. Indeed, I will give the assurance that I will work towards that end.

• (1600)

Senator Kinsella: I thank the honourable senator for that. I am pleased to see the explicit provision that Aboriginal and treaty rights in section 35 of the Constitution Act that relate to water are not affected in any way by this bill.

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

CARRIAGE BY AIR ACT

BILL TO AMEND —SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fitzpatrick, seconded by the Honourable Senator Bacon, for the second reading of Bill S-33, to amend the Carriage by Air Act.

Hon. Donald H. Oliver: Honourable senators, it gives me great pleasure to rise today to speak for the opposition on second reading debate of Bill S-33.

I thank Senator Fitzpatrick for his speech on this bill at second reading. He very carefully set out the main features of the bill, which I will not repeat today. He also dealt with the timeliness of this initiative given the horrendous events of September 11 and the role that this legislation will play for the families of loved ones killed in air disasters to achieve finality to the claims process in an efficient and effective manner.

Basically, Bill S-33 changes the way in which legal actions may be brought as a result of airline disasters through the

adoption of the 1999 Montreal Convention. The Montreal Convention was developed on May 28, 1999 at the triennial general assembly of the International Civil Aviation Organization which, as we know, is a UN body to which Canada is the permanent host. The convention was developed to consolidate and modernize the global regime of limited liability for international air travel currently in force through the 1929 Warsaw Convention and its amending instruments.

While the Montreal Convention maintains uniformity of approach among all nations as per the Warsaw Convention, it establishes a global regime of unlimited instead of limited air carrier liability for international passengers. As well, it will permit them to choose their own local system of law when making claims.

This could have been of some help, honourable senators, had it been in place at the time of the Swissair crash off the coast of Nova Scotia. Under this protocol, it would have been possible to bring lawsuits in Nova Scotia rather than have them spread in many jurisdictions throughout the world.

I believe it is important to note the exact system introduced under this protocol, which is the subject of Bill S-33. It introduces a two-tiered system. The first tier presumes the carrier is strictly liable for claims of up to U.S. \$135,000 irrespective of fault — a no-fault regime. The second tier permits carriers to avail themselves of certain defences for claims beyond this limit, but there is no limit of liability. Carriers must maintain adequate insurance to cover their potential liability.

In order to bring this new regime to the attention of travellers, the ticket stock will note these new rules relating to the liability of air carriers. The tickets will show the changes contained in the Montreal Protocol. At the present time, airline tickets set out the legal minimum regarding carrier liability, which is less than the current Canadian industry practice.

The Montreal Convention has so far been signed, as I understand it, by 69 states, including all of Canada's largest trading and aviation partners. Thirty states must approve, accept, ratify or accede to the Montreal Convention before it can have the force and effect of law. To date, some 11 of 67 states have taken such actions.

I look forward to hearing from the Minister of Transport, Air Canada, as well as other airlines, the Air Transport Association of Canada and the IATA in committee when we begin the study of this bill.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Fitzpatrick, bill referred to the Standing Senate Committee on Transport and Communications.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND —SECOND READING —DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Lapointe, for the second reading of Bill S-32, An Act to amend the Official Languages Act (fostering of English and French). —(*Honourable Senator Comeau*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Honourable Senator Comeau wished to speak to this bill, but he has been detained elsewhere. If another senator wishes to speak, he may do so.

Hon. Gérald-A. Beaudoin: Honourable senators, I had intended to speak after Senator Comeau, but since we are in agreement, I am prepared to give my speech right away.

In my view, the Official Languages Act is a special and very important piece of legislation. It ensures official bilingualism at the federal level within the Canadian federation. As I see it, the intention of the legislator, that is, the Parliament of Canada, in promulgating Part VII of the act and, more particularly, section 41, was to make this section executory. In the Official Languages Committee, I have always expressed the opinion that section 41 is executory and not purely declaratory.

The legal experts do not all agree. The issue may have to be resolved by the courts. However, I think that this section is executory.

