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(HANSARD)

Tuesday, October 23, 2001

THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, October 23, 2001

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

Prayers.

SENATORS' STATEMENTS

NOVA SCOTIA

HALIFAX—DALHOUSIE UNIVERSITY RESEARCH CHAIR IN AUTISM

Hon. Donald H. Oliver: Honourable senators, I rise to call your attention to a Canadian first. My wife and I were honoured yesterday to attend, in Halifax, the official launch of the first ever Canadian Chair in Autism. Senators will know that autism is a developmental disability of the brain that affects one to two of every thousand births. Its causes are not known.

Through the vision, kindness and generosity of Jack and Joan Craig of Halifax, the chair is now officially up and running. The endowment provided by Joan and Jack Craig led to a cooperative arrangement between the Izaak Walton Killam Health Centre for Children in Halifax and Dalhousie University. The first director, Dr. Susan Bryson, has been installed. Dr. Bryson will be a member of Dalhousie University's faculty of medicine and the IWK Health Centre's pediatric department. The inaugural public lecture will be given this Thursday evening in Halifax.

Honourable senators, I suspect that we all know a family with an autistic child. People with autism may have problems with social development, such as difficulties in forming relationships; communication, including use of language; and behaviour, particularly a dislike for changes in routine.

Autism was once thought to be a life sentence. Today, major improvements can be made in nearly 90 per cent of the population with appropriate intervention, treatment and education. This is a very serious disease about which very little is known. It is sometimes referred to as "infant autism" or "autistic disorder."

Treatment of the disorder is very difficult and prolonged. Parents, teachers and therapists work together in coordinated efforts to encourage social adjustment and speech development in the child.

Thanks to the establishment of this chair, the problems and treatment of autism can now come out of the closet. Present at the conference announcing the launch of the chair were the provincial Minister of Health, the Honourable Jamie Muir, and the President of Dalhousie University, Dr. Tom Traves, who spoke of their support for this initiative. They also both praised the vision and perseverance of Joan and Jack Craig. All speakers, including Dr. MacDonald, the Dean of Medicine, thanked the Craigs for their philanthropy and for their generosity not only to the visual and performing arts but also in the health sciences.

I had the opportunity to speak to the new director, Dr. Sue Bryson, who indicated that to her knowledge the endowed chair in autism founded with money from the Craig Foundation is probably the first chair of its kind in North America. This is truly a first.

Honourable senators, I consider this to be a magnificent achievement that continues to point to the vision and generosity of Canadians. At a time when so many people in the world are nervous, afraid and worried as a result of September 11, it was a delightful experience to attend the launch of something with the potential to lead to scientific discoveries that will ultimately make life better for a number of children and families who have been suffering too long because of a misunderstanding of autism.

MENTAL HEALTH ISSUES

Hon. Vivienne Poy: Honourable senators, last week I received a letter from a constituent whose personal experiences with schizophrenia led him to believe that not enough public attention is being paid to this condition. He requested that I bring the subject to the attention of the Senate. He said that everyone is afraid to talk about mental illness, particularly schizophrenia, and, therefore, research and support for mental illness always lags far behind that for other diseases.

In support of all those affected, I should like to speak about mental health issues and the toll that mental illness takes on individuals, families, the workplace and our society. Mental Illness Awareness Week was October 7 to 13.

Honourable senators, what do we know about mental illness? First, we know that it is common. According to the Canadian Mental Health Association, one in five adult Canadians will suffer from a mental disorder at some time in their lives. While schizophrenia affects 1 in 100 individuals, approximately 10 per cent of Canadians suffer from depression.

Second, know that mental illness is costly. According to a report entitled "The Unheralded Business Crisis in Canada: Depression at Work" published last year by the Business and Economic Round Table on Mental Health, the economic costs of mental illness in Canada today are equivalent to 14 per cent of Canada's net operating profits. In monetary terms, depression alone accounts for $60 billion in lost revenue to the NAFTA economy, mostly due to reduced productivity. In the wake of the tragedy of September 11, honourable senators, levels of depression and anxiety are rising.

Third, mental illness affects not only individuals but also members of their families and associates. If left untreated, mentally ill patients can bring havoc to their communities.

Fourth, no one is immune to mental illness. Psychiatrists have only begun to understand the complex interaction of genetic, environmental and physiological factors that lead to mental illness. As such, the disease can often strike at random, seemingly without warning.

Finally, we know that in the majority of cases mental illness is treatable. Early detection, diagnosis and proper treatment could save many people from needless suffering, which would also increase productivity and lower replacement and disability costs.

• (1410)

Honourable senators, it is in the interests of government business and all individuals to end the silence around mental illness and provide the necessary financial support for appropriate and effective treatment. It is the right of all members of our society to have the opportunity to lead productive and healthy lives.

CONFLICT IN SUDAN

Hon. Lois M. Wilson: Honourable senators, during the last week of the Senate in June, I was in Sudan and Kenya, and this fall, when the Senate reconvened, I attended the IGAD Partners Forum core group meeting on Sudan in Oslo, Norway. Consequently, I have missed a number of Senate sittings.

Over a period of time, it has become obvious that neither of the belligerents are seriously interested in pursuing peace negotiations by making compromises because they both think they can win militarily, and they continue on in this course. It has also become obvious that brokering peace between two parties that have not moved in their positions in the last two years is a frustrating cause to support. Nevertheless, the core countries — the U.K., Norway, Canada, the United States, Italy and the Netherlands — had a full discussion of the options in light of the intransigence of the parties to the conflict. They decided to continue supporting the IGAD — the Intergovernmental Authority on Development — the Horn countries charged with brokering peace through the Kenyan Secretariat, but to also develop complementary initiatives, either bilaterally or with NGOs, that would enhance the prospect for peace.

This opens the way for Canada to develop creative initiatives with like-minded countries to bring peace to the largest country in Africa — Sudan. However, such a commitment from Canada will call for more resources and personnel at a time when there are enormous calls on current resources.

The situation in Sudan is not disconnected with the events of September 11. In the midst of the current preoccupation with appropriate security measures in Canada in the aftermath of the tragedy of September 11, I remind us all that over 2 million Sudanese civilians have lost their lives in the current civil war. Just because Sudan is not capturing the current headlines does not mean it is time to put it on the back burner or to forget or abandon people caught in that wretched situation.

Our commitment to ongoing work for peace, particularly in the continent of Africa, is as urgent as it ever was. I count on the continued support and interest of senators for Canada's efforts in what promises to be a very long commitment to achieve an effective peace.

FINANCE

ANNIVERSARY OF LAST FEDERAL BUDGET

Hon. Terry Stratton: Honourable senators, I rise to draw the attention of the Senate to an important milestone that Minister of Finance Paul Martin passed over on the weekend. Perhaps his leadership needs this little boost. I know it is unusual for a member of the opposition to point out the achievements of the government, but this is worth noting.

As of Saturday, it has been 600 days since the last full federal budget in February 2000. No Canadian finance minister has ever gone that long without presenting a budget. Indeed, Paul Martin was already only the second finance minister ever to go 500 days without presenting a budget — a mark last achieved in 1968.

If he holds off until early February, Paul Martin will become the first finance minister to ever go 700 days without a full budget. It he holds off until February 28, it will be two full years. If this were hockey or basketball, we would congratulate Mr. Martin for any kind of record extending back over 600 days.

This is not hockey, however, and in light of current circumstances, I would urge the Minister of Finance to end this dubious streak and bring in a full budget immediately.

ROUTINE PROCEEDINGS

CITIZENSHIP AND IMMIGRATION

POSITION OF DEPUTY CHAIR OF PROPOSED REFUGEE APPEAL DIVISION—DOCUMENT TABLED

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to table a document entitled "Position of Deputy Chairperson of the Proposed Refugee Appeal Division," which I indicated to the Leader of the Opposition I would try to get for him today.

[*Translation*]

CANADIAN TOURISM COMMISSION

TRANSITION REPORT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the transition report of the Canadian Tourism Commission for the nine-month period ending December 31, 2000.

[*English*]

IMMIGRATION AND REFUGEE PROTECTION BILL

REPORT OF COMMITTEE

Hon. Jane Cordy, for Senator Kirby, Chair of the Standing Senate Committee on Social Affairs, Science and Technology, presented the following report:

Tuesday, October 23, 2001

The Standing Senate Committee on Social Affairs, Science and Technology has the honour to present its

NINTH REPORT

Your Committee, to which was referred Bill C-11, An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger, has, in obedience to the Order of Reference of Thursday, September 27, 2001, examined the said Bill and now reports the same without amendment. Your Committee appends to this Report certain observations relating to this Bill.

Respectfully submitted,

MICHAEL KIRBY
Chair

(*For text of observations, see today's* Journals of the Senate, *Appendix to Report, p. 869*.)

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

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

[*Translation*]

ADJOURNMENT

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

That, when the Senate adjourns today, it do stand adjourned until tomorrow, Wednesday, October 24, 2001, at 1:30 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

• (1420)

CRIMINAL LAW AMENDMENT BILL, 2001

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15A, to amend the Criminal Code and to amend other Acts.

Bill read first time.

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

On motion of Senator Pearson, bill placed on the Orders of the Day for second reading two days hence.

[*English*]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

MEETINGS IN JUNE AND JULY, 2001—REPORT OF CANADIAN DELEGATION TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the report of the Canadian delegation to two special meetings of the Canada-United States Inter-Parliamentary Group held in Washington this past spring and summer, June 25 and 27, and July 15 and 18, 2001, wherein we met with 16 senators and 46 congressmen.

ACCESS TO CENSUS INFORMATION

PRESENTATION OF PETITION

Hon. Lorna Milne: Honourable senators, I have the honour to present 305 signatures from Canadian Home Children and their descendants from all across Ontario and Saskatchewan, particularly around the Rosetown-Herschel area, who are researching their ancestry. They are petitioning the following:

We the undersigned request that the Canadian Government make available all post 1901 Census returns since they are the only public means available to Canadian Home Children and their descendants, who make up 10 per cent and more of our population, to access the whereabouts of their siblings and relatives from whom they have been separated by this country's tacit acceptance of a policy now recognized by the British Government as being *misconceived* and the cause of *irreparable* and *irrevocable* damage to the child migrants and their descendants.

I have now presented before this Thirty-seventh Parliament petitions with 12,684 signatures. I presented petitions with over 6,000 signatures to the previous Parliament, all calling for immediate action on the release of post-1901 census information.

QUESTION PERIOD

NATIONAL DEFENCE

ELIMINATION OF HAZARDOUS MATERIALS PLATOONS FROM INFANTRY BATTALIONS

Hon. J. Michael Forrestall: Honourable senators, I have a question for the Leader of the Government in the Senate. First, I wish to raise concern in the Senate about the decision by the Department of National Defence, the Minister of National Defence and the Chief of the Defence Staff to eliminate the only capability we have in the Canadian army with respect to chemical, biological, radiological or nuclear attack.

In total, we have about 100 people who are skilfully trained in decontamination. It has come to my attention, as I have indicated, that the government has decided to eliminate the Pioneer Platoons from the infantry battalions. These are the only forces that have this capacity.

Considering our current lack of preparedness admitted by the government and its own witnesses, would the government give some consideration to halting the elimination of these platoons from the infantries and battalions so we might retain this trained corps?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I wish to begin by welcoming Senator Forrestall back. It is good to see him back on his feet and in obvious good health.

As to the honourable senator's specific question, I have no knowledge that those two platoons are being eliminated, but I will certainly take the information that the honourable senator has given to me this afternoon to the Minister of Defence.

Senator Forrestall: I appreciate the leader's response, but the order has been issued, so I am told. Anything we can do to retain that capability will augur well for our Canadian Forces, particularly in these days.

PROPOSED PEACEKEEPING MISSION TO AFGHANISTAN—AVAILABILITY OF TROOPS

Hon. J. Michael Forrestall: Honourable senators, the Prime Minister has announced that Canada will send ground troops to Afghanistan to keep peace after this war on terrorism comes to an end. We all know that the Canadian army is engaged in keeping just 1,900 soldiers abroad in Bosnia and on peacekeeping missions. We need four times that number of people in the rotation cycle to simply sustain that force.

