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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, March 20, 2003

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

Prayers.

SENATORS' STATEMENTS

INTERNATIONAL DAY TO ELIMINATE RACIAL DISCRIMINATION

Hon. Donald H. Oliver: Honourable senators, this is the forty-third anniversary of the Sharpeville Massacre in South Africa. On March 21, 1960, a large crowd of Blacks gathered in the township to peacefully protest the apartheid laws and were fired upon by armed White South African police. By the end of the day, more than 70 people involved in the protest were killed and over 180 were injured by the police. Most of the demonstrators had been shot in the back.

The massacre ignited outrage from church organizations, human rights groups and the international labour community. In 1966, the United Nations declared March 21 as the International Day to Eliminate Racial Discrimination.

In commemorating March 21, we condemn all forms of racism in Canada and throughout the world. We also take this day to recognize the positive contributions made by visible minorities in facing racism, bigotry and discrimination.

Systemic racism has limited the opportunities available to members of the visible minority community in Canada. While visible minorities made up 12 per cent of Canada's population in 2001, they represented only 5.9 per cent of the federal civil service and only 3 per cent of the executive categories. Thirty-eight percent of Canadian-born Whites ranked in the top income quartile, compared with 29 per cent of Canadian-born Blacks with the same education levels.

Racism can be found in many places in our justice system. For example, visible minorities are disproportionately represented in Canadian jails and on the bench in our courts. In Ontario alone, Black people account for 15 per cent of prison inmates, while they constitute only 3 per cent of the province's population. Less than 1 per cent of Canada's judges are Black.

Honourable senators, these statistics show that it is important for us to remember this day, not only for what happened in 1960 but also as a painful reminder of how much work we still have to do to combat racism in Canada. We all have a role to play in eliminating racism, but the key to building a just society, a society free from discrimination, is clearly in educating Canada's youth.

Every year, schools across Canada commemorate March 21 in different ways. Some students participate in debates while others write essays on racism. Students in a Jasper school staged a role-playing game that assigns status to participants based upon a

colour code. Students were treated according to their colour code with the intent of giving them a chance to personally experience the empowering or disempowering effects of racial classifications. One report I read indicated that the participants gained a better understanding of how racial classifications in society can provide or limit opportunities for individuals.

Honourable senators, the activities students partake in during the commemoration of March 21 will increase their understanding of how our diversity demonstrates some of our important strengths. It is to be hoped that a better understanding of diversity will lead to a society that is truly equal in every sense of the word.

In conclusion, in the 43 years that have passed since the Sharpeville Massacre, the quest for true equality has moved forward, but ever so slightly. It took our own government 23 years to adopt the resolution made by the UN in 1966. It is time to increase the pace in achieving equality for all Canadians because our society will not attain its full potential until racism has been eliminated. Every day of the year must be a day to eliminate racism in Canada.

THE LATE DR. DMYTRO CIPYWNYK, O.C.

TRIBUTE

Hon. A. Raynell Andreychuk: Honourable senators, I would draw the attention of the Senate today to the life of a great Canadian, Dr. Dmytro Cipywnyk, a pillar of the community in Saskatchewan, and a dear friend who succumbed to his fight with cancer last week. With his passing, our country has lost a truly compassionate and caring man and an irreplaceable advocate of Canadian multiculturalism. Both the work he performed as a medical doctor and the activities in which he involved himself beyond his professional duties reveal an individual who cared deeply about people. Much of his professional life was dedicated to helping those suffering from substance abuse. He was also very much involved in drawing together diverse communities in Canada and promoting a multicultural Canada.

His dedication to the people of his country and their diverse cultural backgrounds makes Dr. Cipywnyk a great Canadian. His work as an ardent advocate of multiculturalism saw him fill the positions of President of the Canadian Ethnocultural Council, President of the Canadian Ukrainian Congress, President of the Ukrainian World Council and executive member of the Canadian Council of Christians and Jews. He also served as Chair of the Saskatchewan Ukrainian Advisory Committee.

Dr. Cipywnyk's work did not go unrecognized during his lifetime. He was invested with the Order of Canada and received the Canada 125 Commemorative Medal. He was awarded the Shevchenko Medal by the Ukrainian Canadian Congress in 1995. In December 2002, he was received as a guest at the Legislature of Saskatchewan where he was congratulated for receiving the Order for Merit from the Government of Ukraine. The order was given in recognition of his tireless contributions to the Canada-Ukraine cooperation through his involvement in community and professional organizations.

Tribute was paid to Dr. Cipywnyk during his lifetime for all the important work that he performed. I hope that my words, today, succeed in conveying the importance of the contributions that he made to this country. The tributes that will continue to be made to him in the future for his role in promoting multiculturalism in this country will bear witness to the fact that Dr. Cipywnyk was, and continues to be, in our hearts, a truly great Canadian.

• (1340)

In order to do justice to Dr. Cipywnyk's many achievements, I plan to speak at a later date and in greater detail to his life and times, as well as to his contribution to Canadian multiculturalism.

DEFINITION OF AN AMERICAN

Hon. Francis William Mahovlich: Honourable senators, I rise today to share with you the definition of an American. I am not sure who the original author is, but it was directed to an audience with anti-American sentiments. I feel it is important for us to contemplate this, given the current situation facing the world.

An American is English or French or Italian, Irish, German, Spanish, Polish, Russian or Greek.

An American may also be Canadian, Mexican, African, Indian, Chinese, Japanese, Australian, Iranian, Asian, Arab, Pakistani or Afghan.

An American may also be Cherokee, Osage, Blackfoot, Navaho, Apache or one of the many other tribes known as Native Americans.

An American is Christian, or he could be Jewish or Buddhist or Muslim.

An American is also free to believe in no religion. For that, he will answer only to God, not to the government, nor to armed thugs claiming to speak for the government or for God.

An American is from the most prosperous land in the history of the world. The root of that prosperity can be found in the Declaration of Independence, which recognizes the God-given right of each man and woman to the pursuit of happiness. America is generous. It has helped out just about every other nation in the world in their time of need. When Afghanistan was overrun by the Soviet army 20 years ago, Americans came with arms and supplies to enable the people to win back their country.

As of the morning of September 11, Americans had given more money than any other nation to the poor in Afghanistan.

Americans welcome the best — the best products, the best books, the best music, the best food, and the best

athletes — but they also welcome the least. The national symbol of America, the Statue of Liberty, welcomes your tired and your poor, the homeless, tempest-tossed.

These, in fact, are the people who built America. Some of them were working in the twin towers on the morning of September 11, earning a better life for their families. I have been told that the World Trade Center victims were from many countries, cultures and first languages.

You can try to kill an American, if you must. Hitler did. So did General Tojo, Stalin and Mao Zedong, and every bloodthirsty tyrant in the history of the world. However, in doing so, you would just be killing yourself.

Because Americans are not a particular people from a particular place. They are the embodiment of the human spirit of freedom.

Everyone who holds to that spirit, everywhere, is an American.

[Translation]

JUDGE PHILIPPE KIRSCH

CONGRATULATIONS ON BEING ELECTED PRESIDENT OF INTERNATIONAL CRIMINAL COURT

Hon. Gérald-A. Beaudoin: Honourable senators, I wish to join with my colleagues, Senators Raynell Andreychuk and Douglas Roche, in extending to Ambassador Philippe Kirsch my warmest congratulations on the occasion of his being elected President of the International Criminal Court.

His election to the court and then, in recent days, his election as its president, are a huge honour for him and for Canada, and a wonderful recognition of his talent in international law.

In my opinion, Ambassador Kirsch was by far the best possible candidate this country could provide.

In these troubled times, this court has a key role to play internationally. International law is constantly evolving to fit evolving needs, and I am delighted to see how it is gaining in strength and visibility.

I wish Mr. Kirsch all the success he so richly deserves.

[English]

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, I rose yesterday to make a statement about the terrible situation that the world is in; that there are leaders who are tyrants, oppressors and despots, and that sometimes human rights atrocities, while acceptable within a nation's borders, are most certainly beyond the pale when they cross borders and continents, bringing terrorist ways to our soil.

I also stated, yesterday, that I fully support the President of the United States, the Prime Minister of Britain and their allies in this battle for our future stability and safety. Today, I think it is important to state, in this chamber on Parliament Hill, in our nation's capital, that the nations that are on the side of the United States — the nations that are supporting with troops, specialists, supplies and experts, in an effort to eradicate and decimate one of the most evil regimes to have graced the earth, 35 countries at last count — include Britain, Spain, Denmark, the Netherlands, the Czech Republic, Slovakia, Poland, Australia, and many more.

Canada, under the Liberal government, has fallen victim to a public opinion that it has helped to create and has chosen not to support the United States in the war with Iraq. While we live in a nation where we can express our opinions, I believe we elect our governments to make decisions that we are not in a position to make, since we are busy living our own lives, raising families and building our own individual futures. It seems that public opinion, since it can hardly believe that our National Defence and Foreign Affairs departments could have a policy of not supporting our greatest ally and trading partner, has decided that we stand in the company of such nations as Mexico, Russia, China, Germany and France.

Honourable senators, I truly wish that this war was not necessary, that it did not have to take place. I also wish that the World Trade Center had never been attacked, and that the *USS Cole* and the U.S. embassy in Kenya, in 1998, had never been bombed, and that there was no threat of chemical or drug warfare looming over the heads of families around the world. However, wishing will not make it so. Diplomacy has failed: not just days and weeks, but years of diplomacy.

Before I close, I want to reflect on some of the things said recently by members of the government. The Prime Minister told George Stephanopoulos that Canada supported military action in 1991, until Saddam was contained in Baghdad. Of course, the Prime Minister, at that time, was the Leader of the Official Opposition and neglected to mention that, in fact, he did not support Canada's allying itself with the United States.

Another member of Parliament, who does not deserve to be named, said two weeks ago, "Damn Americans, I hate those bastards," which was later clarified to mean, and I quote, "Not the American people per se, just eight or nine warmongering members of the Bush Administration."

On Tuesday of this week, the Natural Resources Minister, Herb Dhaliwal, said that Bush let Americans and the world down by not acting like a statesman in this crisis. It is for this reason that I rise today to call for the immediate resignation of Minister Herb Dhaliwal, who has demonstrated again that it is not a difference in policy but misguided ideology without the United Nations' authority that is driving government policy.

Some Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

BROADCASTING ACT

BILL TO AMEND—REPORT OF COMMITTEE

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

Thursday, March 20, 2003

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

FOURTH REPORT

Your Committee, to which was referred Bill S-8, *An Act to amend the Broadcasting Act*, has, in obedience to the Order of Reference of October 24, 2002, examined the said Bill and now reports the same without amendment. Your Committee appends to this report certain observations on the Bill.

Respectfully submitted,

JOAN FRASER
Chair

(*For text of observations, see today's Journals of the Senate, p. 567.*)

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

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

• (1350)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

ELEVENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 20, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

ELEVENTH REPORT

Your Committee recommends a 2.8 per cent economic increase to unrepresented employees of the Senate Administration effective April 1, 2003.

Respectfully submitted,

LISE BACON
Chair

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

[English]

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

TWELFTH REPORT OF COMMITTEE PRESENTED

The Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, March 20, 2003

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

TWELFTH REPORT

The current travel policy for the Senate committees includes the following:

Members of a travelling committee and their staff are entitled, for travail within and outside Canada, to a per diem equivalent to the Treasury Board rate or actual expenses accompanied by original receipts.

This policy was adopted in the 38th Report of the Committee on Internal Economy, Budgets and Administration on March 29, 1990. It was adopted by the Senate on May 1, 1990.

The current policy has no upper limit or restrictions, seriously compromising accountability.

Your Committee recommends that the policy be amended as follows, to bring in it line with Treasury Board policy:

Where a traveller incurs meal costs that are higher than the established meal allowances in situations outside the traveller's control, the actual and reasonable expenses incurred shall be reimbursed, based on original receipts.

Such a change would improve the policy by allowing a reasonable level of flexibility, while increasing accountability.

Respectfully submitted,

LISE BACON
Chair

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

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

QUESTION PERIOD

UNITED NATIONS

WAR WITH IRAQ— LEGAL OPINION ON RESOLUTION 1441

Hon. A. Raynell Andreychuk: Honourable senators, the Leader of the Government in the Senate has commented that Canada's decision not to participate in the war in Iraq was made on a public policy basis and not on a legal interpretation. However, it would appear that good public policy is also within the bounds of good interpretations of the law, as Canada continually goes around the world indicating that the rule of law is one of the paramount foundations of a democratic system.

On Monday, Britain's top legal expert, Attorney General Lord Peter Goldsmith, published his opinion, that the coming war in Iraq could be justified under existing UN resolutions 678, 687 and 1441. Similarly, it was the opinion of the Canadian government, not so long ago, that resolution 1441 provided legal justification for the war. That opinion seems to have changed. Minister of Foreign Affairs Bill Graham explained that by saying, it is not so much the legal justification that changed but the circumstances. His point appeared to be that there are more issues to consider than the legal justifications. Yet Mr. Chrétien said in the other place, a few days ago, that if the attack on Iraq were to be justified and approved in a resolution by the Security Council, we would have to say yes to the war.

