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OFFICIAL REPORT  
(HANSARD)

**Thursday, May 4, 2006**



THE HONOURABLE NOËL A. KINSELLA  
SPEAKER

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## THE SENATE

Thursday, May 4, 2006

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

• (1340)

Prayers.

Today, May 4, commemorates the last day of that occupation. This is a solemn day of remembrance when the Dutch people eat very little and remember their fallen comrades and the allies who died. Tomorrow they will celebrate again the first day of freedom. They have not forgotten; we should not forget.

### SENATORS' STATEMENTS

[Translation]

#### WORLD WAR II

#### THE HONOURABLE JEAN-ROBERT GAUTHIER

##### LIBERATION OF THE NETHERLANDS

##### CONGRATULATIONS ON HONORIFIC OF SCHOOL NAMING

**Hon. Joseph A. Day:** Honourable senators, who among us has not noticed the wonderful blossoming tulips that mark spring here in the National Capital Region? However, the flowering tulips mark much more and symbolize much more than the beginning of spring.

**Hon. Andrée Champagne:** Honourable senators, the Francophonie is doing as well as it is in 21st century Canada because of the hard work and determination of a few of our champions who have toiled selflessly outside the traditional bastion of Quebec.

Many of us learn at an early age the story of Crown Princess Juliana who was required to leave her home in the Netherlands to stay in Canada during wartime. In January 19, 1943, in a room at the Ottawa Civic Hospital, which was specifically decreed by this Parliament to be Dutch territory, the princess gave birth to her third daughter, Margriet.

They are hard at work in their various corners of our great country, from Acadia to British Columbia, giving francophone groups more visibility, increasing their numbers and ensuring that their activities increase in both quantity and quality.

In the fall of 1945, Princess Juliana presented the City of Ottawa with 100,000 tulip bulbs in appreciation of the safe haven which Holland's exiled Royal Family received during the Second World War. The Dutch Royal Family has continued that tradition by giving to the City of Ottawa 10,000 tulip bulbs, annually.

Here in the National Capital Region and in all of eastern Ontario, when the word "Francophonie" is uttered, the name of Senator Jean-Robert Gauthier comes to mind.

These gifts and the wonderful tulips that blossom from those bulbs represent much more again than a thank you for providing a safe haven. The tulips are also a recognition of the sacrifice made by so many Canadian soldiers and airmen, in helping to liberate the Netherlands from Nazi occupation. More than 200,000 Canadians fought in the campaign to end the Second World War, and the occupation of the Netherlands, and the freedom of the Netherlands was considered one of the critical points leading to the end of the war in Europe on May 8, 1945.

I came to know our former colleague in the green chamber. For years we teamed up at what was then called the Assemblée internationale des parlementaires de langue française. I must admit I was somewhat disappointed when I arrived here and realized that he had already been forced to retire.

I know it must sound like I am talking about him as though he were no longer with us, but, rest assured, he is very much still alive. That is why I am thrilled he is being paid tribute while he is still around.

The Dutch people cheered our soldiers as one town after another was freed. The victory was not achieved without a price. Approximately 7,600 Canadians gave their lives so that the people of the Netherlands could live in freedom again. Many of those fallen soldiers have been laid to rest in Groesbeek cemetery in the southeastern part of the Netherlands, near Nijmegen. Any of my colleagues who have seen *A Bridge Too Far* have seen one part of that terrible battle that took place to free the Netherlands.

I can imagine him smiling last week when the Conseil des écoles catholiques du Centre-Est de l'Ontario announced that a new school would bear the name of Senator Jean-Robert Gauthier.

This French-language school will receive some 400 students in 17 classrooms in an area of town where the francophone population is distinctly in the minority, in Barrhaven.

My dear Jean-Robert, we are all very pleased with the honour being bestowed on you. You deserve it. For a long time to come your name will be synonymous with the Francophonie and its survival.

[English]

## PARLIAMENT

### FLYING OF PEACE TOWER FLAG AT HALF MAST IN HONOUR OF SOLDIERS WHO DIE IN WAR

**Hon. Jane Cordy:** Honourable senators, I wish to speak this afternoon on what I believe is a very serious issue. This government's decision to not allow the nation's flag to fly at half mast atop the Peace Tower to honour Canadian soldiers killed in action is misguided. It is clearly contrary to the wishes of those who own the Peace Tower, the Canadian people.

I would like to quote from an April 27 editorial in Nova Scotia's largest newspaper, *The Halifax Chronicle-Herald*:

People are angry that the government appears to be putting propaganda considerations — de-emphasizing casualties in Afghanistan — above its duty to honour fallen soldiers. They don't buy the standard that it's appropriate to routinely half-mast the Peace Tower flag to mourn public officials or disaster victims, but not ordinary Canadians who die for their country.

Most of all, they don't want the government taking away their right to honour our fallen at the Peace Tower.

I do not believe that honouring our fallen soldiers by flying the flag at half-mast will diminish the importance of the Remembrance Day ceremonies. This is the message that I have received from Nova Scotians who have emailed me and spoken to me.

To again quote from the *Halifax Chronicle-Herald* article:

Defence Minister Gordon O'Connor has argued that creating a new tradition of flag lowering at the Peace Tower is disrespectful of those who died in the past conflicts without this honour. But societies, and the ways they express their collective feelings, change and this is no reflection on the past. Paying respects to soldiers as individuals when they are killed in no way detracts from the honours we pay on Remembrance Day to all those who have fallen for Canada.

Rather, every flag lowered for individuals who are killed in our own time is a sacred link in our collective memory with all those who have given their lives for our country. Every Canadian whose family has ever lost a loved one in military action will make that connection when the flag flies respectfully at half mast from the Peace Tower.

My father served in the Canadian Forces in World War II. My brother has served in Afghanistan and is expecting to return there later this spring. As I have stated before in this chamber, those who serve and have served in our military are exceptional men and women who deserve our respect. No one deserves our respect more than those who have given their lives for our country.

Honourable senators, I do not understand why this Conservative government is willing to deny our nation the right to collectively honour those who have given their lives by flying the flag at half-mast on the Peace Tower, a Peace Tower which belongs to all Canadians.

### MR. GORDON L. BARNHART

#### CONGRATULATIONS ON APPOINTMENT AS LIEUTENANT-GOVERNOR OF SASKATCHEWAN

**Hon. David Tkachuk:** Honourable senators, on April 28, Prime Minister Stephen Harper appointed Dr. Gordon Barnhart as Saskatchewan's newest Lieutenant-Governor, and in doing so he said:

Dr. Barnhart is an accomplished academic with a laudable record of public service. He has loyally served his province and his country in a number of roles over the years.

As clerk of Saskatchewan's provincial legislature for 20 years, this native of Saltcoats helped coordinate parliamentary activities, such as Royal Assent to bills and the opening of new legislative sessions. From 1989 to 1994, he served here as Clerk of the Senate and the Clerk of the Parliaments, during which time I had the personal pleasure of having him preside over my official appointment to the Senate as well as the portraits at my swearing-in ceremony in 1993.

Prior to his appointment as Lieutenant-Governor, Dr. Barnhart served as Professional Affiliate with the Department of Political Studies at the University of Saskatchewan, the same university from which he earned his B.A. and Ph.D. He was an associate director between 1997 and 2000 and university secretary from 2000 until present. The University of Saskatchewan is a world-class university and of course is the landlord for the John Diefenbaker archives.

Dr. Barnhart has authored several books and articles on topics ranging from Saskatchewan history to democratic governance, including, most recently, a book entitled *Saskatchewan Premiers of the Twentieth Century*. He has also worked with government agencies overseas on projects to strengthen democratic practices in Vietnam, Russia and South Africa.

Dr. Barnhart's appointment is the latest in a lifetime of earned special honours reflecting his outstanding achievements for public service, honours which have included the Queen's Golden Jubilee Medal, the commemorative medal for Canada's one hundred and twenty-fifth anniversary, and the 1984 Citizen of the Year Award by the Parks and Recreation Department of the City of Regina for community volunteer work.

Dr. Barnhart and his wife, Naomi, have three children and three grandchildren.

Honourable senators, knowing Dr. Barnhart's commitment to public service in my home province, I also know that he is an honourable choice for the role of Saskatchewan's Lieutenant-Governor. Please join me in congratulating him.

[Translation]

## UNIFEM CANADA

### CONGRATULATIONS TO CAROLYN MCASKIE ON RECEIVING SEVENTH ANNUAL AWARD

**Hon. Mobina S. B. Jaffer:** Honourable senators, last week, on April 26, I had the honour of presiding over the seventh Annual UNIFEM Canada award gala ceremony and dinner. I was very pleased with the success of the evening, which was attended by a great many people who came to support the efforts of UNIFEM in promoting the equality of women throughout the world.

It was also a great pleasure to pay tribute to the recipient of the annual UNIFEM Canada award, Carolyn McAskie.

Under-Secretary-General of the United Nations and Special Representative of the Secretary General in Burundi, Ms. McAskie has been promoting women's issues internationally for quite some time. While employed by the Canadian government, Ms. McAskie worked in the Commonwealth Secretariat, was Canadian High Commissioner to Sri Lanka, and was CIDA Vice-president for Africa. She led the charge to have women's issues taken seriously, established the Women in Development Division in the Commonwealth Secretariat, and was one of the senior Canadian negotiators at the 1985 Women's Conference in Nairobi.

Since joining the United Nations, Ms. McAskie has worked relentlessly to give women a voice and to promote their access to all levels.

She broadens horizons for women. She gives them the opportunity to be heard and to gain precious experience, which they in turn can use to help others. UNIFEM chose to pay tribute to Ms. McAskie especially for her work in advancing gender equality in three areas: the international scene, the economic arena, and the promotion of peace and security.

Ms. McAskie talked about experiences she had during her career in which she worked to further empower women and increase gender equality and fought against the inequalities that continue to exist between men and women and the fact that women are inevitably on the losing side.

She also spoke about the challenges of involving women in the peace process in Burundi. Progress has been made. The new Constitution of Burundi reserves 30 per cent of the seats in the legislative assembly for women. As part of the UN mission, Ms. McAskie made various innovations such as creating a team to actively promote gender equality and creating an ethics officer position with responsibility for preventing sexual exploitation. When she left Burundi, no cases of sexual exploitation by peacekeepers had been reported.