My question is rhetorical but very meaningful: From where will these other soldiers come? Will the mission to Afghanistan be a one-shot deal for six months or so with a battle group? Will the government lengthen tours to nine months or a year? Will the government drop its Balkan commitment, or will it mobilize the reserves? We must find these troops if we are to give meaning to the Prime Minister's undertaking to offer peacekeeping forces to serve in Afghanistan after the war.

Hon. Sharon Carstairs (Leader of the Government): The honourable senator makes reference to one of the outstanding roles that Canada has played in the world for a great many years and which was celebrated this weekend at the peacekeepers' memorial here in Ottawa.

Preliminary plans are being debated for what may take place in Afghanistan following the cessation of the present activities. Canada's contribution to that has still not been determined. I am sure the honourable senator would not expect it to be determined.

However, I want to assure the honourable senator that since September 11, there has been an increase in the number of applicants to serve in our Armed Forces. Many Canadians felt compelled by the actions of September 11 to enter our Armed Forces. The recruitment still goes on, and the objective of appropriately training those troops will be undertaken over the next few months.

AFGHANISTAN—SHIPS ASSIGNED TO MIDDLE EAST—REPLACEMENT OF SEA KING HELICOPTERS—PURCHASE OF EH-101 CORMORANT HELICOPTERS

Hon. J. Michael Forrestall: Honourable senators, can the Leader of the Government in the Senate ascertain the name of the sixth ship, yet unnamed, that will fulfil the government's six-ship commitment to the war on terrorism? If that is not known, could the minister discover whether, for our edification and information, it is because they cannot find a crew for her?

At the same time, we all know there are seven brand new Cormorants sitting on the ground with fully trained crews quite capable of being in operation. The Cormorant rescue helicopters are sitting on the ramp in Italy awaiting the Canadian government's decision to take delivery.

Is it a question of the government not wanting this equipment here in Canada or engaged with the aging Sea Kings in the sphere of operation they have entered into so proudly?

Hon. Sharon Carstairs (Leader of the Government): First, I wish the honourable senator to know that his colleagues on the other side were concerned that the kinds of questions he would want to ask be asked in this chamber. The question he asked about the sixth ship last week was asked by Senator Stratton, and the question he asked about the Cormorants was asked by Senator Meighen. Those senators took good care of my honourable friend's position as critic while he was away.

Senator Forrestall: I have given the leader two days to give the answer. I just want the answer.

Senator Carstairs: I will in fact give my honourable friend the answer. The sixth ship has not yet been determined because the coalition has not yet determined what services it wishes this ship to perform. This has nothing to do with finding a crew.

Senator Lynch-Staunton: You have to train them.

Senator Carstairs: The Cormorants are going through final testing. As soon as that is completed, they will be delivered.

Senator Lynch-Staunton: They are sitting at an airport.

HEALTH

PURCHASE OF GENERIC ANTI-ANTHRAX DRUG—ACQUISITION PROCESS—TESTS TO DETERMINE SAFETY

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is also to the Leader of the Government in the Senate. It relates to the news of last week that the Government of Canada decided to breach the patent on the anti-anthrax drug, Cipro, held by the Bayer company.

• (1430)

That decision having been made, Canadians would like to know the tendering process that was followed by the Government of Canada when it decided to ask the Apotex company to produce the million or so copycat pills? Was the request indeed put out to tender or is this another example of sole-sourcing?

Senator Lynch-Staunton: A split dip.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, there was no tendering. The government was concerned about ensuring that the safety of Canadians would be adequately protected. They felt they needed quantities of Cipro on hand. At that time, according to my information and apparently according to the information of the Minister of Health, Bayer was not able to honour the production of the drug as required. Information now would indicate that Bayer can and will produce the quantities required by the Government of Canada.

Senator Kinsella: Honourable senators, on Friday last, a senior executive officer of Bayer held a press conference at which he announced that in storage in Toronto were some 2 million Cipro pills. Notwithstanding that, the Government of Canada took a decision to break the drug patent law and ask a generic drug company to make the copied pills.

Why did the Government of Canada not consider asking Ranbaxy Laboratories Limited, which also can make Cipro but at one-thirtieth of the cost? If the Government of Canada wanted to take the generic drug route, why did they not go to Ranbaxy Laboratories?

Senator Carstairs: Honourable senators, I read with great interest this morning in *The Globe and Mail* that when *The Globe and Mail* reporter asked Bayer last week if they had sufficient quantities available, they argued that, no, they did not. Apparently confusing information about Bayer's production capacity was getting not only to the Government of Canada but also into media outlets. As to whether the government could have gotten an even better price, I do not know the answer. Clearly, the government wanted to move quickly to ensure adequate availability of antibiotics, particularly Cipro, should Canadians need it. Thanks be to God, they have not yet needed it.

Senator Kinsella: Honourable senators, I have another supplementary question. The minister will know that the Patent Act governing drugs provides in section 19.1(2) for cases of national emergency or extreme urgency.

The Minister of Justice yesterday told the special committee that the anti-terrorist legislation is not based upon an apprehension of emergency but, rather, is based upon the criminal law in the Criminal Code. If there is no apprehension of emergency in the mind of the Minister of Justice, where does the Minister of Health get the idea that an emergency might exist such that it could make a claim — even though they did not make such a claim — pursuant to the Patent Act? Does an emergency exist or does it not exist?

Senator Carstairs: Honourable senators, there have been no diagnoses of anthrax in Canada. There have been a number of anthrax-related deaths in the United States. A number of Americans have apparently been in contact with the less virulent form of anthrax, which is a skin anthrax as opposed to an inhaled anthrax.

The national emergency would exist clearly at the moment when individuals in this country are diagnosed with anthrax in any of its variety of forms. That national emergency would require the medication to be available immediately.

It took many weeks, after the planes went into the World Trade Center and into the Pentagon and into a Pennsylvania field, before the Americans took action in their anti-terrorism war. We would not have that kind of time frame in a situation where anthrax is spreading across this country. The time frame between an emergency being declared and the requirement for action on that emergency is extraordinarily tight.

Senator Kinsella: Honourable senators, can the minister provide any information or can she secure information from the Department of Health as to the testing process to be used to determine whether the generic drug that is being copied will meet health standards? What is the shelf life of that drug?

Senator Carstairs: Honourable senators, those are very specific questions. I will ask them of the Department of Health and try to return the answers to this chamber as soon as possible.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, since the Leader of the Government in the Senate is going to ask questions of the Minister of Health, could she explain to us the facts about the availability of the generic drug?

Was last week's decision to purchase generic drugs, drugs with a copied formula, based on the information we received from the Minister of Health to the effect that the copied drug was already available, or was going to be?

[*English*]

Senator Carstairs: Honourable senators, the Department of Health and the general public had clear knowledge that Apotex was able to produce this quantity of drug. There were ongoing interactions, legal and otherwise, between Bayer and Apotex about this particular drug. The ability of Apotex to make the drug was relatively well known.

Senator Nolin: Was it also understood that Bayer could produce the same drug?

Senator Carstairs: There is no question, honourable senators, that Bayer had the potential to produce the same drug, but the indication was that they were not able to supply it at the time when the government wanted it.

[*Translation*]

Hon. Roch Bolduc: Honourable senators, why does the minister not tell us the truth, that Department of Health officials wanted to save money? Did they not say to the minister: "We are not just anybody, we are the government, and so we will buy drugs at a savings from companies that manufacture generic products instead of from Bayer"?

The minister need only admit that the government made the wrong decision and offer his apology. That is all.

[*English*]

Senator Carstairs: Honourable senators, the minister has done that to some degree. Bayer will now supply the drug. Apotex will also supply its drug. It will be held in storage and will not be used unless absolutely necessary.

[*Translation*]

Senator Bolduc: The fact is that the minister did not consider himself an ordinary citizen, and this is never a good idea.

[*English*]

TRANSPORT

POLICY OF SUPPORT FOR COMMUTER TRANSPORTATION—MANDATE OF CABINET TASK FORCE ON URBAN ISSUES

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It is a question that seeks clarification of government policy on commuter bus and rail systems throughout Canada.

Today's *Toronto Star* carries a story in which the Ontario Minister of Transport, Mr. Clark, criticized the federal government for refusing to come to the table. The story said that Clark had hoped to hammer out an agreement that would see the federal government pick up one third of the $9-billion plan to fund Ontario's transit.

My question is the following: What is the government's policy with respect to assisting provinces and municipalities regarding this transportation?

• (1440)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there are ongoing discussions on a fairly regular basis between the Department of Transport and provinces and their municipalities. It is a rare thing, as you know, for the federal government to enter into negotiations directly with municipalities unless it is through the vehicle of their parent, which is the provincial government. In this particular case, the government has made the decision not to proceed.

Senator Oliver: Honourable senators, in the news story, the Minister of Transportation, Mr. Collenette, is alleged to have said that a task force on urban issues, headed by MP Judy Sgro, is delving into the issue and would have recommendations this year. Could the minister tell us the scope of the task force that is doing that study?

Senator Carstairs: The study is actually a caucus study, honourable senators. The chairperson is a member of the House of Commons from the Toronto area and a former city councillor in Metropolitan Toronto. The scope of the task force is very broad. It has been asked to study all urban issues, particularly in relation to a concern frequently raised by municipalities, which is the offloading of provincial responsibilities onto municipalities.

FINANCE

POSSIBILITY OF ECONOMIC UPDATE OR BUDGET

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. As was shown this morning with the drop in the Bank of Canada interest rates by a further three-quarters of a percentage point, the economy now has come to a full and abrupt halt. This will affect the bottom line dramatically. The government cannot count on a growing economy to yield the growing revenues needed to keep its books in the black. At the same time, there are new cost pressures arising from the response to terrorism. The Finance Minister refuses to set a date, preferably for a budget, but, failing that, for some kind of proper accounting on how much he expects to spend and raise this year and next. It is 600 plus days now since the last budget. Can the Leader of the Government in the Senate assure us that there will be a budget or some kind of fiscal update prior to the Remembrance Day break?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator says that the economy has come to a full and abrupt halt. I do not think there is any indication that it has come to a full and abrupt halt.

Senator Stratton: I said "appears."

Senator Carstairs: There is indication, and quite clearly indication, that there has been a slowdown in the Canadian economy, a slowdown that is far less than the slowdown in the American economy. For example, retail sales increased in August. One would anticipate they have been down since September 11, but we do not have those figures yet. We do know that Canada is the third most competitive country in the world, according to the 2001 Global Competitiveness Report. We know that manufacturing shipments also went up in August, and that wage settlements increased in August as well.

As to the honourable senator's specific question, the Minister of Finance promised an economic update and/or budget sometime in the month of October, and I have no reason to think that it is not coming down during this month.

Senator Stratton: Honourable senators, I hope I said "appears" rather than making a de facto statement about falling off the table. I said, "hopefully it would appear," and if I did say "fall off" or "has fallen off" or "ground to a halt," then I apologize. The economy is still moving, but the question is, to what degree?

The Bank of Canada has dropped its rate considerably over the last few months, and it has now dropped it by three-quarters of a percentage point, when most economists and individuals were expecting a half point, perhaps a quarter point drop. The three-quarters of a percentage point drop announced today is a clear indication that there are problems down the road as we head into the next fiscal year and as we finish off this quarter. We need to hear quickly. Please, can the leader try to get a clear indication of what day? It is October 23, and the leader has assured us that it would be by October 31. Usually the minister makes an announcement and then a week or 10 days later makes the statement. We need to have a clearer indication than what the leader has indicated.

Senator Taylor: What was your question?

Senator Carstairs: The honourable senator knows that the decrease in the bank rate by the Bank of Canada was to keep pace with the bank rate drop in the United States. In terms of when a date will be announced, I will let this house know as soon as I learn and can make it available for public consumption.

