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(HANSARD)

Wednesday, April 30, 2014

The Honourable PIERRE CLAUDE NOLIN
Speaker pro tempore

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Debates Services: D'Arcy McPherson, National Press Building, Room 906, Tel. 613-995-5756
Publications Centre: David Reeves, National Press Building, Room 926, Tel. 613-947-0609

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THE SENATE

Wednesday, April 30, 2014

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

Prayers.

SENATORS' STATEMENTS

THE LATE JOHN FURLONG

Hon. Fabian Manning: Honourable senators, I would like to inform you today of another sad moment for my province of Newfoundland and Labrador. On Wednesday, April 16, just mere weeks after being diagnosed with cancer, the long-term host of CBC Radio's "The Fisheries Broadcast" and most recently the man behind the microphone of "Radio Noon," John Furlong, passed away at the young age of 63.

While he was well-known and well liked, I did not realize the impact of his passing until I talked to many of my friends and neighbours in my hometown of St. Bride's and throughout Placentia and St. Mary's Bays. A few days following John's passing, a fisherman on the wharf of St. Mary's Bay said to me, "A strong voice for Newfoundland is gone, boy; she's gone." I heard a similar sentiment from many others throughout the past couple of weeks.

"The Fisheries Broadcast" made its debut in 1951 and was one of the longest-running radio shows in North America. Growing up in the small fishing community of St. Bride's, I can attest to the important place it held in our history, our culture and, more importantly, our identity. Many, many times I would be involved in a conversation down on the wharf or up at the store or on the steps of the church, and someone would say, "I heard it on the Broadcast," or, "John pulled no punches on the Broadcast this week."

I believe that is why John's death was not only a shock but indeed a sad moment in our history, because there is no doubt John Furlong pulled no punches. When necessary, he took on different levels of government, the ministers of the day, the establishment of the fishing industry, the do-gooders and everyone or anyone who was involved in this important industry in our province.

While I may not have agreed with everything John said on the air or with every question he asked during an interview, I say without hesitation that he was always knowledgeable, very sharp, extremely quick but forever fair. When being interviewed by John, you may have felt the heat, but you did not feel like he was trying to burn you.

John had a keen sense of what was important to rural Newfoundland and Labrador, and his genuine interest in the success of the fishing industry, I believe, is what endeared him to

so many. Several people said to me they were surprised when they discovered he was born and raised in the city of St. John's. One fisherman said to me, "We never thought he was a townie. He sure didn't come across as one."

John Furlong had a long career in journalism, starting with the *Daily News*, afterwards with VOCM, and on to CBC. John was a great believer in social justice. He loved politics, and he was always interested in the human side of the story. There is no doubt there is a great void in the world of Newfoundland and Labrador journalism with John's death.

But even more important, John was a husband and a father, and I ask that all members join with me in expressing our deepest sympathies to John's wife Gerry and their children. Theirs is the greatest loss.

I will conclude with the words of another well-respected media person in our province, Mr. Jim Furlong, the brother of John: "John was a good newsman. That's how he saw himself. He could spot it. He knew the value of a fire and a cat up a tree as opposed to a minister said such-and-such. He was one of the best." You will find no argument that indeed he was just that: one of the best.

John, your boat is now tied up in the safest harbour. Rest in peace, my friend. Rest in peace.

[Translation]

EDGAR GALLANT PRIZE

CONGRATULATIONS TO MR. DENIS FERRÉ

Hon. Maria Chaput: Honourable senators, every year, the Regroupement national des directions générales de l'éducation awards the Edgar Gallant Prize to a francophone superintendent who has made a remarkable contribution to francophone education in a minority community.

This year, the winner is Denis Ferré, who until recently was the superintendent of the Franco-Manitoban school division, a position he held for the past five years. The Edgar Gallant Prize was awarded to Mr. Ferré on April 10, in Ottawa, during the annual general meeting of the Regroupement national des directions générales de l'éducation, a national association of senior administrators of 28 school boards. The association's mandate, among other things, is to ensure the success and well-being of francophone students and to develop the students' sense of identity with their French language and culture.

I sincerely commend Denis Ferré on his 36-year career in education. I thank Mr. Ferré for devoting five years of hard work to managing the Franco-Manitoban school division. We are very grateful to him.

[English]

THE LATE ARTHUR NAPOLEON RAYMOND ROBINSON

Hon. A. Raynell Andreychuk: Honourable senators, I rise to note the passing of Arthur Napoleon Raymond Robinson. As the former President and Prime Minister of Trinidad and Tobago, Arthur N.R. Robinson is celebrated around the world for his tireless work toward the creation of the International Criminal Court.

Robinson first tabled a motion requesting the establishment of an international criminal tribunal at the Forty-fourth Session of the United Nations General Assembly in December 1989. He knew his proposal would be controversial, so he began modestly, suggesting a court with a limited jurisdiction over international drug and weapons trafficking.

Robinson travelled the world, taking every opportunity to advocate the merits of his idea. He understood that parliamentarians' supports would be key.

• (1340)

Working with Parliamentarians for Global Action, he sought to ensure parliamentarians were informed and took ownership at the national level. As Robinson had predicted, support for the concept of a permanent, treaty-based International Criminal Court started to grow. As support grew, so did the mandate that the world leaders were willing to concede to the court, should domestic courts be unwilling or unable to handle these serious crimes.

In 1998, the Rome Statute was adopted by 120 states. In 2002 it came into force, establishing the International Criminal Court at The Hague. The court's mandate is to prosecute those accused of genocide, crimes against humanity and war crimes, when national courts were unwilling or unable to do so.

For Robinson, the fruition of an idea he had started developing some 27 years earlier was a victory for human rights. Eight years later, in 2012, Robinson would see the crime of aggression added to the ICC's jurisdiction. Two years after that, Robinson would see the ICC hand down its first conviction. Its second followed two years later.

When he passed away in Port of Spain on April 9, 2014, Arthur N.R. Robinson left behind one of the world's most effective international institutions in the fight against impunity.

I invite all senators to join me in honouring the life and accomplishments of this remarkable international statesman.

THE LATE RIGHT HONOURABLE HERBERT ESER (HERB) GRAY, P.C., C.C.

Hon. Mobina S. B. Jaffer: Honourable senators, today I also rise to pay my respects to my mentor and friend, Herb Gray. All of us here remember Herb Gray as an exceptional politician who

served his community well, so well, in fact, that he was re-elected time and time again, making him the longest continuously serving member of Parliament in Canadian history.

I would like to take a moment to talk about Herb Gray the man. For those of us who knew Herb, we would remember him as a thoughtful, compassionate man who cared deeply about his community. But the secret to Mr. Gray's success was that he would give anybody who asked a piece of his undivided attention. Mr. Gray's office door was always open to anybody who wanted to talk.

I remember coming to Ottawa before I was appointed to the Senate and walking into Mr. Gray's office. When you entered his office, it was as if the entire world faded away. It was not just that the world faded away from you, you could also see it fade away from him as well. All that was left was you and Mr. Gray, and he was there, ready to listen to anything you wanted to tell him.

Mr. Gray may not always agree with your opinion, but he was always happy that you held one. He was the same both in public and in private. I know this because I have observed Herb and his wife Sharon publicly holding differing positions on a number of important issues.

Sharon, for those of us who know her, is a very strong woman who has flourished alongside her husband. Like Sharon, Herb Gray was forever an optimist, and like Herb Gray, Sharon is a strong feminist. The work she has done both as a lawyer and in the field of health care is a testament to their relationship. Having met Herb Gray at the age of 19, they blossomed together throughout the years.

Honourable senators, Herb Gray has left us with an incredible legacy, which we can all learn from. But if we are to take one thing away from his life, it would be the value of taking the time to listen to one another.

I know that you will all join me today to honour the life and legacy of the Right Honourable Herb Gray and send our condolences to his wife Sharon and their two children, Elizabeth and Jonathan.

Rest in peace, my friend.

CANDLELIGHT VIGIL FOR KOREA

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I rise today to speak to you about two important events that took place on April 25 and 26 in B.C. I had the honour to attend the sixty-third anniversary of the Battle of Kapyong commemoration ceremony in Tofino, B.C., on behalf of Minister Leona Aglukkaq and Minister Julian Fantino, along with several veterans of the Korean War. The ceremony was held at the Pacific Rim National Park Reserve of Canada, which was twinned in 1997 with the Hallyo Haesang Sea National Park in Korea, as a symbol of the deep-rooted friendship between Canada and Korea. In 1998, a cairn and plaque were installed at Radar Hill in Pacific Rim National Park Reserve to honour the service of Canadian troops and their heroic achievement in the Battle of Kapyong.

As you know, honourable senators, the Battle of Kapyong took place in late April 1951 during the first year of the Korean War. Although outnumbered 10 to 1, even as much as 100 to 1, the Canadian soldiers of the 2nd Battalion of the Princess Patricia's Canadian Light Infantry stood strong and held their ground on Hill 667 during an intense night battle to come out victorious and eventually earn them the prestigious recognition of a U.S. Presidential Unit Citation.