I would also like to personally congratulate Sue McGarvie and the board of UNIFEM Canada for the amazing job they have done in the past year to promote women's equality on the

international scene. Their efforts to raise awareness of UNIFEM in Canada and their activities are incredible, and I know that they will continue.

• (1350)

## YOUNG AMBASSADORS CANADA COMPETITION

**Hon. Lucie Pépin:** Honourable senators, last Thursday, we hosted 13 candidates in the Young Ambassadors competition. The aim of the competition is to select one young girl from among the candidates to serve as a model for young people 13 to 18 years of age.

In addition to having good character, talent and success in school, the winner is expected to embody the values of self-fulfillment, self-esteem, perseverance and determination.

The competition is most interesting. While it demands a lot of the participants, they in turn will benefit from meeting people who will have a positive impact on their life. They will also have experiences that will enable them to reveal their extraordinary potential. Their visit to Ottawa is part of this learning program.

I had the pleasure of sharing lunch with these young girls and their chaperone. It was really delightful to see these girls, who come from every ethnic background and are determined to play their role as citizens to the fullest.

I was very impressed by what they had to say. They were also well informed on the issues of current events that interested them. I can tell you that they had very definite positions on such things as street gangs, sentencing of pedophiles and the age of sexual consent.

I am speaking about this today in order to make this fine initiative known and, especially, to pay tribute to the young girls, their parents and the president and founder, Marie-Jeannine Mayard, and their goodwill, which made this great and exciting project possible. I will see them at the grand finale in Saint-Léonard on May 13.

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## ROUTINE PROCEEDINGS

### COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES

#### SECOND REPORT TABLED

**Hon. Gerald J. Comeau (Deputy Leader of the Government):** Honourable senators, I have the honour to table, in both official languages, the second report of the Commission of Inquiry into the Sponsorship Program and Advertising Activities, entitled: *Restoring Accountability—Recommendations*.

• (1355)

[English]

**CANADA ELECTIONS ACT  
INCOME TAX ACT**

BILL TO AMEND—REPORT OF COMMITTEE

**Hon. Lorna Milne**, Deputy Chair of the Standing Senate Committee on Legal and Constitutional Affairs presented the following report:

Thursday, May 4, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

SECOND REPORT

Your Committee, to which was referred Bill C-4, An Act to amend the Canada Elections Act and the Income Tax Act, has, in obedience to the Order of Reference of Wednesday, May 3, 2006, examined the said Bill and now reports the same without amendment.

Respectfully submitted,

LORNA MILNE  
*Deputy Chair*

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

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

[Translation]

APPROPRIATION BILL NO. 1, 2006-07

FIRST READING

**The Hon. the Speaker** informed the Senate that a message had been received from the House of Commons with Bill C-8, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007.

Bill read first time.

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

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

[English]

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO CONTINUE STUDY ON MATTERS  
RELATING TO AFRICA

**Hon. Hugh Segal:** Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters;

That the papers and evidence received and taken during the First Session of the Thirty-eighth Parliament be referred to the committee;

That the Committee shall present its final report no later than October 31, 2006 and that the Committee shall retain all powers necessary to publicize the findings of the Committee as set forth in its final report until November 30, 2006.

[Translation]

NOTICE OF MOTION TO AUTHORIZE COMMITTEE  
TO STUDY ISSUES RELATED TO FOREIGN RELATIONS

**Hon. Hugh Segal:** Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs, in accordance with rule 86(1)(h), be authorized to examine such issues as may arise from time to time relating to Foreign relations generally; and

That the committee report to the Senate no later than March 31, 2008.

• (1400)

[English]

BUDGET 2006

NOTICE OF INQUIRY

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, I give notice that on Tuesday, May 9 2006:

I will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on May 2, 2006.

ISSUES ON FOREIGN TRADE

NOTICE OF INQUIRY

**Hon. Peter A. Stollery:** Honourable senators, pursuant to rule 57(2), I give notice that two days hence:

I will call the attention of the Senate to issues in foreign trade.

### DISTINGUISHED VISITOR IN THE GALLERY

**The Hon. the Speaker:** Honourable senators, I would like to draw to your attention the presence in our gallery of a former colleague, Senator Douglas Roche.

**Hon. Senators:** Hear, hear.

## QUESTION PERIOD

### PUBLIC WORKS AND GOVERNMENT SERVICES

#### CONTACTS AS CAMPAIGN CO-CHAIR OF CONSERVATIVE PARTY OF CANADA

**Hon. James S. Cowan:** Honourable senators, my question is for the Minister of Public Works and Government Services. Now that the government has introduced its accountability act, it has been making much noise about its dedication and commitment to transparency and openness.

According to a newspaper article in the *Ottawa Citizen* on March 6, during the election campaign our new colleague, Senator Fortier, accepted cheques on behalf of the Conservative Party from supporters in Quebec. The article goes on to describe how Senator Angus — who knows a thing or two about fundraising — said that this is normal practice and that Senator Fortier was merely a mailbox.

Honourable senators, the person whom Senator Angus so eloquently described as a mailbox, is now the Minister of Public Works and Government Services for Canada, a department which awards \$13 billion in procurement contracts on an annual basis.

In the interests of openness, transparency and the avoidance of any appearance of conflict of interest, will the minister table in the Senate a list of the persons and companies from whom he either received or solicited contributions during that campaign?

**Hon. Marjory LeBreton (Leader of the Government):** I will take that question. The Minister of Public Works did no such thing.

**Senator Cowan:** I am sorry; I could not hear the government leader's response.

**Senator LeBreton:** My response is that the newspaper article is erroneous. The Minister of Public Works did no such thing.

**Senator Cowan:** He neither received nor solicited contributions. Is that the answer?

**Senator LeBreton:** That is correct.

**Senator Prud'homme:** There are many bagmen on both sides.

#### BUDGET 2006— POSSIBLE ACQUISITION OF ICEBREAKERS

**Hon. Bill Rompkey:** Honourable senators, my question is also for the Minister of Public Works. I want to draw his attention,

and the attention of Senator Prud'homme, to an article in *The Globe and Mail* this morning under the headline "O'Connor denies rift with Hillier delaying military purchases." The article goes on to say:

Speculation about the rift between the two has swirled in defence circles for weeks. It was further fuelled by Tuesday's federal budget, which affirmed \$5.3-billion in new military spending over five years, but did not mention a single imminent equipment purchase.

The article goes on to say:

It does not mention a campaign promise to buy three armed icebreakers for the Arctic Ocean...

I want to draw that to the minister's attention because I was quite pleased to hear Mr. Harper's promise on December 22, 2005. He promised that if elected he would see to the purchase of three armed naval Arctic icebreakers. There was no mention of these icebreakers in the budget. The minister understands that these ships cannot be built overnight. They are part of a multi-year effort. They are very important for the security of the Arctic. Therefore I ask the minister why were these important items not in the budget? I ask him when will the tenders be called, when will the contract be let, and when will Madam Fortier break a champagne bottle over the first bow?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for his question. I, too, saw the article.

Minister O'Connor has characterized as "absolute mischief" any reports that he and the Chief of Defence Staff are at odds. Yesterday, Minister O'Connor said that General Hillier is a fine general and a great Chief of Defence Staff.

**Senator Rompkey:** Honourable senators, with all due respect, the thrust of my question was directed to the Minister of Public Works and Government Services. The thrust of my question was not about the rift, but about icebreakers. That is what my question is about. That is my interest. It is something which falls under the purview of the Minister of Public Works.

I also wish to draw to the attention of the minister a column which appeared today in *The Globe and Mail* by Jack Granatstein, a respected Canadian historian, particularly on military matters, who wrote:

It's critically important to protect our sovereignty in the Arctic. But how? With the icebreakers promised during the election? Or with a few more Canadian Rangers doing snowmobile patrols? We don't know.

This is a matter which falls under the purview of the Minister of Public Works. He will do the specs, call for tenders and award the contracts. Those matters lie purely within his department, and the question is directed to him.

Why was this item not in the budget? What is the intention of the government? Will the promise to acquire these icebreakers be kept or not?

**Senator LeBreton:** Honourable senators, this is a Defence question and a Finance question. The Minister of Public Works will only get involved with this issue when the decision has been made by National Defence. Obviously, he cannot respond to matters because —

**Senator Rompkey:** It is his responsibility.

**Senator LeBreton:** No. It will be handed to his department when a decision is made by National Defence.

The increased funding provided in Budget 2006 means that the Canadian Forces can now proceed with their plan to acquire new equipment for the Canadian Forces. Budget 2006 will increase the DND budget by \$5.3 billion over the next five years. This will allow the Canadian Forces to acquire the equipment needed to support a multi-role combat-capable maritime, land and air force contingency, among other things.

## NATIONAL DEFENCE

### BUDGET 2006—ACQUISITION OF CAPITAL EQUIPMENT

**Hon. Bill Rompkey:** Honourable senators, if the Leader of the Government in the Senate insists on answering questions, perhaps she can answer this question: How will the government provide tactical aircraft, long-haul aircraft and three Arctic icebreakers at a cost of \$2 billion each out of \$5.3 billion? Can the minister explain that to me?

**Hon. Marjory LeBreton (Leader of the Government):** First, honourable senators, that is a question that I will hand over to the Minister of National Defence. However, I hasten to add that this was our first budget. I dare say that after being here for less than 100 days this government has accomplished much more than three or four budgets of the previous Liberal administration.

**Some Hon. Senators:** Hear, hear!

## FISHERIES AND OCEANS

### ARCTIC SOVEREIGNTY

**Hon. Willie Adams:** Honourable senators, I wish to continue with the subject matter of the question asked by Senator Rompkey. I remember that around November and December of last year, when Mr. Harper was campaigning in Winnipeg, I was watching television at the time and he was talking about Arctic sovereignty. He promised that, if elected, he would build two icebreakers to protect our sovereignty in the Arctic. As well, he promised that his government would build a deep-water port in Iqaluit.