IMMIGRATION AND CITIZENSHIP

RECOMMENDATION OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE FOR STUDY OF IMMIGRATION AND REFUGEE PROTECTION SYSTEM

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government. Today the Standing Senate Committee on Social Affairs, Science and Technology tabled in the Senate the report on Bill C-11 without amendment but with a lengthy series of observations, among which is the request for an in-depth study of all aspects of Canada's immigration and refugee protection system. The Senate would conduct this study for the purpose of defining the fundamental issues in the Canadian immigration and refugee systems. Would the minister support that recommendation?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it would appear to me that since it was the Standing Senate Committee on Social Affairs, Science and Technology that made such a recommendation, it would be the Standing Committee on Social Affairs, Science and Technology that would come forward with a proposal for such a study. At that time, it will be debated and discussed in this chamber and given a priority, as all studies of the Senate are priority issues. I see no reason why I would have any objection to such a study.

[*Translation*]

DELAYED ANSWER TO ORAL QUESTION

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is my pleasure to table a delayed answer to the question raised by Senator Di Nino on September 19, 2001, on the subject of the terrorist attacks on the United States and the effect on the people of Afghanistan.

FOREIGN AFFAIRS

TERRORIST ATTACKS ON UNITED STATES— EFFECT ON PEOPLE OF AFGHANISTAN

(Response to question raised by Hon. Consiglio Di Nino on September 19, 2001)

RESPONSE:

Of the additional $6 million that Canada has announced since the events of September 11, $500,000 will be provided to CARE Canada to respond to needs both in Pakistan and inside Afghanistan. The remaining will be provided through the International Committee of the Red Cross, the World Food Program and the United Nations High Commissioner for Refugees.

There are very few Canadian NGOs who have a history of working inside Afghanistan. CARE Canada, Doctors Without Borders Canada as well as FOCUS have programs in Afghanistan through their international networks. Both these organizations have received significant funding from CIDA for their work in the country. Other Canadian based organizations that are active in Afghanistan via local Afghan partners include the International Disaster Relief Foundation as well as McMaster University's Centre for Peace Studies.

A number of Canadian humanitarian NGOs have informally contacted CIDA in the past two weeks to inform us of their plans to respond, many through their international networks, to the most recent crisis. Proposals are expected for both activities in Afghanistan and in neighbouring countries where large refugee influxes are expected. These NGOs include CARE Canada, Doctors Without Borders Canada, World Vision Canada, OXFAM Canada, the Canadian Red Cross, Médecins du Monde and Save the Children Canada. CIDA is in touch with these organizations as it reviews what further steps to take in responding to this emergency situation.

With the development of the Canadian Peacebuilding Initiative in 1997 and the subsequent creation of the Peacebuilding Fund, CIDA has taken a pro-active role in supporting mechanisms to resolve violent conflict through peaceful means, including mobilizing development assistance to support conflict resolution.

The CIDA Peacebuilding Unit is actively engaged in dialogue with Canadian NGOs with expertise in peacebuilding on how to address this impending emergency situation in Afghanistan and surrounding countries. The goal of a peacebuilding approach is to address the root causes of conflict and to find ways to address grievances. The very best peacebuilding is conflict prevention, and the best conflict prevention is sustainable social and economic development, which is at the heart of what CIDA does.

CANADA CONTRIBUTES $1 MILLION IN SUPPORT FOR AFGHAN REFUGEES

(2001-64) News Release September 19, 2001

Calgary, Alberta—Maria Minna, Canada's Minister for International Cooperation, today announced that the Canadian International Development Agency (CIDA) will contribute $1 million to the United Nations High Commissioner for Refugees (UNHCR) to help respond to emerging needs of Afghan refugees in the region.

Thousands of people have been massing at Afghanistan's borders since the terrorist attacks on the United States on September 11th. In condemning the attacks, Prime Minister Jean Chrétien has said, "Our fight is against terrorism. It is not against any one religion or faith."

"In the wake of increasing global tension, large numbers of Afghans are currently on the move," Minister Minna said. "Afghanistan was already experiencing one of the most serious humanitarian crises globally...Canada will continue to deliver humanitarian assistance to alleviate the incredible hardships the Afghan people are facing."

After 20 years of conflict and three years of devastating drought, the population is extremely vulnerable. Many Afghans are dependent on international assistance for their survival...even before the developments of last week, the World Food Program warned of pre-famine conditions in Afghanistan. There are already over 3.5 million Afghan refugees in Pakistan and Iran, and one million displaced persons inside the country. The situation will be further exacerbated by the onset of winter. The Canadian assistance announced today will be used by UNHCR for shelter, water and sanitation facilities, as well as basic health care.

Following the attacks in New York and Washington on September 11, and the growing international pressure on Afghanistan, all international aid workers have left the country. However, efforts to maintain humanitarian aid will continue through the local staff of UN agencies.

Funding for this initiative was provided for in the February 2000 federal budget and is therefore built into the existing financial framework.

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CANADA CONTRIBUTES AN ADDITIONAL $5 MILLION FOR AFGHAN REFUGEES

September 29, 2001
Ottawa, Ontario

Prime Minister Jean Chrétien announced today, following a meeting with United Nations Secretary-General Kofi Annan in New York, that Canada is contributing an additional $5 million to help respond to emerging needs of Afghan refugees and internally displaced people in the region. This brings Canada's contribution to the current crisis to $6 million.

"We are concerned about the welfare of the refugees and the people amassing along the borders of Afghanistan and its neighbouring countries," said the Prime Minister. "Canada has always been there in such emergency situations and we cannot turn our backs. We will continue to monitor the situation and will respond accordingly."

The funds will be provided by the Canadian International Development Agency and will be used to respond to the immediate needs of those affected by the situation and to help efforts to cope with the expected flow of refugees and internally displaced people. The contribution will be as follows:

- $1.5 million for food aid;
- $1.5 million for the International Committee of the Red Cross;
- $1.2 million for the United Nations High Commission for Refugees;
- $500,000 for CARE Canada; and,
- $300,000 for the United Nations Office for the Coordination of Humanitarian Affairs.

Long-term conflict, persistent drought and the tension caused by the recent terrorist attacks in the United States on September 11 have led to an increase in the number of refugees and internally displaced people relying on aid for survival. According to the United Nations' worst-case scenario, the number of people at risk could jump from 5 million to 7.5 million people.

Funding for this initiative was provided for in the February 2000 federal budget and is therefore built into the existing financial framework.

PMO Press Office

[*English*]

ORDERS OF THE DAY

THE SENATE

COMMITTEE OF THE WHOLE—REPLACEMENT OF SEA KING HELICOPTERS—APPEARANCE OF OFFICIALS ON PROCUREMENT PROCESS—MOTION IN AMENDMENT—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Robichaud, P.C., seconded by the Honourable Senator Finestone, P.C.:

That at 3:00 p.m. on Thursday, October 4, 2001, the Senate resolve itself into a Committee of the Whole in order to receive officials from the Department of National Defence and the Department of Public Works and Government Services for a briefing on the procurement process for maritime helicopters,

And on the motion in amendment of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C., that the motion be amended by striking out the words "Thursday, October 4, 2001" and replacing them with the following: "Tuesday, October 30, 2001."

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I think we can carry the amendment changing the dates right now. It is up to the government to decide.

As much as we were pleased to have the minister accept the idea of a Committee of the Whole on the question of the Maritime Helicopter Procurement Process, we were equally disappointed when the motion was tabled to find that the study would be limited strictly to the examination of witnesses from the Department of National Defence and the Department of Public Works who in effect will be invited, if this motion is passed, simply to defend the government's position.

The purpose of the request to have a Committee of the Whole was to have all sides come before the Senate. The issue has been clouded with a great deal of evidence from both sides, but so far it has not allowed anyone looking at it objectively to come to a clear conclusion.

• (1450)

It can be argued that the request was in words that can narrow the purpose of the briefing, but the Leader of the Government in the Senate, interestingly enough, understood the purpose of the motion to have this Committee of the Whole, as demonstrated in an exchange with Senator Forrestall on June 5. I shall read from *Debates of the Senate* of June 5, at page 1001. Senator Forrestall asked:

> Would the minister entertain some suggestions as to individuals from the military that we might hear from?

The Leader of the Government replied:

> Honourable senators, I would think that would be a logical follow-up to the announcement that there would be a Committee of the Whole and the subsequent deliberations as to when that day is to take place. A suitable witness list will also be determined.

A "suitable witness list," by our interpretation, is a list including individuals who can explain both sides of the issue, to allow us, it is hoped, to come to a satisfactory conclusion.

In line with the wishes of the Senate, as expressed, particularly in the exchange between Senator Forrestall and Senator Carstairs, I should like to move an amendment. Before I do so, I shall suggest witnesses who have been selected for their past and present knowledge of the entire helicopter issue. Some of them have questioned the process; some of them are with the department and, therefore, will defend the process. One of them is the president of the Aerospace Industry Association, which represents all the potential bidders of whom we are aware. The names that are the most prominent are members of this association.

The individuals I shall suggest in this amendment as witnesses before the Committee of the Whole have been actively involved in the past in the entire helicopter activities of the armed services, or represent manufacturers and potential bidders, or are at present senior members of the Armed Forces. Having said that, I shall move the motion, pursuant to rule 59(1), and seconded by Senator Forrestall.

The Hon. the Speaker: I suggest we deal with the amendment first, which seems to be non-controversial, and then the honourable senator can, as anticipated, put his amendments.

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

Hon. Senators: Agreed.

Motion agreed to.

MOTION IN AMENDMENT

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

> That the motion to resolve the Senate into a Committee of the Whole on October 30, 2001, at 3:00 p.m. for a departmental briefing on the procurement process for maritime helicopters be amended by adding after the words "maritime helicopters" the following sentence:
>
> "And upon completion of this briefing to adjourn to the call of the Chair to hear further witnesses on matters pertaining to the maritime helicopter procurement process, in particular, Colonel Lee Myrhaugen, retired; Mr. Peter Smith, President of the Aerospace Industry Association; Staff Admiral G. Garnett, former Vice Chief of Defence Staff; Lieutenant General George MacDonald, Vice Chief of Defence Staff; and General L.C. Campbell, Chief of Air Staff, and such other witnesses as the Committee may decide are necessary to determine the fairness and equity of the maritime helicopter procurement process as developed by the Government of Canada."

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

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I rise to say that the Honourable Leader of the Opposition makes reference to my reply to Senator Forrestall, in which he asked if we would be willing to accept some suggestions from the military. In fact, one of the military witnesses that the Leader of the Opposition wrote to me about this summer has been accepted by this side and will be appearing as part of the briefing. In fact, one of the reasons it has been delayed to this time has been because that particular individual was not always available.

On motion of Senator Forrestall, debate adjourned.

PUBLIC SERVICE WHISTLE-BLOWING BILL

THIRD READING—REFERRED BACK TO COMMITTEE

On the Order:

> Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Keon, for the third reading of Bill S-6, to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, Bill S-6 has been at third reading stage in this chamber since last spring, and the debate had commenced with my moving third reading and beginning to speak on the content of the bill, which I thought was a good bill.

In the meantime, as honourable senators no doubt recall, a few days after we rose in June, the President of the Treasury Board issued a policy statement for the Treasury Board that deals with the same topic. The minister's presentation of the Treasury Board's new policy recognized the work that we had been doing on whistle-blowing with Bill S-6 and drew liberally from that work.

It seems to me, honourable senators, that it would serve our objective in wanting to see an infrastructure within the Public Service of Canada that deals with whistle-blowing, and also the objective of the President of the Treasury Board, who thinks that she can accomplish the same objective through a policy process.

The minister appeared before our National Finance Committee on a related topic and at that time informed honourable senators that she would be quite happy to return to the National Finance Committee of the Senate to explicate the policy once that policy was developed. Therefore it seems to me, honourable senators, that it would be reasonable and efficacious for us if an opportunity were given to the minister to comment on the Treasury Board's policy on whistle-blowing and to compare that policy to our bill, which received unanimous support at all stages from all sides of the Senate.