At the reception following the ceremony, all the veterans expressed to me their deep condolences as well as their unwavering support to the people of Korea with respect to the April 16 tragic *Sewol* ferry incident. Lee Faulkener's emotional request to me to share his message of support far and wide captures the shared sentiments of all Canada's veterans of the Korean War:

Please let everyone know how much my heart is breaking at the loss of the children. When I was in Korea in 1951-52, I hugged the children and gave them everything I had from my pockets. I loved them then and love them all now, and I want the community to know how much I am thinking of them during this time.

The following day, on April 26, I took part on a candlelight vigil for Korea in honour of the victims and the families of the *Sewol* ferry tragedy organized by an ad hoc committee in partnership with C3 Society and the Rose of Sharon Foundation. The vigil took place at Our Lady of Fatima parish hall in Coquitlam, B.C. The parishioners graciously opened their hearts and the use of the hall, which is located within blocks of "Korea Town," where many Korean-owned businesses are concentrated along North Road, and in a region where there is a growing presence of the community. The candlelight vigil for Korea brought everyone together in a spirit of cooperation and compassion for all those impacted by the *Sewol* ferry tragedy. Hope always rises from the depths of despair.

Honourable senators, it is my sincere hope we continue to pray for the victims and their family and friends, for the safety of the divers and all those involved in the rescue efforts, the eventual conclusion of the ordeal and the healing and renewal of all.

[Translation]

ROUTINE PROCEEDINGS

STUDY ON USER FEE PROPOSAL

CANADIAN FOOD INSPECTION AGENCY—
FOURTH REPORT OF AGRICULTURE
AND FORESTRY COMMITTEE
TABLED

Hon. Percy Mockler: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on Agriculture and Forestry

[Senator Martin]

concerning the Canadian Food Inspection Agency's User Fee Proposal respecting overtime fees.

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

ADJOURNMENT

NOTICE OF MOTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, May 6, 2014 at 2 p.m.

• (1350)

[English]

QUESTION PERIOD

SCIENCE AND TECHNOLOGY

RESEARCH AND DEVELOPMENT

Hon. Jane Cordy: Honourable senators, the question I will ask today comes from Georgina Johnson of Toronto, who is concerned with the amount of cutbacks to national scientific research carried out by the current Government of Canada. Her question is as follows, and it's quite lengthy but I felt it was important to read the whole thing to you:

As a 61 year old mother of two young adults, aged 29 and 25, I am deeply concerned about the shuttering of publicly funded science in Canada. I am alarmed about the highly negative impact this will have on my children, the country's children and our collective grandchildren. The repercussions will have a long standing effect on Canada's ability to innovate, thus negatively impact a prosperous future for all Canadians.

To quote world renowned astrophysicist Neil deGrasse Tyson from a recent interview with Bill Moyers (January 25, 2014):

"We're just voting into office people who don't understand how money gets generated. Since the Industrial Revolution and before, we have known the

value innovation in science and technology and its impact on an economy.”

— and —

“Science literacy is an inoculation against the charlatans who would exploit your ignorance of scientific law to take your money from you or your opportunity from you.”

— and —

“You have not fully expressed your power as a voter until you have a scientific literacy in topics that matter for future political issues.”

Neil deGrasse Tyson was speaking to an American audience but his words are too easily transferable to Canada. Given that innovation in science and technology are the generators of future growth and sustainability of a healthy economy, what was the current Government of Canada’s logic behind closing down publicly funded science?

Did the Government of Canada not fully understand the negative implications this action would have on Canada’s youth and their future?

[Translation]

Hon. Claude Carignan (Leader of the Government): Thank you, senator, for your question. I would like to point out that our government has made unprecedented investments in science, technology and innovation.

Our strategy involves a long-term vision of how Canada can harness the power of science and technology to create jobs and improve Canadians’ quality of life. Our government holds regular consultations with Canadians regarding the update to the science, technology and innovation strategy. We are seeking their opinions to point us in the right direction.

Your question gives me an opportunity to talk about the track record of our government, which has made unprecedented investments in science.

You should know that Canada is ranked number one in the G7 for its support of research and development in colleges, universities and other institutes. What is more, Economic Action Plan 2014 sets out new measures, including an investment of \$1.5 billion over the next 10 years for the creation of the Canada First Research Excellence Fund in order to advance Canada’s global leadership in science and innovation; an investment of \$46 million per year for granting councils to support advanced research; an investment of \$222 million in the TRIUMF lab to support advanced research and create leading-edge companies; and an investment of \$15 million to support technological innovation through the Institute for Quantum Computing, which works in the area of research and commercialization of quantum information technologies.

These investments received a warm welcome from the Association of Universities and Colleges of Canada, the Association of Canadian Community Colleges, the University of Manitoba and the University of British Columbia, to name a few. In a February 11, 2014 press release, the University of Alberta indicated that the investments we announced in the budget show the Government of Canada’s commitment to excellence in higher education, research and innovation, and that this investment will help universities meet rising global competition.

We are committed to investing in science and technology, and our commitment and the priority we give to this are borne out by our actions.

[English]

Senator Cordy: These are my words now, and then I’ll switch back to Georgina Johnson’s words.

You have said that the government has given unprecedented investment in science and technology, but we know that in the past five years the federal government has dismissed more than 2,000 scientists. More than 2,000 scientists are gone from the federal government in the last five years. Hundreds of programs and world-renowned research facilities have lost their funding with this government. We know that DFO plans to shut down seven of its eleven libraries by 2015, and we are hearing stories that books and reports have been thrown into dumpsters and that the general public is allowed to rummage through all of this scientific knowledge that has been gained over the years. I wouldn’t call that an unprecedented investment in science and technology.

Getting back to Georgina Johnson’s question, I’ll continue with her words:

I do not want to think that our government’s actions on this file was a deliberate attempt, as stated by Neil deGrasse Tyson, to “... exploit your ignorance of scientific law to take your money from you or your opportunity from you,” but without a thorough and honest explanation behind the reasoning for this action, I am left with only this possible explanation. Further, I am left with the belief that by keeping the Canadian people scientifically illiterate, the government can dictate what they believe is important politically rather than through a dispassionate review of all the facts.

Would the Senate please address this question and give a full accounting of the reasoning behind the shuttering of publicly funded science in Canada?

[Translation]

Senator Carignan: I am pleased that the woman’s first question allowed me to provide a comprehensive answer about investments. What she expressed in her second question was probably gleaned from the type of introduction that Senator Cordy gave, which misleads people about the facts, the government’s actions and the investments that are made.

I will just address the example of library closures. The information available through the libraries remains accessible in electronic format. These days, as you know, digitization is the preferred means of making information available to employees who need it. Government employees across Canada will have greater access to information electronically, which we are making possible while saving taxpayers' money.

That kind of action is being taken to provide better access to scientific literature, but it is being criticized and misrepresented by people giving false examples of the destruction of books when, in reality, they have been transferred to a digital medium.

[English]

Senator Cordy: Members of the scientific community disagree wholeheartedly that this government has made record investments in science. In Nova Scotia, Tom Duck is a professor of atmospheric science at Dalhousie University and he helped found the world-renowned Polar Environment Atmospheric Research Laboratory, or PEARL, as it's called. In 2012 its budget was drastically cut. He had to stop his research, and most of his colleagues left the country to find other work.

In May of 2013, PEARL received a new grant pledging \$5 million over five years so the facility could resume its operations. But that wasn't enough to save the research or the lab because the scientists had already gone, and this is what's happening. You can't stop the funding one year and then the next year say, "Well, you know what? We're going to give you money back."

• (1400)

These scientists aren't waiting around for federal money to come to them. Many of them, unfortunately, are leaving the country. We are not just losing the research that we have in the case of the closing of libraries for DFO, but it is future knowledge and scientific knowledge that we would gain by having top-rated scientists and researchers with the government. This is another concern. You can't stop and start the funding, which is what this government is doing.

I'm going back to Ms. Johnson's question: Why has the government let so many scientists go in the past five years? There are 2,000 scientists gone in the past five years. That doesn't sound like a government that is committed to scientific research.

[Translation]

Senator Carignan: Two weeks ago Saturday, I took part in a radio program on Radio-Canada called *Faut pas croire tout ce qu'on dit* or "Don't believe everything you hear." Listening to Senator Cordy, I am reminded how very true that statement is.

I would like to quote the University of Manitoba, which said, "We are extremely pleased that the federal government continues to recognize the pivotal role that universities play in driving Canada's innovation agenda and this investment demonstrates

[Senator Carignan]

the confidence that the federal government has in universities' ability to find solutions to challenges both at home and abroad."

The Association of Universities and Colleges of Canada had this to say:

This is a pivotal moment for research excellence and innovation in Canada...This shows that the government is taking a strategic approach to creating prosperity in Canada, and recognizes that a vibrant, innovative and competitive Canadian economy needs a world-class research system.