This area is patrolled by Rangers, mostly from Nunavut. This year, they covered over 1,300 kilometres in their snowmobiles to protect Arctic sovereignty, in particular Hans Island, which Denmark wants to claim as their own. As a result, we now want to protect our sovereignty. The people living in Nunavut are wondering what will happen in the future. As a result of climate change, some business people are speculating that within 10 to 20 years ships will be plying those Arctic waters. The people of

the area are concerned about having big icebreakers come through the area and how they will be able to continue hunting while the ice is being broken up.

We should find out what Mr. Harper meant when he promised that his government would protect Arctic sovereignty.

Just a couple of weeks ago, former Justice Tom Berger issued a report concerning the Inuit language education system. We now want to teach more Inuit language courses. This matter, along with Arctic sovereignty, is a matter that we should be looking into.

• (1410)

**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Adams for his question. I certainly do remember the event. I was there myself. It was our last campaign event before the Christmas break. It was in Winnipeg and we had maps of Canada's North.

There is no question that the whole issue of Arctic sovereignty is very important to the Prime Minister and to our government. As I said in response to an earlier question, this budget was our first, and we intend to be around for some time.

Conservatives have a history with the issue of Arctic sovereignty. I have been around long enough to remember Mr. Diefenbaker's Roads to Resources program for opening up the North. If I remember correctly, Mr. Pearson, then Leader of the Opposition, derided the program, calling it Roads from Igloo to Igloo, which I thought then, and think now, was a facetious statement.

There is no question that the government will take the issue of Canadian sovereignty in our North very seriously, unlike the past government, under which ships entered our North even without our knowledge. Our relationship with our neighbour to the south was so bad that they did not find it necessary to let us know of their presence there.

I assure Senator Adams that Arctic sovereignty is a key component of our commitment to Canadians.

## THE ENVIRONMENT

### KYOTO COMMITMENTS

**Hon. Daniel Hays (Leader of the Opposition):** Honourable senators, I have a question for the Leader of the Government in the Senate on the environment, to clarify the government's position on it.

The Environment Canada website has for some time contained the opening sentence:

The Kyoto commitment for Canada is one of the greatest and most ambitious in the world. The Government of Canada presents to all Canadians *Moving Forward on Climate Change: A Plan for Honouring our Kyoto Commitment*.

Can the minister confirm that is the policy of the new Government of Canada?



**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Hays for that question. Unlike the previous Liberal government, which talked a lot about environmental issues while greenhouse gas emissions rose 30 per cent above targets, our government is committed to concrete actions that will deliver real results here in Canada. We will provide Canadians with a made-in-Canada plan, which will mean that taxpayers' dollars spent on this endeavour will stay in Canada. As our new Minister of the Environment, Rona Ambrose, has said, this plan will invest in Canadian solutions, Canadian technology and Canadian communities.

I will take the specific question about the website as notice. There are many things on government websites. We have been in power for less than 100 days. Rome was not built in a day.

**Senator Hays:** Honourable senators, I will quote once again from the website to highlight the difficulty Canadians are having with the position of the Government of Canada vis-à-vis the honouring of Kyoto commitments.

The website goes on to say:

Climate change is a global challenge, and the Kyoto Protocol is the only global mechanism with targets to reduce greenhouse gas (GHG) emissions. Canada is a strong supporter of the Kyoto Protocol.

The operative words are "global mechanism."

My honourable friend has repeated the language of the Minister of the Environment to the effect that Canadian tax dollars will stay in Canada to be spent on our environment right here at home. This is a laudable thing to do, but it is totally inconsistent with Canada's commitment under the Kyoto Protocol.

The Kyoto Protocol includes this framework: a clean development mechanism, which is a way of earning credits in an economic instrument by investing in emissions reduction projects in developing countries; joint implementation, which is a way for Canada to earn credits by investing in emissions reduction projects in developed countries working toward meeting the Kyoto target; and finally, trading, wherein the mechanism calls for international trading in these credits.

How can Canada say it is committed to the Kyoto Protocol? It may be a matter of simply changing the website, but it is also a matter of great interest to Canadians if the answer is that we no longer respect what is at the heart of the Kyoto Protocol; namely, the mechanisms I have just set out.

How can this be done with the so-called made-in-Canada approach, where virtually all three main structures of this multinational agreement we have entered into would not fit into the discipline of not spending Canadian tax dollars on anything outside of Canada?

**Senator LeBreton:** Honourable senators, the way to answer this question properly is that we are committed to support climate change measures. The Kyoto agreements have not worked. Who do we turn to for proof? We turn to the previous Liberal

government. The Liberals were lecturing other countries in the world on emissions as Canada's own emissions rose over 30 per cent.

The honourable senator stated that this issue is of global concern, and certainly it is, but surely our government is within its right to investigate and pursue viable changes in the area of climate change. He speaks of global concerns, but how are we to meet our objectives when the biggest polluters in the world — India, China and our neighbour to the south — are not participants in the Kyoto Protocol?

**Senator Hays:** My point is that the Government of Canada intends to withdraw from the Kyoto Protocol, which will be controversial and Parliament could have a role to play. However, if that is the government's position, then it should be more straightforward than indicated on the website of Environment Canada and by the rhetoric of the government.

Clearly, this is an important issue for Canadians. In a *Globe Scan* poll published in late April, 9 out of 10 Canadians stated that climate change is a serious problem. The United States is leading a new multilateral effort, which I understand will be discussed with Prime Minister Howard of Australia when he comes here in the near future. The AP6 group, as it is called, includes signatories to Kyoto such as China, which does not have a target for reducing emissions for the good reason that, as a developing country, that target is left primarily to 2012, in the first phase, to developed countries.

Is the rhetoric I hear from the government leader and I read consistent with a desire to take Canada in a new direction, by joining the AP6, as opposed to a continuation of efforts to address the problem in the multinational framework of Kyoto?

My friend's comments about failures and about not meeting targets aside, the new government of the day has an obligation. It knows that 9 out of 10 Canadians care about this issue. If it is intent on changing horses, then it should, at the very least, indicate its plans in detail. Will it abandon or rescind our commitment to Kyoto and join the AP6? As early as this government is in its mandate, I think the time has come for us to know the answer to that question.

• (1420)

**Senator LeBreton:** I thank the honourable senator for his very legitimate question. Certainly, everyone realizes that climate change is a huge issue. In respect of the government's plans on climate change, I would say "stay tuned" because those plans will be forthcoming.

## COMMISSION OF INQUIRY INTO AIR INDIA FLIGHT 182

### REMUNERATION RATE FOR COMMISSIONER

**Hon. Norman K. Atkins:** Honourable senators, my question is for the Leader of the Government in the Senate. I commend the government for the appointment of former Justice John C. Major to head up the commission of inquiry on the bombing of Air India Flight 182. If *The Globe and Mail* reporting is correct, then I have a problem with his hourly rate for services of \$400-\$600. Would it

not have made more sense for the government to negotiate a per diem rate? This inquiry might continue for months or even a year? For a potentially lengthy inquiry, I find the rate excessive.

**Hon. Marjory LeBreton (Leader of the Government):** I thank Senator Atkins for his question. I was pleased when the Prime Minister announced the commission of inquiry into Air India Flight 182. Certainly, those who were directly affected are appreciative and supportive of the announcement.

With regard to Mr. Justice Major, no one in this place would question his qualifications. He will work part time on the commission of inquiry, which is expected to be highly focussed and to last no more than one year. The hourly rate is appropriate for a jurist of his high standing. While the rate might seem high to Canadians, it is less than what a lawyer of comparable experience would charge in the private sector. One need only look at the costs involved in the residential schools issue for a comparison.

Mr. Justice Major, as the chief commissioner of the inquiry, is eminently qualified and has tremendous experience not only on the Supreme Court but also as a lawyer on previous commissions of inquiry. Judging from the response by the people in the community that were the most severely affected by the Air India bombing, including all Canadians, we could not have made a better choice than Mr. Justice Major. He is worth every cent that he will be paid.

#### PRIME MINISTER

##### NEW BRUNSWICK—ELECTION PROMISE TO CLEAN UP SAINT JOHN HARBOUR

**Hon. Joseph A. Day:** My question is for the Minister of Public Works and Government Services. Saint John, New Brunswick, is a beautiful city at the mouth of the Saint John River. It was discovered in 1604 by Samuel Champlain four years before he went to Quebec. Saint John was well known for its shipbuilding industry, but that is behind us now. It once had a wonderful winter port, but when the federal government opened the St. Lawrence River, the port was closed.

Today, the harbour in Saint John is important for the tourist trade. During the recent election campaign, the now Prime Minister Harper was in Saint John where he promised to match the promise of former Prime Minister Martin and his government to help with harbour clean-up in the amount of \$44 million. The people of Saint John were saddened by Budget 2006, in which there is no mention of funds for harbour cleanup. There is no mention of the harbour area in the Canada Infrastructure Fund for the coming year. There is no replenishment of that fund. The people of Saint John need reassurance that this government will meet the commitment that the Prime Minister gave during the election campaign.

**Hon. Marjory LeBreton (Leader of the Government):** I will take the question of Senator Day as notice. The Prime Minister did go to Saint John after the election and met with the mayor. He took the first steps on the Saint John harbour cleanup, but the

honourable senator will forgive me if I point out that the shipbuilding industry in Saint John flourished mightily under the former Conservative government.

**Senator Day:** The honourable senator is quite right, the Prime Minister was in town with the mayor of the City of Saint John and the premier. In fact, Prime Minister Harper was with the premier last weekend too, so the Prime Minister has been in New Brunswick on a regular basis. We appreciate that.

Prior to the election, Prime Minister Harper promised \$44 million for the cleanup of the Port of Saint John, however when he came back to Saint John after the election he made an announcement for \$2.83 million. It will cost \$88 million to clean up the port. The funds promised came out of the Municipal Rural Infrastructure Fund which is intended for hockey rinks and community centres; it was never intended for an \$88 million clean-up project. That is where they took the money. There will not be money for all those small municipalities that were looking forward to having their rinks and community centres fixed up.

When can we expect more funds for the Infrastructure Canada Program so that the Prime Minister will have somewhere to go to meet his promise?

**Senator LeBreton:** Honourable senators, I will take that question as notice as well. The honourable senator is quite right when he says that the Prime Minister has a special appreciation for New Brunswick because he has ancestors from that region.