• (1500)

REFERRED BACK TO COMMITTEE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): With that background, honourable senators, pursuant to rule 30 and with leave of the Senate, I move, seconded by Senator Stratton:

> That Bill S-6, An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers, be not now read a third time but that it be referred back to the Standing Senate Committee on National Finance for the purpose of assessing the Bill in the context of the President of the Treasury Board's June 28, 2001, statement and release of the Policy on the Internal Disclosure of Information Concerning Wrongdoing in the Workplace.

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

Hon. Senators: Agreed.

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

Hon. Senators: Agreed.

Motion agreed to.

CONDEMNATION OF TERRORISM

MOTION—DEBATE ADJOURNED

Leave having been given to proceed to Motion No. 82:

Hon. Jerahmiel S. Grafstein, pursuant to notice of October 16, 2001, moved:

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 the political order of the free and democratic society;

- Considering that in its special session of October 2, 2001, the North Atlantic Council determined that "the attack against the United States on 11 September 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 them 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 the civilians affected by that campaign;

- Express its urgent concern that the authors and supporters of those terrorists 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 in the International Order; and

- That upon adoption of this motion, the said motion should 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.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I should like to thank the Honourable Senator Grafstein for bringing this debate to the floor of the Senate.

September 11, 2001, will be a day etched in the minds of citizens around the world. When we watched hijacked planes turned into weapons used to kill people in New York City, Washington D.C. and rural Pennsylvania, we knew that our world had changed. We were, and will always be, shocked by the cruelty of those events and could not apprehend the pain that has been inflicted on so many innocent people. Thousands of innocent lives were taken in an appalling and brutal manner, including the lives of some 40 to 75 Canadian citizens.

In the ensuing weeks we have watched biological organisms turned into weapons.

[*Translation*]

The random nature of the violence used is disconcerting and serves only to increase our fears in situations that would not normally bother us. As you know, Senate employees had to be quarantined early last week. Some of them had to go through disinfection and examination procedures we thought were limited strictly to laboratories.

[*English*]

In light of these events, we must proceed with caution and considerable thought to an appropriate response. However, while we are beginning to see the impact of terrorism in our daily lives, we also must remember that the real threats to Canadians originate right here at home.

The actual causes of death in Canada are familiar to us — heart disease, cancer and stroke. We hear so often of the dangers of smoking, or a poor diet, or a sedentary lifestyle, that it has become a familiar refrain which we routinely dismiss. While we must acknowledge that terrorist attacks have caused changes in our lives, let us not allow them to be lived in a heightened state of fear, but instead one of heightened awareness, an awareness that, in most ways, our daily lives have not changed since September 11; and an awareness that the real dangers to our lives have been the same ones we have always known, the same diseases which have touched all our lives, and which have always lived among us.

Let us also not diminish the importance of these assaults on our way of life. The Government of Canada has taken decisive steps to address the new realities that have become part of our lives since the tragic attacks on September 11.

In some ways, this campaign against terrorism is unlike anything we have seen before. We are exposed to new weapons that have never before been seen on our planet and, just as we have found a resolution to the mutual antagonism of nuclear superpowers, we will find a resolution to the threat we are facing today.

No one predicted the end of the Cold War as it actually happened. It was a triumph of quiet diplomacy and a recognition of the benefits of democratic values. Today's conflict is one marked by contrariness. There are no conventional soldiers, no conventional battlegrounds. A few people can attack a great nation. Their methods can be simple but devastatingly effective.

NATO nations and their allies have recognized that they must come together in order to combat this new type of threat.

[*Translation*]

The leaders of this international anti-terrorism coalition showed themselves firmly resolved to prevent future attacks against other countries. All Canadians, first ministers, chairs, members of cabinet, and secretaries will recall the tragic events of September 11, which have led to a call for action. These terrorist attacks have affected our decisions, our policies and our diplomatic relations, and have profoundly changed the way public business is conducted in all regions of the world. Furthermore, Canada has a key role to play in this campaign against terrorism.

[*English*]

Canadians have always had a sense of how small our world is, and of how much we are all affected by our neighbours. We have been world leaders in advancing understanding, communication and mutual respect between nations. We invented peacekeeping, and our international development and assistance programs are among the best in the world. We do this in order to promote Canadian values and make our world a better place in which to live.

• (1510)

What do we mean when we say that we want to preserve Canadian values? That we are committed to educating our children? That we support universal health care? That we believe in individual rights and personal freedoms? It means all of that and much, much more.

Canadian values transcend any particular aspect of our lives. We are committed to something larger than ourselves, to something larger even than Canada itself. That is why internationalism has been a part of our identity as a nation since its inception. The Prime Minister referred to our commitment to, and I quote, "global courage and common purpose." Canadians have always recognized that nations must cooperate, because our common interests are more important than our differences. In the face of recent and future threats, we will continue to fight for justice and peace in our world.

Our new enemies do not want to occupy our country but to destroy it from within. They want to topple our economy, to instigate hatred between different cultures and to set citizen against citizen. However, Canada is not vulnerable to these threats. Even in our darkest moments, Canadian history has been marked by cooperation, acceptance and foresight. Our political public service and business leaders have always recognized that we are in this together. We have defined our goals by their degree of mutual benefit and respect.

The most visible sign of Canada's engagement in the fight against terrorism is the launch of Operation Apollo. Last week, in Halifax, our Prime Minister watched the departure of Her Majesty's Canadian Ships *Preserver*, *Iroquois* and *Charlottetown*. They will join HMCS *Halifax*, already in the Persian Gulf, and HMCS *Vancouver*, which is either on its way or soon will be. The people on board these ships and in all our Canadians Forces are our heroes. They are a visible and unmistakable statement in response to terrorist attacks.

Some have doubted the need for military action and have suggested that perhaps it is an overreaction. I would invite them to review the recent history of terrorist actions taken against our allies. The events of September 11 were not against one nation but an attack against the entire international community, against those who do not share the same views as the terrorists. That makes it an attack on all nations who value life, tolerance and liberty. We are not targeting the innocent; we are targeting the guilty. They are only a small number of people, but they are spread throughout the world, and it will require a worldwide response to eradicate this doctrine of destruction. I would like to emphasize that military action is only part of our response to this threat of terrorism.

My colleague the Honourable John Manley has been appointed chair of the new Ad Hoc Committee of Ministers on Public Security and Anti-Terrorism. This committee will be a coordinating effort on the part of the government to respond to terrorism and threats to public safety.

Two weeks ago, the government announced a $250-million package of national security measures. We are enhancing airport and border security and increasing the number of intelligence officers.

The proposed Anti-Terrorism Act, introduced early last week in the other place and now engaged in special pre-study in this place, includes provisions to more easily identify and prosecute terrorist groups and to cut off their sources of funds. Measures are included to give law enforcement the ability to expand surveillance operations and to broaden the guidelines under which warrants are issued. The government will not limit itself to these measures. Our goal is to respond appropriately to changing conditions and to introduce additional measures whenever necessary.

While we take action, we are ever mindful of the need for peace. All Canadians want our troops to return home as soon as possible, but only when the job is done. We must eradicate terrorism in all its ugliness wherever we find it. The battle will not be quick and may not be defined with visibly decisive victories, but it must be fought with the resolve that all people in this world should live in peace and harmony with one another.

Hon. Senators: Hear, hear!

Hon. Pierre Claude Nolin: Honourable senators, Senator Grafstein's motion refers to two resolutions taken by two international bodies that Canada is part of, the first being the Security Council of the UN and the second being the North Atlantic Council, of which, of course, Canada is a founding partner. With respect to the support that the motion is seeking from our institution for the decision of the government, what role is the government contemplating for the UN in that coalition?

Senator Carstairs: Honourable senators, with respect to the resolutions of the Security Council, it is my understanding that 10 of the 12 aspects have already been put into force and effect. The remaining two are part of the anti-terrorism bill. In terms of the NATO commitment, of course, that is exactly the reason that our troops are where they are, either moving quickly towards the Persian Gulf or, with the HMCS *Halifax*, already there.

If the question pertains to what we are going to do after the fact, I can assure the honourable senator that negotiations are ongoing with all the partners, that discussions, even this weekend at the APEC meeting, involved what we could do after the present terrorist situation has been dealt with.

Senator Nolin: My question is really focused on some concern from Quebecers that I heard through radio and TV programs. There is a sense of strong preoccupation that everything will be decided in Washington and Canada. Senator Robichaud can say no, but the perception of many Quebecers is that the President of the United States will decide everything and that Canada will be informed subsequently. We are part of two important international organizations, and at least one works on consensus, NATO. In the UN, it is quite different, and we have a strong problem with that, but at least in NATO things works on consensus.

What is Canada asking our two ambassadors in those two bodies to defend? What should be the role of those two important organizations? That was specifically why I asked the question.

Senator Carstairs: Honourable senators, as the honourable senator probably knows, the United Nations has already sent out a request through the Security Council for a great many dollars, some of which would be used for the refugee programs now, but many of those dollars will be used for the rehabilitation initiative that will need to be undertaken. Canada will be a part of not only the present program but the future program, and that will be an individual initiative and decision made here in Canada as to what exactly our role will be.

In terms of a present coalition and the NATO agreement, it is by consensus. It is by consensus that Canada is with the United States at the present time. However, I think that what we have discovered in the past, and what we will surely discover after this, is that there is a trust level for Canada that does not exist with some of the greater powers, and I include the United States in that. As we find the rehabilitation and, perhaps, the peacekeeping efforts that will be required in Afghanistan, there will be great calls put out for Canada because we have in the past served with such distinction. There is also the view in the international community that we are balanced and that we are focused on the long term and not just the short term.

• (1520)

After the war, it will not be easy for the Afghani people to turn to the United States, although certainly the German people did so after the Second World War and the Marshall Plan. It is difficult to turn with ease to the conqueror. Sometimes it is easier to turn to a third party. Canada will be a willing third party in that.

Hon. Jerahmiel S. Grafstein: Honourable senators, if the opposition intends to speak on this, I will certainly defer to them. However, I am ready to speak now if that is your desire.

Senator Kinsella: Go ahead, then.

Senator Grafstein: Honourable senators, when we sing "O Canada, we stand on guard for thee," what are we asked to "stand on guard" against today? What is the nature of the current threat to Canada as of September 11? Is the current threat an assault on Canada's vital interests? If so, beyond deploying our military forces, beyond military force itself, beyond anti-terrorism measures and the interdiction of terrorist financial support at home and abroad, what can we do? What more can Canada do?

Let me modestly commence by noting the current dialectic that avoids the "W" word. Are we at war? If we are neither at "war" nor at "peace," have we entered into a new twilight zone that requires clear definition? It seems clear to most that even if this can be called a "war," it is a war with more diffuse means and opaque ends. As some have suggested, it is at best an asymmetric war against an amorphous, tiny widespread enemy. Have we yet grasped the nature and the reach of that threat? Only by appropriate definition can an appropriate response be crafted.

Honourable senators, have no doubt about this: The assault in the United States on September 11 is a direct threat to Canada's vital economic and political interests. Canada's entire economic trade and foreign policy is dependent upon multilateralism, international openness and interdependency and trade. We pride ourselves on our leadership in world organizations such as the WTO, the World Bank and the OECD. Why? All this effort is made for one singular goal: to keep the avenues of international commerce and global human rights open and growing. Yet, September 11 and the events following have disrupted, debased and damaged these open avenues of commerce and humane activity that lay at the base of our economic and foreign policy. Whether we like it or not, we must examine this direct threat to Canada's economic model and the threat as well to our Canadian ideal, the Western ideal, of democracy, which is at the heart of this new darkness, which it aims to stifle and suffocate.

Where can we turn for guidance to examine the nature of the threat we face and then propose some prudent means to accomplish our democratic ends? While our modest but skilled and courageous Armed Forces face the military risk, what is the political, intellectual and diplomatic dimension that can be addressed now? What tools do we have to deploy in this new robust, global battle for intellectual space, peace, security and stability?