In his bill, Senator Jean-Robert Gauthier suggests an amendment to section 41 which would emphasize its executory nature. It is with pleasure that I support this amendment.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, since I expect that Senator Comeau may wish to participate in this debate, I would suggest that we suspend the debate and return to it later. Therefore, I would move the adjournment of the debate and, should Senator Comeau arrive, I will ask for leave to revert to it.

On motion of Senator Kinsella, debate adjourned.

[Translation]

FEDERAL NOMINATIONS BILL

SECOND READING —ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the second reading of Bill S-20, An Act to provide for increased transparency and objectivity in the

selection of suitable individuals to be named to certain high public positions. —(*Honourable Senator Robichaud, P.C.*).

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, as you are aware, Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions, is of concern to some senators. This issue has often been raised. The topic warrants further debate.

I should like to inform honourable senators that I will have more detailed comments on certain clauses in the bill. I will share them with you soon. I propose, therefore, that the order stand until the next meeting of the Senate.

Order stands.

[English]

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I was hoping that unanimous consent might be given by the house to return to Order No. 2, standing in my name. If leave is granted, I intend to say but one word on it.

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

Hon. Senators: Agreed.

Senator Kinsella: A more substantive comment will be made on this bill by the Honourable Senator Comeau.

[Translation]

OFFICIAL LANGUAGES ACT

BILL TO AMEND —SECOND READING —DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Lapointe, for the second reading of Bill S-32, An Act to amend the Official Languages Act (fostering of English and French). —(*Honourable Senator Comeau*).

Hon. Gerald J. Comeau: Honourable senators, I thank the Leader of the Opposition for giving me an opportunity to make a few comments on a very important matter.

Honourable senators, it is with pleasure that I rise to speak today to Bill S-32, introduced by Senator Gauthier. For those who do not know Senator Gauthier, I assure you his devotion, sincerity, courage and tenacity in promoting the interests of minority language communities in Canada are legendary. We can always have confidence in the wise and thoughtful interventions of Senator Gauthier. Those who have followed his career know his actions and support for the cause well.

These are my reasons for supporting the principle and objective of his bill, the purpose of which is to make mandatory section 41 of the Official Languages Act, which was the

objective of the act originally. The bill will give us the opportunity to deliberate, at the committee stage, the challenges and problems faced by Canada's linguistic minorities.

• (1610)

As for those who believe everything is well with this country's linguistic minorities, I would invite you to visit these small communities. Come and see the quality and quantity of bilingual services we receive in our hospitals. Just try to get service in French on the privatized ferries! Just see what is carried on our cable television! Just listen to our community radio stations for a while! Every weekend that I go back to Nova Scotia, I see signs of assimilation.

It is demoralizing to see how isolated our little Acadian communities are becoming, how they become a bit more anglicized with each passing generation. The young people in our Acadian communities are abandoning French because we have abandoned them.

How can a parent encourage his or her child to speak French, when English is the language of the services provided in the community?

Just come and see the results of a minimal interpretation of section 41 of the Official Languages Act.

The situation is similar in P.E.I. and in Newfoundland. I must admit I would not be surprised to find it was the same in western Canadian communities. It is high time something was done.

Since 1993, we have noted a lessening of interest with the arrival of the Bloc and the Reform in the House of Commons.

The Bloc Québécois became the official opposition in the House of Commons. This group of separatists seeks to demonstrate that Canada is not viable and that official language policies and policies for the protection of minorities are not working. This group makes fun of our communities, calling them "dead ducks" or "warm corpses," and, poof, the francophones outside Quebec are finished. This is a group which describes our country in terms of an English Canada and a French Quebec in order to spread the impression that only Quebec is francophone.

Since 1993, the separatists have been supported by the Reform Party, a doctrinaire party of anti-French malcontents. The authorities who could change this regrettable situation seem not to understand that assimilation can one day end with the dream of the Reform and the separatists, namely, a French Canada in Quebec and an English Canada elsewhere.

Our desperate situation must not lead us to trust the Bloc and Reform to defend the cause of the linguistic communities.

The Conservatives and the New Democrats in the House of Commons have few human and other resources to effectively work to promote minorities.