#### NATIONAL DEFENCE

##### LOCATION OF PROPOSED NEW RECRUITS

**Hon. Roméo Antonius Dallaire:** Honourable senators, the budget spoke of capital acquisition for defence and indicated that with each project there would be specific funding brought online for these projects. It is interesting to note that in the 1987 white paper and the subsequent budget, at that time the Conservative government said that it would bring in capital equipment projects to modernize the military and it would be done through specific funding called BUMPS. There were no bumps in the road, there were just holes because that whole white paper was destroyed by the same government within two years and never funded.

My specific question is in regard to the budget and the indication, both in statements and the budget, that it is the intention of the government to increase the size of the forces by 13,000 regulars and 10,000 reservists. Approximately two years ago before the Standing Senate Committee on National Security and Defence I proposed an additional 11,000 regulars and 8,000 reservists to alleviate the enormous stress and demands on the forces and to give them more depth.

My question is for the Minister of Defence and perhaps the Minister for ACOA: Where will you put the troops? As we have built a megabase in Edmonton for the prairies, a megabase in Petawawa for Ontario and a megabase in Valcartier for Quebec; is it the intention to create a brigade group and megabase in Gagetown?

**Hon. Marjory LeBreton (Leader of the Government):** I thank the honourable senator for that question. As the honourable senator will know, being a military person and having listened to people in our government speaking to the issue of defence, expanding the Canadian Forces is a clear priority of this government. We have committed the resources necessary to achieve this in Budget 2006, which will increase the DND budget by \$5.3 billion over the next five years.

The increased funding will allow the Canadian Forces to move ahead with adding 13,000 new regular force and 10,000 new reserve members. In response to the exact question of where those members will be located, I will take that question as notice and attempt to get that information for the honourable senator from the Minister of National Defence.

**Senator Dallaire:** With respect to the enthusiasm that seems to be articulated by the government for restructuring, rebuilding and bringing forth the capabilities of the Canadian Forces and the budget promises over five years of \$5.3 billion, we have heard this story before. We also saw that the budgeting in the near years was very slight in proportion.

• (1430)

This budget also demonstrates proportionally very few dollars in comparison to the full requirement in the near years as the promissory note of funding is in the outer years. Is the \$5.3 billion budget allocation and the current two-year program of slightly more than \$1 billion above the amounts that were already promised in the process by the previous government, or is this a completely new exercise in regard to the baseline funding for National Defence?

**Senator LeBreton:** I thank Senator Dallaire for his question. I do not think anyone in this place would want to debate the commitments that were made to the Canadian Armed Forces and not kept.

My understanding is that the DND budget will be increased by \$5.3 billion over the next five years.

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## ORDERS OF THE DAY

### HAZARDOUS MATERIALS INFORMATION REVIEW ACT

#### BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Cochrane seconded by the Honourable Senator Keon, for the second reading of Bill S-2, to amend the Hazardous Materials Information Review Act.

**Hon. James S. Cowan:** Honourable senators, Bill S-2 is identical to Bill S-40, which I introduced during the last session of the last Parliament. I spoke in the Senate on June 14 on second reading of that bill. In the last session, after second reading the bill was referred to the Standing Senate Committee on Social Affairs, Science and Technology, which reported the bill without amendment. The bill received third reading here on October 20, and was sent to the other place where it died on the Order Paper after first reading.

Senator Cochrane, in her speech yesterday, described the implications of the bill and I will not review those implications again today. However, the bill seeks to change the process by which the manufacturers of hazardous materials can become exempt from providing full disclosure of the nature of their products, if that disclosure would force the revealing of trade secrets. The heart of this process is the Hazardous Materials Information Review Commission, the body that grants the exemptions to full disclosure. The amendments to the act have been requested by the commission, which has been restructuring over the past three years to allow it to perform its work more effectively.

All stakeholders, including industry and labour groups, support the changes to the operation of the commission. More specifically, the amendments will reduce the documentation required to apply for an exemption, will speed up the process for getting health and safety information into the hands of workers who use the products, and will allow the commission to respond to requests by appeal boards for clarification of the record, something that is not allowed currently.

As this bill is the same as the one I introduced in the Senate last year, and is supported by all stakeholder groups, I am pleased to support it today.

**The Hon. the Speaker:** Please remove that electronic device from the chamber. Senator Cowan, please continue.

**Senator Cowan:** I am through.

**The Hon. the Speaker:** Further debate?

Are honourable senators ready for the question?

**Hon. Senators:** Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Cochrane, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

[Translation]

### SPEECH FROM THE THRONE

#### MOTION FOR ADDRESS IN REPLY— DEBATE CONTINUED

On the order:

Resuming debate on the motion of the Honourable Senator Champagne, P.C., seconded by the Honourable Senator Segal, for an Address to Her Excellency the Governor General in reply to her Speech from the Throne at the Opening of the First Session of the Thirty-ninth Parliament.—(7th day of resuming debate)

**Hon. Francis Fox:** Honourable senators, since this is my first speech in this noble chamber, I do not intend to be overly partisan at this time.

[English]

Honourable senators, since being called to the Senate, I have seen firsthand, and have been very much impressed with, the dedication and hard work that members of the Senate bring to the work that is brought before them. Essentially, their dedication is to improving legislation as opposed to bringing a purely partisan point of view to bear.

While there will be, from time to time, lines of division based on fundamental differences of policy, I sincerely hope that the debates will always be marked by both civility and rationality, which is certainly the approach that I intend to take.

• (1440)

I would like to refer to the remarks made by Senator Murray yesterday. I listened to them in French, so I will repeat them in French. He said that as far as this chamber is concerned ...

[Translation]

...the more we resemble the House of Commons, the lower our credibility with the public.

I must say I agree with this statement. I intend to support the motion of Senator Segal on the broadcasting of Question Period in the Senate. Nevertheless, I must say I am deeply concerned, based on my experience in the other place: as soon as television cameras are allowed into the chamber, the spirit of non-partisanship tends to subside. It is very difficult to be against broadcasting Question Period — and in principle I am for it — but I would like us to consider ways to ensure that this will not make our chamber look more like a zoo than a house of parliament.

[English]

I would like, first, Your Honour, to congratulate you on your appointment by the Prime Minister. Your whole career, a career dedicated to the public weal in this country, indicates that you bring to this position both the experience and wisdom which is so necessary. I wish you well in fulfilling this key position in our parliamentary life.

[Translation]

I also want to congratulate Senator LeBreton, Leader of the Government in the Senate. In a former life, Senator LeBreton served with great distinction a prime minister — you see, I am not being overly partisan — for whom I personally have a great deal of fondness and admiration and who has already earned a place of honour in the annals of the history of this great country.

I want Senator Michael Fortier to know what a pleasure it is to have in this government's cabinet a man of such calibre to serve both as Minister of Public Works and Government Services and as minister responsible for Montreal.

As founding president of Montreal International, and as co-president, with Lucien Bouchard — another individual well-known to this chamber — of the Société du Havre de Montréal for a few days longer, I know he will fulfill the need of that city to have a strong voice within the federal government. As a Montrealer and as a senator representing a part of that great metropolis, I want him to know that, if necessary, he will always have allies on this side to promote the economic, social and cultural development of Montreal.

I would like to say how very happy I am to be back with my comrades in arms on this side of the chamber. First, I would like to extend warm thanks to Senator Pépin, who was my sponsor.

In addition, I am joining Senator Lise Bacon, former deputy premier of Quebec in Mr. Bourassa's government, and Senator Hervieux-Payette, whom I also worked with for quite some time.

I am also pleased to be back with other people I served with in the House of Commons, including Senator De Bané, Senator Joyal — a stalwart of the Liberal Party of Canada — and, of course, Senator Prud'homme, who has always held a special place in my heart because he was one of the first to convince me that I should join the right party —

**Senator Prud'homme:** The Young Liberals.

**Senator Fox:** — the Young Liberals at the time. He was once young. I should also say that, in addition to Senator Prud'homme, I am delighted to see the crop of new senators who were appointed by Paul Martin. I am thinking of my friend Senator Dawson. For the first time in my life, I can say that Dennis Dawson is my elder, because he was appointed to the Senate before I was. I therefore consider myself younger than him, which gives me enormous pleasure.

I would like to mention other important people in that new crop, including Senators Segal, Dallaire, Goldstein, Cowan, Zimmer, Mitchell, Campbell and Lovelace Nicholas, not to mention eminent people from the ranks of the Conservative Party. I am thinking of Senators McCoy, Champagne, Nancy Ruth and Dyck.

This has been an excellent group of people appointed by Mr. Martin. Obviously, all those who came from the ranks of the Liberal Party were said to be patronage appointments and those on the other side who were not from the Liberal Party were distinguished appointments, and I congratulate them.

Honourable senators, I would like to speak to you today about Paul Martin, whom I worked for as senior secretary for a period of time. In my opinion, Mr. Martin has made an outstanding contribution to public life in Canada. While acknowledging that I am not an impartial observer, any more than some journalists who pass judgment on him, today I would like to describe how objective analysts might sum up the Paul Martin years a decade from now.

In the heat of the moment, we cannot really appreciate the full legacy of a prime minister, whether he is the former prime minister I mentioned when I began, whom Senator LeBreton worked for, or the Right Honourable Paul Martin.

I believe that Mr. Martin bequeathed to Canada a very important economic legacy. It is perhaps the most familiar to us. I will not repeat what Senator Dawson said about all the steps taken and economic progress made under Mr. Martin. But we all know very well that he put this country's finances back on a solid footing. Canada's performance was the best of all G7 countries. Unemployment fell to its lowest since Statistics Canada began keeping track.

In terms of finances, Mr. Martin only had one surprise for the new government. We know that every time there is a change in government, the new government's finance minister says, "We opened the books. It was terrible! The situation is far worse than what we thought." It was found that the situation was much better than had been thought, the surplus even larger. That made it possible for the new government to present the budget it did.

I would also like to speak about his cultural legacy. Under the Martin government, a historic agreement on cultural diversity was signed. The file was handled brilliantly by the Honourable Liza Frulla, Minister of Canadian Heritage, with the admirable assistance and partnership of the Honourable Line Beauchamp, Quebec Minister of Culture and Communications. One hundred and forty-eight UNESCO member countries rallied behind this truly Canadian initiative, and we were the first country to ratify the convention.