If that is the Prime Minister's position, could the Leader of the Government in the Senate tell us whether, in fact, Canada has obtained the opinion of a legal expert on the interpretation of resolution 1441 and our position on the justification of any war?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, to the best of my knowledge, a legal opinion was not sought. The decision we made was not based on whether the war was legal. It was based on a policy decision to support the Security Council, and the Security Council did not vote on a resolution to go to war.

Senator Andreychuk: Honourable senators, we come in contact with many parliamentarians and government officials from around the world. They are asking us whether Canada would support the United Nations if there were to be a justifiable resolution allowing for active combat. If there were to be a resolution by a majority of members of the United Nations indicating that war is necessary, what would be Canada's position?

Senator Carstairs: The position of the Prime Minister has been very clear. We would support a resolution of the Security Council of the United Nations.

Senator Andreychuk: If the Prime Minister were to indicate that, on a public policy basis, resolution 1441 could lead to war, that begs the question of whether we would be supporting the United Nations.

Do we believe that resolution 1441 allows for military intervention? The Canadian people have a right to know that the government's decision is based on a firm legal footing in support of the United Nations, not on a public policy basis.

Senator Carstairs: The United States and its coalition partners are arguing that military action is justified under existing Security Council resolutions. The Security Council took the position that military action is not justified under those resolutions. The United States chose not to bring to a vote, on Monday, the matter of whether there would be an additional resolution.

Our decision was based on it not being an appropriate time to go to war because we had an inspection process that was ongoing, it appeared that the Iraqi government was disarming and it should have been given more time to continue that process. We do not have a vote at the Security Council because we are not presently a member of that Security Council.

Senator Andreychuk: Honourable senators, it is extremely important for the Canadian people who have supported the United Nations in the majority and who also support the rule of law to understand Canada's position. The citizens of other countries are receiving words from their governments as to whether resolution 1441 binds them to enter Iraq alongside the United States. Others have indicated that they are not bound. That is their interpretation.

• (1400)

The government is not giving Canadians the basis upon which we support the United Nations. Do we believe, and have we legal opinions to say, that resolution 1441 is not enough? It is not good enough for us to simply say that we are skirting the issue and we will do it on a public policy basis. We should never say yes or no to war unless we have firm respect for the international rule of law and have made assessments on that basis.

Senator Carstairs: The honourable senator is talking to very different Canadians than I am. The Canadians with whom I am speaking clearly support, in very large numbers, the decision of the Prime Minister of Canada, that we will not go to war.

Some Hon. Senators: Hear, hear!

Senator Andreychuk: Honourable senators, as the Americans and their allies go into Iraq, I believe the Canadian people deserve to know what position Canada will take. The French, for example, have indicated that if Saddam Hussein retaliates against the Iraqi people, they will not stand by. What is Canada's position in that regard?

Senator Carstairs: Honourable senators, my honourable friend is doing what other senators did yesterday, and my answer is the same. I will not deal with a hypothetical situation. The Government of Canada has been clear: It will support the multilateral process. The Security Council of the United Nations did not make a decision to go to war. Canada did not make a decision to go to war. Should the Security Council make a

decision based on new facts, new information and further deliberations, Canada will support the multilateral process of the Security Council.

WAR WITH IRAQ—LEGAL OPINION

Hon. Douglas Roche: Honourable senators, has the minister noted the statement by UN Secretary-General Kofi Annan last week that if war were to be launched by the U.S. without a mandate from the United Nations, it would be a violation of the UN charter? That certainly was a factor in Canada, coming to a correct as well as a courageous decision.

With respect to this very controversial question of the legality of the war, has the minister noted the open letter signed by 31 Canadian professors of international law at 15 law faculties from coast to coast, including Irwin Cotler, well known to everyone here as one of Canada's experts in international law? The letter states that launching an attack on Iraq violates the United Nations charter and thus is an illegal act.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Senator Beaudoin took me to task on this issue because he did not think that we would get five different legal opinions, although he suggested we would get several different legal opinions. A number of individuals, Kofi Annan being one and Boutros Boutros-Ghali being another, have indicated, in the clearest possible terms, that they believe this war is a violation of the United Nations charter. Clearly, the United States and Britain believe that they have the legal authority, under resolutions 678 and 1441, to participate in this war. I think the position of Canada is the clearest position of all; that is, we made a policy decision that we will not go to war because war is not justified at this time.

Senator Roche: I want to say "amen" to the answer that the minister just gave.

FOREIGN AFFAIRS

WAR WITH IRAQ—POLICY TO AID REFUGEES

Hon. Douglas Roche: Honourable senators, did the minister note the statement, yesterday, by Secretary-General Kofi Annan, appealing to the international community to do everything it can to mitigate the imminent disaster of the humanitarian crisis facing the Iraqi people, a statement echoed by UNICEF Director Carol Bellamy, who warned publicly that the most vulnerable of Iraq's children will not have the strength to survive the impact of the war?

In light of these statements about the humanitarian disaster, and recognizing that Canada has appointed Minister Susan Whelan to be the lead minister in carrying forward Canada's efforts of reconstruction in Iraq, can the Leader of the Government in the Senate offer more information about precisely what kind of aid Canada will provide in the current disaster, aid that cannot wait for the conclusion of the war?

[Senator Andreychuk]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I hope my answer will bring full clarity to this issue. The Prime Minister stated earlier today that the government is already working closely with the international community, at the multilateral level, to start the post-war reconstruction of Iraq.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— USE IN SEARCH AND RESCUE— TIMELINE FOR RELEASE OF TENDER

Hon. J. Michael Forrestall: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, in response to a question, she stated in reference to the CBC story on the Sea Kings:

...they did not make mention of the fact that the Sea Kings that had been functioning in the area of search and rescue have now been replaced. Sea Kings are no longer being used in that capacity; the search and rescue helicopters are now Cormorants.

I am not absolutely certain what the colour of the sky is in the minister's office, but I do know that if she would take the time to speak to the Sea King pilots or the men and women who maintain them, she would find that the Sea King is still the alternate vehicle for search and rescue and that the Cormorants are not all in place. Even if they were, the Sea King would carry on search and rescue missions at sea.

Can the minister indicate whether she was right and I am wrong? While she is on her feet, can she tell us when, in the name of God, we will get replacements for the Sea Kings?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the Honourable Senator Forrestall for his question. Of course, he is partly right and I am partly right. As he well knows, the Sea King performs search and rescue work, but as a secondary function, not a primary function. He is right that they do still have a search and rescue function.

As the honourable senator knows, the Maritime Helicopter Project is ongoing. It is hoped that an announcement will take place soon.

Senator Forrestall: Honourable senators, as the minister will know, our only Sea King in the Gulf is down because its titanium rivets, or at least one of them, is in need of replacement.

I have an article in my hand from October 25, 2002, just a few short months ago, from the Halifax *Daily News* that described the rescue of five men by a Sea King helicopter.

Will the Leader of the Government confirm that search and rescue remains one of the primary and not a secondary role for the Sea King, and certainly the primary role of the maritime search and rescue vehicle, when and if we ever get around to seeing it? The operational requirements, the ones described, which the minister has said have not been changed, remain in place. I am somewhat disappointed because the interpretation has now seen

the weight of competitive vehicles come down to a level where they can compete with a far superior piece of machinery. I draw to the attention of the minister Mr. McCallum's indication of the importance of getting best value for Canadian defence dollars and for Canadian taxpayers.

• (1410)

Can the minister confirm that, under present circumstances and at present speeds, the Sea King will remain the primary source of search and rescue capability on Canada's East Coast, parts of its North, certainly the Gulf of St. Lawrence, parts of the Great Lakes, and indeed the West Coast as well?

Senator Carstairs: Honourable senators, I can only share with the chamber the information that I am provided with as advice to the minister, and I quote: "Search and rescue is a secondary function of the Sea Kings." I cannot be any clearer than that.

The honourable senator has asked questions about the weight of the equipment, which he has asked before. Frankly, he knows that the equipment has been reduced in weight by a considerable measure, which is the reason for some changes being made. However, there has been no change made, as the honourable senator also knows, on the Statement of Operational Requirements.

Senator Forrestall: Honourable senators, if I ask for a butter knife, for God's sake do not give me a spade! Come on.

Will the minister tell us, as she has candidly done in quoting the minister, how she interprets the minister's further statement that Canadian taxpayers and Canadian military personnel are entitled to the best value for their tax dollars in terms of equipment? How does she react to that?

Senator Carstairs: Honourable senators, I react the way I would hope everyone would react, which is that in order to get the best value for our taxpayers' money, because they work hard to obtain that money, we cannot make decisions in advance about what we will choose as the potential replacement for the Sea Kings. That being said, we must carefully evaluate all of the available options.

Senator LeBreton: Twelve years later!

Senator Forrestall: Can I then suggest that the leader refer her colleague — because obviously he does not know what the hell he is talking about — and the government purchasing agency to Toys "R" Us?

Senator Carstairs: It is not particularly helpful to participate in this kind of dialogue day after day. It does nothing for the valuable men and women who serve with great distinction on the Sea Kings. It does nothing to recognize the value of the 5,000 hours they have spent on the war on terrorism, all with great success. The honourable senator should think about the impact of what he says on the hard-working Sea King pilots and crews.

CITIZENSHIP AND IMMIGRATION

REFUGEE CLAIM BY MR. ERNST ZUNDEL— MINISTER'S DISCRETIONARY POWER TO DISMISS CLAIM

Hon. David Tkachuk: Honourable senators, Ernst Zundel is attempting to claim asylum in this country as a political refugee. He is well known as a Holocaust denier and a hate monger, and last year the Canadian Human Rights Commission ruled that he has incited hatred against Jews. The Canadian Security Intelligence Service previously assessed him as being a security risk in our country. Mr. Zundel is a citizen of Germany, where he is wanted on hate crime charges.

Mr. Zundel was returned to our country by U.S. authorities on February 19 and is still here. The Canadian Jewish Congress has said that he is making a farce of our refugee process, which is absolutely right. Through the use of a national security certificate, Citizenship and Immigration Minister Denis Coderre has the discretionary power to dismiss any refugee claim involving people deemed a security risk. This power to remove Mr. Zundel should have been used as soon as his identity was verified.

Honourable senators, it has been suggested by human rights groups that if Germany suspended its charges against Mr. Zundel, the foundation for his refugee claim would be removed, thus enabling his swift removal from Canada. Could the Leader of the Government in the Senate tell us if the government is open to working with German officials on such a proposal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is no question that the Government of Canada will work with any officials to facilitate the exit of this particular individual from our nation.

Having said that, there are laws and processes in this country. We had a full discussion earlier today about the importance of the rule of law, which we, as parliamentarians, must all respect.

Senator Tkachuk: Honourable senators, I will go back to my question: Is the government open to working with German officials on such a proposal? Mr. Zundel is a German citizen and that is where the problem lies. Do not just say "any officials." Why did the Minister of Citizenship and Immigration, Denis Coderre, not use his discretionary power to dismiss any refugee claim?

Senator Carstairs: When I included nations, I also included, of course, Germany, which has indicated clearly that it would like to have this individual back in their country to try him for offences that they believe are inhumane.

In terms of the honourable senator's other question with respect to the security risk, there are clear definitions of security risk. One cannot just use any definition of security risk. I have not seen the case files. I do not know if Mr. Zundel is a security risk. He is someone I would much prefer not to have in this country. However, the definition of security risk gives the Honourable Minister of Citizenship and Immigration very limited authority.

Senator Tkachuk: To be more specific, because I want to confirm that the leader understood my question, the Canadian Security Intelligence Service previously assessed Mr. Zundel as being a security risk to our country. All I want to know is why the minister did not use his discretionary power to dismiss Mr. Zundel's refugee claim. If the honourable leader cannot answer that question today, that is fine. It might be more helpful if she could obtain an answer from the minister.

The only nation that we have to negotiate with is Germany because Germany has charged Mr. Zundel. If those charges are removed, then the guy can be shipped back to Germany and they can deal with him. I am not talking about any officials in other countries; I am only talking about Germany. I want to know if we are prepared to have discussions with Germany or if such discussions are taking place.

Senator Carstairs: My understanding is that discussions are taking place, but extradition has not been requested at this point.

HEALTH

HIV/AIDS INFECTION RATE

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate and has to do with HIV/AIDS.

The Canadian HIV Trials Network, a federally funded non-profit organization, has released disturbing new findings that show that the rate of HIV/AIDS infection among our Aboriginal and Black populations in Canada is on the rise. It is being blamed on the poverty and poor social conditions these groups face.

The new figures show that HIV infection rates among Aboriginals in Vancouver's downtown east side are between 40 and 50 per cent. This is a shocking number. It is equivalent to the current HIV infection rate in northeastern Botswana, one of the African countries most devastated by this disease.