Such is the reality since 1993. Nothing has changed since. The two regional parties are still the two major opposition parties.

The government has been enjoying a holiday since 1993. Communities are being neglected. Minister Dion is now telling us that he must again review the issue.

At the same time, we in the Senate are expressing our support for the protection of minorities. In one of our publications, we insist that this is one of the main roles of the Senate. We think we are fulfilling our commitment because we take part in the Joint Official Languages Committee where, all too often, we get bogged down by procedural issues, at the expense of substantive debates. I took part in that committee and I was even its co-chair. After a while, I concluded that the committee could not help those communities that are dear to me.

Some of us tried to fill this gap by setting up the Louis J. Robichaud parliamentary group. Our group was made up of members of Parliament and senators representing minority francophone communities. We took money from our budgets and we hired D'Iberville Fortier as a consultant to our group.

We often organized meetings with groups of community spokespersons. We also met ministers to discuss critical issues.

Unfortunately, the group has been inactive for some time, certainly not because the need no longer exists but, rather, because of a lack of interest on the part of members of Parliament and because of Senator Gauthier's health, the appointment of Roméo LeBlanc to the position of Governor General, the ministerial appointment of Mr. Duhamel, the death of Senators Molgat and Simard, and other circumstances. The committee was not able to carry on its work and has since been inactive.

The creation of this type of ad hoc group is useful, but it is not the ideal solution. The Senate has a responsibility to provide a forum officially mandated to meet the urgent needs of our minority communities.

Right now, the talent of our senators in promoting the cause of official languages is not fully used. Our role as protectors of minority rights has diminished. When the Senate Standing Committee on Rules, Procedures and the Rights of Parliament reviewed the issue of official languages in the Senate, I asked to be invited to present my observations. The chair pledged to do so. However, I later found out that the committee had chosen to invite senators from Quebec only. Such is the attention given to minorities.

The result of this indifference is that the communities are turning to unusual means to promote their cause.

• (1620)

I should like to tell you about something that happened last year. The Société nationale de l'Acadie, the historic mouthpiece for Acadia, organized a visit to Parliament Hill to raise awareness among parliamentarians. The Société decided to meet in private with the Liberal caucus, but did not extend the same courtesy to the other caucuses. Even the most militant Liberals must realize how harmful this might be to the Société nationale de l'Acadie and to non-Liberal Acadians.

Those speaking for our communities should not feel they have to go to the Liberal Party to advance their causes. Another concern has to do with minority French-language newspapers and federal government advertisements.

Most of Canada's minority French-language newspapers opt for the cooperative or community formula. The 24 newspapers depend on the revenue generated by national advertising and,

32 of the 51 federal departments never advertise in French outside Quebec.

For years now, these newspapers have been struggling with their meagre financial resources to get the delinquent departments to respect the Official Languages Act.

Réseau-Sélect, a Quebec agency, tried to buy out the Opscom cooperative, which handles advertising in these newspapers, in order to become the only French-language advertising agency in Canada. This scenario raised concerns that the small newspapers might disappear in the long term, because Réseau-Sélect has no mandate vis-à-vis minority French-language communities. It is therefore clear that the government must take another look at its priorities.

For example, the Games of La Francophonie did not represent francophones. Two athletes represented the Maritimes and, on the storytelling stage, a Polish gentleman was holding a text which had been translated into French 30 minutes before the event. No one represented Nova Scotia.

The Rendez-vous de la Francophonie project mainly benefited the pet agency of the Department of Canadian Heritage, a consultant who worked for many years at the National Capital Commission and who left with his list of contacts. He is now enjoying the generosity of the Francophonie via the Department of Canadian Heritage.

In short, the objective of strengthening Part VII of the Official Languages Act deserves the support of this chamber. As Senator Gauthier says, we must give some teeth to section 41 of the act in order to provide Canada's minority communities with the protection due them.

This is a matter of national unity and the minority communities deserve the support of the Senate.

On motion of Senator Poulin, debate adjourned.