Furthermore, a representative of a Canadian school that offers apprenticeship programs said, "Today's federal budget connects the challenges of skills and innovation in concrete ways and with targeted, reasonable funding. I am also pleased the government acknowledged the important role apprenticeship training deserves alongside Canadian university and college education."

When you hear prestigious Canadian universities use this kind of language regarding government investments in science and technology, it seems to me that you should really get behind the government's policies. I hope that when it comes time to vote on Budget 2014, you will take a non-partisan approach and, in a non-whipped vote, support Budget 2014.

Hon. Claudette Tardif: Mr. Leader, is it not true that the government eliminated seven out of eleven libraries at Fisheries and Oceans Canada, and is it not true that it eliminated six libraries at Natural Resources Canada and that it merged five libraries at Parks Canada?

Senator Carignan: Senator, as I explained, the services that were provided at these libraries are now available in electronic format. Senator Munson already sent me his electronic Christmas card to explain that it was being used. We are in the digital age, and since your question has to do with science and technology, I'd hope that you would understand this is now the preferred medium and form of access for distributing this scientific literature.

Senator Tardif: It is concerning that the government made this decision without consulting experts in science and archiving. Is it not also true that the Conservatives eliminated the National Round Table on the Environment and the Economy, the Hazardous Materials Information Review Commission, the Canadian Foundation for Climate and Atmospheric Sciences, the study on ocean contaminants and marine technology, and the Centre for Offshore Oil, Gas and Energy Research?

Senator Carignan: Senator, if you want to ask a 50-part question, maybe you should sit down and specify each part to avoid confusing the question and help you understand the answers.

With respect to the libraries and particularly the distribution of science and technology literature, it is important to understand that we are in the digital age and that more and more

documentation is being digitized to ensure that as many people as possible across Canada have access to this information. This is the information we are working on distributing.

INTERNATIONAL TRADE

CANADA-EUROPEAN UNION COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT

Hon. Céline Hervieux-Payette: My colleagues and I are studying Bill C-31, which includes a schedule that contains a 45-page agreement between Canada and the United States that no one was involved in. It seems to me that the same thing is happening with the pseudo free trade agreement with Europe. I say that because there were lovely photos of the Prime Minister and a photo of the agreement being signed, but everyone knows that the agreement will not come into force anytime soon. We are being told that we will be lucky if it happens in 2016. The photo may have been a waste. I will have to refer to my notes, since it is fairly complex.

[English]

The Comprehensive Economic and Trade Agreement is considered to be far more extensive than NAFTA in many areas. However, this is all speculation at the current time because the treaty has not been made public. I have been trying to answer questions submitted to me by concerned citizens regarding how this treaty will affect provincial government procurement, the impact on agriculture, patent protection, FDI rules, and the list goes on.

CETA was initially celebrated for setting a new international standard for free trade agreements.

[Translation]

We are to take any discussion about this at face value — and take it for the gospel truth — yet we are the ones who are going to have to live with it. I believe that at this point in time, the discussions will continue.

My question is simple: Knowing that many Canadians, and many workers in particular, will feel the effects of this treaty, when will you release this document, which is being discussed, and when will the terms of the treaty be disclosed? It affects Canada in its entirety. When will we see it?

Hon. Claude Carignan (Leader of the Government): Senator, allow me to use your question to showcase this historic agreement, which will create thousands of jobs for Canadians and provide Canadian companies with access to half a billion new clients. It will also open up new markets throughout Europe for Canadian exporters, and it means significant spinoffs, jobs and opportunities for all Canadians. The benefits of this agreement are equivalent to the creation of approximately 80,000 new jobs or a \$1,000 increase in annual income for the average Canadian household. The elimination of 98 per cent of all European Union tariffs as soon as the agreement comes into force will mean increased profits and more opportunities for Canadian businesses of all sizes, in every region of the country.

The fact that you are ridiculing the agreement and saying that it is all about a simple photo-op is an insult to our intelligence. The agreement includes important elements that will invigorate our economic sectors and make Canadians wealthier.

• (1410)

As to the publication of the report, we reached an agreement in principle with the European Union and released the details of that agreement. On October 29, the Prime Minister tabled in the House of Commons the summary of the final negotiated results for the Canada-Europe trade agreement, and lawyers are taking a thorough look at the technical details.

Senator Hervieux-Payette: As you said earlier, one mustn't believe everything one hears. What I'm saying is that we want to see the complete document. I know that the document that was tabled was not final. In the interest of transparency, which is one of your values, I'm asking for that document. I'm not trying to insult the Prime Minister about the photo that was taken in Europe and that was supposed to serve some higher political purpose. I am saying that there is no agreement right now and that there will be one only if the provinces agree. The provinces are on the front lines. You mentioned 80,000 jobs. That's great. Prove it. You said that every family will pocket an extra \$1,000. That's great too. Where are the documents to back that up? Maybe the Parliamentary Budget Officer should take a very close look at them and let us know whether the numbers match your claims.

Senator Carignan: I can't believe what I'm hearing. You're a well-known lawyer who has worked for some of the biggest law firms in Canada, and you're saying that when there is an agreement in principle between two countries, there is no agreement. I just don't get it.

Senator Hervieux-Payette: I thank you for informing me that I indeed have this standing. As a lawyer, I can tell you that the final text is the one that will be binding on all Canadians and all the provinces. It is that document, as well as the studies that support your claims, that I am asking for. I cannot believe that the figure of 80,000 additional jobs has been pulled out of thin air. Will western farmers sell more beef to Europe, while farmers in eastern Canada lose their advantage when it comes to cheese, milk and other products? It is important to know the specific terms of the agreement and the study that corroborates your statements.

Senator Carignan: Senator, a number of your former colleagues are drafting the final technical details of the agreement. You know how conscientious they are and you know that this type of work takes time.

With respect to supply management, since you brought this up in the preamble to your question, our government has always defended the Canadian supply management system. We have defended it and will continue to do so under this agreement. The three pillars of the national supply management system remain the same. We will monitor the repercussions of this historic agreement on dairy producers' incomes and if production levels are negatively affected, producers will receive financial assistance. The Prime Minister made that commitment when he signed the agreement. And the agreement confirms, once more, that our government will continue to defend and promote the Canadian supply management system.

Senator Hervieux-Payette: I thank the leader for his answer even though I am not entirely convinced of its credibility. However, you did not answer my question about the studies on job creation and higher incomes for Canadian families. If those studies were conducted, then they should be made public.

Senator Carignan: Since Canada will have access to more than half a billion new clients, I think that Senator Hervieux-Payette can easily imagine that with the capacity of Canadian businesses and our capacity to innovate, it will be easy for Canadians to get and create these 80,000 new jobs. I doubt that Senator Hervieux-Payette is questioning Canadians' capacity for innovation and creativity.

Senator Hervieux-Payette: That does not reassure me. I am not questioning Canadians. I am questioning this government's policies. I am conducting a study, which I will table in this chamber, on your government's failed free trade agreements. Not only has our balance of trade with foreign countries taken a nosedive, but the current situation is serious. Canada has signed free trade agreements with a number of countries and in every case those countries are selling us products and we are selling nothing. Don't tell me that higher incomes and more jobs are guaranteed. We need facts. I need to know which sector will see job creation.

Senator Carignan: I am pleased to see that your study on free trade agreements is creating at least one job. As far as conducting studies on the Liberal government is concerned, I understand that you have nothing to study because the Liberals' record on free trade agreements is rather meagre.

FOREIGN AFFAIRS

BURMA—HUMAN RIGHTS

Hon. Mobina S. B. Jaffer: My question is for the Leader of the Government in the Senate.

[English]

I had a question about the Rohingya, and you had kindly said that you would supply the answer to me as soon as possible. I again request that you please let me know what the Canadian government is doing to assist the Rohingya in Myanmar.

By way of background, Myanmar was sanctioned by the Canadian government due to political unrest and numerous human rights violations. However, in 2012, the government determined that Myanmar had been through a substantial reform and was on its way to becoming a democracy. In light of these findings, our government eased sanctions and declared its support for Myanmar's transition into democracy. Unfortunately, the Government of Myanmar has regressed and has treated a minority within it, the Rohingya, in a shabby manner, and there is great suffering happening.

I had asked you, leader, and I ask you again: What is the government doing to assist the Rohingya in Myanmar?

[Translation]

Hon. Claude Carignan (Leader of the Government): I committed to getting back to you with a more detailed answer on this specific topic. I will honour that commitment and get back to you with a detailed answer.

[English]

Senator Jaffer: By way of supplementary, leader, it's no secret to anyone here in the chamber that they know I arrived to Canada 40 years ago as a refugee. I sit here in the chamber today because of the great policies of Canadians welcoming strangers and including strangers, integrating us into society.

May I ask that when you do the inquiries, you look into how we are using our ideals of multiculturalism and pluralism to assist the Burmese/Myanmar government in integrating the Rohingya within their structures?

[Translation]

Senator Carignan: As I said earlier, we will finish the written answer and honour the commitment we already made on this subject.