Honourable senators, in Botswana, HIV infection is usually an automatic death sentence. In Vancouver, it does not have to be. We are lucky in Canada that, as a result of more readily available anti-retroviral drugs, people with AIDS can live longer, more productive lives. However, this new study shows that we are a long way off from having the spread of the disease under control.

What is the federal government doing to stem the rise of infections among these particular groups?

Hon. Sharon Carstairs (Leader of the Government): First, let me assure the honourable senator that this is an issue of great concern to the Government of Canada. It is one of the reasons the First Nations and Inuit Health Branch was given substantial new dollars this year to improve the health of Aboriginal Canadians.

I should also tell the honourable senator that I visited the Aboriginal community of Nelson House this summer. I observed an AIDS education initiative and program that was open to all members of the community, but it was particularly focused on the youth of that community. That is the kind of programming we need, not only in First Nations communities but also in Aboriginal communities, since the majority of our Aboriginal people actually live off-reserve now.

• (1420)

Senator Oliver: Honourable senators, that answers the Aboriginal element, but not the second part of the question.

Through the Canadian AIDS strategy, the federal government spends \$42.2 million annually on AIDS prevention, research and treatment. Activists say this amount should be doubled. From a purely economic standpoint, an increase in funding for the strategy is a wise position. Currently, it costs \$150,000 to treat each new AIDS infection. By putting more money into prevention and research now, increased costs can perhaps be avoided in the future. Is the government considering an increase in the amount of funding it provides to the Canadian AIDS strategy?

Senator Carstairs: The answer is that, at this time, a decision has not been made to increase funds for the AIDS and HIV strategy. Forty-two point two million dollars is a substantial amount of money, considering the number of individuals in the country who have been or may be exposed to HIV. Clearly, that money must be spent as carefully and wisely as possible, and I believe that it is.

AGRICULTURE AND AGRI-FOOD

WORLD TRADE ORGANIZATION— COMMENT ON LEVEL OF SUBSIDY TO FARMERS

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in the Senate. She will know that the World Trade Organization has been holding their meetings in Japan during the past weeks. The World Trade Organization has said that Canadian government support for farmers, both federal and provincial, is lower than the average of industrialized countries.

Does the minister not feel that, given the difficulties that farmers are facing, this level of funding is far too low, even as the World Trade Organization tells us that these levels should be increased at this difficult time?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is interesting, but I have quite a different interpretation of the statement of the WTO than does the honourable senator. I do not dispute that that is what the WTO have said; however, I believe they were congratulating the Canadian government on its decision not to reach the level of subsidy and payment that has now been achieved in Europe and the United States.

Senator Gustafson: Honourable senators, it is hard to accept that answer because when Canadian farmers are only receiving half of what other farmers in industrialized nations around the world are receiving, that creates problems.

ASSISTANCE TO FARMERS

Hon. Leonard J. Gustafson: Honourable senators, certainly, what happens to farmers affects rural Canada. Rural Canada, whether with respect to fish, agriculture, lumber, oil and gas or minerals, all of those categories fall under the portfolio of

Agriculture Canada. Does the minister not think that the government should leave some of that money in the rural areas of this country?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the honourable senator well knows, an agreement has been established. This new agricultural policy framework, or APF, is a long-term plan designed to enhance the profitability of Canadian farmers and to position Canada as a world leader in food safety and quality, as well as in environment and science. This agreement has been worked out among the federal government, the provinces and the territories, as well as with the farmers themselves. This is a “good news” package. The APF is making excellent progress. I am sure we all hope that the APF will be instituted soon.

Senator Gustafson: Honourable senators, when you look at the facts, though, that is not the case.

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Gustafson, but the time for Question Period has expired.

[Translation]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867 PARLIAMENT OF CANADA ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Donald H. Oliver moved the second reading of Bill S-16, to amend the Constitution Act, 1867 and the Parliament of Canada Act (Speakership of the Senate).

He said: Honourable senators, you are no doubt aware that the Speaker of the Senate is currently appointed by the Queen's representative in Canada, the Governor General, on the Prime Minister's recommendation.

Over the years, this method has greatly benefited the Senate. Numerous Canadian senators, among the most notable, have occupied the Chair and have continued to enrich public life long after they have left it. They have served the Senate and Canadians with honour and dignity.

Many of us have had the enviable privilege of sitting in this house while these former speakers occupied the Chair. Some names immediately come to mind: the Honourable Guy Charbonneau, the Honourable Roméo LeBlanc and the Honourable Gildas Molgat. Their achievements have brought honour to this house and the people we serve. All of us have excellent reasons to be proud of their great accomplishments.

Some appointments have been particularly inspired and informed. I think that most Canadians know that Madame Sauvé was the first woman to be Speaker of the other place in 1980, but it should be noted that the Honourable Muriel McQueen Fergusson of New Brunswick was appointed Speaker of the Senate in December 1972. As a result, she was the first woman to be Speaker in Canada's Parliament.

However, the time has come to amend this procedure by making a change that is not based on dissatisfaction or the premise that recent office holders have been found lacking. The change I am about to move aims instead to improve the image and effectiveness of this function, based on tradition.

Consider the important role played by our Speaker. He oversees the debate, rules on points of order and ensures that decorum is maintained.

[English]

These duties are not light, nor are they minor. In performing them, the incumbent holds in his hands the very reputation of the Senate as a key institution of government in this country.

Honourable senators, we rely on the Speaker to act fairly and judiciously, to achieve compromise between deeply-held and opposing views, and to move us toward consensus. The Speaker is our civilizing influence, the one who reminds us of our higher duty to this nation, to its people, its Sovereign and, indeed, to the history and tradition of this chamber.

Hon. Senators: Hear, hear!

Senator Oliver: Honourable senators, the Speaker also represents us as individual senators and, collectively, as a governing body and as an institution. Let us also recall that, to be effective, the Speaker needs our support and confidence.

As a former Speaker of the British Columbia Legislative Assembly, the Honourable Joan Sawicki, once remarked:

members' support is the only armour that comes with this unique, exposed position.

[Translation]

Honourable senators, given that the Speaker needs our trust and that he represents us all, I wonder if the time has not come to elect him by secret ballot. The Speaker is not the servant of the Prime Minister, of the government or of the opposition; he is the servant of the Senate.

• (1430)

Honourable senators, an election by secret ballot will reinforce the Speaker's position. His election will place responsibility where it should be: on our shoulders.

[Senator Oliver]

Honourable senators, you may wonder if other Commonwealth countries elect the Speakers of their legislatures. The answer is yes.

The Australian Senate has been electing its Speaker by secret ballot since 1901. The Speaker receives a three-year mandate through a secret ballot in which all senators participate.

The very first debate, which was held in the Australian Senate on May 9, 1901, was on the method of choosing a Speaker. After the debate, it was decided that a secret ballot would be the best way to express the choice of the majority of the senators.

[English]

In 1937, inspired by the actions of the upper chamber, Australia's lower house, the House of Representatives, also began electing its speakers. Honourable senators, I urge you to take note of the Australian example. Canada's parliamentary system, like Australia's, is based on the model established in the United Kingdom: the Westminster parliamentary system.

[Translation]

Indeed, it is appropriate for Canadians to be inspired by this model when they review their own parliamentary system.

We could look at the procedure for choosing the Lord Chancellor, who is the Speaker of the British House of Lords.

The Lord Chancellor is a member of Her Majesty's government and is appointed by the sovereign on the recommendation of the Prime Minister.

The procedure has not changed and probably will not change, which is entirely justifiable. The Right Honourable Lord Wakeham DL, Chair of the Royal Commission on the Reform of the House of Lords, wrote the following in his final report in 2000:

[English]

The speaker has minimal powers: standing order 18 states that the speaker may do nothing "without the consent of the lords first had" and that any difference of opinion among the lords is to be put to the vote. The speaker's only role is to put the question. That the office is held by the Lord Chancellor, a minister of the Crown, rather than by an impartial officer of the house, is therefore of no practical concern.

That quotation is from *A house for the future*, London, England, 2000, p.160. Honourable senators, I suggest to you that our Honourable Speaker of the Senate is somewhat different. Although it is difficult to countenance it now, there was a time when this chamber was given to bouts of rowdiness. These disturbances reached a point where the ordinary conduct of business and civility that characterizes the house today was under threat. This led to a movement, beginning in the 1890s, to give the speaker in this chamber more authority.

[Translation]

This is why the *Rules of the Senate* were amended in 1906 to give the Speaker the same powers as those of his counterpart in the other place.

As honourable senators know, in the past, the Speaker in the other place was appointed by the Prime Minister, through a motion that was usually approved by Her Majesty's Leader of the Opposition. That motion was almost invariably adopted unanimously.

However, this whole procedure was changed in 1986, when the other place elected its Speaker through a secret ballot. In 1987, this way of doing things became permanent.

Honourable senators, electing the Speaker through a secret ballot has proven effective. Except for the first election, which required 11 ballots and lasted 12 hours, things have gone smoothly, and everyone, without exception, has praised the outcome of the process.

[English]

Other legislatures in Canada have also determined that it is best to elect their Speakers by secret ballot. Ontario did so in 1990; Saskatchewan in 1991; Alberta in 1993; with British Columbia and New Brunswick following in 1994.

[Translation]

Honourable senators, should this house resist a change that other Canadian legislatures have adopted successfully? I say that we should move forward. Let us take the responsibility of choosing one of us to act as Speaker of the Senate.

Honourable senators, in so doing, we will not only strengthen the reputation of our Speaker, but also the reputation of this house. We must show our maturity and our influence. We must allow our Speakers to benefit from the tradition that has been established and followed so honourably.

[English]

You may ask, how do we go about making this change to have an elected Speaker? The answer, honourable senators, is that we must amend the Constitution of Canada. My proposed bill would repeal section 34 of the Constitution Act of 1867, and provide for the election of the Speaker of the Senate and a Deputy Speaker. May I remind you that the old section 34 read as follows:

The Governor General may from Time to Time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his Stead.

Section 1 of my proposed bill would repeal Section 34, with a provision indicating that the Senate shall proceed, with all practical speed, to elect one of its members to be Speaker and another to be Deputy Speaker. The draft bill amends the Constitution Act of 1867 to provide for a voting procedure similar to that of the House of Commons, where the elected speaker of that house may not vote except when the votes on a question are equally divided. It also makes consequential amendments to the Parliament of Canada Act.

Honourable senators may ask, does this mean that we need a majority of the provinces of Canada concurring in an amendment? The answer is no. Under section 44 of the Parliament of Canada Act, Parliament has the exclusive right to make laws amending the Constitution. Should this bill pass the Senate, it then goes to the House of Commons, and if it passes there, it could become law.

Hon. Jack Austin: Honourable senators, I want to address a question to Senator Oliver. I want to begin by expressing my appreciation for the hard work that he has put into this address. It is a most interesting subject. I want to ask, first, is the honourable senator speaking for the opposition caucus, or presenting this as his own individual bill?

Senator Oliver: I raised this matter some time ago in the caucus. I explained what I was about to do, and I think I had a general concurrence of the caucus to proceed. It was not unanimous, but they knew that I was planning to do this. I have also spoken to some senators on the government side, and they have been aware of what I am doing for some time. I have some general concurrence there as well.

Senator Austin: I heard the deputy leader on the opposition side say that it has unanimous support in the opposition caucus. I wonder whether you might give consideration to a less difficult procedure? For example, should the chamber believe that it would be best served by electing the Speaker, we could avoid constitutional measures by passing a resolution that would request the Governor-in-Council to appoint a Speaker on the advice of the Senate, that advice being given, of course, through a secret ballot election. If we could persuade the prime minister of the day and his cabinet to so do, then the substance of your submission would be achieved without the necessity of a constitutional proposal.

• (1440)

Is the honourable senator more interested in opening the Constitution or in achieving an elected Speaker?

Senator Oliver: Honourable senators, I am not more interested in opening the Constitution. However, I do not see how the Governor General can overcome section 34 of the Constitution, which provides that she "shall." It seems to me that that section would have to be removed before she could do something opposite. You cannot possibly avoid an appeal of that section by using section 44 of the Constitution Act. The powers have been given to the Senate to do just that.

Section 44 is there to give Parliament the right to deal with matters both in the House of Commons and in the Senate. This is not a matter for the provinces, so we do not have to invoke the section requiring the support of the provinces for this. It is not one of those amendments where we need to get more than 50 per cent of the provinces on side.

Senator Austin: I have no quarrel with the honourable senator with respect to his submission in terms of the Constitution. I was not suggesting a constitutional change, but a change along the same substantive lines being proposed. Those would, of course, be with the cooperation of the Governor-in-Council.

This chamber could ask the Governor-in-Council to not give advice to the Governor General with respect to the appointment of a Speaker, unless and until the Senate had expressed its view. That would be an informal procedure. That was the basis for my question on whether the interest was in opening the Constitution or in achieving, in effect, the election of a Speaker.

Senator Oliver: Honourable senators, I had not given thought to the more informal view. I had thought that in order to make the changes sought it would be necessary to remove the provision that now gives the power to the Governor General, on the advice of the Prime Minister and the Governor-in-Council, to appoint the Speaker.