[English]

STUDY ON EMERGING DEVELOPMENTS IN RUSSIA AND UKRAINE

BUDGET —REPORT OF FOREIGN AFFAIRS
COMMITTEE WITHDRAWN

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on Foreign Affairs (budget —release of additional funds) presented in the Senate on September 25, 2001. —(Honourable Senator Stollery).

Hon Peter A. Stollery: Honourable senators, I ask to withdraw this report of the the Standing Senate Committee on Foreign Affairs. Basically, it was a budgetary matter. As a result of a change in scheduling of the committee, we do not need the additional funds that we had asked for in this report. Therefore, I ask that the report be withdrawn from the Order Paper.

[Senator Comeau]

The Hon. the Speaker *pro tempore*: Honourable senators, is leave granted to discharge the report of the committee?

Hon. Senators: Agreed.

Motion agreed to and report withdrawn.

[Translation]

NATIONAL NETWORK OF FRANCOPHONE TELEVISION

INQUIRY WITHDRAWN

Hon. Jean-Robert Gauthier, having given notice on May 30, 2001:

That he will call the attention of the Senate to the needs of a national television network of francophone television: le réseau des Francophonies canadiennes.

He said: Honourable senators, you will notice that, on the Order Paper, Notice of Inquiry No. 21 has been adjourned 14 times. Today is the fifteenth time, and if no one wishes to speak to it, the item will be removed from the Notice Paper.

This notice of inquiry repeats a motion I tabled in June when I asked that the Standing Senate Committee on Transport and Communications be authorized to examine and report on measures to be taken to encourage and promote the delivery of and access to the broadest possible range of French-language broadcasting services in francophone minority communities in Canada.

The motion was in response to a report by the CRTC stating that it had consulted francophone communities across Canada and had noted deficiencies, needs and community requests concerning the radio and television sector.

The Acadians have been very active in this matter. They suggested a «Réseau national des Francophonies» uniting francophones across the country through a national television network. I thought it was a good idea and submitted it as a motion.

The aim of the inquiry is the same as that of the motion, which I explained earlier. This is why I would like the support of the Senate to withdraw Inquiry No. 21 and proceed with Bill S-32, which is at second reading. I have already spoken to the bill, and the debate was subsequently adjourned. I wish therefore to withdraw my inquiry.

The Hon. the Speaker *pro tempore*: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Inquiry withdrawn.

[English]

NATIONAL DEFENCE

MISSILE DEFENCE SYSTEM AND NEED FOR INTERNATIONAL SECURITY—INQUIRY

Hon. Douglas Roche rose pursuant to notice of September 20, 2001:

That he will call the attention of the Senate to the urgent need to consider the implications of a missile defence system for Canada's policies on keeping space free of all weapons and, in this context, to promote a cooperative and forward-minded approach to international security in the light of the terrorist attacks of September 11, 2001.

• (1630)

He said: Honourable senators, during the worst days of World War II, the Allied leaders met to plan ways to lift the world away from the scourge of war. The result was the birth of the United Nations now the recipient, with Kofi Annan, of the Nobel Peace Prize, to provide a strengthened base for peace, development, equity and justice.

That was a turning point for the world which saw, for the first time, that the common management of problems was a better route to peace than reliance on militarism. The world is now at another turning point. Aggressors have found a new way to attack humanity, not on the battlefield far away but in our offices and institutions at home. We must find ways to end forever this aggression. Shocked as we are by the horrific attacks on the World Trade Center and the Pentagon on September 11, we must, just as was done in the midst of World War II, lift ourselves up and recognize that something, other than bombing and the methods of warfare, is necessary to build human security.

We must use this terrible period we are passing through to think and act beyond the immediate crisis to find an enduring solution, not just one that momentarily gives us the satisfaction of responding in kind to an attack. It is not good enough for the Government of Canada to send our Armed Forces, ships and planes into military action in the perceived battle zone surrounding Afghanistan. It is not good enough for the government to introduce anti-terrorism legislation and spend an extra \$250 million in an effort to make Canadians safer from the ravages of terrorists. It is not good enough to rush through a bill that tightens regulations dealing with immigrants and refugees in the hope that this will make our borders secure against the incursion of unwanted people.