CANADIAN HERITAGE

CBC/RADIO-CANADA

Hon. Claudette Tardif: Honourable senators, the effects of the cuts to CBC/Radio-Canada are attracting a lot of attention, and for good reason. Today we learned from Michel Cormier, the news director, that 35 positions would be cut over the next year, including 14 journalist positions and 2 regional positions. Yesterday, Tous amis de Radio-Canada released a white paper to raise public awareness of the situation at CBC/Radio-Canada. Their message is clear. The cuts are a direct attack on what makes our public broadcaster unique, what sets it apart from the competition and what enables it to provide high-quality service to the public.

• (1420)

Furthermore, 17 francophone workers with Radio-Canada's news service sounded the alarm today regarding the very serious impact that these cuts will have on the quality of public services. They said:

After cuts and more cuts, Radio-Canada is dying a slow death. Facts are facts: over the past six years, nearly 20 per cent of the French news budget has been slashed.

How does the government see the future of our French-language public broadcaster?

Hon. Claude Carignan (Leader of the Government): As the honourable senator knows, the government had nothing to do with the decisions announced by CBC/Radio-Canada. It is an independent Crown corporation that is responsible for its own operational decisions. According to its President, Mr. Lacroix, a decline in viewers in certain demographic groups and a decline in advertising revenue are the corporation's main challenges. CBC/Radio-Canada has enough money to fulfill its mandate under the Broadcasting Act, and it is up to that organization to offer Canadians the programming they want, whether in English or French.

As you know, the Standing Senate Committee on Transport and Communications is currently examining the situation at CBC/Radio-Canada. I too received the white paper you referred to, and I forwarded it to the Chair of the Standing Senate Committee on Transport and Communications so it could be taken into account in the committee's study.

DELAYED ANSWER TO ORAL QUESTION

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I have the honour to table the answer to the oral question asked by the Honourable Senator Chaput on February 27, 2014, concerning funding for French as a second language training.

OFFICIAL LANGUAGES

BRITISH COLUMBIA—FUNDING FOR SECOND LANGUAGE TRAINING

(Response to question raised by Hon. Maria Chaput on February 27, 2014)

Protocol on Education

Canadian Heritage and the Council of Ministers of Education, Canada (CMEC), on behalf of the provinces and territories, cooperate through a *Protocol for Agreements for Minority Language Education and Second Language Instruction*.

The Protocol includes a strategic framework that describes six areas of intervention for each linguistic objective, namely, minority language education and second language learning. It establishes funding for each province and territory and describes accountability mechanisms for reporting on the use of federal funding.

Bilateral Agreements

Following the Protocol, bilateral agreements are signed with each province and territory. As part of its bilateral agreement, each province and territory develops a

multi-year action plan based on the agreed upon areas of intervention in the Protocol's strategic framework. For each linguistic objective, the provincial and territorial action plans present specific initiatives, performance indicators and targets for each area of intervention.

As education is a provincial jurisdiction, each government prepares their own action plans and determines the targets and indicators that take into account their specific situation.

Accountability

The bilateral agreements specify that payments are conditional upon the Department's receipt and acceptance of the required annual financial statements and periodic progress reports as specified in the bilateral agreements.

In September 2013, the Commissioner of Official Languages released the findings of his audit of the accountability reporting for official languages in relation to transfer payments to provinces and territories. According to the Commissioner's report:

"The audit found positive results. [...] PCH has a good governance structure with regard to accountability for transfer payments to the provinces. [...] PCH has demonstrated a firm commitment to transfer payment accountability by implementing a formal process and producing educational tools that have been developed as part of the agreements with the provincial and territorial governments."

BC Reporting and Results

In the case of British Columbia (BC), the province received \$40,271,384 (\$10,067,846 annually) for second language instruction in its 2009-2013 bilateral agreement with the Government of Canada.

Annual financial reports show federal and provincial funding was allocated to these endeavours as planned.

With respect to achieving results, the 2010-2011 mid-term report indicates that BC is on track to meet the majority of the targets it identified in its 2009-2013 action plan. Solid progress has been made in all aspects of second language learning.

For example, during that period, the province has increased the number of students in French immersion (by 7.7 per cent to 44,847) and increased the number of school districts offering immersion programs. It has more than doubled the number of students qualifying for an internationally recognized "intermediate" level of competency in French. More schools offered exchanges

and cultural activities in French. BC also increased the enrolment in French language college programs (at *Collège Educacentre*).

A final report on results covering the 2009-2013 period is expected shortly.

[English]

ORDERS OF THE DAY

RUSSIAN SANCTIONS

MESSAGE FROM COMMONS—MOTION TO SHARE
CONCERNS AND CONCLUSIONS EXPRESSED BY
HOUSE OF COMMONS—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Martin, seconded by the Honourable Senator Marshall:

That the Senate share the concerns and conclusions expressed by the House of Commons in the message dated March 26, 2014;

That the Senate convey this resolution of the Senate to the Ambassador of the Russian Federation to Canada; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Hon. Anne C. Cools: Honourable senators, I rise to speak to Deputy Leader of the Government Senator Yonah Martin's April 1 motion on Canada's foreign policy on the Russia-Ukraine conflict, headed "Russian Sanctions." This motion originates in the House of Commons message and motion, also headed "Russian Sanctions," moved by Minister Van Loan as a question of privilege and adopted on March 26. We received this Commons message on March 27. Senator Martin's motion is not viable. It is a form of proceeding not known to us.

Honourable senators, foreign and international relations are the relations between sovereigns of sovereign nations. Agreement and disagreement between them are expressed by prerogative instruments, like treaties and sanctions. Sanctions by or against foreign sovereigns are the business of our Sovereign Queen Elizabeth by her sovereign prerogative instruments. The domain

of Her Majesty's ministers, sanctions against a foreign sovereign and their enforcement are the ken of the responsible Crown minister, the foreign minister, vested by Her Majesty with such credentials. The two houses have no role in foreign sanctions, save their public finance role. Not of foreign affairs, Parliament's control of the public purse is a domestic and home matter. Use of the Queen's sovereign Royal Prerogative powers in foreign affairs against a foreign sovereign is grave business. Russia has done Canada no wrong. Russia fought with Canada as Allies in World War II and lost 26 million people. She shares our Arctic border and, unlike the United States, supports our claim for sovereignty over the Northwest Passage.

Honourable senators, Senator Martin's motion on the Russian-Ukraine conflict is a foreign affairs question on war, peace and international conflict. By the Queen's vast Royal Prerogative powers in these, our government has all the powers it needs. Why they need these Senate and Commons resolutions is unclear. In his 1820 *Treatise on the Law of the Prerogatives of the Crown*, Joseph Chitty, the great master of this law, wrote, at page 6:

With respect to *foreign states and affairs*, the whole majesty and power of his dominions are placed in the hands of the King, who as representative of his subjects possesses discretionary and unlimited powers.

This quotation is a few hundred years old. It continues:

In this capacity his Majesty has the sole right to send ambassadors and other foreign ministers and officers abroad, to dictate their instructions, and prescribe rules of conduct and negotiation. (a) His Majesty alone can legally make treaties, leagues and alliances with foreign states; grant letters of marque and reprisals, and safe conduct; declare war or make peace. As depository of the strength of his subjects, and as manager of their wars, the King is generalissimo of all land and naval forces: his Majesty alone can levy troops, equip fleets, and build fortresses.

Honourable senators, we do not know why the foreign minister did not move this Commons House motion, since its content is his ken, supported by the Prime Minister, the first minister, *primo inter pares*, the first among equals, but is not a sovereign. We should ask why the Commons cast this foreign Russia-Ukraine affair as their question of privilege, and why Senator Martin wants us to debate and vote on it here. We should ask why the government supporters here wish Senate agreement, when the Commons and their March 26 message did not ask for Senate agreement. In both houses, motions on foreign sovereigns may be moved only by responsible Crown ministers, of which the Senate has none. We must conclude that this wholly ministerial Russian Sanctions motion cum question of privilege is irregular and should not be before the Senate.

Honourable senators, Senator Martin's April 1 motion differs from her March 27, not allowed then, because senators denied her leave to move it without notice. I spoke then. I said that urgent need is vital to seek Senate leave to suspend such notice. This Russian Sanctions motion is Minister Van Loan's March 26 Commons motion and message, received and read here on March 27, by our dear and Honourable Senate Speaker *pro tempore*,

Pierre Claude Nolin, who is well endeared to all of us. Under the headings “Russian Sanctions” and “Message from Commons,” at page 1187 of Senate Debates, he said:

Honourable senators, a message has been received from the House of Commons, as follows:

Wednesday March 26, 2014

RESOLVED,—

That, in view of the sanctions against parliamentarians and other Canadians announced by the Russian government, the House (a) re-affirm its resolution of Monday, March 3, 2014, (b) strongly condemn Russia’s continued illegal military occupation of Crimea, (c) call for Russia to de-escalate the situation immediately, and (d) denounce Russia’s sanctions against the Speaker and members of the House of Commons, a member of the Senate, public servants and the President of the Ukrainian Canadian Congress;

That the Speaker do convey this resolution to the Ambassador of the Russian Federation; and

That a message be sent to the Senate to acquaint Their Honours accordingly.