I was of the impression that it was necessary to have a constitutional amendment to make the change.

Senator Austin: I do not want to call what I have said a proposal, but I am suggesting that the power constitutionally would always remain with the Governor-in-Council. However, the Governor-in-Council could, as a matter of custom — comity, to use the old common law phrase — adopt a different process if so wished.

The fundamental question is whether what is being sought is to make a substantive change or to open the Constitution. Senator Oliver's answer is that his interest is in making the change to the way in which the Speaker is selected.

Senator Oliver: The honourable senator is correct. However, I would worry about the permanence of any such solution. Could that comity not be changed by the subsequent will of a subsequent Prime Minister and subsequent Governor-in-Council who would advise the Governor General that they want the practice changed to something different? If the Constitution were amended, it would be permanent.

Senator Austin: Honourable senators, it comes down this. It is whether one wishes to get to first base or hit a home run. What are the odds?

Senator Oliver: Is the honourable senator suggesting that if I persevere, I will only be getting to first base?

Senator Austin: The honourable senator might get to first base, but I do not think there will be a chance of getting the home run.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question for Senator Oliver follows on the line of questioning of Senator Austin. If one were to accept the model proposed by Senator Austin —

Senator Austin: I am not proposing a model, but merely providing an outline.

Senator Kinsella: — would that not equally apply to the election of senators? Upon the election, however informal, by a province by whatever means, the Prime Minister could establish the custom of nominating or recommending that senator to the Governor General. Would that be by the same method? Was that not the method used in the case of Senator Waters?

Senator Oliver: Honourable senators, Senator Waters was elected in a form of an election in the Province of Alberta, but he was summoned pursuant to the terms of the Constitution Act, like everyone else here.

Regarding the other matter of whether the method suggested by Senator Austin could not also then be applied in the election of senators, I say, "No, that is not a possibility."

Hon. Marcel Prud'homme: Honourable senators, my colleague has mentioned the election of Speakers in the provinces. Was I absent a moment? I did not hear Quebec mentioned. If it were, I apologize. However, if it were not mentioned, I draw to everybody's attention that the National Assembly holds elections for its Speakers. A personal friend of mine, Louise Harel, became the first Speaker elected in a secret ballot.

I stand to be corrected by my colleague, but I am sure that the honourable senator would like to include that, if my facts are correct. If my facts are not correct, then I apologize. I made an honest mistake.

Madame Harel was elected more recently than the others, and she is a woman. I shall check if she is not the first woman Speaker. Does the honourable senator know if that is the case?

Senator Oliver: I do not know.

Senator Prud'homme: I am speaking of the provincial houses.

Here in the Senate, we had Madame Muriel Fergusson and Madame Renaude Lapointe, but I am talking at the provincial level.

On motion of Senator Joyal, debate adjourned.

[Translation]

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(Honourable Senator Corbin).

Hon. Eymard G. Corbin: Honourable senators, before I begin with my comments on a bilingual version of our national anthem, I would like to congratulate Senator Oliver for his excellent French. It was quite easy to follow his comments and I would encourage him to continue improving his French.

Honourable senators, debate on a bilingual version of the national anthem might normally spur us to rhetorical flourishes, but I do not feel that would be appropriate today and so I will promise not to exaggerate my comments unnecessarily with old-fashioned embellishments, since I am saddened by the events on the other side of the world. When we see the conflict that has gripped the world, it goes without saying that we are very lucky in Canada.

There is not much to add to the comments made by Senator Kinsella, the sponsor of this bill. It is not because I formally supported his initiative that I feel compelled to speak today.

• (1450)

I do so out of conviction. Some were surprised to see me support this kind of proposal, as if I were more one thing than another.

Senator Kinsella and I both come from New Brunswick. I should remind honourable senators that New Brunswick is the only officially bilingual province in Canada. Personally, I come from a small town — to keep things in their proper perspective — called Grand-Sault-Grand Falls. It is the only officially bilingual town in Canada.

I spoke English before I went to school, and English was not my mother tongue. We had English-speaking Irish neighbours who, conversely, learned to speak French before ever setting foot in school. In those days, our school system was far from perfect, but we did have the right spirit.

I grew up in a community where people easily switched from English to French in a conversation. We never had any problems, squabbles or what not. That is why I support Senator Kinsella's proposal.

There is no good reason to raise red flags over this issue. Both the English and French versions of the national anthem, as clearly stated by Senator Kinsella, remain unchanged. An official bilingual version is made available to members of the public who are interested, to prevent what was termed a "cacaphony" by Senator Prud'homme. His neighbour corrected him, pointing out that the correct term is "cacophony."

That is indeed what happens when attempts are made to get the public to sing a bilingual song. It is chaos, everyone picking and choosing in the French or the English version. This poses huge problems, if only from the point of view of musical performance.

Speaking of music, I consider those countries whose national anthem is only music to be fortunate indeed. Canada would be an ideal candidate for such an anthem.

In Turkey, for example, the national anthem has no words, which I assume promotes broader support. In Canada, as long as there are words to our national anthem, there will always be someone wanting to make changes to take into consideration the points of view of the First Peoples or of newcomers to Canada. We will never be able to please everyone.

This is why, the first time I spoke on this subject, in connection with Senator Poy's bill, I said that what I would like to see, rather than constant changes to our national anthem, would be a competition leading to a national anthem that reflected the wishes and the mindset of each successive generation.

This would mean changes to the anthem every generation, which is not very practical. I feel that the basic documents ought not to be changed, neither the music nor the poetry. Even if Canada has acquired the rights to the two entities, literature must not be changed. We do not change an author's final output, whether it be words or music. These are works that must be respected.

Some people — Senator Prud'homme in particular — have said: "Come now, Corbin, do you think that could happen?" What will happen is that *O Canada* in English and *Ô Canada* in French will be abandoned. One day we will end up with a bilingual text, with alternating languages.

That, honourable senators, is not the purpose of this bill. Its purpose is merely to accommodate people on occasions when they want to sing the national anthem in both languages. And why not? As Senator Beaudoin, who supports this bill, has said, it is a clear reflection of our national character, a character that is still in the process of developing.

When I hear Senator Oliver speaking in French as he did today, and knowing that, increasingly, the new generations are able to speak French throughout the country — and English, of course, in Quebec — there is reason to hope that, one day, our voices can all join together to sing in both official languages. Everyone will be able to sing, in both languages, a truly authentic national anthem.

The composer and songwriter were very great Canadians. Mr. Routhier wanted to go into politics; he was appointed to the judiciary. However, he was also, at the time, a well-known writer and poet. Calixa Lavallée was an extraordinary musician. He died at the age of 48 in Boston, but he was highly regarded in the United States, which he had visited numerous times. He was known as a very great musician. We must honour their memories. We must especially respect their work.

In no way does Senator Kinsella's bill, in my opinion, compromise the music or the words to *O Canada*, either in English or French. According to accepted tradition, *Ô Canada* in French and *O Canada* in English are our national anthems. All we need to do is merge the two for people wishing to sing a bilingual version on certain occasions. This, in no way diminishes the work. We must not make a mountain out of a molehill.

• (1500)

I heard Senator Kroft protest that the some of the language in the French version was not acceptable these days. I think that is going a bit too far.

The French and English texts of the national anthem were proclaimed on July 1, 1980, by the Right Honourable Ed Schreyer, Governor General at the time. We need not change the words of our national anthem any more than we would change the words of the Holy Scriptures. The national anthem is tantamount to a sacred text for a country, one that reflects the past, present and future, equally.

We should not annoy everyone, like the fly in LaFontaine's fable, by fussing with superfluous changes to the words. Our national anthem is generally accepted. It was enshrined in Canadian law and also proclaimed officially. We must keep it. We should accommodate those who, when they want to sing the national anthem in both languages, wish to reflect the Canadian spirit and the compromises that we make. That is why I wholeheartedly support Senator Kinsella's initiative.

Hon. Jean Lapointe: I am sure Senator Corbin will agree to answer a question. Is he aware that the new version proposed by Senator Kinsella will not fly in Ontario? It will be an impossible mission.

There is no better word than "cacophony" to describe this absurd situation. With all due respect to Senator Kinsella, I feel that the national anthem, as it is sung today — first in French, then in English — does not bother anyone. I think it will be hard to get Canadians across the country to alternate from one language to the other with each sentence. Has Senator Corbin given this any thought?

Senator Corbin: I would reply to my honourable colleague that I have given this a great deal of thought. I have heard our anthem sung bilingually in almost every province. I have heard it on television, on the radio; it is sung that way all the time. The problem is that there is no official bilingual version.

Children sing a bilingual version of *O Canada!* We simply want to standardize a bilingual version of the lyrics, because there is no issue with the music. People can continue to sing it in French, in English or both, one after the other.

The Hon. the Speaker: Senator Corbin's time has run out. Does he seek leave to continue?

Hon. Senators: Agreed.

Senator Corbin: Honourable senators, we are in Parliament to speak.

Senator Lapointe: I probably did not explain myself very well. I am well aware that the bilingual version is sung. I have attended many hockey and baseball games. On many occasions, I have admired Senator Mahovlich at the Montreal Forum. I know that the beginning of the anthem is sung in French and the end in English. No one is offended.

I asked you about the idea of alternating between French and English from one line to the next. I think this would produce a cacophony and the whole thing would sound like a foreign language. That is the correction I want to make to the image I tried to conjure up. I went about it the wrong way.

Senator Corbin: Does Senator Lapointe know that South Africa's national anthem is sung in four languages? English is the last language and the first three are aboriginal languages. No one sees anything wrong with this because it unites the country.

Senator Lapointe: Does Senator Corbin know there are 70 dialects in Mexico? People still understand one another. Throughout the world, people understand one another whether they speak the same language or not. This is not a striking example.

Senator Corbin: I take it Senator Lapointe is against this proposal.

Senator Lapointe: Yes.

Senator Corbin: That is a shame.

Hon. Marcel Prud'homme: Senator Corbin and I have had numerous discussions on this issue. I will participate as vigorously as possible in the debate at the appropriate time, but from now on I would like us to stop talking about the French version and the English version.

There is no French version. There is a French text that was left as a legacy to the Canadian people and has been around since June 24, 1880 — not July 1. It was in Quebec City, at the request of the Société Saint-Jean-Baptiste, which wanted to celebrate with dignity the first major North American Eucharistic Congress where, for the first time, a representative of the Pope and the Governor General of Canada, a staunch Protestant anglophone, were in attendance.

It was the first time we could see, side by side, a staunch Catholic, representing the Pope, and a staunch Protestant. I wish we would stop referring to a French version, because it is, in fact, a French text.

Pierre Elliott Trudeau, our Prime Minister at the time, was a man of vision when he gave Canada its Charter of Rights and Freedoms. The French text states, and I quote:

Ô Canada, protégera nos foyers et nos droits...

That is a charter of rights and freedoms. One may disagree, but let us stop saying that there is a French and an English version.

Senator Forrestall and myself are relics from the 1967 committee on the national anthem, and we spent many hours considering this issue. Many a night we sang along with a boozy pianist, singing every song in the book, including the national anthem.

[Senator Corbin]

That is when Mr. Pearson told me: “Do as you wish. Let English Canadians choose their own version, but the text in French is a Canadian treasure and, as such, is untouchable.”

If the anthem is sung that way often enough, do you not fear that it will become the version everyone will sing? Senator Kinsella has put forward a good proposal. I am prepared to use part of my budget to distribute the new version to any school that wants it.

What does Senator Corbin think of that?

• (1510)

Senator Corbin: Honourable senators, if I talked about versions, it is in a specific context. I was referring to the French version in apposition to the English text. I know that it is not a translation, it is a new creation. It is a problem for a country that claims to be united to have, not two versions, but two texts that do not say the same thing.

Senator Prud'homme: You are right.

Senator Corbin: I find this really disturbing. It is not that I cannot learn the English version or memorize the French text. You are being alarmist without reason. We are both 69. We will retire at the same time if we make it to 75.

Senator Prud'homme: You are older than me.

Senator Corbin: Mentalities are changing in Canada. Make no mistake: even if we try to hang on to the past, I, as a French Canadian from New Brunswick, have never posed as an Acadian. I am a French Canadian from New Brunswick, and I have always sung the national anthem with great pride. When the opportunity arises, I can also sing it in English. I do not feel constricted in that respect.

I also know that Canada is changing. Mentalities are changing. Look at the pages: they are all bilingual. I would not say that they are all perfectly bilingual. There are two other generations following them. What kind of national anthem will they want to sing? I think things will change. This should not scandalize us. It is a normal process in the life of a nation.

Future generations will build the country they want. I strive to make our country a good country. Future generations might not necessarily agree with what we are doing today, no more than I agree with some decisions made 50 years ago. But I accept this, because Canada is a country of compromise.

On motion of Senator Cools, debate adjourned.

[English]

MARRIAGE BILL

SECOND READING—DEBATE ADJOURNED

Hon. Anne C. Cools moved the second reading of Bill S-15, to remove certain doubts regarding the meaning of marriage. —(*Honourable Senator Cools*).