What is most needed today, at this moment of trauma for the world, is an all-out attack on the causes of terrorism. It is not just the criminals who perpetrated these heinous acts who must be caught and brought to justice. It is the dehumanizing economic and social deprivation that terrorists exploit that must be stamped out.

Let it not be said that I am insensitive to the victims, their families and friends who suffered the horrors of September 11. I went to New York and saw with my own eyes the tangled

wreckage of the twin towers and the grieving of the people who stood silently watching the firemen and policemen trying to find survivors.

Let it not be said that I am falling into what is known as "moral equivalence" in which the actions of the terrorists are explained away by the injustices of the world. The September 11 terrorists are criminals, guilty of attacks against humanity, and they do not deserve the comforting of those who seek to understand them.

Let it not be said that I do not understand that it is only the power of militarism that can make us safe. I understand all too well that the instant recourse to warfare in the name of curing aggression has in the past and will in the future only lead to more violence and more suffering.

As the Afghan refugees in countless numbers are now experiencing, war exacts a terrible toll on the most vulnerable. I oppose the bombing of Afghanistan, just as I opposed the bombing of Kosovo and just as I opposed the bombing of Iraq. In simple practical terms, it does not work. Neither Slobodan Milosevic nor Saddam Hussein were flushed out by bombing. In moral terms, bombing inflicts disproportionate damage on the society you are trying to save. Civilians are being killed, and this fact has been minimized.

While opposing the bombing, I acknowledge that military action mounted with the full force of the United Nations Security Council acting under the precepts of international law can legitimately be a proper response to the challenge posed by the terrorists. My point here is that even properly constituted military action cannot by itself remove the threat of future terrorist aggression. We must go deeper than this, and Canada has the credentials to do so.

Terrorism, the epitome of hate, feeds on the hatreds and resentments that have been built up in the rest of the world against western society. We do not like to hear this. CNN does not broadcast it. The political processes do not want to deal with it. Nonetheless, more conflict is coming because people who are downtrodden are rising up against the West they perceive as rich, arrogant and powerful. Anyone who has travelled widely, as I have, through the villages, teeming cities, refugee camps and slums of Asia, the Middle East, Africa and Latin America, knows these words to be true.

It is time for Canada to listen to a high-level panel of experts, headed by former President Zedillo of Mexico, who issued a UN report on financing for development in June 2001. The panel said that half the world's people are still living in abject poverty with 80 per cent of the global population living on less than 20 per cent of the global income. Too many people in too many countries lack the freedom to take advantage of the new opportunities of modern technology and are consequently left on the sidelines of the globalization process.

People lack freedom when they lack food, education, training, health, basic human and political rights, security and employment opportunities. Increasing polarization between the haves and have-nots has become a feature of our world, the panel said. Then there is this sobering warning which I quote directly from the report:

Reversing this shameful trend is the pre-eminent moral and humanitarian challenge of our age. For people in the rich world, elementary selfinterest is also at stake. In the global village, someone else's poverty very soon becomes one's own problem: of lack of markets for one's products, illegal immigration, pollution, contagious disease, insecurity, fanaticism, terrorism.

• (1640)

Honourable senators, we fool ourselves if we rely only on militarism to curb terrorists and do not take a gigantic step to "reverse this shameful trend." The high-level panel issued a list of recommendations, ranging from making the World Trade Organization more equitable to recommitment of donor countries to the international target of 0.7 per cent of GNP for official development assistance, to an international tax organization to benefit the development process.

It is not only individual measures, important as they are, that are called for in the present crisis; it is a whole new strategy for the survival of humanity. This is what UN Secretary-General Kofi Annan is calling for. Commenting on the anti-terrorism resolutions already adopted by the Security Council, the Secretary-General said:

To defeat terrorism, we need a sustained effort and a broad strategy to unite all nations, and address all aspects of the scourge we face. The cause must be pursued by all the States of the world, working together and using many different means — including political, legal, diplomatic and financial means.

How much better for peace and security in the world it would be for governments to put their full weight behind such an effort.