ATTEST

AUDREY O’BRIEN
The Clerk of the House of Commons

• (1430)

Colleagues, this message acquainted the Senate but did not seek its agreement. I reread:

That a message be sent to the Senate to acquaint Their Honours accordingly.

No one can reinvent, reinterpret or correct this message to mean that which it did not say. To alter a house message is out of order and breaches the privileges of both.

Honourable senators, Minister Van Loan’s multi-proposition motion “Russian Sanctions,” under his rubric “Privilege,” needs a close look. Moved without notice and with leave to suspend the rules in the Commons, he said:

... further to the question of privilege raised yesterday... on the matter of Russian sanctions..., there were discussions... among the House leaders on... an appropriate resolution for this House to consider. Therefore,... I move:...

And he moved the motion I just read. His motion, by the message that was read by Senator Nolin, was cast to solve the dilemma of their March 25 question of privilege and claim that the Russian Federation’s actions against 13 Canadians had breached the privileges of the House of Commons. This question of privilege was raised by Ralph Goodale and spoken to by Minister Van Loan. Mr. Goodale said:

Typically, those who have reacted, so far, to their being included on this Russian blacklist have worn their sanction status as badge of honour...

Minister Van Loan’s motion before us by the Commons message attempts to solve the large procedural problems caused by using privilege as their debate rubric. House of Commons privileges have no force abroad. By the British North America Act of 1867, section 18, both houses have powers, immunities and privileges, but these have no foreign application or jurisdiction. There is no foreign breach of privileges. There is no foreign contempt of Parliament. Further, the Senate cannot, and should never, express opinions or vote on House of Commons questions of privilege. Each house is the sole judge of breach and contempt of its privileges. Foreign insult and injury to Canadians are, in law, wholly against our Queen, who responds through the foreign affairs minister. Minister Van Loan’s combined foreign policy and question of privilege motion, with its Senate message, were adopted there without debate and without a word from the foreign affairs minister or the opposition’s foreign affairs critic. This silence is loud. Senator Martin’s motion — dear Senator Martin, for whom I have great affection — is not viable and is improper and out of order *ab initio*. This matter is far more complex than it appears on the surface.

Honourable senators, replicating the minister’s motion and messages here, Senator Martin’s motion says:

That the Senate share the concerns and conclusions expressed by the House of Commons in the message dated March 26, 2014;

That the Senate convey this resolution of the Senate to the Ambassador of the Russian Federation to Canada; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Her motion seeks our agreement, which the House of Commons, by their message, did not. Had the Commons sought or wanted our agreement, they would have done so by a motion for joint resolution of the two houses, with its message for Senate concurrence. Our motion is a response to a non-existent request. Colleagues, we may adopt only what is stated in our motion, and not what is not. Further, our beloved colleague does not say which conclusions we should adopt. This is a problem, since her motion includes:

That... the House (a) re-affirm its resolution of Monday, March 3, 2014...

That means the House of Commons. The Senate knows no March 3 House of Commons motion and cannot reaffirm what it did not affirm. This foreign affairs matter was moved not by a minister but by a backbencher, Ted Opatz, and was strong in partisan words like:

...strongly condemn Russia's provocative military intervention in Ukraine...

And more. This treats the Senate, this high court, as knowing and willing partisans to a conflict about which the Senate knows nothing. Nothing has been put before us about the conflict. The Senate knows nothing of it.

Honourable senators, Minister Van Loan displays pride in his dislike for Russia in his March 25 speech on their question of privilege. He said:

Like you Mr. Speaker, I am one of the 13 named individuals in the Russian sanctions....

The Russians are well familiar with my concerns about their aggressive posture, their violations of human rights, and the threats they have posed to neighbours and to the sovereignty of neighbouring countries. They pay close attention to it.

I am not the first in my family to find myself on lists that have been prepared by the Russians. In fact, sadly, I follow a long line who have been on such lists, some of whom ultimately had their travel arrangements imposed by the Russians and ended up in gulags in Siberia where they met their end....

The freedom and democracy that I care... about is a large function of that family history... It is one of the reasons I got involved in politics.... It is the reason our government has been responding so forcefully. We feel it is necessary across the board....

I am very proud of our Prime Minister's work in leading our G7 partners to the conclusions they have arrived at in ensuring Russia's suspension from the G8 and that other sanctions have been put in place.

Honourable senators, the Commons conclusions in Senator Martin's motions, are not supported here by any evidence. No evidence has been put before the Senate. Their tenor is unmeasured. Their strident and aggressive tone is unhelpful to just and peaceful resolution. Mindful of their large procedural defects, the Commons, by their message, wisely chose not to seek Senate agreement. Diplomacy and monumental human effort are needed for peaceful resolution. This is our goal. If the Commons motions were not for this, then why are they before us? Our goal must be peaceful and just resolution, not improvident acts like the expulsion of Russia from the G8.

Honourable senators, we cannot labour in darkness. The substantive issues are not before us. The government, with its absolute and vast powers in foreign affairs, has not needed, or

sought, Senate agreement in its actions and will not say why they want these two motions — really one — simply repeated here. Ministerial explanation on this non-viable and irregular motion's form and substance is needed. Yet again, colleagues, we face the abiding constitutional obstacle in this place that is the absence of a Crown minister in the Senate.

The Hon. the Speaker *pro tempore*: Are you asking for more time?

Senator Cools: Yes, Your Honour.

The Hon. the Speaker *pro tempore*: Five more minutes? Honourable senators, do we grant five more minutes to Senator Cools?

Hon. Senators: Agreed.

The Hon. the Speaker *pro tempore*: Senator Cools, you will be counted on your time. You have five more minutes.

Senator Cools: Thank you, dear senators. I was speaking about the abiding constitutional obstacle that is the real and constitutional absence of a Crown minister in the Senate. No senator is a member of the government with Her Majesty's ministerial credentials to answer here on foreign affairs questions of war, peace and relations between our and Russia's sovereigns. This absence is an absolute and insurmountable barrier to Senate debate and vote on this Russian Sanctions motion and on a House of Commons question of privilege. The Commons' message silence on Senate agreement proves that our opinion is unwanted.

• (1440)

Honourable senators, balance and fairness are needed in the Russia-Ukraine crisis. The facts are not before us. The Ukrainian position is assumed in Senator Martin's motion, but, like the Russian and Crimean positions, it has not been put before us either for study. None of the parties' positions have been put before us for study.

Many Canadians are worried, perhaps wrongly, that their government, unduly influenced by the Ukrainian Canadian Congress, is fixed on the next election and the votes of our great Western Canadians of Ukrainian descent. All fear the reported re-emergence of Stepan Bandera fascism in Ukraine, and vows to kill "every Communist, Russian and Jew," and also of the neo-Nazi Svoboda Party with 40 seats in the parliament.

Colleagues, my position is that the Senate needs an evidence-based debate on the facts, the full facts, the parties' positions and our government's actions.

Honourable senators, many Canadians have deep and long personal and family roots in Ukraine and Russia, and they also have large commercial interests there. All care about civil

instability. In personal and commercial life, money is a coward that flees civil unrest. People and wealth need peace to flourish. Many are so working for peace. Edmonton MP Peter Goldring, a Russian Orthodox Church member, is working for a unity of heart between representatives of the Russian and the Ukrainian Orthodox Churches to forge a joint unifying statement for presentation to the Russian and Ukrainian leaders. I support him with my whole heart.

Colleagues, the Christian concept of the redeeming and healing power of love is strong. Mr. Goldring and I were pleased to meet with the Ukrainian Ambassador, His Excellency Vadym Prystaiko. We met also with Igor Girenko, for His Excellency Georgiy Mamedov, the Russian Ambassador. Their countries are well served by these two men. These devoted and just men want just solutions. I thank them for meeting with us. Colleagues, I want to say that I was deeply touched by their very profound and very real concerns for their peoples and their countries' good relationships with Canada.

I would like to close by saying that the healing power of love does work, and diplomacy does work and it can work. As I said before, it takes monumental effort and stupendous endurance, but I sincerely believe that the Christian concept of the healing power of love is real.

I will say, colleagues, that perhaps our government and the Senate should hold those thoughts close in our hearts when we look at these issues. As I have said before, carnage and war should be avoided at all and at any cost. If some of us or all of us can bring some reconciliation and resolution to this situation, I can truly say that many governments and many peoples of the world would appreciate it.

Those are my thoughts, colleagues. I hope that Senator Martin understands my position. I do not think that it is known to most honourable senators that the motion that has been replicated here was a question of privilege, raised as a question of privilege in the other place. For years we have worked and laboured under the proposition that questions of privilege are the sole purview of the house, which is the sole judge of its contempt of Parliament and breaches of privilege. Some may want to reflect on these questions because they are not apparent in the Commons message as read. I discovered this as I looked at the debates of the other place. This is an important matter — the whole business of us voting and debating a Commons motion that was a question of privilege there.