She said: I would like to move the adjournment, seconded by Senator Wiebe.

On motion of Senator Cools, debate adjourned.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poy, seconded by the Honourable Senator Banks, for the second reading of Bill S-3, to amend the National Anthem Act to include all Canadians.—(*Honourable Senator Stratton*).

Hon. Terry Stratton: Honourable senators, today I would like to say a few words on Bill S-3, which proposes changing the English language version of the national anthem. Although this is the second time this bill has been introduced, this is the first time I have had the opportunity to speak to the issue.

I do not question whether it is possible to amend the National Anthem Act. In the last session of Parliament, Senator Beaudoin presented his constitutional analysis of the bill that showed it to be in keeping with the Charter of Rights and Freedoms. The honourable senator believes that Parliament has the power to change the words to *O Canada*. My concern, however, is whether or not it should.

The title of this bill is “An Act to amend the National Anthem Act to include all Canadians.” If this bill truly does what the title claims, would we not also see changes in the anthem’s lyrics to include Canada’s original inhabitants, our First Nations people?

Would immigrant groups want a particular mention to reflect their long-standing and ongoing importance to this country? After all, the words “our home and native land” might be seen as excluding those who were not born here.

Would we see the removal of the line, “God keep our land glorious and free”? Many Canadians today do not believe in God. If they do, they believe in a higher power. It may not be the Christian one that our anthem references.

Also, might the words “we stand on guard for thee” be challenged some day by those who think they are too militaristic for a country particularly with a reputation such as Canada has today?

These possibilities may seem trivial to us now, but all honourable senators must seriously consider that they may very well arise in the future. Changing the words “in all thy sons command” to “in all of us command,” as this bill proposes, will still not include all Canadians. The anthem will still contain language that might be considered by other groups as insensitive or even offensive. The anthem will still not make specific references to other groups who may feel they have the singular right to be named in the lyrics.

We are left then with the question: Do we completely change the anthem to accommodate the different groups who make claims against it, or do we accept it without alteration despite its perceived imperfections?

Our government tried, when we drafted the ill-fated Charlottetown Accord, to draft an all-inclusive Canada clause. No matter how we did it we offended someone. Either they were omitted or the reference to their group was not as inclusive as they would have liked. Once you embark on a journey of change or even political correctness or inclusiveness, it is difficult to know where to stop.

Bill S-3 does not address the inclusiveness of the French version of *O Canada*. Allowing the English rendition to be changed may allow the French version to be challenged and revised as well — something that has not happened since it was written in 1880. The French language version of the anthem begins with the words:

Ô Canada!
Terre de nos aïeux.

The English translation of those words is “land of our ancestors” or “land of our forefathers.” “Forefathers” is a word that is gender-specific. Would we therefore have to change the French language version of the anthem to find a word that does not translate into “our forefathers,” as “nos aïeux” does now?

Once we open the anthem up to a lyrical change, we invite any number of subsequent changes to take place, perhaps even to the music. In constantly writing and rewriting the words, the anthem would lose its power and meaning. There are Canadians who have the impression that Parliament has already meddled with the anthem too much. We will eventually lose the traditions that are such an important part of patriotism.

Although I appreciate that Senator Poy’s bill stems from her genuine commitment to the advancement of Canadian women, I cannot support it. I know my daughter and my daughters-in-law will never forgive me.

I believe that the risk we take is too great when we allow the anthem to be amended. This bill, by its very existence, raises more questions than we are prepared to answer.

• (1520)

A lyric is a work of art and art comes complete with the style of the time in which it was produced. For example, the word “thy” is not used commonly any more but is found in the anthem. We should not compromise art from the past by revising it to fit our current situation. In doing so in this particular case, we would ensure that there is never a final lasting version of the anthem.

When lyrics are used to represent a country, not just to outsiders but to its own people, I believe they carry even more weight than other songs or other pieces of art. Instead of seeking a change to our anthem, let us focus on the poetry of the words as they currently exist, and perhaps, more importantly, the pride in those words that they are designed to elicit.

[Senator Stratton]

As Senator Corbin has said, a literary text such as this is a work of art. Few of us, if any, want to change the shades of colour on a Rembrandt or a Tom Thomson painting, or change the words in poems written by our great Canadian poets. Even Senator LaPierre does not agree with the proposal. As he said, and I paraphrase, if we make these changes, everything will be on the table. Everything will have to change because the principle of change will be the defining standard.

In terms of equality between the two sexes, Canada is one of the most advanced countries on the planet. However, we are not perfect, and in certain areas there is definitely room for improvement. I would suggest that Canadian women are concerned with much more pressing issues than the current wording of the national anthem. Countless women in the country and several in this chamber would no doubt agree with me on this point.

When Senator Carney spoke on this bill, she gave us a long list of Canadian women who are currently making a name for themselves internationally. She mentioned two Manitobans in particular, Cindy Klassen and Clara Hughes, who won gold medals at the World Speed Skating Championships in early February. I would never presume to speak for them, but I think it is safe to say that during the medal ceremony, they felt enormous pride at seeing their flag raised and hearing our national anthem played in honour of their achievements. I seriously doubt that athletes feel excluded by the hymn’s lyrics when *O Canada* is played at world championships or at Olympic games. Their gender does not matter; only their nationality does. In rewriting the national anthem, we would, in a sense, rewrite the past. As Senator Fraser has said, and I quote:

A national anthem is not a restaurant menu to be changed when we see fit.

O Canada is part of our collective history regardless of gender, race, language or culture. We should embrace it as it is.

Some Hon. Senators: Hear, hear.

On motion of Senator Cools, debate adjourned.

VIMY RIDGE DAY BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Poulin, seconded by the Honourable Senator Poy, for the second reading of Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge. —(Honourable Senator Atkins).

Hon. Lorna Milne: Honourable senators, I am pleased and honoured to stand today to speak in favour of Bill C-227 that will designate April 9 as a day of remembrance of the Battle of Vimy Ridge.

Senators Poulin and Meighen have given us an excellent view of the First World War and the effects of the Battle of Vimy Ridge on Canada. I should like to add a few words.

When this “war to end all wars,” as it was called, began in 1914, the conventional view of battle had not changed since the early 1800s. It consisted of throwing wave after wave of soldiers against enemy positions until the positions were overrun. In World War I, the enemy was protected by deeply entrenched German guns on hilltop vantage points encircled by barbed wire. The Allied leadership continued to throw wave after wave of young men up those hills — literally cannon fodder — and without even the elementary precaution of providing them wire cutters.

By 1916, the Allied leadership had successfully wiped out almost an entire generation of young British men. The British leadership turned in desperation to the colonies for more cannon fodder, for that was how they regarded the young recruits. Fortunately, the Canadians had leaders who thought differently about our boys.

We must remember that in 1914, Canada was primarily an agrarian society. Over 90 per cent of our population was rural. Senator Poulin has spoken of teachers, lumberjacks, businessmen and fishermen, but she did not mention the young men from the fertile fields and farms of Canada — most of the recruits.

I want to speak of the Battle of Vimy Ridge from the viewpoint of the family of one such young Canadian farmer. My husband's uncle, William Milne, was a farm boy from Grey County, Ontario, Dromore, to be exact. He grew up on the farm, and the most urban lifestyle he ever lived was a short time as a grocer working in a grocery store in Winnipeg.

In the spring of 1916, the British army was running out of young men and desperate to find as much cannon fodder as they could, so they turned to the colonies. Any willing farm boy from those colonies would do. Even those with disabilities were accepted.

On March 21, 1916, William Milne was admitted into the Canadian army, despite the fact that he had always had a weak chest and significant breathing problems. “He had a hollow in his chest you could put your fist in,” his family often said.

William Milne arrived in Europe on November 11, 1916, and made it to Vimy Ridge on November 29, 1916, where he and thousands of other young willing Canadian farm boys helped to dig in and prepare for the deadly assault on the ridge.

As I said, throughout the beginning years of the First World War, waves of Allied troops were sent into battle by their British masters and were met by German machine gun fire. Tens of thousands lost their lives. At the time, it was conventional thought that sheer numbers could overwhelm the Germans, and Canadian farm boys were willing to pay that price. That was not the case.

As the four Canadian divisions grouped together in late 1916, before Vimy, a plan was devised by Canadian generals to attack the German front. Months of preparation were needed at the lines. The Canadians dug a replica of the German trenches behind the Allied lines and spent weeks training for their upcoming mission, while holding on to those lines in France.

Those weeks and months were not kind to the soldiers in the trenches. Canada suffered 9,953 casualties as our young men prepared for their assault on Vimy Ridge before the battle. One of those was William Milne. On December 19, 1916, a mere 20 days after arriving below Vimy Ridge, William Milne was treated by the Number 6 Canadian Field Ambulance for “pyrexia of unknown origin.” We now know that he and thousands of other young Canadians were gassed by the German forces. By January 28, 1917, he was in hospital, we believe in Cannes, recovering from what appears to have been a second gassing. William Milne never fully recovered. He spent the next two years in and out of hospital in England and died of acute pneumonia on January 2, 1919. The weak lungs and collapsed chest that did not concern doctors when he enlisted were unable to fight all the repeated gasings from the Germans.

• (1530)

Private William Milne, regimental number 875015, 27th Battalion, Canadian Infantry, is buried in Buxton, England, where he died, in a row of well-maintained Canadian military graves, with the Maple Leaf carved into his headstone along with the words that his wife requested: “Greater love hath no man than he lay down his life for his friends.” Thousands of other young Canadians lie in unmarked graves at Vimy Ridge.

Honourable senators, these are not stories; this is real life. These were real people. They were hunters and fishers and farm boys, and they paid for our freedom with their lives. On Monday, April 9, 1917, 3,598 Canadians died and thousands more were injured. Each has an individual story just like William Milne. Each person's sacrifice should be remembered.

Honourable senators, I support Bill C-227 because of the sacrifices of William Milne and thousands of other young Canadian farm boys just like him. They were regarded as cannon fodder up until the Battle of Vimy Ridge. They were sent to the battlefield because the British believed that sheer numbers could carry the field and that thousands had to die before the allies could break through the German lines. The Canadians at Vimy Ridge revised that plan, and they worked to end the suffering and to complete the job. It was extremely costly. Freedom, I think, always is. On April 9 of each year, we should take a moment to remember just that.

The good thing about modern warfare — if one can ever say that anything about warfare is good — is that fewer soldiers die. The bad thing is that an enormously larger proportion of innocent civilians die in modern warfare. On this particular day, after a new war has begun, I join with Senators Poulin and Meighen in urging that this bill be sent to committee forthwith so that April 9, 2003, can be designated as the first Vimy Ridge day.

Hon. Senators: Hear, hear!

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

BILL TO CHANGE NAMES OF CERTAIN ELECTORAL DISTRICTS

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Rompkey, P.C., seconded by the Honourable Senator Milne, for the second reading of Bill C-300, to change the names of certain electoral districts.
—(*Honourable Senator Stratton*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, like my colleague Senator Rompkey, I have some difficulties with the bill, but we must often deal with bills that present difficulties when they arrive here.

The bill first came before us in the last session, and it was then numbered Bill C-441. At that time, I expressed reservations about the propriety of dealing with changing the names of electoral districts at a time when boundaries commissions across the country were in the process of redistribution. At the termination of the First Session of the Thirty-seventh Parliament, the bill was in the process of being studied by our Standing Senate Committee on Legal and Constitutional Affairs. Thus, it died on the Order Paper.

It should be noted that Bill C-441 had been rushed through the other place, having been deemed read a second time and referred to Committee of the Whole, deemed reported without amendment, deemed concurred in at report stage, and deemed read a third time and passed. In its reincarnation as the current Bill C-300, it received a similar expedited treatment on November 8, 2002, and came to this chamber with what I will describe charitably as the minimum possible review and consideration.

Unfortunately, it would appear that the old adage “haste makes waste” is one that applies to this particular bill. As I observed earlier, and as Senator Rompkey alluded to yesterday, the bill even contains an error in that the name change for one of the electoral districts is incorrectly stated. Rather than going from “Kelowna” to “Kelowna Lake Country,” as had been intended, the change given is from “Kelowna” to “Kelowna—Country.” This is a matter that Senator Rompkey said we can expect might be corrected by amendment in committee.

Bill C-300 is corrective in nature. It arises because elected parliamentarians or their constituents will have noticed changes over time in the population distribution within their electoral districts, or changes in the relative importance of certain areas, or simply a popular demand such as they believe that the formal name of the electoral district ought to reflect those changes or the will of the people.

However, I would remind honourable senators that there is a regular review triggered by the census, which results in the striking of electoral boundary commissions in each province. This is a process that often makes significant changes to the boundaries

of electoral districts. Part of this process involves choosing names for new electoral districts and renaming those districts whose composition of communities have changed significantly. Even where boundaries are similar or remain the same, it is possible to ask the boundaries commission to make the appropriate name change.