Let me use as my first text a book published in 1951 by Eric Hoffer, an American longshoreman and self-taught street philosopher. Hoffer, from the vantage point of the horrors of the mid-century, analyzed the threat to democracy. His book was called, *The True Believer*. In it, he described the three Horsemen of the Apocalypse, the three miserable "isms" of the Twentieth Century: Fascism, Nazism and Communism. He added a fourth which, like family, encompasses all three: fanaticism.

Honourable senators, we have no choice but to enter the gates of darkness to examine the bacillus of fanaticism, to take autopsies and to study the pathology of this new scourge. Albert Camus reminded us in his book, *The Plague*, which was written after the Second World War, that a complacent, intellectual attitude that breeds indifference to fanaticism and appeases fanaticism, feeds fanaticism. What do we know now? We know fanaticism's war aims. Fanaticism is only satiated by world domination. Fanaticism targets the innocent as a strategic objective. Fanaticism preaches purity, not pluralism. Fanaticism preaches superiority, not equality. Fanaticism breaches cultural singularity rather than cultural diversity. Fanaticism abhors religious freedom, and worse. Fanaticism practises ethnic cleansing, be it Muslim, Christian, Jew, Hindu or Buddhist, agnostic or atheistic alike.

The real irony is that this virulent brand of fanaticism proposes a U-turn against modernity. Their chosen path lies in their quest to return to the past, to return to an earlier age of servitude. Yet they enlist the very tools of modernity. They school in colleges of engineering and science; they deploy satellites, the Internet, fax, jets, electronic banking, global television networks, modern methods of destruction, and worse, biochemical arsenal that was outlawed by the entire world when its use was first deployed in World War I.

Honourable senators, look around us. Look at the World War I paintings that adorn this Senate Chamber. Look at that painting. There you will see gas masks on Canadian soldiers who were maimed and crippled with that first global experience of chemical warfare. How sad today that we cannot, in the year 2001, bequeath to our children a better world than we inherited after we believed we had erased the scourges of World War II and the Cold War just a little over a decade ago.

Hoffer profiled the "true believer" and discovered that these fanatic leaders were neither poor nor uneducated. They come from the educated, wealthy or middle class elites. Rather they "substitute" and "transfer," in Freudian terms, their own inner failures and frustrations to liberate themselves from their own failed and frustrated lives by preaching an illusive, purer utopian life for all. Only in this way can they liberate themselves from their own failures. The key word is "transfer" — transfer to others the burden of all ills. They never look within themselves and always blame others. Failures in their own countries, they travel and they choose the poor down trodden of other nations to sow their bacillus of nihilism. What they cannot do at home, they seek to do abroad. As Fouad Ajami, an astute Arab observer pointed out, "unable to overthrow the ruling order in their home countries, they turn their resentment to the West."

The greatest folly of all is to raise the expectations and hopes of the masses by proposing that, by "transfer" and "substitution" of all their ills to others, they will be remarkably transformed and their lives will be improved, if not in this world certainly the next. They will be martyrs; they will be purified. The next world will be their Nirvana.

We are confronted with a revivalist mass movement that preaches a U-turn and a line of march back swiftly to the darkness of the past. Redemption lies not in destroying others, as Fouad Ajami notes, but in choosing to renovate and open and modernize, peacefully, one's own societies. So they abuse modernity. V.S. Naipaul, the Nobel Prize winner for literature, in his recent book affirms both Hoffer and Ajami's analysis. The fanatic takes us, as Naipaul called his book, *Beyond Belief*. The fanatic takes us beyond belief.

Honourable senators, our fight is for the hearts and the minds of the masses who have one and only one model of purity, singularity and domination presented to them. Certainly it is not the model of pluralism and diversity that has propelled Canada and the West to an ever upward economic spiral. This is the model they wish to destroy. This is the model they wish to demolish.

What can we do beyond the military option? Obviously, we must quarantine and crush the cells of fanaticism planted among us and paralyze the financial tentacles of the networks back to the hubs, to the transponders of these cancerous cells, and eradicate them, if we can. Here we can use the same financial networks if there is a consistent, committed, multilateral effort to do so. Canada can lead the way here. Canada is respected in all international financial circles around the globe.

Like the fight against cancer, we need all our tools: media, military, strategic, intelligence, financial and diplomatic, to fight this new war on all fronts and destroy the equilibrium of the networks that expropriate our open avenues of commerce and liberty. That is easier said than done. The taxes of terrorism are high, from more security to defences against the illusive threats.

• (1530)

There are, however, modest steps that can be taken on the offence. First and foremost, we must demonstrate how the Canadian model of openness and diversity works as an economic growth model. How can we do this quickly? First, we should reinstate Radio Canada International. We should consider a global television network combining the best of CBC and private Canadian broadcasters to broadcast abroad.

Next, we need a diplomatic agenda of action. To these farther reaches, we must re-order priorities within the Department of Foreign Affairs. Canadians, who are respected in the very places we neglected, yet where we are prepared to send our troops, have no diplomatic representation whatsoever on the ground, nor intelligence, in Central Asia. In that corner of the globe, we have only one solitary diplomatic outpost. We need our diplomats on the ground in that part of the world. We must enter into a new strategic and military alliance with Russia. Russia is struggling in its democratic evolution. We must not marginalize Russia by the thoughtless expansion of NATO. We must re-energize the NATO coalition consensus, especially those EU partners who are now flagging and appear divided. We must engage Turkey, the only secular Muslim democratic state in the world to play a greater role in NATO and in the coalition itself. We must persuade our EU allies to assist Turkey to enter the circle of developed states sooner rather than later. Turkey has been waiting for decades to join the EU and still it sits at the end of the EU queue.

We must galvanize the Commonwealth as Mr. Pearson did to join this coalition of democracy against fanaticism. Our colleagues in Australia, New Zealand and Great Britain can be robustly enlisted in this effort.

We must instigate the Organization of Security and Co-operation where Canadians, myself included, play a proud and active role. There, Canada and the U.S. and many of the affected Central Asian countries are equal members as messengers of democratic practices and principles ready to present a model of governance in the aftermath of the military option. This we can do today.

Sooner than later we must quarantine and isolate as "pariah states" those that covertly support this fanaticism. We know who they are. We must be on guard against them.

We must harness Canada's multicultural leaders and send them abroad, back to these regions as goodwill ambassadors of Canada. We have great Pakistani, Afghani and Kirghiz natives in Toronto and across Canada. We must harness the power of these multicultural leaders and send them abroad to preach the Canadian economic model of prosperity, diversity and democracy. There cannot be economic prosperity without diversity and there cannot be diversity without democracy and the use of the rule of law.

We cannot neglect our relations with the U.S. where more than 85 per cent of our two-way trade is transacted. Just as we need a minister to mobilize against terrorism, we need a "super minister" to take responsibility for our relationship with the U.S. We suffer from clogged corridors and trade disputes. We need to immediately regain our mutual zone of confidence.

At home, of course, we must move swiftly to cut the lifeblood of fanaticism, the financial networks and safe houses at home and do this in conjunction with our friends and allies around the world. We should consider establishing one Web site where citizens can swiftly interface their knowledge about fanatic terrorist support at home and abroad. People on the streets of Toronto know about this. I recently heard on CBC midday radio a Lebanese cleric in Toronto, a recent immigrant, complaining about his fears and those of his moderate parishioners of other more fanatical members of his own church on Queen Street in Toronto. I wondered, as I listened to the interview, whether there was anyone out there to respond to his plea of fear.

We can devise means to assist those who wish to fight fanaticism amongst their own ranks. Violence can never be a substitute for the commerce of peaceful, political negotiations and democratic settlement. Trudeau reminded us that we should never confuse a "just" defence of civic order against those who are compliant with unbridled violence targeted at innocents.

Honourable senators, fanaticism is not a clash between civilizations. It is a grand battle of ideology that seeks to eradicate every principle of liberal democracy that we hold dearly. We know that liberty, too, has its costs. Camus counselled us against those fellow travellers such as Sorel and Sartre and others who preached the "ethics of violence" as a means for those who desire political change. Senators should read Sorel's *Reflexion sur la Violence* to remind us that nothing has changed when intellectuals counsel or appease violence as a political tool either at home or abroad.

Regretfully this grand battle will not be over in a day or a week, a month or a year, or even a decade. Yet, as Churchill once said at another fateful moment, "Let us begin."

Politics *est res dura.* Politics is a hard thing. Yet we need new, fresh political ideas to mobilize public opinion against this latest, most obdurate threat to liberty in our lifetime. Then, honourable senators, we can sing aloud again, "O Canada, glorious and free."

On motion of Senator Stratton, debate adjourned.

STUDY ON MATTERS RELATING TO FISHING INDUSTRY

REPORT OF FISHERIES COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Fisheries entitled: *Aquaculture in Canada's Atlantic and Pacific Regions*, deposited with the Clerk of the Senate on June 29, 2001.—*(Honourable Senator Comeau).*

Hon. Gerald J. Comeau: Honourable senators, I rise to speak on the third report of the Standing Senate Committee on Fisheries entitled *Aquaculture in Canada's Atlantic and Pacific Regions*, which was tabled with the Clerk of the Senate on June 29, 2001. Last year, the committee conducted a series of informal fact-finding meetings on the east and west coasts of Canada to discover firsthand the challenges and constraints facing the aquaculture sector. These informal discussions were later supplemented by video conferences and recorded hearings here in Ottawa.

There were many reasons for undertaking a study of aquaculture, also known as fish farming, not the least of which is that farmed fish and shellfish ultimately end up on our dinner plates.

[*Translation*]

In Canada, supporters of aquaculture say that it is a rural activity providing precious jobs and numerous economic benefits to coastal communities hard hit by the depletion of wild fish stocks, that it supports the traditional fishery, that it provides undeniable opportunities in the related technology and services sectors, and that its development possibilities are astonishing.

[*English*]

Around the globe, the fishing industry has been undergoing a historic transition. Referred to as the "blue revolution" in food production, fish farming has become the source of a steadily increasing percentage of the seafood consumed worldwide. In Canada, where aquaculture represents about one quarter of the value of the fish and shellfish catch, proponents of the industry argue that regulatory constraints will hurt the sector's expansion of jobs, or will cost jobs, and that the government's support of industry expansion should naturally follow.

• (1540)

With only two decades of significant commercial production, Canada's aquaculture sector is relatively new, but it has also been growing and evolving. Its complexion and level of development also changes notably from one province to the next.

Although aquaculture is a growing activity in the inland provinces, the committee limited the scope of its study to the maritime coastal provinces that dominate production. Committee members can certainly attest to the fact that there are many examples of successful enterprises on both the Atlantic and Pacific coasts. According to preliminary estimates by Statistics Canada, the industry generated revenues of $674 million in the year 2000.

Honourable senators, aquaculture promises significant future economic benefits. This is especially so in Nova Scotia and Newfoundland, provinces where finfish farming is relatively new and where participants can learn from past mistakes. This is also the case for the cultivation of shellfish, activities that are generally considered to be environmentally friendly and that appear to offer economic opportunities for small entrepreneurs.

The enhancement of the sea ranching of shellfish such as scallops holds the promise of increasing stocks for commercial fishers in the traditional capture fishery. Some coastal communities embrace fish farming as an economic generator. However, others have misgivings.

Much of the debate centres on the possible environmental consequences of salmon farming, especially in British Columbia and New Brunswick where almost all the farmed salmon in this country is produced, where 83 per cent of all fish farming revenues originate, but also where industry regulation has fallen quite short of the expectations of many. Concerns include the potential ecological and genetic effects of escaped farmed salmon on local fish species, the interaction of fish farms with aquatic animals and other animals, the incidence of disease in farmed and wild stocks, and the possible environmental risk associated with fish farm waste, to name only a few. Some

believe aquaculture and traditional fisheries to be mutually exclusive.