It will be noted with great pleasure that the budget of the Canada Council for the Arts was to double over a three-year period, on the occasion of its fiftieth anniversary. I hope that the new government will keep this commitment, given the importance of the arts and culture to our country.

He leaves a legacy, also, in terms of social policy. One of the least recognized and most misconstrued features of the Martin years is his action in this area. The facts show that, in 18 months, Mr. Martin transferred more financial resources to the provinces than any other government in the history of Canada, in a comparable time frame. Take, for example, the health care agreement, the asymmetrical agreement with Quebec, which opened the way for subsequent agreements while fully respecting provincial priorities, and the agreement with the municipalities, which he pioneered by eliminating the GST on products purchased by municipalities and by sharing the fuel tax, thus recognizing the tremendous needs of the municipalities.

Other examples include the parental leave agreement and the national child care program, which is unfortunately now in jeopardy.

He successfully reconciled the Canadian public's objectives with programs sought by the provinces and financed, for the most part, by the federal government. He also broke new ground in the area of equalization, by being the first prime minister to index the level of equalization by a factor equal to the increase in the Liberal government's financial resources, year after year.

He also created a legacy for the Aboriginal peoples. I am well aware that Aboriginal matters are very topical at this time. It seems that the new government has decided to shelve the Kelowna accord.

• (1450)

Nevertheless, Paul Martin put the problems of the Aboriginal peoples on the national agenda. The agenda for the Aboriginal peoples of this country must remain important.

Internationally, he further improved the enviable reputation Canada had forged for itself on the international stage.

Like the people of Canada, proud and independent, Paul Martin promoted Canadian values in a firm and typically Canadian voice in the world community. One expression of this was our unequivocal commitment to the Kyoto Protocol. Another was by action aimed at building a better world through humanitarian efforts.

We need think only of the initiatives involving the forgiveness of the debt of third world countries, the efforts to fight the AIDS epidemic on the African continent or the efforts by Canadian Forces to maintain peace and rebuild countries such as Haiti or Afghanistan.

Then there is, more specifically, the invitation Paul Martin issued to the world leaders gathered in New York at a meeting of the General Assembly of the United Nations, to adopt the principle of the responsibility to protect. Since then, this principle, which aims to protect populations around the world threatened by war crimes, crimes against humanity, genocide or ethnic cleansing, has been endorsed by many UN countries.

At the dawn of the 20th century, another great Liberal prime minister, Sir Wilfrid Laurier, declared that the 20th century belonged to Canada. If Canada can move confidently into the 21st century, some of the credit undoubtedly goes to Paul Martin.

He foresaw the threats to our economy posed by the emergence of new economic powers such as China, India and Brazil. He understood the importance for Canada of banking on leading-edge sectors, on wealth and development, and on the knowledge economy. Foundations, research chairs, programs to share the risks of developing new innovative products with high tech firms are all crucial files whose strategic importance to our future prosperity Paul Martin understood.

[English]

**The Hon. the Speaker:** Honourable senators, these cellphones and devices must be removed from the chamber.

My apologies, Senator Fox. Please continue. Your time will be extended.

**Senator Fox:** I am just about finished, Your Honour.

[Translation]

**Senator Fox:** Paul Martin was behind and is due the credit for these marked tendencies, which will remain in our public life and leave their mark on Canada and the lives of Canadians for decades to come.

[English]

**Hon. Lorna Milne:** Honourable senators, I am pleased to participate in this debate on the Address in Reply to the Speech from the Throne. I want to take this opportunity to thank Her Excellency the Governor General for her address, congratulate the Honourable Noël Kinsella on his prestigious place in this chamber and welcome our new colleague, the Honourable Michael Fortier. I wish him well in his new role as Minister of Public Works, but I also want to remind him that he has a sworn responsibility to this chamber and his future actions will be a reflection of this institution and of all honourable senators.

In her address, Her Excellency stated that the Government of Canada, “believes in the capacity of Canadians to seize the enormous opportunities before them and build an even stronger Canada, striving for excellence, anchored by enduring values.” Her Excellency then outlined five areas where the new government will attempt to improve the lives of Canadians.

Honourable senators, the area on which I wish to concentrate today concerns the government’s indication that it will address justice issues — differently from what we have been accustomed to in previous years.

If the government chooses to pursue a radically different approach to justice issues in the coming months, then how is that a reflection of Canadians’ enduring values? If our enduring values are the anchor from which Canadians strive for excellence, then why would our approach to some justice issues need to change in such a radical fashion?

For example, during the 2004 election campaign, the Correctional Service of Canada estimated extra prison spending would be somewhere between \$5 billion and \$11.5 billion over the next 10 years, depending on the number and types of facilities needed. The Prime Minister outlined this new approach in a recent conference of the Canadian Police Association. However, Neil Boyd, a Simon Fraser University criminologist, estimates that up to 23 new prisons will have to be built in order to meet the expected influx of offenders created by this radically different approach.

Keep in mind, honourable senators, that the Correctional Service of Canada manages 54 penitentiaries of different security

levels, 17 community correctional centres and 71 parole offices. We built Kingston Penitentiary in 1835 and it has taken us to the present time to build the 54 penitentiaries located throughout our country. The new policy changes will increase that number by almost one third in the near future.

Since the cost of incarcerating a man in Canada is between \$74,000 and \$110,000 per year, and the annual cost of keeping a Canadian woman in jail is approximately \$151,000 per year, this represents an astronomical increase to the cost of operating Canada’s prison system.

Moreover, this increase in prison population will place an incredible logistical strain on the staff of the Correctional Service of Canada. The proposed justice policies will lead to a host of staffing problems associated with increased stress.

According to the Prime Minister, these new policies will include more automatic jail terms, which will restrict house arrest sentences that allow people to serve their time in the community. The new policies will end the policy of early release after serving two thirds of a sentence. Further, the new policies will impose consecutive rather than concurrent sentences for certain serious crimes and remove the faint hope clause designed to protect the lives of prison staff.

One of the reasons for this expected increase in prison population from its current level of 36,000 is the proposed increase in automatic jail terms, or mandatory minimum sentences.

Many Canadians are unaware that we already have mandatory minimum sentences for about 40 offences in Canada, including impaired driving, sexual offences involving children and crimes involving the use of a firearm. Mandatory minimum sentences are generally inconsistent with the fundamental principle that a sentence be proportionate to the gravity of the offence and the degree of responsibility of the offender. They do not allow a judge who has heard all the evidence to make any exception in an appropriate case.

Honourable senators, the United States has had mandatory minimum sentences for drug offences for some time. It is estimated by the Justice Policy Institute that there are 100,000 more non-violent drug offenders in the U.S. than the entire prison population of the European Union, even though the EU has a hundred million more people.

According to Dr. Ernest Drucker, a professor of epidemiology and social medicine at the Albert Einstein College of Medicine in New York, despite the tougher sentences and human toll and enormous cost of incarceration, the drug problem in the United States is only getting worse.

Also, I believe that a mandatory minimum sentence can be in violation of section 12 of the Canadian Charter of Rights and Freedoms, if it is found to be grossly disproportionate given the gravity of the offence or the personal circumstances of the offender.

In 1987, the Supreme Court of Canada concluded that a mandatory minimum sentence of seven years for importing or exporting a narcotic constituted cruel and unusual punishment because it failed to take into account the nature and quantity of the substance, the reason for the offence, or the absence of any previous convictions.

An experienced judge has spent years in a courtroom deliberating countless cases and has heard mountains of evidence. Why not allow the judge to use that experience to judge the circumstances of the offence and the offender and to come to a decision based on all facets of a case, not just the popular whim of the day?

- (1500)

Our job as legislators is to make the law, not to interpret it. We should not be inclined to take these decisions out of the hands of judges in Canada. Evidence of this practice has been collected by the Department of Justice. In 1994, while researching the application of section 85 of the Criminal Code, justice officials discovered that the existence of a mandatory minimum sentence sometimes resulted in charges being stayed or withdrawn, or a plea negotiation for a different charge, because even the prosecutors considered the mandatory minimum sentence to be too harsh. Accordingly, decisions regarding the appropriate punishment are being transferred from the judiciary to the prosecution.

In addition, a 2005 survey of Canadian judges compiled by the Department of Justice found that slightly over half felt that mandatory minimum sentences hindered their ability to impose a just sentence. As a result, to compensate for a mandatory minimum sentence for a particular offence, the judge may impose a less severe offence for other offences a person has committed.

The social impacts of mandatory minimum sentences are even more alarming. In jurisdictions where this practice is in place on a wide scale, such as Australia and the United States, studies have shown consistently that minority groups are the ones targeted by these laws. In Australia, it has been found that Aboriginal and other disempowered groups have been overly affected by mandatory sentencing laws. Even more extreme is the fact that according to two Northern Territory lawyers, over four dozen children between 11 and 17 years of age were sentenced to mandatory sentences of one year in prison in Western Australia during the 1990s.

The same pattern of discrimination holds true in the United States, where a 1998 article in the *National Law Journal* suggests the harshest impact of mandatory minimum sentencing is felt by African-Americans, and particularly by African-American women.

For example, the data indicates that African-American women have eight times the chance of European-American women of being charged, convicted and sentenced under mandatory sentencing laws. This finding led the Director of U.S. Bureau of Prisons, Kathleen Hawk Sawyer to testify before a Congress Appropriations Committee in 2000:

The reality is, some 70-some per cent of our female population are low-level, non-violent offenders. The fact

that they have to come into prison is a question mark for me. I think it has been an unintended consequence of the sentencing guidelines and the mandatory minimums.

Let us be clear: Implementing mandatory minimum sentences will not deter crime, will worsen racial and gender disparities, and will create an explosion in the prison population that will further overcrowd the facilities now in use. In addition, this government will have to authorize huge increases in spending to accommodate the new influx of offenders. It will create a new community of repeat offenders and will shift decision-making authority on sentencing from experienced judges to prosecutors.

Does this sound like a reflection of Canadians' "enduring values" as referred to in the Speech from the Throne? Do you honestly believe that these policies that have been tried and failed in other nations will provide the "hope and opportunity for our youth" that this government strives for in its inaugural Speech from the Throne?