Of the 14 name changes proposed in this bill, five are from Quebec, where I would note that the Federal Electoral Boundaries Commission laid out the criteria for the naming of electoral districts as follows:

The changes in boundaries also brought about the following changes in the names of electoral districts. To do so, we have again taken into account the new reality and the historical pattern.

Among other things, the Commission drew on the recommendations made by the various commissions on toponymy. The guidelines for selecting the names of federal electoral districts published by the Secretariat of the Geographical Names Board of Canada in December 2001 were given uppermost consideration:

- Each federal electoral boundaries commission should verify the appropriateness of all the names of the electoral districts that fall within their jurisdiction. The names chosen must have a Canadian flavour and be clear and free of ambiguity.
- The name of a federal electoral district should only be kept from one readjustment to another if it is suitable and if the new district falls essentially within the boundaries of the former electoral district. When the boundaries of an electoral district are changed considerably, one must, without question, consider assigning it another name.
- The names best suited to designate federal electoral districts are those that immediately lead one to recall the province in which the district is situated, or that refer to a region or to a part of its region.
- Ideally, a federal electoral district should be designated by a single geographical name that is not repeated elsewhere; this is the easiest form of designation, even when some parts of the electoral district fall beyond the municipality, the physical entity or any other obvious characteristic that inspired the chosen name.

The Commission proceeded to use single-word names that were, hopefully, both the most representative of the electoral district and that seemed to be able to rally the greatest number of citizens in the community.

Honourable senators, the electoral boundaries commissions do not work in the dark. They set out guidelines and take a wide range of factors into consideration when it comes to choosing the name for each district. I do not know if the members of the other place representing the electoral districts in this bill made suggestions to their respective boundaries commissions. I expect

they did. However, they may have another opportunity to express their views when the report of their respective boundary commissions come before the House of Commons.

Turning again to Bill C-300, the situation has changed significantly since our last consideration of this matter. Many of the boundaries commissions have now provided their initial proposals, proposals whose impact range from negligible to overwhelming on the electoral districts named in Bill C-300.

At the one extreme, we have the proposal of the Federal Electoral Boundaries Commission for Ontario that the name of “Windsor—St. Clair” be changed to “Windsor—Tecumseh,” exactly matching one of the changes in this bill.

• (1540)

In the middle range is the Ontario township of Brock, currently scheduled by the boundaries commission to move to join Durham, which would entail renaming the present electoral district of “Haliburton—Victoria—Brock” to “Kawartha Lakes—Haliburton,” rather than “Haliburton—Kawartha Lakes—Brock” as proposed by the bill before us today.

At the other extreme, on what one might call the disaster list from the perspective of both the current member of Parliament and the renaming process, is the electoral district of “St. Albert” in Alberta, which this bill proposes to rename “St. Albert—Parkland—Sturgeon,” and which is being torn asunder with the pieces being divided among “Edmonton—St. Albert,” “Yellowhead” and “Westlock—St. Paul.”

Honourable senators, changing the name of an electoral district does cost some money. The Chief Electoral Officer is obliged to provide information and electoral maps which reflect the current state of legislation and will, as a consequence of the passage of this bill, find it necessary to make immediate modifications to those materials in order to be fully prepared in the event of an early election call.

Given the size of the majority in the other place, an early election call would normally be considered highly unlikely. Given the recent statements attributed to the Prime Minister, I would not wish to rule out the possibility altogether. Our leader, Mr. Clark, is of the same view. However, it would seem likely that the new representation orders would overtake the name changes proposed before the next election.

It should be noted that it is even possible for the new representation orders to return the names of electoral districts to the status quo ante. With proposed modifications to the representation orders at a fairly advanced stage, and with it still being open for members to seek to have an appropriate name change made directly by the Federal Electoral Boundary Commission in many cases, it seems to me that this bill is one with which it is very difficult to see the logic and the practicality of the Senate proceeding.

I have two thoughts in mind: One thought would be to move a motion to have the bill not read the second time now but to have it read the second time in six months’ time, or, having made that point and placed it on the record, allowing the committee to which the bill would be referred to consider the advisability and

the waste that could be incurred, and to look at how far the electoral boundaries commissions have proceeded in order to see whether, indeed, it is practicable that this bill ought to proceed. I am inclined to lean more to the second course of action. Therefore, I will not oppose this bill in principle at second reading, but I shall not support it enthusiastically, either.

[Translation]

Hon. Marcel Prud’homme: I attended all the meetings of the committee that considered the bill, which has now been reintroduced with amendments. I remember the forceful arguments made by Senator Joyal and his historical overview of the question, leading up to why the bill ought not to be proceeded with. I must say that his arguments were most convincing. I wish to adjourn the debate in my name.

On motion of Senator Prud’homme, debate adjourned.

LEGACY OF WASTE DURING CHÉRIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on inquiry of Honourable Marjory LeBreton calling the attention of the Senate to the legacy of waste during the Chérien-Martin years.—(*Honourable Senator Bryden*).

Hon. Pierre Claude Nolin: Honourable senators, before I start reading my text, I would like to tell my colleagues a little story, a true story, although some will claim it is merely a legend. So that you will be able to evaluate the importance of this little true story, I will begin by quoting section 121(1) of the Criminal Code.

To assist the interpreters, I have provided them with the English version of this text so that you will hear the official English wording of this section of the Criminal Code. It reads as follows:

121. (1) Every one commits an offence who

(a) directly or indirectly

- (i) gives, offers or agrees to give or offer to an official or to any member of his family, or to any one for the benefit of an official, or
- (ii) being an official, demands, accepts or offers or agrees to accept from any person for himself or another person, a loan, reward, advantage or benefit of any kind as consideration for cooperation, assistance, exercise of influence or an act or omission in connection with
- (iii) the transaction of business with or any matter of business relating to the government, or
- (iv) a claim against Her Majesty or any benefit that Her Majesty is authorized or is entitled to bestow,

whether or not, in fact, the official is able to cooperate, render assistance, exercise influence or do or omit to do what is proposed, as the case may be;

In order to help you understand fully, the term “official” does not refer solely to employees of the public service. The Criminal Code tells us that it means a person who holds an office, or is appointed to discharge a public duty.

The courts have helped us interpret and understand the scope of this definition and have, on occasion, included members of Parliament in it.

Honourable senators, during the 1993 election campaign, the Liberal Party published its famous Red Book.

Among other things, this infamous publication showcased numerous promises for change and reform, promises that would be kept within two years, if Jean Chrétien were elected Prime Minister of Canada.

• (1550)

In an August 1993 interview with *The Globe and Mail*, the leader of the Liberal Party of Canada stated the following, in reference to the Red Book:

There is not one promise which you will be able to reproach me for not keeping. Only an act of God will keep me from keeping them.

Yet, some 10 years later, it would appear as though God had intervened on several occasions in the management of the Liberal government because several pages of Red Book promises have been tossed into the recycling bin. The Liberals gave up on some of them, like abolishing the GST, even though they opposed measures announced by other parties, which were previously part of their election platform.

For example, in February 2001, the opposition moved a motion in the other place asking that an independent ethics counsellor reporting directly to Parliament be appointed. The wording of this motion was right out of the Red Book, word for word. While all of the opposition parties voted in favour of the motion, the government members, curiously, voted against it. And so it was that the Liberal government broke a promise lifted word for word from the 1993 Red Book.

Honourable senators, by this unfortunate act, the Liberal government confirmed to Canadians that establishing a government that respects rules of ethics and transparency was not a priority. And this vote even came up after the now infamous and complex scandal that was dubbed “Shawinigate.”

Honourable senators, Shawinigate showed Canadians, who were stupefied by the scope of this affair, the problems that could arise when the ethics counsellor is appointed by the Prime Minister without Parliament having any power of oversight. Some of you might say that Mr. Wilson — despite the numerous

contradictions that have tainted his objectivity and the quality of his decisions — decided that the Prime Minister had done nothing wrong because there were no rules, and there are still none, that prevent a Prime Minister from communicating with a Crown corporation.

To that, I would respond that the facts show without a doubt that Shawinigate crossed the line. Why was this line crossed? First, because the Prime Minister had a personal interest in the situation and was not working only in the interests of his constituents, and second, because there is a difference between communicating with someone, and having the power to influence that person.

Allow me to explain. In 1988, the Prime Minister joined other business associates and created a company identified as 161341 Canada Inc. Through this company, the associates acquired the Grand-Mère golf course and Auberge Grand-Mère, both unprofitable. A few years later, in April 1993, the associates decided to sell Auberge Grand-Mère to a company called Entreprises Yvon Duhaime. They kept the golf course.

In 1993, when Jean Chrétien was elected Prime Minister, he claimed to have disposed of his shares in the company and to have sold them to an obscure company called Akimbo Développement Corporation. Under the agreement there would be four payments over four years, with interest.

However, in January 1996, the Prime Minister learned that the agreement with the company had fallen through before a single payment had been made. Jonas Prince, President of Akimbo, claimed that the initial agreement was simply an option to purchase, which he chose not to do.

Following discussions with the ethics counsellor, the Prime Minister learned that he could either include his shares in his blind trust and disclose them publicly, or sell them without public disclosure. The Prime Minister decided to sell his shares.

Honourable senators, this is where things get complicated. The Prime Minister called François Beaudoin, the former President of the Federal Business Development Bank — today referred to as the Business Development Bank of Canada — twice in April 1996. In addition, the two men met at the Prime Minister's official residence here in Ottawa on May 29, 1996. Over the course of their conversations, they discussed the issue of the Federal Business Development Bank approving a \$2-million loan for Mr. Duhaime to finance an expansion project at Auberge Grand-Mère.

In September 1996, the Federal Business Development Bank denied the loan after reviewing the inn's financial statements. Moreover, during the fall and winter of 1996-97, Mr. Duhaime applied for a new loan for a total of \$1.5 million. In February 1997, the Prime Minister called Mr. Beaudoin a third time to ask when the loan application for the expansion project would be approved.

Several months later, on June 15, 1997, France Bergeron, regional director of the Business Development Bank of Canada, wrote in an inter-office memorandum:

The recommended financing structure does not comply with the bank's usual policies and criteria.

Despite these warnings, several months later, a BDC loan for \$615,000 was approved! The generosity of the federal government or its Crown corporations is not limited to this one loan. During that same period, Mr. Duhaime — who had a criminal record and had already had problems with Revenue Quebec — also received a loan in the amount of \$50,000 under a federal fund for regional development. In 1997-98, he also received \$189,000 from five subsidy programs; the lion's share — \$164,000 — was given under Human Resources Development Canada's Job Creation Fund.

Following the expansion at the auberge, the Prime Minister was invited, as the member for Saint-Maurice, to cut the ribbon to inaugurate the new part of the auberge.

Curiously, in April 1998, Jean Carle, then Chief of Operations for the Prime Minister's Office, was appointed Senior Vice-president of the BDC, despite a noteworthy lack of experience in this very important federal agency's area of expertise. In January 1999, Debbie Weinstein, manager of the Prime Minister's blind trust, circulated buyout proposals for the shares in the golf club that I mentioned earlier. That same month, in answer to questions by the media about Mr. Duhaime and the Auberge Grand-Mère, Peter Donolo, another important figure, then the Prime Minister's spokesman, denied all allegations about the Prime Minister and the government interfering in the BDC's decisions.

Several months later, in May 1999, Mr. Beaudoin recommended that the BDC seize the Auberge Grand-Mère because the mortgage for \$615,000 had been defaulted on. The response to this recommendation was not long in coming. In June 1999, one month later, the bank's board of directors met and decided to relieve Mr. Beaudoin of his duties as president of the bank.

Following his dismissal, Mr. Beaudoin filed suit before the Superior Court of Quebec, and alleged that the BDC had not respected the terms of the agreement. He alleged furthermore that the bank relieved him of his duties because he had recommended that the Auberge Grand-Mère be seized.

In November 2000, the *National Post* obtained copies of the documents filed in court by Mr. Beaudoin, confirming that the Prime Minister intervened with the former president of the bank concerning Mr. Duhaime's loan applications. Finding himself in an embarrassing position in the midst of an election campaign, the Prime Minister argued that phoning the President of the BDC was nothing unusual, that the bank was a department and that he regularly called federal departments.

• (1600)

Despite these admissions by the Prime Minister, the ethics counsellor found that he had not violated any provision of the code of conduct for parliamentarians, given that this code did not apply to communications with Crown corporations. Moreover,

the RCMP did not conduct any official investigation into the Prime Minister's actions, for lack of evidence. Surprisingly, the RCMP never saw fit to interview Mr. Beaudoin before making this decision.

Honourable senators, need I read again section 121(1) of the Criminal Code?

The Hon. the Speaker *pro tempore*: I regret to inform Senator Nolin that his speaking time has expired. Does he wish to ask for leave to continue?

Senator Nolin: With your permission.

Senator Robichaud: Honourable Senator Nolin is asking for leave to read one last line.

Senator Nolin: I have read it.

On motion of Senator Robichaud, for Senator Bryden, debate adjourned.