Honourable senators, if we are worried about developing proper relations with Islam, if we are worried about how to cure the hate and racism that feeds evil acts, if we are worried about our own safety inside the borders of Canada, then let us act today to raise up society and its political discourse to project out into the international community the values that have made Canada a great country. These are the values that the Catholic Bishops of Canada recently called for in promoting interfaith dialogue in a common reach for international peace and justice for all. The essence of the great move forward for humanity that I am espousing is to move beyond militarism as the response to conflict.

There is no more pressing matter on the public agenda than preventing the escalation of present weaponry into even new and more dangerous spheres. That is why Secretary-General Annan urged, in the wake of September 11, what he called a "redoubling" of efforts to strengthen key treaties banning weapons of mass destruction to ensure that nuclear materials do not fall into the hands of terrorists. We must now work to head off nuclear terrorism.

A cooperative and forward-minded approach to international security, which the inquiry I am launching calls for, must also immediately address the escalating problem of national missile defence. Though the nature of the attacks of September 11 shows

[Senator Roche]

the futility of relying on a missile defence system, the opposite is now happening. The clamour of the military industrial complex in the United States to speed up the funding and testing for a missile defence system has grown. Canada, which has taken a low profile on the issue in the hope that somehow the issue will go away, will be challenged soon on whether we support and will be involved in this U.S. effort.

This presents a considerable dilemma for Canada, honourable senators. The U.S. intends the national missile defence system to be directly linked to the weaponization of space. Of this, there can be no doubt. On July 17, 2001, the U.S. announced that the research and development program for missile defence includes space-based lasers and interceptors required to protect the missile defence systems. U.S. defence policy, which can be seen on the Internet, makes a fundamental assumption that space will be weaponized and that the U.S. intends to be the leader by obtaining what is called "full-spectrum dominance" of land, sea, air and space. So determined is the U.S. to pursue the missile defence program that it is willing to jettison or severely modify the anti-ballistic missile treaty, which forbids such a system.

The newly invigorated plan to push ahead with missile defence and the weaponization of space threatens over 30 years of international legal norms designed to prevent such a scenario. The 1967 Outer Space Treaty, ratified by over 90 countries, including Canada and the United States, is one of those norms. For this same 30-year period, it has been one of Canada's stalwart policies to oppose the weaponization of space.

Canada has worked hard in the UN Conference on Disarmament for a convention on the non-weaponization of outer space and has tabled two proposals to negotiate a convention to keep weapons out of space. Foreign Minister John Manley stated that:

Canada would be very happy to launch an initiative to see an international convention preventing the weaponization of space.

However, NMD will undermine such efforts. Canada knows this. For Canada, knowing what it does about NMD's effects on the weaponization of space, to participate in NMD will directly counter three decades of work to prevent the weaponization of space. We will be turning our back on our own policy.

It is not unilateral defence by any one country that is the answer to the threats of our time. Rather, a cooperative and forward-minded approach to security for all is the only way to international security.

Honourable senators, it is now commonly said that September 11 has changed the world. I would now ask, has it changed our thinking? Can we now finally rise up and make of God's planet the peaceful, just home for humanity that so many long for?

Hon. Jim Tunney: Honourable senators, I have had some serious concerns about this matter under discussion for many days now. I have been thinking about the military action and what might be either a companion effort or an alternative. In these days of anguish and torment over the horrible events around the world, this country, this community, needs to consider some alternatives.

In Canada, is it not also the time when we should be moving to contribute to the needs of the unfortunate people of Afghanistan? We should be doing what Canada does best: providing assistance in civil matters, education, food production and advice on infrastructure rebuilding. For the people of Afghanistan, where there is rampant poverty and illiteracy is approximately 90percent, we must take some action.

Honourable senators, I have worked in agriculture in this part of the world. Small efforts can mean much in improving the lives of the rural people, who I know best, to whom food production is one of the most critical matters after housing.