Honourable senators, I thank you for your attention. I think it is safe to say that most Canadians would like to see resolution to this conflict in a peaceful and just way. Carnage and bloodshed are to be avoided at any cost. I shall not vote for this motion.

The Hon. the Speaker *pro tempore*: Continuing debate.

Some Hon. Senators: Question.

(On motion of Senator Cools, for Senator McCoy, debate adjourned.)

CONTROLLED DRUGS AND SUBSTANCES ACT CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Ringuette, for the second reading of Bill S-203, An Act to amend the Controlled Drugs and Substances Act and the Criminal Code (mental health treatment).

Hon. Yonah Martin (Deputy Leader of the Government): Honourable senators, I note that this order is at day 15 and I'm not ready to speak at this time, nor am I the sponsor. I ask for leave to reset the clock.

(On motion of Senator Martin, debate adjourned.)

BLACK APRIL DAY BILL

SECOND READING—DEBATE ADJOURNED

Hon. Thanh Hai Ngo moved second reading of Bill S-219, An Act respecting a national day of commemoration of the exodus of Vietnamese refugees and their acceptance in Canada after the fall of Saigon and the end of the Vietnam War.

He said: Honourable senators, I rise today with immense privilege and honour to summon your support on Bill S-219, An Act recognizing April 30 as a national day of commemoration of the exodus of the Vietnamese refugees and their acceptance in Canada after the fall of Saigon and at the end of the Vietnam War.

Bill S-219 will recognize April 30 as Black April Day. This commemoration day will bring the attention of all Canadians to the events and suffering that followed the fall of Saigon after the Vietnam War in 1975. It would also shed light on the fundamental role that Canadians played in rescuing and welcoming thousands of Vietnamese refugees.

• (1450)

Many might wonder about the significance of the end of the Vietnam War and the impact it had on Canadian history. Some might also ask why April 30 deserves a day of commemoration. In truth, too little is known about the struggles and atrocities that followed the devastating Vietnam War. Even fewer are aware of Canada's humanitarian role in the aftermath of the war. Unlike the Cold War and both world wars taught in schools across the country, Canada's implication with the Vietnam War and its boat people are often overlooked and forgotten.

The Vietnam War was very much driven by opposing ideologies between the two different political systems. The Cold War brought the Vietnam communists in the north against the Vietnam democratic south in an 18-year-long war. The Republic of South Vietnam courageously fought to defend freedom and democracy for over two decades in order to prevent the spread of communism. This prolonged struggle between the north and the south of Vietnam was an attempt from the communist north to invade the democratic south in order to bring South Vietnam under its rule.

The north communist forces broke the Paris Peace Accord by invading South Vietnam and by establishing a ruthless totalitarian regime throughout the country after the fall of Saigon on April 30, 1975, a dark day that shook the world and forced millions of Vietnamese to leave their war-torn homes in search of safety and freedom.

Even if Canada was not directly implicated in the war, it showed its involvement in other ways. Although the Canadian Forces were not directly involved in the combat or in the conflict, they undertook a supervisory operational role during the Vietnam War in order to support the aim of establishing peace and ending the war by assisting the enforcement of the Paris Accord of 1973. Canada also served on two international truth commissions and provided medical supplies and technical assistance.

From 1954 to 1973, Canada was a member of the International Control Commission that oversaw truce agreements in Vietnam and was limited to neutral nations. Canadian diplomats were further renowned for their involvement in negotiations between Washington and Hanoi. It was always maintained and agreed that Ottawa was an impartial actor and acted as an objective and respected peacekeeper while it administered humanitarian aid to the victims and refugees of the war.

After long battles and endless losses on both sides of the war, the fall of Saigon took place with the capture of the capital of South Vietnam by the People's Army of Vietnam and the National Liberation Front on April 30, 1975. This dark day marked the end of the Vietnam War and the beginning of the formal reunification of North Vietnam and South Vietnam into a communist state ruled by a one-party regime.

For the current Vietnamese Socialist Republic, April 30 is celebrated as a day of military victory over the Americans. However, April 30, 1975, marks a sad day for far many more people, especially for those from South Vietnam.

For Canadians of Vietnamese origin and the wide Vietnamese diaspora now living abroad, April 30 depicts a day when South Vietnam fell under the power of an authoritarian and oppressive communist regime that pays no heed to human rights. We remember April 30 as a black day, because it represents the sad day we lost our country, our families, our friends, our homes, our freedom, and our democratic rights. It commemorates a day of loss and grief.

After the Vietnam War, over 65,000 Vietnamese were executed and over 1 million were sent to prison and rehabilitation camps where it was estimated that around 165,000 died because of retribution from North Vietnamese communists.

The years after the fall of Saigon from 1975 to 1996 were known to be the largest mass migration in modern history with more than 1.5 million people leaving the war-torn country in search of freedom.

What was unique about the Vietnamese exodus was that unlike most other migrations that often are displaced through mountains, deserts and oceans, the only route of escape for Vietnamese fleeing the country was by navigating the sea. This is why this group of refugees has become known to the world as the "boat people." Many Vietnamese people had to sail in rickety broken boats from the South China Sea, where they faced constant, unimaginable peril. They had to navigate not only through deadly storms but also through diseases and starvation.

The primary cause of death of the boat people was drowning, and being attacked by pirates, being murdered or sold into slavery and prostitution. According to the United Nations High Commission for Refugees, over 250,000 perished in the seas looking for a brighter future and freedom.

Honourable senators, many Vietnamese Canadians' journeys and arrivals to Canada are not part of our national heritage. I want to share with you a few stories of survival of the Vietnamese boat people on their journey to Canada.

One wrote:

On the eighth day, my three-year-old daughter died, on the ninth day my eight-year-old son died, and on the tenth, my wife's smallest niece died.... We were on the sea without food or water for about 13 days. Then I wrote a letter, put it in a bottle and threw it overboard, hoping someone would find it and let my family know I died at sea.

Another story:

It began one morning, when we set out to sea, heading into the unknown. As a fourteen-year-old boy, there I was with my sixteen-year-old brother and 150 other people on a small wooden boat designed to carry a third of that number when we arrived at one of Malaysia's Terumbu islands. The journey had taken four days and three nights, during which time we experienced two major storms and an angry sea that threatened to swallow us all. We witnessed many painful things during that trip, one of the most affecting being that an infant was crushed on and died, and his body was thrown overboard.

Another:

The lid was closed, and we were told to be quiet because the police would be inspecting the boat before it could leave to go out fishing. I did not expect to be put in a very small secret compartment of the boat underneath an icebox. It was dark and hot in there and I had no room to move. Other bodies were weighing down on me. Then the air became so thick it was almost impossible to breathe. Children started to cry, and their parents tried frantically to cover their mouths. I wanted to cry out also because I was so hot, so uncomfortable and so desperate for air. And I began to seriously fear for myself and my brother. Then it occurred to

me that breath is life, and without it there would be no freedom. I told myself to hold on for one breath, and another one, and another one....

[Translation]

Honourable senators, these are but a few of the thousands of stories told by survivors. I could spend hours reading these stories about the Vietnam exodus, but I am sure that these few descriptions will give you an idea of what the Vietnamese boat people endured in their search for refuge and freedom.

[English]

What is even more unfortunate is that some countries turned the boat people away, even when a boat full of refugees managed to reach land. These refugees often had to travel even farther from their homeland and settle in Canada, France, Australia, the United States and United Kingdom. The United States accepted 800,000 refugees, Britain accepted 20,000 and France 96,000. Australia and Canada accepted 137,000 each. The Vietnamese diaspora across the globe now amounts to approximately 3.5 million.

• (1500)

Honourable senators, Bill S-219 is not only about commemorating the boat people who lost their lives during the exodus. It is also a commemoration of how Canada welcomed these refugees with open arms. Canada's role has often been forgotten with the passing years.

[Translation]

In light of the growing migration of Vietnamese refugees, the federal government created a private sponsorship program under which it would invite volunteer organizations, churches and groups of at least five adult citizens to welcome a family of refugees and provide them with support for one year. For each privately sponsored person, the government would sponsor another refugee.

Without the kind and attentive efforts of thousands of Canadians and without the leadership, support and cooperation of the federal, provincial and municipal governments, Canadian and international refugee agencies, non-governmental organizations and religious groups, the migration of such a large number of people in such urgent and dire circumstances would not have been possible.

[English]

I first arrived in Canada with other Vietnamese refugees. In a moment of great need, this country welcomed us after we lived through a devastating war, suffering in refugee camps and enduring long boat trips to escape the place we could no longer call home. Like many others, I had to struggle and work hard to support myself and my family in the new environment.

In July 1979, the Canadian government, under then Prime Minister Joe Clark, made its historic announcement of a target figure of 50,000 Vietnamese refugees to be admitted to Canada by

the end of the 1980s. But in February 1980, the government announced that this figure would be increased from 50,000 to 60,000.