Why on earth, honourable senators, has the Government of Canada not considered this before? It is simply because it is not an effective policy approach. A substantial percentage of these new criminals, who are incarcerated due to these proposed mandatory minimum sentences, will learn the tools of the criminal trade during their time in prison and return to the general public not only as hardened criminals but as a group that is more likely to offend again. The Canadian justice system used to view prison as a last resort. These proposed changes will dramatically alter this philosophy.

Another proposed policy that will have a dramatic effect on the justice system in Canada is the repealing of the "faint hope clause." Again, the Prime Minister most recently announced his government's intentions during a speech on April 3 at a conference of the Canadian Police Association, rather than addressing this issue in the Speech from the Throne that was conveniently scheduled for the next day.

The faint hope clause was established in 1976 by Parliament as a reasoned approach to dealing with those convicted of murder. Once those individuals have served 15 years of their sentence, they can apply to the Chief Justice of the province in which the conviction occurred to have their parole ineligibility period reviewed by a jury consisting of 12 members of the community. The jury considers the following when determining whether there should be a reduction in parole ineligibility: the character of the applicant, his or her conduct while serving the sentence, the nature of the offence, information provided by the victim's family members about how the crime has affected them, and any other matters that the judge considers relevant in the circumstances. The decision of a jury to reduce the ineligibility period must be unanimous. The jury can reduce the parole eligibility period immediately, or at a later date, or deny any reduction.

Honourable senators, I strongly believe that the removal of this provision of the Criminal Code will place the safety of Canadian correctional officers at risk. As I have stated, the decision by a jury whether there should be a reduction of parole ineligibility for these long-term offenders is based partially on how these offenders conduct themselves while serving their sentences. Without the presence of this clause, many offenders will feel

they have little if any incentive to rehabilitate, or even to live peacefully with their fellow inmates. Without the presence of the Faint Hope Clause these offenders will commit violent acts, without remorse, against corrections officers and other offenders.

In conclusion, honourable senators, I cannot emphasize enough how potentially devastating these proposed changes to the Criminal Code will be to Canadians. Keep in mind that in California, with a population roughly the same size as that of Canada, correctional costs have grown by more than 230 per cent in the last 15 years. The state has built 21 new prisons since 1980, and in 2004 had a prison population of 161,000. In 1980, California had a prison population under 25,000. The state government has had a tough-on-crime fervour that dominated state politics since 1980. Now its corrections budget accounts for over \$7 billion of their taxpayers' money annually.

According to the 2006-07 Main Estimates tabled in this chamber last week, this figure is larger than the expected spending for all Canadian government departments except for the Department of Finance, the Department of Human Resources and Skills Development, and the Department of National Defence.

Honourable senators, I ask you, are Canadians ready for these kinds of changes? Can Canadians afford these kinds of changes? I believe they cannot. I hope they will be given the opportunity to engage in an open and honest discussion about what these proposed changes will bring before they become the law in Canada.

**Some Hon. Senators:** Hear, hear!

**Hon. David Tkachuk:** Would the honourable senator take a question?

In the last election the Liberal Party of Canada had a policy, along with the NDP, supporting mandatory minimum sentences. Has there been a change in Liberal Party policy or is this your personal opinion?

**Senator Milne:** This is of course my own personal view. I disagreed with what they said during the election and I still disagree. I believe that mandatory minimum sentences do not work.

On motion of Senator Comeau, debate adjourned.

• (1510)

[Translation]

## CANADA'S COMMITMENT TO DARFUR, SUDAN

### INQUIRY—DEBATE ADJOURNED

**Hon. Roméo Antonius Dallaire** rose pursuant to notice of May 2, 2006,

That he will call the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of that war-torn country.

[ Senator Milne ]

He said: Honourable senators, I would like to apologize to my francophone colleagues for introducing my motion in English. However, this will be one of the last times because, from now on, I will express myself in my mother tongue, Québécois, or, as some call it, 18th-century French.

[English]

Honourable senators, today, I wish to bring to your attention the situation in the Darfur region of Sudan and the essentialness of Canada's direct involvement in stopping this massive humanitarian crisis.

I have entitled my inquiry, "Are all humans human, or are some humans more human than others?" Even with Rwanda still reasonably fresh in our minds, two years ago we did not answer the call to protect millions of Darfurians being "ethnically cleansed," killed and raped by the thousands in their villages and in their homes.

Over one year ago, as the humanitarian situation continued to worsen in Darfur, as more people were killed, injured, raped and displaced, we saw the effects of the tsunami on South East Asia. Our response there was contagious, generous and without reserve. Billions of dollars were given and troops were deployed, as well as hundreds upon hundreds of NGOs.

Who chooses and prioritizes our commitments? How are these decisions made? What criteria are used? Are those who make the decisions held accountable? Samantha Power, a lecturer in public policy at the Kennedy School of Government at Harvard University, and a colleague of mine, said it succinctly in a topical op-ed. She wrote:

There is a moral and political void in the world when it comes to coping with catastrophes in Africa.

The people of Sudan, Africa's largest state, have known little peace in their lifetimes. Tens of thousands have been killed in ethnic cleansing. Rape is rampant as women venture out of secure areas to gather wood and water, while men are killed by uniformed soldiers and militia. Three concurrent theatres of conflict have ravaged, and are ravaging still, this country of Africa.

The first theatre of conflict is a civil war that destroyed the south for 21 years. An entire generation knew only refugee and internally displaced camps as their homes. While the Comprehensive Peace Agreement was signed by the warring parties, and a UN mission of approximately 10,000 troops has been deployed to monitor the latter, some violence continues, underscoring the importance of robust UN deployments in peacekeeping or conflict resolution.

A Lord's Resistant Army, or LRA, insurgency out of Uganda is robbing southern Sudan of what little they have left, and continues to create instability. The LRA has abducted large numbers of civilians — most of whom are children — for training as child soldiers, even using young girls as sex slaves and bush wives. Furthermore, there is little to no infrastructure to support the return of the displaced looking to start their lives over, under this signed agreement.



The second conflict is in the east, along the Eritrean border, where there is an ongoing low-level insurgency that opposes the Government of Sudan to local rebel groups in a struggle for identity, power and resources. The situation threatens to erupt into full-scale conflict and breeds instability, exacerbating the abhorrent humanitarian situation in that part of the country.

Third, and finally, there is Darfur, a vast region in western Sudan which has, since 2003, been the site of unimaginable human suffering. Despite a ceasefire signed in April 2004, violence continues to plague the region. Recent estimates indicate that nearly 3 million people have been displaced as a result of the ongoing conflict. Driven from their homes in fear, these people often find no respite in the refugee and internally displaced camps to which they flock, the women and girls falling victim to sexual and gender-based violence. The refugee camps in eastern Chad are increasingly impacted by the rising political instability of that country, causing locals to cross the border seeking refuge in Darfur.

All parties, the government and the rebels, continue to violate the 2004 ceasefire. The government's proxy militias, known as the Janjaweed, are among the worst offenders and, by failing to disarm them, the Government of Sudan continues its abysmal human rights record.

In recent months the security situation has grown more and more unstable and humanitarian access is sinking to frighteningly low levels. The problem is compounded by the fact that the dedicated national and international humanitarian workers and military personnel toiling diligently on the ground have decreasing access to the victims due to the rising insecurity.

Furthermore, faced with donor fatigue — recently confirmed by the announcement of the World Food Program's drastic cut in caloric distribution — humanitarian agencies are experiencing low morale, almost despair, and this even before the rainy season starts in just a few short months, something which will make the whole country impassable.

Putting voice and action to our, and now the United Nation's Responsibility to Protect doctrine, last May I was appointed, along with my colleagues Senator Mobina Jaffer and Ambassador Robert Fowler, to Prime Minister Martin's Special Advisory Team on Sudan. We were mandated to monitor and administer the implementation of the Canadian assistance package to Darfur, which consisted of a \$170 million package devoted to support for the African Union Mission in Sudan, called AMIS, for humanitarian and peace-building projects, and for diplomatic support to the political peace process in Abuja.

This assistance reflected Canada's commitment to the whole-of-government approach. It placed Canada among the top five contributors, all of whom are trying to ease the situation and support the African Union's valiant efforts.

On the diplomatic front, we provided support to the peace talks in Abuja, Nigeria. After two long years of negotiations between the rebel groups and the Government of Sudan, the parties seemed to be approaching a signature of the Darfur Peace

Agreement over the next short while. Darfurians and the international community alike now await the fruit of this agreement. Albeit with cautious enthusiasm, I believe it has the potential to be a significant step forward. It is the basis of the UN commitment to the ongoing process of peace and stability in that region.

I must mention the very fine work Senator Jaffer did in leading the way on gender inclusion in the negotiation process. Gender issues are of the utmost importance. Women and girls make up half the affected population of Darfur. They are targeted victims of horrendous sexual violence. Their basic rights are continually jeopardized because of discrimination they face from all sides.

The inclusion of women's voices in the Abuja peace process brings legitimacy to the treaty. Without their support, the durability of the recently signed agreement would be all the more uncertain.

Based on my experience and readings, it is my opinion that true reconciliation in these complex and fragile nations that are imploding left, right and centre will only be achieved when women are economically, socially and politically empowered, and when their children have the opportunity to attain not just a basic elementary education but a high-school education where girls are given equal access.

• (1520)

Our special advisory team provided vital support to AMIS, who did a remarkable job fielding a peace support operation with limited resources and under extremely difficult conditions. Canada's assistance included tactical airlift in the form of fixed wing aircraft and 25 helicopters; an essential force multiplier capability with the loan of 105 armoured personal carriers. Personal protection equipment for thousands of troops gave them a modicum of reduction of risk. We also contributed military and civilian police expertise at the strategic planning level and training at the operational and tactical levels, totalling approximately 100 troops between the Darfur theatre and the north-south with the UN mission UNMIS. This support to the African Union is important not only in the context of Darfur, but also because it provided much needed capacity building support to allow the AU to one day reduce their dependence on the out-of-region capabilities, particular from the West.