[English]

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*)

Hon. Laurier L. LaPierre: Honourable senators, I wish to thank Senator Rompkey for allowing me the opportunity to speak today on this matter.

I wish to point out to the Canadian Broadcasting Corporation that it must instruct its colonels, generals and admirals who are advising the corporation on the Iraqi war that this is not our war, that these are not our Canadian soldiers, our tanks or our bombs. It is not our mission to be there. Consequently, I object to the attitude of these experts who continue to say the word "our," in regard to these events as if they were ours.

Having said that, I wish to speak to Senator Roche's resolution of October 2, which I find still pertinent and of immense human value, in spite of the events that have engulfed the world since 8 o'clock central time last night.

In 1095, at the Council of Clermont, in central Europe, Pope Urban II invited the Christians of the world to stand as one and fight the infidels, promising eternal bliss in the heavens of his God. Those who fought in roughly nine official crusades between the 11th and 14th centuries did so because they believed themselves to be the emissaries of the new orders of life because they were rich and prosperous and had immense military might, because they wanted to meet their territorial ambitions and capitalize on the possibilities of new markets and many more reasons, one of which of course was the security of Christian dogma.

Every one of these crusades was imperial in nature; an imperialism that was started then and has continued unimpeded thereafter and engulfed the so-called civilized world.

Major countries, with their origin in the European mentality, under the disguise of the white man's burden, proceeded to condemn to slavery millions of people, to rape human beings of their dignity and virtue, to appropriate their natural resources for the benefits of the imperial elites. Honourable senators need only witness the history of Africa as well the dictatorships of Latin America.

Last Sunday, I was not surprised that three present day powers which were mighty colonial powers with all the evil connotation that is attached to colonialism, met in the colony of another former colonial power to rearrange the world, using the rhetoric of Urban II and of the apologists of imperialism, that it was the white man's burden to repair the ravages of history.

What will be the state of those on both sides of the abyss? I leave that to history and, for some of them, to the will of their electors. Therefore, I will not judge the men and women who decided that war must be since, after all, I am a most moderate man, particularly in my choice of words.

On the other hand, I will acknowledge that in the pursuit of their ambitions, the will of the people of the planet is opposed to their mission, its value and its purpose. I stand with the people of the planet.

Honourable senators, in rising, there is nothing better that I can do in this chamber than to express what I understand and feel, to enter into the record of the Senate the declaration the Prime Minister of Canada made in the Parliament of Canada and in the name of the Canadian people on March 17, 2003.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I want to set out the position of the Government of Canada. We believe that Iraq must fully abide by the resolution of the United Nations Security Council. We have always made clear that Canada would require the approval of the Security Council if we were to participate in a military campaign.

Over the last few weeks, the Security Council has been unable to agree on a new resolution authorizing military action. Canada worked very hard to find a compromise to

bridge the gap in the Security Council. Unfortunately, we were not successful. If military action proceeds without a new resolution of the Security Council, Canada will not participate.

We have ships in the area as part of our participation in the struggle against terrorism. Our ships will continue to perform their important mission against terrorism.

The statement of our Prime Minister illuminates our national life with its declaration of the consistent value system of Canadians, and it is a statement that will resonate forever through the pages of our history.

Stalin used to ask how many divisions did the Pope have. Honourable senators, Stalin's successors found out the answer to that question. I mention this because there is a Stalinist sentiment that is present in our country as a minority of Canadians here, there and across our country, denigrate and dismiss the statement of our Prime Minister in the name of all Canadians. They argue that the role of Canada is immaterial anyhow and is not worth a bucket of spit, because we are, according to them, militarily weak, inconsequential and also because we do this unimportant business of peacekeeping which real men do not do.

That minority forgets that the country's contribution to the betterment of humankind and to the maintenance of peace and security does not lie in how many helicopters, airplanes, forklifts and tanks that a country has, nor does it lie in moving trucks more quickly across the Ambassador Bridge. Many members of that minority insist that to save our economy we should go and bomb Iraqi women and children.

The contribution of a nation to the people of this planet, and that nation's influence in the world, depends more on the value system that resides at the very core of the identity of that nation. In our name, the Prime Minister of our country proved, on Monday, that our values are not dead, they are not marginal and they are part and parcel of each and every Canadian.

The decisions of Canadians reside in their hearts, in their values and in their determination to create and maintain on the continent of North America a nation that stands on its own two feet and that takes risks in the preservation of its freedom, values and identity.

• (1610)

In conclusion, honourable senators, I would like to wish that the sons and daughters of my American neighbours and the sons and daughters of other countries who are now involved in this war return to their home and to their families very quickly. I hope that the tragedy of the Iraqi people will end without too much, if any, disaster.

Vive le Canada!

On motion of Senator Rompkey, debate adjourned.

[Translation]

ILLEGAL DRUGS

REPORT OF SPECIAL COMMITTEE—INQUIRY— DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Nolin calling the attention of the Senate to the findings contained in the Report of the Special Committee of the Senate on Illegal Drugs entitled “Cannabis: Our Position for a Canadian Public Policy”, tabled with the Clerk of the Senate in the First Session of the Thirty-seventh Parliament, on September 3, 2002.—(*Honourable Senator Morin*).

Hon. Yves Morin: Honourable senators, I read with interest the report of the Special Senate Committee on Illegal Drugs chaired by Senator Nolin, which proposes a Canadian public policy on cannabis.

First, I would like to pay tribute to Senator Nolin. This is a comprehensive study on all aspects relating to marijuana, including historical and cultural considerations, which are all too often ignored, as well as the scientific, sociological and legislative aspects.

I will not deal with the legislative aspect, because the committee looked at it and because there are other people who are much better qualified than I am to do so.

I want to discuss the medical aspect of the use of cannabis, which, all too often, tends to be overlooked or downplayed in order to make a specific view more acceptable.

[English]

Before I do so, however, I would like to say that I perceived in the report a certain anti-science bias in many sections. For example, statements such as “Science is a source of approximate knowledge,” as well as “Scientific knowledge is far from being perfect. Approximation is not one of its consistent features, on the contrary.” For example, another statement was “The difficulties that scientists have in reflecting on their research.” On the contrary, epistemology, which is a flourishing discipline at the present time, is a critical analysis of science. Papers are being published regularly. I read *Science* every week and there are regularly one or two papers on the reflections of scientists on their own research and work.

Other statements include “Cell biologists are not familiar with the effects of cloning.” On the contrary, cell biologists feed the ethicists with problems, and there is a constant dialogue between

scientists and ethicists on various issues. I think this bias does not contribute to a thoughtful debate on the matter.

I would also not want to pass judgment on the witnesses who have appeared before the committee. However, I note that the leading scientific bodies interested in addiction and the non-medical use of drugs have not been consulted by the committee. In particular, I cite the Institute of Neurosciences, Mental Health and Addiction, which is part of the Canadian Institutes of Health Research and which has the responsibility, as was stated in recent legislation, to deal with matters of addiction. It has an important budget to deal with this and has a large number of scientists and expertise. I asked the director of the institute whether he had been contacted by the committee to appear or have some consultation in an informal way. The institute was not in any way consulted by the committee. As I said, they are, by far, the experts on the subject in this country.

Another statement is that the area of addiction is not covered by research. On the contrary, I just mentioned the Canadian work, and the National Institutes of Health in the United States contributed more than \$800 million U.S. last year for research in the field of addiction and why addiction occurs. There is much basic and clinical work done on this subject.

The report is critical of evidence-based policy-making. On what basis should policy be made? Should it be on anecdotes or prejudice? Even values are evidence-based. For example, one of the important parts of policy-making is based on the social balance of values, particularly based in social research. Thus, science is an important part of policy, especially dealing with matters of addiction and the non-medical use of drugs.

[Translation]

I want to deal more specifically with the impact of the use of marijuana on health. Dr. Bill Campbell, who is one of the experts consulted by the committee and who is the President of the Centre for Addiction and Medical Health, issued a serious warning about the dangers of cannabis, particularly for young people.

He explained — and this is fully recognized — that cannabis has a high addictive potential. This addiction, this need for the drug turns those who are affected by it into drug slaves in that they are absolutely incapable of doing without it. This addiction affects about 10 per cent of the drug users. It is caused by a genetic predisposition and it is not possible to know which young persons using the drug will become addicted to it.

A very important report published in June 2003 in the *Journal of the American Medical Association* showed, beyond any doubt, that the use of cannabis leads to the use of cocaine and opiates. While this had been questioned in the past, it has now been clearly demonstrated.

[English]

It is the first step down the slippery slope.

[Translation]

I would like to speak about the effects on the respiratory system. We know that the use of cannabis, like the use of other products absorbed by smoke, such as tobacco, leads to chronic bronchitis, and diseases like emphysema and lung cancer.

Although the report of the Special Senate Committee on Illegal Drugs states that the incidence of lung cancer is low — see page 16 — in actual fact the concentration of carcinogens in cannabis smoke is 70 per cent higher than in cigarette smoke. The risk of cancer is markedly higher for cannabis smokers than tobacco smokers, and we are all aware of the public health problems related to tobacco.

• (1620)

Now for the academic and social development of adolescents. A Quebec study of adolescent drug use released by the Quebec ministry of health indicated that cannabis is associated with, and likely leads to dropping out of high school. A recent study in the *British Medical Journal* has demonstrated an association between cannabis use and decreased concentration, attention span and memory.

One of society's most serious social problems at the present time is the dropout rate of adolescent males. We know that, in Quebec at least, one third of the boys drop out before they finish high school. And we also know that, nowadays, the future of a young person without a high school diploma is far from assured, on the economic, social and mental health levels. There is a link between drug use, marijuana use in particular, and dropping out of high school before graduation, particularly among boys, who are the ones using these drugs.

There are other equally serious, but more insidious effects, particularly on the endocrine system. Marijuana use affects the sexuality of teenage males. It can lead to testicular atrophy. This is a problem that is not without significance and one that ought to make us reflect on the use of this drug.

[English]

I would like now to deal with traffic accidents. It was reported in a recent issue of the *Canadian Medical Association Journal* that it has been shown that 25 per cent of teenagers have driven under the influence of cannabis.

The report from the committee chooses to ignore Dr. Bill Campbell's advice. Dr. Campbell is a Canadian expert, and president of the Canadian Society of Addiction Medicine. Dr. Campbell states, and I quote: "Marijuana contributes to a significant number of traffic deaths."

The committee's report does not recommend that driving under the influence of cannabis should be banned but that further studies should be done. I strongly disagree with this statement. On the contrary, strong deterrent legislation should be enacted to prevent driving under the influence of marijuana, much as there is to driving under the influence of alcohol. This is a serious issue, not only for the teenagers driving the cars but also for those who are passengers or those who are innocent bystanders.

[Senator Morin]

Honourable senators, I would like to deal with the most serious consequence of marijuana smoking — the relation between marijuana and psychosis. There is a relation between cannabis smoking and anxiety and depression in teenage girls. More serious in my mind is the fact — and this was shown in an editorial that appeared in the *British Medical Journal* in November 2002 and repeated in other studies — that marijuana increases the risk of schizophrenia in teenagers by 30 per cent. This is not merely an association. It is not the fact that kids with schizophrenia might smoke marijuana more than normal individuals. Studies were completed with various groups within Swedish society, and with military recruits. It is an excellent paper, including an editorial by the *BMJ*, approving the results of the study.

To me, there are very few diseases that are as serious and pathetic, or have graver consequences than schizophrenia for those young children — adolescents or young adults — who suffer from it, but also for their families. If we could reduce the incidence of schizophrenia by eliminating cannabis, and therefore eliminate thousands of cases of schizophrenia, it would be an extremely important step.

Honourable senators, I would like to shift gears for a minute and talk about the medical use of cannabis: cannabis used as a therapeutic agent prescribed by physicians for various diseases.

The report is unfairly critical of the medical profession when we know that the medical profession is not at the present time prescribing marijuana for various conditions. There are quite a number of reasons for this. The first is that, at present, there are no herbs, leaves or plants that are prescribed in evidence-based therapeutics because there is too much variability. Two centuries ago, we prescribed plants and infusions. However, it has been shown that there is too much variability in plants, in various parts of the plant, and between leaves. Indeed, there is so much variability inherent to the plant that it cannot be used safely and effectively for patients.

Scientific medicine uses the active ingredient that is extracted from plants. There are hundreds of active ingredients that are extracted from plants and used. However, the ingredient as a molecule recognized by chemical analysis is used.

[Translation]

The Hon. the Speaker pro tempore: Honourable Senator Morin, I regret to inform you that your time is up. Are you asking for leave to continue?

[English]

Hon. Anne C. Cools: Ask for more time.

Senator Morin: I will not ask for more time.

Senator Cools: We want to hear you speak some more. It was very good.

Senator Morin: On principle, I am not asking for more time.

Hon. Senators: Hear, hear!

On motion of Senator Stratton, debate adjourned.

[Translation]

ROLE OF CULTURE IN CANADA

INQUIRY—DEBATE ADJOURNED

Hon. Jean-Robert Gauthier rose pursuant to notice of December 12, 2002:

That he will call the attention of the Senate to the important role of culture in Canada and the image that we project abroad.