After the fall of Saigon in 1975, Canadians graciously opened their homes and hearts to over 60,000 Vietnamese refugees who desperately needed a place to rebuild their lives. Canadians from all walks of life responded without hesitation, and they became part of a vast international effort dedicated to finding a safe haven for these unfortunate people.

[Translation]

Of the 60,000 Vietnamese refugees welcomed to Canada between 1979 and 1980, roughly 26,000 were sponsored by the government and 34,000 were sponsored by private agencies.

[English]

In 1986, the people of Canada were awarded the Nansen Medal by the United Nations High Commissioner for Refugees in recognition of their major and sustained contribution to the cause of refugees. The United Nations High Commissioner for Refugees' Nansen Medal was awarded to the people of Canada for their extraordinary efforts on behalf of the Vietnamese refugees. This was the only time a country has ever been awarded this Nansen award.

Without Canada's generosity and humanity, I never could have achieved what I have today. I proudly rise as a senator and defend freedom, human rights and democracy without fearing for my life. Today, I can look at my family and know that I have been able to provide for them and ensure their well-being.

For 39 years, every year on April 30, Vietnamese who live in exile throughout the world gather to remember the loss of their country. For all Vietnamese-Canadians, April 30 marks a day of remembrance. We remember the acts of brutality and the inhumanity with which the communists treated their adversaries. While there are certainly no positive outcomes from the brutal Vietnam War, there is one good ending. The Vietnamese boat people who escaped from Vietnam during and after the conflict have had a huge, positive impact on the countries in which they settled. Vietnamese immigrants and refugees integrated quickly and extremely well in the fabric of their new homelands. Since their establishment, they have made immense economic contributions to their adopted countries. Many of them are now lawyers, doctors, judges, directors, artists, journalists.

Canada is now home to more than 300,000 Vietnamese-Canadians, with now three proud generations who celebrate an important heritage in a great nation. Since coming to Canada, the Vietnamese communities have constantly shown that they are hard-working Canadians capable of becoming an integral part of Canadian society. Hundreds of thousands of Vietnamese people lost their lives in an attempt to find a better future and the pursuit of freedom. These men, women and children fought for democracy, human rights, justice and freedom. For the younger Canadian generation who were born and raised in a free society, freedom is like air.

We hardly ever think about the importance and delicate nature of freedom because it is always here for us. But to the 90 million Vietnamese living in a communist country full of oppression and prohibition, freedom does not exist.

Bill S-219 will not only remember the atrocities that followed the fall of Saigon but also commemorate the achievement of Vietnamese-Canadians concurrently to highlight a new chapter in Canada. While remembering the past, we are able to focus on the present and future as well. Canada is a wonderful country because we recognize that each generation has a responsibility to make the future better for the next generation, and every one of us has an individual responsibility to do our share.

April 30 is now a day when the Vietnamese diaspora in Canada dedicates itself to restoring those fundamental values and to reminding us and raising awareness about the freedoms and liberties that define our society and this great institution. April 30 is also remembered as the day that commemorates the struggles, courage and heroism of those who fought for democracy, human rights and freedom. April 30 is a day when we thank Canada for saving our lives.

I would like to point out that without Canada's generosity and humanity, I and thousands of Vietnamese refugees could never have achieved what we have today.

We are now allowed to live in a wonderful country where we can enjoy freedom and democracy as proud Canadians. It is the openness of the people, the opportunities and the democratic values that inspire us to make our home here in Canada. These are the same values we wish to promote for the millions of Vietnamese whose basic human rights are close to non-existent. To this day, the human rights situation in Vietnam has deteriorated significantly. This year alone marked an intensifying crackdown on religious freedoms, fundamental human rights and the rule of law. This is why today brings the Vietnamese people together to remember the suffering, express gratitude and advocate on behalf of the Vietnamese who don't enjoy the basic human rights and religious freedoms we enjoy here in Canada.

I urge both sides of the Senate, as well as our colleagues in the other chamber, to regard this bill as an integral part of Canadian heritage and as a testimony to human rights, freedom and democracy.

Honourable senators, it is my great honour to be speaking a second time about this bill, on the exact day the bill seeks to recognize. It is my hope that next year we will be able to commemorate the fortieth anniversary of Black April Day.

[Translation]

Honourable senators, I want to thank you for your support in making April 30 "Black April Day."

(On motion of Senator Fraser, debate adjourned.)

[Senator Ngo]

• (1510)

[English]

POPE JOHN PAUL II DAY BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Poirier, for the second reading of Bill C-266, An Act to establish Pope John Paul II Day.

Hon. Terry M. Mercer: Honourable senators, I'm pleased to rise today to speak on Bill C-266, an Act to establish Pope John Paul II Day.

With the business of the government taking precedence over private members' business in the past while, it has taken some time to get to this bill. I certainly hope we can have a good discussion on it and on other private members' bills before us.

As a Roman Catholic, I've seen seven popes in my lifetime, starting with Pius XII and through to now our new pope, Francis. Each pope has acted differently, not only in the defence, or lack thereof, of the church but in how the church spreads its message throughout the world. This bill is attempting to recognize Pope John Paul II, now Saint John Paul II, who served as the pontiff of the Roman Catholic Church from 1978 until his death in 2005, over 26 years.

As the bill's preamble states, John Paul II is "widely recognized as a leading figure in the history of the Roman Catholic Church and the world and played an influential and vital role in promoting international understanding and peace."

I believe the same can be said of many of the popes over the past number of years. Again, they are different in terms of what they actually did to accomplish such goals.

One thing this bill points out that I wanted to highlight is Pope John Paul II's love of young people, as he was instrumental in establishing World Youth Day in 1985 as a way to inspire youth and encourage them in living out the teachings of Christ.

I have always been a promoter involving young people in everything that we do, from politics to religion. Young people are the future and I certainly recognize Pope John Paul II's efforts to bring youth closer to the teachings of the church and to make a greater impact on their world. I don't think any of us can doubt that.

Honourable senators, I also do remember a rainy day in Halifax in 1984 when Pope John Paul II visited and had mass on the Halifax Commons with tens of thousands of people in attendance.

As a matter of fact, his visit also coincided with the celebration of the bicentennial anniversary of the founding of the first Catholic Church in Halifax in 1784, which was St. Peter's Church, which has now been replaced by St. Mary's Basilica. That church, by the way, was built very quickly after the laws were changed in Nova Scotia, where Catholics were allowed to practise their religion in churches in Halifax. We've come a long way.

Honourable senators, Pope John Paul II remains an important figure in the hearts and minds of Roman Catholics all over the world. However, his papacy was not all positive and, indeed, was marked by various serious periods of unrest within the church.

One thing that has been bothering me since I've been thinking about whether or not to support the bill is the atrocities against children that have been committed by priests in the Catholic Church. I am neither a judge nor a jury, but some of these terrible acts did occur under Pope John Paul II's term as pope. Was he immune to the charges? Did he ignore them? Was there a cover-up and was that the fault of the cardinals and bishops surrounding him? This is still a matter of debate, but it remains that he was still pope when some of these crimes were committed.

Honourable senators, my faith is my own and shapes who I am as a person. However, as a legislator, I must respect our pluralistic society and make decisions that benefit all citizens, not just a few. I am a devout supporter of equality and human rights for all people. The most recent fight for this was when the Liberal government at the time recognized same-sex marriage. This, of course, was not such a great idea in the confines of the Catholic Church, nor was the pope of course in favour of such a change. But in my heart, along with many others, I had to support this initiative, even if it meant rebuking my faith and the teachings of my church, for I believe Jesus did say: "A new command I give you: Love one another. As I have loved you, so you must love one another."

Honourable senators, I do understand that establishing a day to honour Pope John Paul II is one of great importance to our friends in the Polish community. He was a true inspiration, not only to the Polish people but to millions of Catholics and non-Catholics alike. I lived many years ago in Toronto for a time and in a very large Polish community, so I do share their respect for the Polish pope, John Paul II. I'm just not sure Parliament should be recognizing it officially.

One question I have is whether or not this is up to the church to promote, not us here in Parliament.

Some Hon. Senators: Hear, hear.

Senator Mercer: Because the next question becomes: Where do we stop? There have been 266 popes, if you ignore the antipopes. How do we choose one over another? Do we recognize some and not others? Do we recognize them all?

Honourable senators, I also noticed the other day that when Pope John Paul II was canonized, another revolutionary pope was also recognized. In 1962, Pope John XXIII went to his

window in the Vatican and cried out to those assembled: "Going home, you will find your children. Give them a caress and tell them 'This is the caress of the pope.'"

This was the opening night of the Second Vatican Council, that revolutionary conference that he brought together and that brought the Catholic Church, some would say, kicking and screaming into the 20th century. The good pope, John Paul XXIII, was indeed a revolutionary. We can see some of him now with Pope Francis. We see him spreading the cause of peace and bringing new ideas to the church. He is continuing the actions started by Pope John XXIII.