• (1650)

It will cost less to help rebuild Afghanistan than it has cost to demolish it. This matter will need to be addressed after we settle matters over there and the terrorists have been dealt with. However, we should now be thinking about the needs of the Afghan people and starting to formulate our plan to help with the rebuilding process. Canada is so well recognized in so many parts of the world that we may be accepted in ways that other countries might not.

I urge all honourable senators to think about this. We should try to persuade our government to consider all of the matters that would improve the situation and perhaps in a short number of years we will see the Afghan people rise from the impoverished conditions with which they have lived for so long.

The Hon. the Speaker *pro tempore*: Honourable senators, as no other senator wishes to participate in the debate, this inquiry is considered debated.

FOREIGN AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO
MEET *IN CAMERA*—DEBATE ADJOURNED

Hon. Peter A. Stollery, pursuant to notice of October 4, 2001, moved:

That, notwithstanding rule 92(1), the Standing Senate Committee on Foreign Affairs be empowered to hold occasional meetings *in camera* for the purpose of hearing witnesses and gathering specialized or sensitive information in relation to its order of reference of March 1, 2001, to examine such issues as may arise from time to time relating to foreign relations generally.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, this is a highly unusual motion. I have not seen the likes of it before and an explanation would be in order.

Senator Stollery: Honourable senators, the Standing Senate Committee on Foreign Affairs has an order of reference which allows us to examine such issues as may arise from time to time relating to foreign relations generally.

As Chairman of the Standing Senate Committee on Foreign Affairs, I was unaware, as were other committee members, that if we wanted to have an *in camera* meeting on a security matter, with witnesses, in particular, we required the agreement of the Senate. I make these remarks without having an agenda for the meetings which are the basis of this motion. This information came out of former Senator Kelly's committee on intelligence where we were told that, if anyone wished to talk to us about security matters, the meeting must be held *in camera* or we would make no progress. In order to hold an *in camera* meeting with witnesses, we require the agreement of the Senate. That is the only reason for this motion. The committee does not have a particular agenda in mind, but we think that it would be useful for the committee to have that agreement in the event that it is necessary.

Senator Lynch-Staunton: As that is not very convincing, I move the adjournment of the debate.

On motion of Senator Lynch-Staunton, debate adjourned.

The Senate adjourned until Wednesday, October 17, 2001, at 1:30 p.m.