Elsewhere, Canada has provided multilateral assistance to organizations such as the World Food Program, which is helping to feed the displaced. We have also played a vital role in establishing some 25 therapeutic feeding centers; providing essential drugs to approximately 500,000 conflict-affected women and children; ensuring access to water and sanitation facilities for approximately 25,000 households; and reducing the diarrheal diseases and other public health risks for more than 60,000 internally displaced persons in the southern part of Darfur.

The appointment of the Special Advisory Team on Sudan was an important signal to the Canadian public and the international community that Canada is serious about supporting the pursuit of peace, security and development in Africa. We worked together as strong advocates for the people of Sudan on all fronts. However, despite the overwhelmingly non-partisan nature of our work,

which included several field deployments in the region, in mid-March the new government, abruptly and without any follow-up, terminated our mandate. While work will continue at the departmental level, it will be at a significantly lower profile. I must ask: Why such a change in tactics at a time when we should be accelerating the effort to achieve more timely and effective support in the field and advance the capabilities of the UN to intervene?

I traveled with Senator Jaffer and Ambassador Fowler to the region last November and had the opportunity to tour some of the sectors of the AMIS mission, meet with the Government of Sudan, troop leaders and sector commanders, and go on patrol with some of the troops — getting lost at least three times.

I was most impressed with the job being done by the African Union. Standing up this mission was an important first step in the operationalization of the nascent African Standby Force, an ambitious project designed to free the AU from reliance on western militaries for peace support operations on the continent. This initiative, which has been in the works for the last five years, aims to develop African self-reliance through targeted capacity-building initiatives, the ultimate aim being the creation of a first responders force in the region. As an aside, the African Standby Force is an endeavour to which Canada must lend its full support in terms of training, developing and equipping it, a cause that I will be actively pursuing over the life of this Parliament.

Despite the excellent work done by the African Union to this point, they do not yet have the capabilities, the spectrum of skills, the number of troops and the resources to carry out the necessary mandate of such a complex operation in the long term. The force is maimed by a lack of basic necessities such as radios, compasses and water. They do not have enough troops to go beyond this rotation, let alone to build the force up to the needed strength of approximately 20,000 for the protection and return of Darfurians from their IDP and refugee camps. Therefore, we must transition these troops to a United Nations mandate as soon as possible. While the new mission, under the UN, can and should retain African command, transitioning will allow the mission to draw on assessed contributions from the whole of the UN and on a wider pool of resources into the mid and long term.

The situation in Darfur has now reached a critical juncture. The yet-to-be-signed peace agreement will be a significant step forward. However, it will only be effective if it is enforced. As I just mentioned, despite valiant efforts, the AU force is ill-equipped to quell the increasing violence and unable to support and protect the victims of this desperate situation. They will, therefore, be unable to enforce the soon-to-be-signed peace agreement. The urgency of the transition to a UN force and the necessity of providing it with a strong mandate and adequate resources to effectively enforce the peace are therefore self-evident. With every week that passes, the AMIS force is losing credibility and its ability to maintain a reasonable level of protection for a very limited group of Darfurians.

Prompted by the horrors of Darfur, Canadian citizens are now calling on their government for action. It is with great pride that I see, alongside my fellow members of Parliament of all political stripes, young Canadian high school and university students who believe in international social justice, the importance of sharing wealth and opportunity with societies beyond our borders, and

that human rights are for all humans, not only for Canadians within our borders. Their awakening into activist movements is a new dimension to the political landscape of our nation and I hope they pursue this effort with energy throughout the world.

For all the aforementioned reasons, it is now time for Canada to step up to the plate and to act as the leading middle power that it is. We made a commitment to the people of Sudan when we took a lead role in this dossier last year. We have since gained valuable expertise and an intimate knowledge of the country, the people and the situation on the ground. We cannot abandon them now that the situation requires more effort.

**The Hon. the Speaker *pro tempore*:** The time of Senator Dallaire has expired.

Do you wish an extension?

**Senator Dallaire:** I would request five minutes to conclude my presentation.

**The Hon. the Speaker *pro tempore*:** Is that agreed?

**Hon. Senators:** Agreed.

**Senator Dallaire:** Thank you, honourable senators.

The United Nations and the African Union are currently in the planning phase for the transfer of the Darfur mission to a UN mandate. For this transition to happen in an appropriate, adequate and timely fashion, Canada must fill the leadership void in the international arena. We must take a front role in ensuring that there is sufficient political will to see this process and this mission through. We must ensure the UN force is mandated appropriately with a Chapter 7 mandate enabling it to enforce the Darfur Peace Agreement, to protect civilians and to take proactive measures to prevent eventual breaches of the agreement.

It is of primary importance that Canada exert concerted political energy to neutralize the negative votes of Russia and China in the UN Security Council. The same effort must be deployed vis-à-vis the Government of Sudan to persuade them to grant this Chapter 7 mandated UN force entry and free movement within their borders.

The concept of operations must revolve around a highly skilled and fully equipped core ground force that will be the backbone of the approximately 20,000 troops needed for the mission.

The UN Multinational Stand-by High Readiness Brigade for United Nations Operations, or SHIRBRIG, is the ideal core force for the task. This multinational brigade-size force of 4,000 was created to provide a rapid deployment capability of up to six months. It was created after the Rwandan catastrophe. A Danish initiative, Canada has signed on as a full participant, along with a dozen other Western powers. SHIRBRIG provides a highly-trained force with operational experience, efficient command and control, and credible deterrent capabilities when needed. They gained hands-on experience in Sudan when they deployed the headquarters to build up the UN mission for the southern Sudan operation. SHIRBRIG is currently commanded by a Canadian, BGen. Greg Mitchell.

SHIRBRIG's signatory countries can provide the force multiplier capabilities for the mission. These include night vision systems that will highly augment the force's tactical capabilities, helicopters, armoured personnel carriers and unmanned aerial vehicles that will ensure rapid reaction, protection and shock action, while a no-fly zone will be imposed by light aerial defence systems. SHIRBRIG should be the "force de frappe" of the UN mission, reinforcing security through its mobility and equipment and the skills of its troops and headquarters staff.

This core force is to be merged with a large observation and protection force, the bulk of which would be provided by developing countries from the region and abroad. Darfur being approximately the size of France, my concept proposes doubling the current force in each of its eight sub-regions and in Chad to two battle groups, totalling 16,000 troops that would be the eyes and ears of central command, and the entire force, including SHIRBRIG, would total about 20,000.

The African character of the force, through its commander, must remain for the force to be legitimate in the eyes of the population and the Government of Sudan. The 7,000 personnel of the current African mission currently deployed in the region would be integrated in the UN force. They would provide much needed experience and sensitivity to the nuances of the land and its people. I wish to underline that the transition from the AU to the UN must be done in a spirit of reinforcement and not one of taking it over.

• (1530)

I feel strongly that Canada must commit troops to this mission. We are a nation that prides itself on our history of peacekeeping and our dedication to multilateralism, but we currently rank fiftieth in contributions to UN missions. We continue to refuse leadership jobs for our senior officers, robbing them of the opportunity to gain command experience and thus be more effective in leading our own troops in future complex missions. We are actually being asked all around whether we have given up or pulled out of peacekeeping. Considering the need for developed nation support and the abysmal lack of military leadership, anything short of a sizable Canadian military contribution with an appropriate level of diplomatic skills would be condemning the mission to failure and the people of Darfur to continued suffering.

Last July, honourable senators, I called for the planning of the UN transition to start immediately, but neither the UN nor the EU was ready. We know it takes between six to nine months to get a force in the field when there is little or no infrastructure to rely upon, and up to a year for the force to be at full capacity. I therefore cannot emphasize enough the urgency of getting the ball rolling on this transition.

This trend of pulling Canada out of these fundamental roles of protection around the world must be reversed. Canada can and must demonstrate its credibility with the "responsibility to protect" doctrine by sending a reinforced battle group of approximately 1,500 soldiers in support of the United Nations mission in Darfur.

Honourable senators, all humans are human. Not one is more human than the others. We have no right to pick and choose those who live and those who die, and we do have the capability

of conducting concurrent operations in Afghanistan and, within a limited time frame, in Darfur.

On motion of Senator Nancy Ruth, debate adjourned.

[*Translation*]

## THE SENATE

### MOTION URGING SUPPORT FOR STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN— DEBATE ADJOURNED

**Hon. Roméo Antonius Dallaire**, pursuant to notice of May 2, 2006, moved:

That the Senate support Canada's diplomatic, military and humanitarian contributions to the stabilization and reconstruction of Afghanistan;

That the Senate salute the Canadian Forces, diplomats and humanitarian workers who are contributing to the reconstruction of a stable and prosperous Afghanistan.

He said: Honourable senators, once again, I will give my speech in the language of Shakespeare, but I will not always do so in future.

[*English*]

Honourable senators, at the end of January this year, UN Secretary-General Kofi Annan told the London conference that Afghanistan is today a "nascent democracy." A few weeks later, he added in a report to the UN General Assembly and Security Council:

Afghanistan continues to face enormous challenges in the areas of security, governance, rule of law and human rights, sustainable economic and social development and combating the illegal narcotics industry.

While emphasizing the role of the state in achieving progress in each of these areas, the Secretary-General recognized that the Afghan government cannot accomplish in mission alone. Despite the progress made since the Bonn agreement in 2001, Afghanistan's transition remains fragile and uncertain. As long as the people of Afghanistan continue to face security, development and human rights challenges, the international community cannot afford to become complacent, distracted or fatigued.

I would like especially to underline that Canada's increasing involvement in Afghanistan has been the result of decisions taken by successive Liberal governments under Prime Ministers Jean Chrétien and Paul Martin. The Canadian Forces joined the international campaign against terrorism in the region in October 2001, and a battle group of 2,000 soldiers was deployed to Kandahar in February 2002.

In the summer of 2003, Canada made a large commitment of troops to the UN-mandated NATO International Security Assistance Force based in Kabul, an effort that was accompanied by vigorous Canadian diplomacy and our largest

ever development assistance contribution to a single country. The force was commanded by its deputy, Major-General Andrew Leslie, a Canadian, and subsequently, by our current Chief of Defence Staff, then Lieutenant-General Rick Hillier. The total amount of assistance disbursed and pledged from Canada will reach more than \$656 million over the period 2001 to 2009.