Suffice it to say that a major challenge faced by government now and in the years ahead will be to achieve an acceptable balance between various competing uses of the marine environment. Opinions are divided, but there would appear to be at least some common ground in the form of shared interests and objectives. For example, neither side wants to see the escape of farm fish or the transmission of disease, and both want a clean environment as well as more research. In at least some respects, aquaculturists, environmentalists, conservationists and fishermen are potential allies. The difficult task at hand will be to build on common interests and cooperate to ensure that aquaculture will be environmentally sustainable and economically successful in the future.

While the salmon farming industry has no doubt made significant progress in its management practices, the sector's ecological impact, or footprint, is largely unknown.

At this point in time, it may be fairly said that science firmly supports neither side of the environmental debate, and without sound scientific knowledge it is difficult to see how regulatory agencies can set meaningful environmental standards and objectives. Without sound scientific knowledge distrust of the industry will continue. Our study points to the need for much more research to address concerns, and more research will require an investment in additional resources.

It may be reasonably argued that the findings of further scientific study may not provide the answers quickly enough. On reducing risk, the precautionary approach, commonly referred to as erring on the side of caution when dealing with uncertainty, would be a prudent course to follow.

In many respects, the aquaculture report is a snapshot in time. A number of major developments, announcements and reports occurred during the course of our study.

[*Translation*]

Accordingly, in August 2000, the Department of Fisheries and Oceans launched the Program for Sustainable Aquaculture, known as the PSA, which provides $75 million in funding over five years. In February 2001, the Auditor General of Canada tabled chapter 30 of his December 2000 report. The same month, an expert panel established by the expert panel committee of the Royal Society of Canada tabled a report on the regulation of food biotechnology, which included a chapter on aquaculture. In June 2000, in the first phase of a review of legislation and regulations on aquaculture, the Commissioner for Development of Aquaculture submitted 36 recommendations to the Department of Fisheries and Oceans. His report, dated March 2001, was released at the end of April this year.

[*English*]

In British Columbia, where most of Canada's finfish aquaculture output is produced, the newly elected provincial government appears to favour lifting the 1995 moratorium placed on the expansion of new salmon farms.

In early September, citing the findings of the Auditor General of Canada and those of the Senate committee, the David Suzuki Foundation took what it calls the extraordinary step of raising funds to set up an independent citizens inquiry on salmon farming headed by Stuart Leggatt, a retired Justice of the British Columbia Supreme Court and Ethics Commissioner for the Vancouver Whistler bid for the 2010 winter Olympics. Federal and provincial authorities have since announced, on September 25, that they would not participate in the inquiry.

If the broad coverage of the committee's report in the print media and the many domestic and foreign sites on the World Wide Web that link to it are any indication, our work has been worthwhile. At the very least, it has highlighted the more salient issues and has helped focus government and public attention on these issues.

The House of Commons Standing Committee on Fisheries and Oceans has been conducting a similar study on fish farming for some time now, and I look forward to that committee's report in the not-too-distant future.

In closing, I thank the committee members for their hard work and perseverance. On their behalf, I also thank the many individuals and organizations who so generously made time available to participate in our study. They include finfish and shellfish farmers, fish farm workers, interest groups, research scientists, veterinarians, members of the public and federal and provincial government officials, including the federal Minister of Fisheries and Oceans who appeared before the committee on two occasions.

[*Translation*]

Hon. Pierre Claude Nolin: Honourable senators, could Senator Comeau indicate why the French title indicates it is an interim report, but the English title does not?

Senator Comeau: Honourable senators, the report is entitled "interim report." If we table reports in the Senate before the end of a given mandate, the report is called "interim report." In fact, it is the final report on aquaculture for the moment, and we are analyzing other studies.

[*English*]

Hon. Nicholas W. Taylor: Honourable senators, I have a question for Senator Comeau.

The federal government has authorization over fisheries, particularly inland fisheries. It is intriguing, as I discovered while considering Senator Grafstein's bill on water and the Food and Drugs Act, that water can be poisoned or made so dirty that people will die, and that is not a federal responsibility. Yet, if fish die, the federal government comes after you.

Taking that thought and projecting it into what the senator is talking about, is fish farming a provincial or federal responsibility? Where is the line?

Senator Comeau: Honourable senators, as I understand it, when inland or marine fish are in the water, either being raised or as wild fish, the responsibility is federal. The ocean or lake habitat in which the fish live happens to be a federal responsibility.

I am glad the senator asked this question because it relates to the next portion of our study. Senator Nolin asked a few minutes ago whether this was an interim report. The next phase that the Fisheries Committee wishes to study is the question of habitat, whether we, as federal parliamentarians, are placing enough attention on the value of habitat and whether government programs are protecting the habitat of future generations. In the future, you will be hearing from us again on this subject.

• (1550)

The subject of whether one can throw poison into the water, and it only becomes a federal responsibility once the fish is poisoned, is quite interesting. I imagine the federal government would have something to say about that matter, but once the fish leave the water they become a provincial responsibility; they become a product of the province. The federal government might come back in again once the fish leave the province and go into a foreign jurisdiction. Once the fish leave the province, they become a federal responsibility again, under an export provision of Health Canada.

Honourable senators, this is a rather complicated set of rules. One can imagine the poor fishermen who try to put some kind of framework around all of this. They need to hire a Philadelphia lawyer to understand these rules.

Hon. Willie Adams: Honourable senators, I am a member of the committee. We have a little difficulty, especially in Nunavut and Nunavik. Right now there is a law that allows fish hatcheries in the South. At one time, we had Arctic char commercial fishing in some of the communities. Some of the people who own restaurants in the South and bought char from northern communities are now finding it too expensive. Therefore, they have switched to buying Arctic char from hatcheries in the South.

In a trip down to Iqaluit a couple of years ago, we found out from the Department of Fisheries and Oceans that they are not concerned about commercial fishing by natives because they have no jurisdiction. The government recognizes that people of Nunavut and the territories are living off the land and the sea — the fish and caribou — but there is no recognition from Ottawa of our people having a commercial fishery.

In the community of Pangnirtung, 40 fishermen were seeking funds from the Government of Canada to buy a dragging boat. They were told that the federal government was not responsible, that they would have to go to St. John's, Newfoundland, to find out what the Department of Fisheries and Oceans has to say about that proposal. I am really concerned. We no longer have commercial fishing in the communities, except for Pangnirtung.

What is the future of Arctic char in the North, now that the fish hatcheries in the South are forcing fishermen out of their jobs in the communities?

Senator Comeau: Honourable senators, Senator Adams raises two extremely important subjects. When our committee visited his area, many of the people raised these two issues. One was the question of Arctic char being raised in some of the southern aquaculture sites, precluding the sale of some of the products that come from the North. The second concern was a question of adjacency, the fact that the people of Nunavut are not able to access the resources right off their shores, and that fishing fleets are coming from the South to supplement their fishing season. Why would the government not have in place measures to allow the people of the North to access the resources right next to their shores?

They make a compelling case. We, as parliamentarians, should ask why the people of Nunavut and Nunavik cannot have access to the resources closer to their shores. These are extremely important questions to which I heard no response that satisfied me, so it is a question we will have to answer.

[*Translation*]

Senator Nolin: Honourable senators, Senator Comeau raised the question of jurisdictions in his response to Senator Taylor. Did his committee examine the relationship between aquaculture and sport fishing? Is it studying the impact on the resource of sport fishing versus commercial fishing? Is it looking at relations between provincial and federal jurisdictions? In my opinion, the provinces have jurisdiction over sport fishing. Is his committee looking at this aspect? It strikes me as very complex. Where does federal responsibility begin and provincial responsibility end?

Senator Comeau: Provincial responsibility begin at the site chosen? The province determines the locations of fish hatcheries. Once the fish is out of the water, the province has jurisdiction over it. The federal government is responsible for the diseases that fish in cages could transmit to other fish. There are two jurisdictions.

In addition, the federal government is responsible for licences issued to commercial fishers. This is another aspect. Commercial fishers have expressed some rather serious concerns about the farming of fish, particularly salmon, trout and so forth.

As for the concerns of those who fish rivers for sport regarding fish escaping their cages and beginning to interact with wild fish, this comes under federal jurisdiction over the interaction between wild fish and hatchery fish escaping into rivers and into the ocean.

Discussions are underway between the provincial and federal governments to reach agreement on these jurisdictions. They are going very well. There are regular meetings, at least twice a year, between federal and provincial ministers. The relations between provincial ministers and the federal minister are quite good. The relations between fishers and the minister are sometimes not so good. It is a very complicated business.

On motion of Senator Cook, debate adjourned.

[*English*]

• (1600)

INTELLECTUAL PROPERTY RIGHTS OVER PATENTED MEDICINES

INQUIRY—DEBATE CONTINUED

On the Order:

> Resuming debate on the inquiry of the Honourable Senator Finestone, P.C., calling the attention of the Senate to three diseases which are sweeping the developing world and which draw many to ask whether intellectual property rights over patented medicines haven't taken precedence over the protection of human life.—*(Honourable Senator Poy).*

Hon. Vivienne Poy: Honourable senators, I wish to speak to the inquiry introduced by the Honourable Senator Finestone. Senator Finestone provided us with some background information about the three diseases that are sweeping developing countries.

As the honourable senator noted, taken together, HIV/AIDS, tuberculosis and malaria kill 4.1 million individuals per year. Aside from these diseases, there are many others that are endemic to developing nations. Why is this happening and what can we as Canadians do to prevent this tragedy?

Drugs to combat many of these diseases are simply not available. One of the reasons for the lack of availability is ignorance, as my learned colleague Senator Finestone emphasized. A new report by Médecins Sans Frontières entitled "Fatal Imbalance: The Crisis in Research and Development for Drugs for Neglected Diseases" argues that the health revolution of the past 30 years that has improved the life expectancies of many in the Western world has left much of the developing world behind. This is because most research and development focuses on Western diseases while neglecting tropical diseases that take an enormous toll on those living in absolute poverty.

According to the report, only 10 per cent of global health research is devoted to conditions that account for 90 per cent of the global disease burden. This research vacuum exists despite the fact that the World Bank has found that eliminating communicable diseases would almost completely level the mortality gap between the richest 20 per cent of the world's population and the poorest 20 per cent.

It is clear that research and development is not at the service of public health but, instead, is harnessed to profit. Governments, therefore, must play a role. Public policy must develop strategies to address neglected diseases specifically. One option is public-private partnerships involving universities, governments, NGOs and private companies. Another is a policy whereby a specific percentage of pharmaceutical profits from newly patented drugs would be channelled into research on neglected diseases.

However, there are drugs that already exist to fight some diseases, such as tuberculosis. TB was a major problem in Canada less than 50 years ago. In 1953, there were 19,000 beds in hospitals in Canada allotted to TB patients. As a result of a systematic treatment program, tuberculosis was virtually eliminated. I say "virtually" because TB is still killing people in Canada, and it remains one of the biggest killers in other parts of the world, with numbers of deaths rising. It is clear that if we are to eliminate TB in our borderless world where immigration is commonplace, we must apply the same principles of access to medication to developing nations as we have in Canada.

Medicines are also available to treat AIDS. Some 20 years after the first case was identified, AIDS is no longer a death sentence as it once was. Since the mid-1990s, it has been treatable with a cocktail of drugs called the highly active anti-retroviral therapy, or HAART. HAART dramatically reduces suffering and increases life expectancy, allowing patients to live comfortably with a chronic disease. However, since 95 per cent of the 36 million HIV-infected individuals in the world live in low-income countries, only a small fraction of these people have access to HAART. In Africa, access is limited to only about 10,000 out of 25 million HIV-positive individuals.

AIDS has already taken 22 million lives worldwide and created more than 13 million orphans. An estimated 4 million new infections occur every year. In the end, no country will escape this disaster. The disease promises to fundamentally destabilize the social, political and economic fabric of the world.

Currently, development is being eroded in many of the world's poorest countries. For example, Botswana, which has long been considered an African success story, has already had its life expectancy dropped by 25 years to 44 years, and this may decline to as low as 29 years if the spread of the virus is not slowed or reversed. President Festus Mogae warns that the country, in which one-third of the adult population is infected, faces the prospect of extinction.