CONTENTS

Tuesday, October 16, 2001

	PAGE		PAGE
New Senators		The Senate	
The Hon. the Speaker <i>pro tempore</i>	1385	Refusal of Governor of Bank of Canada to Appear Before Banking, Trade and Commerce Committee.	
Introduction. Hon. John Lynch-Staunton	1386	Hon. David Tkachuk	1391
Hon. Sharon Carstairs	1385	Hon. Sharon Carstairs	1391
<hr/>			
SENATOR'S STATEMENTS		Transport	
YWCA Canada Week Without Violence		Airline Industry—Advanced Explosive-Detection Systems to Scan Luggage. Hon. Donald H. Oliver	1391
Hon. Sharon Carstairs	1386	Hon. Sharon Carstairs	1391
International Conference of Universities		Airline Industry—Government Assistance to Offset Current Downturn. Hon. Donald H. Oliver	1391
Hon. Noël A. Kinsella (Deputy Leader of the Opposition)	1386	Hon. Sharon Carstairs	1392
United Nations and Secretary-General Kofi Annan		International Cooperation	
Recipients of Nobel Peace Prize. Hon. Douglas Roche	1387	Aid to Afghanistan. Hon. Pierre Claude Nolin	1392
Prince Edward Island		Hon. Sharon Carstairs	1392
Advances in Technology. Hon. Catherine S. Callbeck	1387	Afghanistan—Policy Toward Taliban Regime.	
Industry		Hon. Noël A. Kinsella	1392
Innovation and Technology Agenda. Hon. Donald H. Oliver	1387	Hon. Sharon Carstairs	1392
Agriculture and Agri-Food		Afghanistan—Policy Toward Post-Taliban Regime.	
United States Drug Enforcement Agency Decision Against Importation of Certain Hemp Products. Hon. Lorna Milne	1388	Hon. Noël A. Kinsella	1392
<hr/>			
ROUTINE PROCEEDINGS		Hon. Sharon Carstairs	1393
The Senate		National Defence	
Notice of Motion to Appoint Special Committee on Bill C-36.		Afghanistan—Exit Strategy for Troops.	
Hon. Sharon Carstairs	1388	Hon. Noël A. Kinsella	1393
Adjournment		Hon. Sharon Carstairs	1393
The Hon. Fernand Robichaud	1389	Foreign Affairs	
Canada-Europe Parliamentary Association		Afghanistan—Official Statement Condemning Treatment of Women. Hon. David Tkachuk	1393
Council of Europe Parliamentary Assembly Meeting, June 25-29, 2001—Report of Canadian Delegation Tabled.		Hon. Sharon Carstairs	1393
Hon. Peter A. Stollery	1389	National Defence	
Condemnation of Terrorism		Afghanistan—Ships Assigned to Middle East.	
Notice of Motion. Hon. Jeremiah S. Grafstein	1389	Hon. Sharon Carstairs	1393
Legal and Constitutional Affairs		Hon. Terry Stratton	1393
Notice of Motion to Authorize Committee to Meet During Sittings of the Senate. Hon. Lorna Milne	1390	Foreign Affairs	
<hr/>			
QUESTION PERIOD		Afghanistan—Involvement in Post-War Rehabilitation Strategy.	
Citizenship and Immigration (Bill C-11)		Hon. Douglas Roche	1393
Comments by Chairman of Immigration and Refugee Board Regarding Immigration and Refugee Protection Bill.		Hon. Sharon Carstairs	1393
Hon. John Lynch-Staunton	1390	Delayed Answers to Oral Questions	
Hon. Sharon Carstairs	1390	Hon. Fernand Robichaud (Deputy Leader of the Government)	1394
Finance		Solicitor General	
Possibility of Economic Statement. Hon. David Tkachuk	1391	Release of Personal Information on Students by Universities to Police and Government Agencies.	
Hon. Sharon Carstairs	1391	Question by Senator Wilson.	
<hr/>			
		Hon. Fernand Robichaud (Delayed Answer)	1394
		National Defence	
		Present Location and Assignment of HMCS <i>Charlottetown</i> .	
		Question by Senator Forrestall.	
		Hon. Fernand Robichaud (Delayed Answer)	1394
		Legal and Constitutional Affairs	
		Committee Authorized to Meet During Sittings of the Senate.	
		Hon. Lorna Milne	1394
		<hr/>	
		ORDERS OF THE DAY	
		International Boundary Waters Treaty Act (Bill C-6)	
		Bill to Amend—Second Reading—Debate Adjourned.	
		Hon. Eymard G. Corbin	1395

	PAGE
Hon. Pierre Claude Nolin	1398
Hon. Noël A. Kinsella	1399
Carriage By Air Act (Bill S-33)	
Bill to Amend—Second Reading. Hon. Donald H. Oliver	1399
Referred to Committee.	1399
Official Languages Act (Bill S-32)	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Fernand Robichaud	1400
Hon. Gérald-A. Beaudoin	1400
Hon. Noël A. Kinsella	1400
Federal Nominations Bill (Bill S-20)	
Second Reading—Order Stands. Hon. Fernand Robichaud	1400
Business of the Senate	
Hon. Noël A. Kinsella	1400

	PAGE
Official Languages Act (Bill S-32)	
Bill to Amend—Second Reading—Debate Continued.	
Hon. Gerald J. Comeau	1400
Study on Emerging Developments in Russia and Ukraine	
Budget—Report of Foreign Affairs Committee Withdrawn.	
Hon Peter A. Stollery	1402
National Network of Francophone Television	
Inquiry Withdrawn. Hon. Jean-Robert Gauthier	1402
National Defence	
Missile Defence System and Need for International	
Security—Inquiry. Hon. Jim Tunney	1404
Foreign Affairs	
Motion to Authorize Committee to Meet <i>in Camera</i> —	
Debate Adjourned. Hon. Peter A. Stollery	1405
Hon. John Lynch-Staunton	1405



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