Canada's resolve was underscored by visits to Afghanistan by Bill Graham as Minister of Foreign Affairs in September 2003 and by Prime Minister Chrétien in October 2003, when he told our soldiers at Camp Julien in Kabul:

You must remember that your work has far-reaching effects. By bringing peace and stability to Kabul and Afghanistan, you do much to bring peace and security to the region. And ultimately, we will all benefit.

In 2004, Canada's current Chief of Defence Staff, General Rick Hillier, in command of the force in Kabul from February to August, having replaced Andrew Leslie, continued to keep the effort of the Canadian commitment and leadership in that mission alive and thriving. Prime Minister Paul Martin described our mission there as an example of Canada's strategy for addressing the international crisis modeled on a "3D" approach of integrating defence, diplomacy and development into integrated solutions to building good governance, nation building and an atmosphere of security for the Afghan population.

Indeed, it was the Martin government's international policy statement of April 2005 that made that strategy, founded on human rights, a centrepiece of Canadian policy. It also made clear then that Canada was in Afghanistan for the long haul. At a May 16 joint meeting in the House Foreign Affairs and Defence Committees, Bill Graham, then the Minister of Defence, first announced Canada's expanded and challenging current commitments in southern Afghanistan, involving a provincial reconstruction team deployed in Kandahar in August of last year and a large number of troops in early 2006. As he stated at the time:

The purpose of this new military commitment will be to strengthen security and stability for the people of Afghanistan. And it will demonstrate, in a real and meaningful way, our commitment to the international campaign against terrorism and our willingness to play a leadership role in the world — a key objective of our international policy statement.

We want to help stabilize by creating an atmosphere of security for the nascent democracy in Afghanistan.

Our Canadian diplomats have also played and continue to play a notable role in Afghanistan. Former Canadian Ambassador to Afghanistan, Chris Alexander, was recently appointed as a special adviser on Afghanistan to the Secretary-General. Another senior Canadian diplomat, Glyn Berry, has joined the 15 Canadian soldiers who have paid the ultimate price for their duties in Afghanistan on our behalf. Peter Harder, Deputy Minister of Foreign Affairs Canada, said in his funeral eulogy for Glyn Berry, which I attended in London:

His compassion for the people he met in Pakistan and Afghanistan defined the last years of his life. He volunteered for Canada's Provincial Reconstruction Team in Kandahar

because he felt deeply that the Afghan people deserve a better life. Commitment was not an abstraction for Glyn. He believed that if you could help — if you wanted to help — then you should do so with real passion.

• (1540)

According to former Canadian Ambassador to the United Nations, Paul Heinbecker, we are in Afghanistan for two main reasons:

...for defensible human solidarity and national security. At the human level, we are trying to help Afghans rebuild their government institutions, develop a legitimate economy to provide for their basic needs and restore protection of human rights, not least the basic health and education rights of millions of Afghan women.

Second, we are part of a larger effort that is trying to help the Afghan authorities re-establish at least a minimum of authority over their territory so that international terrorists cannot again be incubated in the remoter reaches of the country.

There is a mounting fear that without this long-term commitment and without our troops, Afghanistan will fall back into the hands of the Taliban. It is part of our values and our humanity as Canadians to uphold our commitment if we are to bring about positive change in the lives of the Afghan people, and particularly women and girls.

The human rights of women in Afghanistan are violated on a daily basis as they continue to face barriers to education, widespread discrimination, restriction on movement and pervasive violence. As Canadians, we cannot imagine living in such conditions.

For the Canadians who risk their lives and for the Afghan people who need our commitment for their basic rights, we shall continue to rally support for our troops and a mission that is "the highest calling of citizenship," as Prime Minister Harper called it most recently.

The Canadian public needs to know that Canada is not fighting a war in a foreign country, as one citizen wrote. Our soldiers are in Afghanistan to assist in establishing freedom and security, to lay the foundations for good governance, justice and respect for human rights, and to eradicate the breeding ground of terrorist activities. As well, chaplains of the Canadian Forces posted to Kandahar are engaging with local Afghani imams in dialogue to effect religious and cultural reconciliation. Our efforts count in this era of disorder and insecurity in which conflict is expressed in the most ignoble and barbaric fashion. In this complex and ambiguous context, the civilian population of women and children are used as instruments of war, and rape is predominant.

We who are privileged to live in a healthy democratic state cannot remain passive. We must help the people of Afghanistan to consolidate their own state so they can build a decent future for their children. To succeed, we must continue to support our soldiers even when the going gets tough. Let us not forget

that supporting our troops also means recognizing their accomplishments. When they return home, that recognition means giving them the respect they deserve for implementing what this nation believes is a responsibility for the disciplined use of force in countries that need protection.

I recall that Bill C-45 was introduced by the former government in respect of the new Veterans Charter, which recognizes that Canada is strengthening its international role and ensures that the men and women of the Canadian Forces and their families are well supported and cared for upon their return. The passage of this bill reflects our commitment to meet the continued effectiveness of our forces and their operations around the world. It also means that we will face head-on the responsibilities that we have for those who risk their lives for the enhancement of peace, security and human rights in far-off lands in our name. This charter was executed to maintain morale of the troops, and to provide a guarantee of support to the families for their loved ones deployed overseas. As well, this charter will attenuate the enormous sacrifices that they experience as they live with their troops on missions overseas through the continuous provision of information from the media — a totally different situation than during World War II when families were isolated.

Experience has taught us that respect for human rights goes hand in hand with security and development. While we continue to support our troops in every way that we are able, we also need to pursue a comprehensive approach with the “whole of government” to ensure greater cohesion among defence, development and diplomatic efforts, the 3Ds, and more importantly, to achieve a greater impact on the ground in a more effective fashion.

Nation-building does not happen overnight and Prime Minister Harper made it clear on different occasions that “we are there for the long term.” During his visit to Afghanistan, he also told our troops, “Your work is about more than just defending Canada’s interest. It’s also about demonstrating an international leadership role for our country” — a role for which Afghan people are grateful. Hamid Karzai, President of Afghanistan, thanked Canadians for “giving the lives of their sons, for contributing in money, for contributing in soldiers and for being one of the biggest helpers in Afghanistan” in its slow but deliberate movement towards democracy.

Beyond helping, we also have the responsibility to protect. While the actions of the international community in overthrowing the Taliban were not driven by this concept, I would argue that our continued actions in Afghanistan spring from the same source — our responsibility to protect the vulnerable and defenceless, not excluding the use of force if required. In this regard, the Canadian-sponsored International Commission on Intervention and State Sovereignty developed the concept of the “responsibility to protect,” R2P, which states:

Every diplomatic and non-military avenue for the prevention or peaceful resolution of the humanitarian crisis must have been explored. The responsibility to react — with military coercion — can only be justified when the responsibility to prevent has been fully discharged.

Even more fundamentally, the responsibility to protect is the responsibility to rebuild. The R2P concept recognizes the importance of the post-intervention phase. It states:

To see an intervention through means as well that the intervening side has to be prepared to remain engaged during the post-intervention phase as long as necessary in order to achieve self-sustained stability.

We do not want another situation like the one in Haiti where we pulled out far too soon and found ourselves in a much more complex and desperate scenario. Canadians are succeeding in Afghanistan. However, our mission in Afghanistan is far from being accomplished. UN Secretary-General Kofi Annan said:

Regardless of the causes of the conflict in Afghanistan, the concept of a democratic state will only take root if the people of Afghanistan become convinced that what is on offer is better than any alternative, either experienced or being imposed by force.

We need to have confidence in our troops. Our presence in Afghanistan will lead to the empowerment of children and women, the respect and protection of human rights, the establishment of good governance, the rule of law and, ultimately, reconciliation in that nation. These values are the ones that our great nation stands for. Let us not lose sight of the objectives of the mission and of the importance of our contribution. Let us not fail the people of Afghanistan and its future generations. Let us not fail our troops.

We cannot and must not waver in the face of adversity. Our elders and ancestors never wavered. This great nation was built on, and protected by, the willpower, determination, courage, sweat, tears and blood of those who came before us. This leading, middle-power nation in the world has reached its culminating point as a mature, progressive country dedicated to the protection and the emancipation of human rights and well-being well beyond our borders. We cannot blink in the face of adversity no matter how we hurt for those who are casualties. For us to blink is to cry defeat and our diplomats, humanitarian workers and soldiers deserve much better from us, honourable senators — the parliamentarians and the people of this country.

On motion of Senator Di Nino, debate adjourned.

## FOREIGN AFFAIRS

### COMMITTEE AUTHORIZED TO ENGAGE SERVICES

**Hon. Hugh Segal**, pursuant to notice of May 3, 2006, moved:

That the Standing Senate Committee on Foreign Affairs have power to engage the services of such counsel and technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such bills, subject-matters of bills and estimates as are referred to it.

Motion agreed to.

COMMITTEE AUTHORIZED  
TO PERMIT ELECTRONIC COVERAGE

**Hon. Hugh Segal**, pursuant to notice of May 3, 2006, moved:

That the Standing Senate Committee on Foreign Affairs be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Motion agreed to.

[*Translation*]

**ADJOURNMENT**

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

**Hon. Gerald J. Comeau (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, May 9, 2006, at 2 p.m.

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

**Hon. Senators:** Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, May 9, 2006, at 2 p.m.

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**THE SENATE OF CANADA  
PROGRESS OF LEGISLATION**

*(indicates the status of a bill by showing the date on which each stage has been completed)*

**(1st Session, 39th Parliament)**

**Thursday, May 4, 2006**

*(\*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)*

**GOVERNMENT BILLS  
(SENATE)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology					
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25							

**GOVERNMENT BILLS  
(HOUSE OF COMMONS)**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
C-4	An Act to amend An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0			
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 ( <i>Appropriation Act No. 1, 2006-2007</i> )	06/05/04							

**COMMONS PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.

**SENATE PUBLIC BILLS**

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05							
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05							

No.	Title	1 <sup>st</sup>	2 <sup>nd</sup>	Committee	Report	Amend	3 <sup>rd</sup>	R.A.	Chap.
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05							
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25							
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26							
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26							

**PRIVATE BILLS**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.



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