Last spring, I attended a speech given by Mr. Stephen Lewis, who is the special envoy named by the United Nations to deal with the HIV/AIDS epidemic in Africa. Mr. Lewis told the audience about the accelerated access agreement reached by UNAIDS with a number of the world's major pharmaceutical companies to furnish anti-retroviral drugs to poor countries at a reduced cost. Negotiations led to agreements on price reductions in four countries — the Ivory Coast, Rwanda, Senegal and Uganda.

The rules were that countries would receive discounts of up to 90 per cent in exchange for pledging to respect patent rights and not allowing lower priced drugs to enter the black market. This would appear to be a good example of a public-private partnership that could potentially lower the cost of drugs for AIDS.

What happened? By early this year, the accelerated access initiative had not produced the expected results. Prices were still being maintained significantly above production costs. Meanwhile, generic drug companies, particularly in India, were offering to supply products to South Africa at a lower price than the accelerated access price. In what Stephen Lewis called a "double and duplicitous game," the major drug companies were fighting to keep the cheaper generic drugs out of South Africa by taking the South African government to court to stop it from engaging in parallel imports, a practice that is specifically authorized under the Trade Related Aspects of Intellectual Property Rights agreement, or TRIPS, in the case of public health emergencies. The reason drug companies cited for the court challenge was the need to maintain profits to fuel research and development, despite the fact that Africa represents a little more than 1 per cent of the total worldwide drug market. In April of this year, the pharmaceutical companies backed down.

Faced with bad PR internationally, the pharmaceutical companies are heralding a new study published on October 17, 2001, co-authored by Amir Attaran of the Harvard Center for International Development and Lee Gillespie-White of the International Intellectual Property Institute, which claimed that patents were not the issue in the battle against AIDS. Médecins Sans Frontières and other NGOs argued that the study was misleading and that it was an attempt to sabotage the initiative of the developing world to break down the barriers to access to medicines.

Stephen Lewis and NGOs such as Oxfam, Médecins Sans Frontières and many African countries are unanimous in supporting a "public health" interpretation of TRIPS.

• (1610)

In September 2001, at a TRIPS council session on access to medicines, 60 developing nations jointly issued a statement arguing that "nothing in the TRIPS agreements shall prevent members from taking measures to protect public health." Developing nations are being supported by the European Union. However, their joint declaration, which will be considered at the next WTO ministerial conference, has been opposed by the United States, Switzerland, Japan and Canada. If nothing changes, beginning in 2006, all WTO members will be obligated to grant 20-year minimum patents for medicines.

Perhaps Canada's position needs to be reassessed in the light of the potential of our own public health emergency. Bioterrorism poses an imminent threat. In light of the current situation, a broad interpretation of the term "public health emergency" in TRIPS may be necessary in order to ensure that patents do not override global health concerns, whether in Canada or in other parts of the world.

Developing countries suffering under the burden of diseases need to have access to the cheapest drug available, regardless of whether it is produced by a generic drug company or a brand-name company. Both India and Brazil already have developed the capacity to manufacture a wide variety of generic drugs that could be exported to other developing countries. In Brazil, the introduction of generic anti-AIDS drugs has led to a 79 per cent reduction in the price of drugs. As a result, mortality rates from AIDS have dropped by 50 per cent. HAART has also been made available in Thailand, Costa Rica and in a pilot study in Haiti.

Other countries have been less lucky. There are gross price discrepancies from one country to the next. Let me give you one example of how radically prices can differ from country to country. Last year, Médecins Sans Frontières reported that a drug called fluconazole, which treats a form of meningitis common in HIV-positive individuals, was priced at U.S. $1.20 per daily dose in Thailand for a generic version, compared to U.S. $17.84 per daily dose in South Africa for the patented drug. The discrepancy has since been corrected by the manufacturer, after a public outcry.

Three factors are necessary if widespread treatments are to be made available in developing countries. They are as follows: research and development, affordable drugs, and international aid, designated specifically for this effort by donor countries. If change is to happen, it will depend on the political will of the international community.

The protection of intellectual property rights cannot take precedence over the protection of human life. Countries such as the United States are currently attacking parallel importation, which allows for the importation of medicines from foreign countries at lower cost, and compulsory licensing, which allows for production of medicines by other than the patent holder. Both these trade practices were specifically included in TRIPS to be used in instances of public health emergencies or in the case of unfair pricing practices. Canada must defend these provisions at the WTO so that generic drugs are made available to developing countries where health crises exist.

It is also important to note that in many cases developing countries cannot even afford to pay the lowest prices available for drugs. Often, the yearly cost of a drug, even if it is priced at the cost of production, may be more than the annual per capita income of many families. A global tiered pricing strategy, as suggested by Médecins Sans Frontières, would allow for lower priced drugs in the developing world with research and development being funded by standard prices in the developed world.

CIDA's resources are currently stretched to the limit. For example, last year, Canada spent 0.25 per cent of its gross national product on official development assistance, the lowest portion in the 35 years since major foreign aid programs were established. More money is needed if CIDA is to have any effect on stemming the tide of disease sweeping across the developing world.

The world is a global village; we cannot afford to neglect the needy, who now make up the majority of its citizens. The decision to act to provide affordable and accessible medicine is a pragmatic decision because the future of developing nations is ultimately our future. Otherwise, the results of this death toll will be weakened economies and fragile political and social structures. For too long we have ignored developing nations, their poverty, their diseases and their conflicts, assuming we lived in a protected world. Since September 11, we know the world is a much smaller place. Nevertheless, if we are to act to fight against the ravages of disease, the decision must be based not on self-interest but on our common humanity. In this international effort, Canada needs to take a leadership role.

[Senator Poy]

Honourable senators, we cannot allow more people to die when we have the means to save them.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, this inquiry has taken on a new importance since Senator Finestone initially commenced it by drawing our attention to the whole issue of intellectual property rights as it relates to patented medicines. The honourable senator who has just spoken has eloquently and thoughtfully identified some of the issues that may very well cause Parliament to revisit the 1993 drug Patent Act.

We are very fortunate to have in this chamber Senator Day, who is an expert on copyright matters. I would hope that we can draw him into our debate on this important, timely topic because of the events last week when the Minister of Health, quite wrongly, in my opinion, allowed his department to arbitrarily break the drug patent law.

Hearing a defence of that illegal act made in terms of, "Well, there is an emergency," I looked at the drug Patent Act. As Senator Poy is indicating, there must be circumstances when the life of individuals, indeed, the life of whole communities, may be at stake, given the threat of bioterrorism in the world that we live in today. Perhaps it is very important that we revisit this question.

On the one hand, we recall from the earlier arguments that were made when we were looking at that legislation that if we are to have in the pharmaceutical research community the kind of ongoing research to identify means, techniques and medicines that can respond to old diseases and new ones, they must be motivated. They must have the means with which to do this, unless the states will be sponsoring all the necessary research. That research is done by the pharmaceutical companies at tremendous cost, and they recover their costs if they successfully come up with a new medicine that is successful in combating a given disease.

• (1620)

We must be very cautious not to paint people into boxes. Companies that invest in research come up with a new medicine, and have a patent on that medicine for a period of time to allow them to recoup their research investment cost. We do not want to dissuade them, surely, if it is to have the effect of discouraging research. That is, unless the states will come to the table and say, "We will pay for all the ongoing research." I do not think that is in the works.

Having mentioned the metaphor box, I think we honourable senators are very much living in a time when we must start thinking outside of the box. We will have to reach down and draw on creativity like never before because the circumstances in which we find ourselves these days have never been before us. Many of our colleagues, who are in the pre-study committee as we speak, will have to be creative there. The government is doing its job and I give it full credit for attempting to come up with appropriate responses and with the new tools that are necessary to combat terrorism. I have no quarrel with that, but we equally must be creative in coming up with new safeguards so that there is the proper oversight.

I agree with Senator Poy also in the area of drug patents. We do not have to throw the proverbial baby out with the proverbial bath water. I would draw the attention of honourable senators to what we have in place already. It is not bad. Subsection 19(1) of the Patent Act provides:

> 19(1) Subject to section 19.1, the Commissioner may, on application by the Government of Canada or the government of a province, authorize the use of a patented invention by that government.

We have a legislative framework in place that can respond to the exigencies that have been described by our colleague Senator Poy. That, unfortunately, was not followed last week, and we must learn from that. We must learn from what happened last week in terms of emergency and the panic that may occur in public administration circles. People are anxious to respond, but it is important that they respond within the context of the rule of law. Here is a provision that clearly states that the commissioner of patents can receive an application from a provincial government or from the Government of Canada, and it may very well authorize the use of a patented invention. This applies, for example, to the minister responsible for CIDA. If we are intervening in one of the countries to which CIDA contributes, it may very well be legitimate for the CIDA minister to make application to have the patent set aside so that a cheaper copy could be made and provided to the country that we are aiding.

It is noteworthy that, subject to that section, the use of the patented invention may be authorized for such purposes, for such periods and on such other terms as the commissioner considers expedient. However, the commissioner shall settle those terms in accordance with the principles — and this is important — which are as follows:

> 19(2)(*a*) the scope and duration of the use shall be limited to the purpose for which the use is authorized;
>
> (*b*) the use authorized shall be non-exclusive; and
>
> (*c*) any use shall be authorized predominantly to supply the domestic market.

That raises the following question: How do we get around a CIDA intervention? Subsection 19(3) states:

> The Commissioner shall notify the patentee of any use of the patented invention that is authorized under this section.

Clearly, had that been done last week, pursuant to the statute, the scandalous situation that the Minister of Health found himself in when Bayer announced to Canadians Friday evening that it had 1 million Cipro pills in its warehouse in Toronto would not have occurred.

Subsection 19.1(1) states:

> The Commissioner may not authorize the use of a patented invention under section 19 unless the applicant establishes that —

— that would be either a federal government or the provincial government —

> (*a*) it has made efforts to obtain from the patentee on reasonable commercial terms and conditions the authority to use the patented invention...

That did not happen last week at all. There was no negotiation within the meaning of that section. The statute goes on to state:

> (*b*) its efforts have not been successful within a reasonable period.

Again, there is a failure on the part of either the government or the Minister of Health. This is very important because we have heard the phrase "national emergency" come up several times. Subsection 19.1(2) states that this whole area of the application of the act is not applied in cases of national emergency or extreme urgency, or where the use for which the authorization is sought is a public non-commercial use. This exception clause does speak quite directly and in plain English of national emergency or extreme urgency.

The point I want to make, honourable senators, is that we do have a framework. The framework was developed and adopted in Parliament. Both sides of the equation were thoroughly examined by members not only in this place but also in the other place. If we are to return to this issue, we must do so in an open manner. I would not be hesitant at all for us to do that.

• (1630)

In her remarks, the honourable senator made reference to the availability of generic drugs manufactured in India. I do know that an Indian generic drug maker last week offered to supply the United States with 20 million anthrax antibiotic tablets a month, reopening the controversy about whether drug patents should hold in medical emergencies. What was interesting about the offer of that particular pharmaceutical company in India is that they were able to produce the drug at one-thirtieth of the cost. If that drug could be copied and produced at such a tremendously low price compared to the commercial price, then it makes a very attractive argument from the commercial standpoint — that is, from the purchaser's point of view — to go offshore in search of generic manufacturers. However, that raises other questions, including the health protection dimensions of medications, generic or otherwise, that we would be using in Canada. An important topic is raised with this inquiry, perhaps far more important because of recent events.

On motion of Senator Keon, debate adjourned.

CANADA-TAIWAN PARLIAMENTARY FRIENDSHIP GROUP

INQUIRY

Hon. Lorna Milne rose pursuant to notice of June 14, 2001:

> That she will call the attention of the Senate to the recent trip by the Canada-Taiwan Parliamentary Friendship Group to Taiwan on May 18 to 25, and to the issues which were raised and discussed by the delegation with representatives of the Government of Taiwan.