He said: Honourables senators, you will recall that I raised this issue last year. This inquiry died on the Order Paper when the Houses were prorogued.

I would like to return to the theme of culture, which I consider to be extremely important for two reasons. First, it has been discussed in Canada's Parliament in recent years, but I am still awaiting the results. Second, the Dion plan, presented on Wednesday, March 12, only devotes one sentence, on page 37, to culture.

• (1630)

I asked myself some questions. What is the definition of culture? I found an interpretation in my speeches: it is the development, through appropriate intellectual exercises, of certain faculties of the mind; it is all acquired knowledge that allows the development of our critical mind, taste and judgement. Culture is also, as you know, a shared responsibility with the provinces. The word "culture" is not currently found in our Constitution. We know that when it is not written in the Constitution, it is a federal responsibility, but the responsibility for this area is shared with the provinces. Culture is what we have when we have forgotten everything.

The federal government, as you know, plays a very active role in culture. Several federal institutions are responsible for promoting Canadian values. The Canada Council for the Arts supports the promotion of the arts and the cultural development of Canadians.

The National Film Board is recognized for its film, video and multimedia productions. It also takes part, through images and sound, in producing original Canadian productions not only here, but also abroad.

Internationally, it is the Department of Foreign Affairs and International Trade that promotes our Canadian security, prosperity and values. The department emphasizes education to promote Canadian culture abroad.

The department supports programs that promote educational institutions that want to attract foreign students who are open to the Canadian way of living and values. DFAIT also supports

Canadian studies programs, promotes cooperation between international institutions of higher learning and promotes international scholarships. We are very active in this area.

The International Council for Canadian Studies (ICCS), a DFAIT partner, is involved in promoting Canadian culture abroad. The ICCS is an umbrella group that brings together 21 Canadian studies associations in Europe, Asian and Latin America.

Academics and researchers who belong to the council organize conferences around the world and produce an impressive number of studies — monographs and comparative studies — on Canada every year. They focus mainly on the fundamental elements of Canadian culture: our linguistic duality, which is quite unique, Aboriginal people and their important contributions, and the literature of English Canada and Quebec. I could also add Franco-Ontarian literature.

On Monday, three young students who took part in a literary essay contest that I started last year across the country were recognized. A young man from the Royal Military College in Kingston came to Ottawa to receive his award from the Prime Minister. A student from La Cité Collégiale in Ottawa placed third, a respectable finish. Dozens of other students took part. The first prize went to a little girl from Cornwall, Ontario: Mélanie Lamarche. She won, and I am very proud of her because her essay was very good. The newspaper *Le Droit* published the three winning essays of this literary award, and I urge you to read them. I encourage you to tell young people about it, because they want to take part. Culture is important to them. There is not much without culture.

There are Canadian embassies in over 180 countries, each with cultural attachés responsible for promoting and selling our Canadian culture to these foreigners.

In 1995, a joint committee was struck and given the mandate to review Canada's foreign policy. I co-chaired this committee with Senator MacEachen. We pushed for a chapter on culture. For the first time in Canadian history, there was a chapter on culture in a review of the country's foreign policy. It made me very proud.

In this report, our recommendations are easily found in Chapter VI. One of these recommendations, which was never implemented as far as I know, was to invite Canadian artists along when ministers travel abroad. This means including artists in ministers' delegations to show people abroad that, in Canada, we have artists the likes of Viola Léger, Jean Lapointe, and Tommy Banks, who are instrumental in projecting an image of what we, in Canada, are and want to be.

Internationally, we rank dead last, I repeat dead last, in cultural promotion. The French, the British, the Japanese and the Germans spend much more than we do per capita. In Canada, we spend a mere \$3 per year. The Japanese spend between \$16 and \$18 per year, per capita. The French and the British spend between \$15 and \$16 per capita.

We ought to make an effort to try to convince ourselves that we are talented and that we have something to sell. There is money to be made with cultural products. The Americans master that art. In their case, it is not so much culture as it is entertainment. They sell all sorts of products, because they appeal to the public and people can identify with these products, be it music, drama, movies or videos.

It is important that we promote our Canadian culture: there is such a thing. It may have a regional flavour at times, sometimes more than others. Linguistically, there are two main trends, depending on whether you are French speaking or English speaking. I am a French Canadian. I am proud to say so, as Senator Corbin said earlier.

There is quite a significant distinction. I am a francophone, but there are millions of francophones like me. We do not all have the same culture. Nonetheless, during the Semaine de la Francophonie, we should perhaps realize that being francophone does not mean being Canadian. It means you speak French, perhaps, but you could be from a region of the country that is very different from another. Being Acadian is different from being a Franco-Ontarian; being a Quebecker is different from being a Franco-Albertan. There is a common culture and a common language. The language is a tool for communication.

In the report by Mr. Dion called "The Next Act: New Momentum for Canada's Linguistic Duality," the preface of which is signed by the Prime Minister, we see at page 37:

We must not forget the arts and culture, where progress has been made but certain challenges remain.

That is the only mention of culture in the report. Naturally, cultural groups made themselves heard and called me. They asked me to do something, because it is not right to forget culture and not discuss it at greater length.

• (1640)

Language is a tool for communication; that is good, but adds nothing to culture if we do not appreciate what we have and do not know how to sell it. It is important that cultural associations be heard. On Monday, March 24, Mr. Dion will appear before the Standing Senate Committee on Official Languages to present his action plan.

I have an opinion, of course. I have read it and reread the action plan. I have made notes on it twice and now am on my third read. I know that plan. I asked Mr. Dion and his associates why they had left out culture, why there was not more emphasis on it, despite its importance. The answer I got was that, last year, Heritage Minister Copps got \$500 million for culture. I said I had not seen any of it. I do not know where they got that figure. I do know that I had letters from cultural associations, from the

Fédération culturelle des Canadiens-Français. They suggested changes. They hinted that Mr. Dion's plan was not etched in stone. There is room for change. It can be improved. That is what we are going to do on Monday. We are going to propose that the word "culture" be made an integral part of the action plan. We are going to propose changes.

I would like to read some excerpts from a letter sent to Mr. Dion:

Why should culture play a prominent role in an official languages action plan? A language does not exist in a vacuum. If it is to remain a living entity, it must have a whole cultural foundation, which is what lends it its richness and its purpose...

Otherwise, language is merely a totally disembodied service language that no longer has enough appeal to define the sense of belonging to a community.

I share this view. I think it is essential that changes be made to the action plan, so as to include a cultural component.

Here are some excerpts of what we will propose on Monday, because I want this to be put on the record. The federation will propose:

- (a) That an art and culture component be added to the action plan, similar to the education or the community development components, and that this component include a set of measures that will strengthen the concrete expressions of francophone culture in our communities.
- (b) That the fundamental nature of culture be also reflected in other components of the plan, particularly in the education component, where the notion of learning environment necessarily evokes the cultural dimension, and also in certain sectors relating to the community development component, where language and culture is also a significant factor.
- (c) That the accountability code provided for in the action plan also apply to federal institutions that are involved in arts and culture.

It seems reasonable to me that we should build on these foundations. The Fédération culturelle canadienne-française is proposing three components.

I support these recommendations. I hope that, on Monday, we will have a good dialogue with Mr. Dion. I do not want to be told on Monday that it is in the plan. I want to be told that, yes, the government is open to these ideas.

On motion of Senator Lapointe, debate adjourned.

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS**MOTION TO AUTHORIZE COMMITTEE TO STUDY
LAW OF MARRIAGE—DEBATE ADJOURNED**

Hon. Anne C. Cools, pursuant to notice of December 3, 2002, moved:

That the Senate Standing Committee on Legal and Constitutional Affairs be authorized to examine and report on the law of marriage in Canada, in particular its historical and constitutional meaning as a voluntary union between a man and a woman, and the history and application of the law of marriage, and the *Constitution Act, 1982 Charter of Rights*, and the current constitutional challenges to the law of marriage in the courts of British Columbia, Ontario, and Quebec, and the Minister of Justice's November 2002 discussion paper on marriage, and the current demands for different forms of marriage, and the public interest in the law of marriage; and

That the Committee submit its report no later than June 30, 2003.

She said: Honourable senators, I move adjournment of the debate.

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

An Hon. Senator: On division.

Motion agreed to, on division.

[Translation]

SCRUTINY OF REGULATIONS**NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
PERMIT ELECTRONIC COVERAGE WITHDRAWN**

On Motion No. 99:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings on Thursday, February 20, 2003, with the least possible disruption of its hearings.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I consulted Senator Hervieux-Payette about this motion and she clearly indicated to me that she has no intention of moving it, for the simple reason that this motion no longer has any reason to be on the Order Paper and could be withdrawn from it.

Motion withdrawn.

[English]

HUMAN RIGHTS**COMMITTEE AUTHORIZED TO HEAR PROFESSOR
NICOLE LAVIOLETTE**

Hon. Shirley Maheu, pursuant to notice of March 19, 2003, moved:

That the Standing Senate Committee on Human Rights be authorized to invite Professor Nicole Laviolette, from the University of Ottawa, to present her Report on the *Principal international human rights instruments to which Canada has not yet acceded*.

She said: Honourable senators, I would like to clarify the wording of this motion. I am seeking power and not an order of reference. This report was prepared by the Human Rights Committee in the last session. I am simply asking that the person who prepared the report be allowed to present it to the committee in order that we may present it to the house.

• (1650)

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

Motion agreed to.

[Translation]

ADJOURNMENT

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

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 Tuesday, March 25, 2003, at 2 p.m.

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

Motion agreed to.

The Senate adjourned until Tuesday, March 25, 2003, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(2nd Session, 37th Parliament)
Thursday, March 20, 2003

GOVERNMENT BILLS
(SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to implement an agreement, conventions and protocols concluded between Canada and Kuwait, Mongolia, the United Arab Emirates, Moldova, Norway, Belgium and Italy for the avoidance of double taxation and the prevention of fiscal evasion and to amend the enacted text of three tax treaties.	02/10/02	02/10/23	Banking, Trade and Commerce	02/10/24	0	02/10/30	02/12/12	24/02
S-13	An Act to amend the Statistics Act	03/02/05	03/02/11	Social Affairs, Science and Technology					

GOVERNMENT BILLS
(HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon	03/03/19							
C-3	An Act to amend the Canada Pension Plan and the Canada Pension Plan Investment Board Act	03/02/26							
C-4	An Act to amend the Nuclear Safety and Control Act	02/12/10	02/12/12	Energy, the Environment and Natural Resources	03/02/06	0	03/02/12	03/02/13	1/03
C-5	An Act respecting the protection of wildlife species at risk in Canada	02/10/10	02/10/22	Energy, the Environment and Natural Resources	02/12/04	0	02/12/12	02/12/12	29/02
C-6	An Act to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts	03/03/19							
C-8	An Act to protect human health and safety and the environment by regulating products used for the control of pests	02/10/10	02/10/23	Social Affairs, Science and Technology	02/12/10	0	02/12/12	02/12/12	28/02
C-10	An Act to amend the Criminal Code (cruelty to animals and firearms) and the Firearms Act	02/10/10	02/11/20	Legal and Constitutional Affairs	02/11/28	divided			
C-10A	An Act to amend the Criminal Code (firearms) and the Firearms Act	–	–	Legal and Constitutional Affairs	02/11/28	0	02/12/03		

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-10B	An Act to amend the Criminal Code (cruelty to animals)	–	–	Legal and Constitutional Affairs					
C-11	An Act to amend the Copyright Act	02/10/10	02/10/30	Social Affairs, Science and Technology	02/12/05	0	02/12/09	02/12/12	26/02
C-12	An Act to promote physical activity and sport	02/10/10	02/10/23	Social Affairs, Science and Technology	02/11/21	0 + 1 at 3 rd 02/12/04 2 at 3 rd 03/02/04	03/02/04	03/03/19	2/03
C-14	An Act providing for controls on the export, import or transit across Canada of rough diamonds and for a certification scheme for their export in order to meet Canada's obligations under the Kimberley Process	02/11/19	02/11/26	Energy, the Environment and Natural Resources	02/12/04	0	02/12/05	02/12/12	25/02
C-15	An Act to amend the Lobbyists Registration Act	03/03/19							
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2003	02/12/05	02/12/10	–	–	–	02/12/11	02/12/12	27/02

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-227	An Act respecting a national day of remembrance of the Battle of Vimy Ridge	03/02/25							
C-300	An Act to change the names of certain electoral districts	02/11/19							

SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-3	An Act to amend the National Anthem Act to include all Canadians (Sen. Poy)	02/10/02							
S-4	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	02/10/02							
S-5	An Act respecting a National Acadian Day (Sen. Comeau)	02/10/02	02/10/08	Legal and Constitutional Affairs					
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 (Sen. Kinsella)	02/10/03							
S-7	An Act to protect heritage lighthouses (Sen. Forrestall)	02/10/08	03/02/25	Social Affairs, Science and Technology					

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