I only hope that in cleaning up the corrupt nature of the Vatican Bank and the rank and file of the Vatican in general, Pope Francis will finally bring justice to the thousands of children that were inflicted with pain and suffering at the hands of those people representing the church.

I also am uncomfortable as a Catholic or as a modern Canadian and as a feminist with the stand that the church continues to have on divorce, abortion and homosexuality.

Some Hon. Senators: Hear, hear.

Senator Mercer: Honourable senators, I think it is safe to say that recognizing the good works of someone is always something we want to do. However, I still have not decided whether I will vote to support the bill. This bill indirectly involves the church and I do not know how comfortable I am in doing that, especially with the number of atrocities committed by priests and the cover-ups and buy-offs by the Vatican through the various dioceses. It is certainly not my intention to belittle the good works of Pope John Paul II, but this is a question of morality for me. This is not a question of faith or a doubt of his good deeds.

I look forward to further debate of this bill here in the chamber and in committee in order to help me answer these questions.

Hon. Kelvin Kenneth Ogilvie: Would the honourable senator accept a question?

Senator Mercer: Of course.

Senator Ogilvie: First, senator, I want to applaud you for a remarkable speech. I would like to ask a question about one aspect that you touched on only very briefly.

• (1520)

Canada is a pluralistic society with dozens of spiritual approaches, many of them organized into defined religions. I will have a slight asterisk on my question to you. Do you think it's appropriate for a Parliament in a democratic society to distinctly recognize one religion within the context of a pluralistic society? My asterisk, senator, is that I don't really want to hear that we're recognizing the man and not the church, because in fact this individual gave up all individual action by oath early in his life and transferred his entire being to that of his faith and his church and rose to be the highest recognition of his church on Earth. I

would really like to know if you have an answer to the specific question with regard to the Parliament of Canada recognizing one faith within a pluralistic society.

Senator Mercer: As I mentioned in my speech, I am a bit uncomfortable with that. You heard my comment about the building of the first Catholic Church in Halifax. It came after the law was changed to allow Catholics to practise their faith in churches in Halifax. That's a demonstration of the intolerance.

I am very uncomfortable with the fact that we single out Catholicism or the Anglican Church or the Muslim faith or the Jewish faith. It makes me uncomfortable that we're singling out anybody. What makes this country strong is the fact that I have no idea about the religions of all of you here, and really it doesn't matter to me. I do happen to know about some people's religion because I know them personally, but it doesn't matter to me and it shouldn't matter to Canadians. It shouldn't matter to us what the religion is of other Canadians. A Canadian is a Canadian is a Canadian, if they're a Jew, a Muslim, a Catholic, a Protestant or a Sikh. It doesn't matter what religion we are; we're Canadians. That's why I am very uncomfortable with that aspect of the bill. It is putting us in a position where we're recognizing one religion. As you said, Senator Ogilvie, he was not an individual. He was the head of one of the largest churches in the world and was recognized as such.

Hon. Jane Cordy: Could I also ask a question, Senator Mercer?

Senator Mercer: Yes.

Senator Cordy: I'm Catholic also, and I spoke earlier about the good things that Pope John Paul II has done in his life. You certainly raise some interesting questions that people have spoken to me about privately, and I raised a couple of those issues in my speech. As you said, recently the Catholic Church canonized Pope John Paul II and made him a saint, and that would be a saint within the Catholic Church. Is there a difference, do you think, between the Catholic Church recognizing a former pope and we, as parliamentarians, recognizing a Pope John Paul II Day? I think you touched on it briefly in response to Senator Ogilvie's question, but a number of people have also approached me with concerns about the separation of church and state. I wonder if you would be able to comment on that.

Senator Mercer: Of course the separation of church and state is a principle that Western democracies have lived on for a long time.

Yes, I think it is okay. I think there's a big difference between a Pope John Paul II Day recognized by the Parliament of Canada and the Catholic Church canonizing him as a saint. That's entirely different. Quite frankly, that's the business of the Catholic Church and the Catholic faith, and that's it. I'm not going to be involved in selecting the archbishop of Westminster because I'm not a practising member of that faith. I'm not going to select the next rabbi at the local synagogue in Halifax. I think there's a very real difference there. If the church recognizes him as Saint John Paul II, so be it. I wasn't there to vote on the issue.

The Hon. the Speaker pro tempore: On debate? Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker pro tempore: It was moved by the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Poirier, that this bill be read the second time.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker pro tempore: On division? No? I want to hear the voice votes. Those who are in favour of the motion, please say "yea."

Some Hon. Senators: Yea.

The Hon. the Speaker pro tempore: Those who are against, please say "nay."

Some Hon. Senators: Nay.

The Hon. the Speaker pro tempore: I think the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker pro tempore: Have the whips consulted?

Senator Martin: Now?

The Hon. the Speaker pro tempore: Can you advise me on the length of the bell that you would wish to hear?

Senator Martin: Now?

The Hon. the Speaker pro tempore: I would like to hear from the two whips, please.

Senator Marshall: Now?

Hon. Jim Munson: Thirty minutes would be appropriate.

The Hon. the Speaker pro tempore: Is thirty minutes agreeable?

Call in the senators. We'll have a bell of 30 minutes. The vote will take place at exactly eight minutes before 4:00.

• (1550)

Motion agreed to on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk
Ataullahjan
Batters

Marshall
Martin
McInnis

Beyak
Black
Boisvenu
Carignan
Cools
Dagenais
Dawson
Demers
Doyle
Enverga
Fortin-Duplessis
Frum
Furey
Gerstein
Housakos
Johnson
Lang
LeBreton
MacDonald
Maltais
Manning

McIntyre
Mockler
Neufeld
Ngo
Nolin
Oh
Patterson
Plett
Poirier
Rivard
Runciman
Seidman
Seth
Smith (*Saurel*)
Stewart Olsen
Tannas
Tkachuk
Unger
Wells
White—47

NAYS
THE HONOURABLE SENATORS

Callbeck
Cowan
Day
Downe
Dyck
Eggleton
Fraser
Greene
Hervieux-Payette
Hubley
Jaffer

Mercer
Mitchell
Munson
Nancy Ruth
Ogilvie
Ringuette
Rivest
Robichaud
Segal
Verner
Watt—22

ABSTENTIONS
THE HONOURABLE SENATORS

Bellemare
Buth
Charette-Poulin
Cordy
Eaton

Meredith
Moore
Raine
Tardif—9

(Motion agreed to and bill read second time.)

• (1600)

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

Hon. Suzanne Fortin-Duplessis: I move:

That Bill C-266 be referred to the Standing Senate Committee on Human Rights.

Hon. Mobina S. B. Jaffer: As Chair of the Human Rights Committee, I am at a little bit of a loss as to why a social bill would come to the Human Rights Committee.

The Hon. the Speaker *pro tempore*: Senator Jaffer, I cannot entertain a point of order at this point. The only option you have is to vote against the motion to refer it to a committee. That's the only option you will have.

Hon. Joan Fraser (Deputy Leader of the Opposition): We can ask for clarification and explanation.

The Hon. the Speaker *pro tempore*: I will put the motion.

[*Translation*]

The Hon. the Speaker *pro tempore*: It was moved by the Honourable Senator Fortin-Duplessis, seconded by the Honourable Senator Housakos, that this bill be referred to the Standing Senate Committee on Human Rights.

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

Some Hon. Senators: No.

Some Hon. Senators: Yes.

[*English*]

Hon. James S. Cowan (Leader of the Opposition): Your Honour

The Hon. the Speaker *pro tempore*: Senator Cowan, we are in the middle of a vote, I must go through that vote.

An Hon. Senator: On debate.

The Hon. the Speaker *pro tempore*: There will be no debate. You can ask for a standing vote, but I must put the question.

Those who are in favour of that motion, please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker *pro tempore*: Those opposed to the motion please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker *pro tempore*: I definitely think the “yeas” have it.

An Hon. Senator: On division!

The Hon. the Speaker *pro tempore*: On division, definitely. This bill is now referred to the Standing Senate Committee on Human Rights.

(On motion of Senator Fortin-Duplessis, bill referred to the Standing Senate Committee on Human Rights.)

BUSINESS OF THE SENATE

The Hon. the Speaker *pro tempore*: Honourable senators, before I proceed to the adjournment motion, when we have a suspension waiting for a vote, colleagues are free to move around the chamber. The Mace that is on the table is a symbol and nobody is entitled to touch it.

Let me read to you from the *House of Commons Procedure and Practice*:

During a sitting it is considered a breach of decorum for Members to pass between the Speaker and the Mace.

You should read “senators” for “members.”

Members have also been found in contempt of the House for touching the Mace during proceedings in the Chamber.

I am not referring to anyone specifically, but it is a good reminder to know that for the last 500 years, the Mace has been a symbol not only in Canada but also in the British Empire. We must respect that symbol.

Hon. Senators: Hear, hear.

(The Senate adjourned until Thursday, May 1, 2014, at 1:30 p.m.)

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