She said: Honourable senators, rather than bore you with a blow-by-blow account of our trip to Taiwan in the spring, I will just give you the bare bones of the trip and urge you to read the daily details of our individual meetings with dignitaries.

The details are in this report that, with the permission of the Senate, I will now table with the clerk.

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

Hon. Senators: Agreed.

Senator Milne: I will try to give honourable senators a flavour of the island, because Canada's connections with Taiwan are of great importance. I will also offer some of my conclusions arising from the trip.

The members of the official delegation were Senator Finestone and myself from the Senate, and Alan Tonks and Ghislain Lebel from the other place. We were accompanied by appropriate spouses, and also by James Tien, the director of the public affairs division of TECO.

We were in Taiwan from Saturday, May 19, 2001 until the following Friday, May 25, 2001. While there, we visited the following people, places and sites: Kenting National Park Headquarters; the National Museum of Marine Biology and Aquarium; Sun Yat Sen University; the city hall in the port city of Kaohsiung; the Department of Economic Affairs; Vice-President Annette Lu, who was standing in for the president who had just left to visit South America via New York; Premier Chun-hsiung Chang; deputy foreign minister Tzu-dan Wu; Taiwan's science-based industrial park; the Mosel company and officials; the Taiwan Power Company; the Atomic Energy Council; the Ministry of the Environment; the National Youth Commission; the deputy speaker of their government; the Chinese National Association of Industry and Commerce; the China External Trade Development Council; and the Taiwan World Trade Center. We certainly needed a seven-day rest when we came home. We covered much ground in five or six days.

Taiwan is an island about the size of Vancouver Island. It has a population of over 22 million people. Most delegations that go to the island do not get very far out of Taipei, at the north end of the island. We were lucky enough to fly to the south end of the island, to a tropical area about an hour outside of Taipei. On the way there, we caught glimpses of the interior of the island, made up of five mountain ranges, heavily treed and rugged. As we flew over the area, it was evident why only one quarter of Taiwan is arable.

Coming into the airport at Kaohsiung, we had a great aerial view of the vast port facilities there. There were huge cargo ships anchored offshore waiting to enter. Kaohsiung is the heavy industry capital of Taiwan, with an enormous shipbuilding facility, a huge container port and a large oil refinery. Taiwan's steel industry is also centred there and their third nuclear generating plant is nearby. Kaohsiung is the fourth busiest port in the world, after Hong Kong, Rotterdam and Singapore. Officials there would very much like to be twinned with a Canadian port city.

While in the south, we visited the headquarters of Kenting National Park. The park consists of 33,000 hectares spread along the southern coastline of the island. Many thousands of people live within the borders of the park, but most of the land is owned by 3,000 Aboriginal inhabitants. Most of the land in the five national parks in Taiwan is owned by their aboriginal people, descendents of early proto-Austronesian people. These people are more closely related to present day Polynesian and Maori people than to the people of mainland China.

The waters in this area are full of coral reefs and beautiful tropical fish, perfect for skin diving if one is so inclined. The above-water shoreline rocks are mainly the eroding remains of coral reefs. The entire shoreline is slowly rising as one tectonic plate slides beneath another in the area. As a result, Taiwan has over 2,000 earthquakes a day, most so small that one cannot feel them, but they register on scientific instruments.

The park receives about 2,500 millimetres of rain each year. Most of the rain occurs during the five-month rainy season; the rest of time it can be pretty dry. Taiwan is also hit by three or four typhoons each year. While we were there, the temperature was about 30 degrees every day and extremely humid.

While we were at the National Sun Yat Sen University in Kaohsiung, we met a Canadian citizen, a woman who spent much of her life in Ottawa, Mrs. May Lin. She was a most forceful advocate for the recognition of Taiwan, claiming that the people of Taiwan are truly Taiwanese now, not Chinese. According to her recital of Taiwan history, China has never exerted any effective control over Taiwan. It was first an island of the proto-Austronesian aboriginal tribes. About 400 years ago, people fleeing the Chinese dynasty of the day from Fujian province began to colonize it, seeking freedom from China. The government of the day in China considered that Taiwan was a barren wasteland not worth bothering about. These Fujianese people intermarried with the aboriginal inhabitants, so that there are now very few people left of the aboriginal blood, only 2 per cent of the population. Both the Dutch, who named the island "Formosa," meaning beautiful island, and the Spanish sent colonists to Taiwan to set up colonies in the early 1800s. By the late 1800s, the British had arrived but only considered the island a base from which to attempt to control the pirates who swarmed around the islands at that time. They never considered Taiwan to be a colony. The Japanese arrived in Taiwan in 1895 and they governed there until the end the Second World War.

When the communist forces on the mainland won the civil war in China, in 1949, Chiang Kai-shek and his Republic of China government relocated to Taiwan. This was the first time that a Chinese government, even though it was in exile, had accurately claimed to govern the island. Since then, the 15 per cent of the 1949 population who came with Chiang Kai-shek, and who were truly Chinese, have gradually intermingled with the resident Hakka, Fujian and mixed people of Taiwan. People like Mrs. Lin claim, and I believe very proudly and accurately, to be Taiwanese.

When we were back in Taipei, the executive director of the Canadian Trade Office, David Mulroney, provided us with an excellent briefing. I will go through it briefly because he spoke of Canada's ties with that island.

Canada has donated over $500,000 to earthquake relief in Taiwan, half through the Red Cross and half through other NGO bodies. The trade office has kept up its efforts to try to lessen the disastrous effects of the 1999 earthquake by gathering books to be donated to some of the remote aboriginal schools that lost everything. Senator Finestone and I handed over the large bag of books that we had taken over for that purpose.

• (1640)

The Royal Ontario Museum in Toronto lent its McKay collection of Taiwanese Aboriginal artifacts, the finest in the world, for display in Taipei beginning in June on the one-hundredth anniversary of Dr. McKay's death. Dr. McKay was a Presbyterian missionary from Oxford County in Ontario who spent most of his life in Taiwan. He started not only a mission in Tamsui but also began a school there, which he called Oxford University College. He began a medical clinic and experimented with natural medicines. During his years there, he accumulated this wonderful collection of early Aboriginal artifacts from the area.

A Taiwanese Aboriginal dance group also left for Canada while we were there in Taiwan. They performed here in Ottawa, in Niagara Falls, Mississauga and Toronto.

The Bata Shoe Museum of Toronto set up an exhibition that was opened by Mrs. Sonja Bata there in June. The Royal Winnipeg Ballet visited in June. Many young Canadians go to Taiwan to teach English as a second language also.

From the official point of view, the Canadian trade office there is the largest issuer of visas for visits to Canada in the world; 150,000 were issued from there last year and they have a 36-hour turnaround in processing. There are presently between 7,000 and 10,000 Canadians registered as living in Taiwan, but there are probably more who have not registered with the trade office. They issue 1,200 Canadian passports per year. They issue many student visas and are trying to build up an alumni group in Taiwan, mainly promoted through educational fairs.

The trade office's "9/21 initiative" — named in remembrance of the earthquake — gives the message to people there that Canada still does care and still remembers them. As I said, the Aboriginal areas were hit the hardest.

The Canadian Trade Office in Taipei runs a "Business Partner Seminar" regularly and is pushing aerospace, transportation, environmental products and services, biotech products and services, agri-food. There is Cdn. $250 million worth of trade in agri-food with Taiwan every year. In addition, the trade office pushes venture-100 capital funds, looking for investment possibilities there.

Matthew Lien, a folk singer from the Yukon, is one of the most popular singers in Taiwan.

The trade office also sponsors the annual Terry Fox Run.

It is obvious that our connections, both cultural and business, are numerous and important to both countries. Our meeting with Taiwanese Vice-President Annette Lu was rather discomfiting. She began by asking, point blank, why Canada does not officially acknowledge the Republic of China. She continued with questions about Canada's stance on Taiwan's expulsion from the UN back in 1971 and emphasized the fact that they have been paying their UN dues ever since with the expectation that they would eventually be reinstalled.

Vice-President Lu also made a point of mentioning the very enthusiastic reception that President Chen was getting in New York at that particular time on his way through to South America, with President Bush of the U.S. going to the length of saying that Taiwan should be accepted into the WTO before mainland China is accepted.

While we were there, we also attended a "triple occasion" at the Canadian Trade Office marking the opening of their newly expanded facilities, a farewell to the "Aboriginal Chorus" who were leaving for Canada the next day, and also our own visit to Taiwan. Members of the delegation were coerced into joining the Aboriginal dance group in a dance, and my wind is not what it used to be.

This "Aboriginal Chorus" troupe was established in an attempt to encourage the preservation of the rapidly disappearing culture of the nine Aboriginal tribes. These particular young people were members of the Amei tribe. Their features, costumes and style of dancing clearly indicated their close ancestral relationship with the Maori people of New Zealand.

Canada has signed a Memorandum of Understanding on cooperation between Canada and Taiwan on Aboriginal affairs. Since then, there have been many cultural events and exchanges between our two countries.

We met with the Honourable Chang Chun-hsiung, the premier of the country, who told us that many of their difficulties as a brand new democracy arise from the fact that they still must convince the general population and educate them in the new democratic ways. Canada and Taiwan still only have people-to-people relations through groups such as our Canada-Taiwan Friendship Group, but since Taiwan also believes in democracy, human rights and the rule of law, continuing dialogue between us is very important.

Taiwan appreciated our support during their missile crisis, but they want into the WTO and the WHO. They feel it is essential to protect and bolster their fragile position.

The Hon. the Speaker: Honourable Senator Milne, I regret to advise that your 15 minutes have expired.

Senator Milne: May I have leave to continue?

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

Hon. Senators: Agreed.

Senator Milne: In conclusion, we saw many things and visited many places. We toured the Mosel company in Hsinchu, which is presently investigating opening a very large manufacturing facility near Montreal. Mosel is the seventh largest manufacturer of microchips in the world.

Honourable senators, I believe that these informal trips to Taiwan by members of this friendship society will retain their importance to both countries at least until Canada formally recognizes Taiwan as an independent country. The contact between our governments at this time is only through the work of our trade office in Taipei, but any discussion of other matters comes about informally or through personal contacts between the individual politicians and the business people of our countries. I hope we reconsider our policy. Taiwan is a democratic country committed to human rights and the rule of law. It is also Canada's seventh-largest trading partner.

Canada seems to be highly regarded in Taiwan, yet the Taiwanese are very concerned about what they see as our lack of strong support on the issue of their admittance to the World Health Organization. They appreciated our support to gain observer status, and they hope to become a full member of that organization.

The issuance of Canadian visas remains an extremely sensitive point with the present leadership. They seem to ignore the fact that our office in Taipei is the largest issuer of Canadian visas in the world.

The people of Taiwan are extremely entrepreneurial, but they are disturbed by their present unemployment rate of 4.5 per cent, which they regard as unacceptably high. As entrepreneurs, they have a high regard for Canadian business people and companies and are most eager to expand business ties between our two countries, as well as political ties.

I remain somewhat embarrassed by the fact that this one-sided "exchange" of visits is sponsored solely and entirely by the Government of Taiwan, so that visiting politicians could feel themselves to be under some obligation to that government for their hospitality, even though increasing Canada's political and business contacts with Taiwan is a valid and reasonable objective.

I note with some concern that Taiwan was excluded from this year's APEC meeting, the informal economic leaders meeting held just last week, even though Taiwan is a full and equal member of APEC. That not only threatened the interests of harmony in that cross-strait region, but it deprived APEC of the contributions of a valuable member of the association.

In conclusion, in spite of the official "one China" policy of both the Taiwanese government and of our own government, the fact is quite obvious that the people of Taiwan are increasingly of mixed heritage and consider themselves to be Taiwanese and not Chinese. As soon as the Government of Taiwan officially stops claiming to be the "Republic of China," the legitimate government of mainland China, I firmly believe Canada should recognize this democratic and de facto independent country.

The Hon. the Speaker: If no other senator wishes to speak to this inquiry, it will be considered debated.

The Senate adjourned until Wednesday, October 24, 2001, at 1:30 p.m.

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