



# DEBATES OF THE SENATE

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1st SESSION • 42nd PARLIAMENT • VOLUME 150 • NUMBER 37

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OFFICIAL REPORT  
(HANSARD)

Tuesday, May 17, 2016

The Honourable NICOLE EATON  
*Speaker pro tempore*

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Published by the Senate  
Available on the Internet: <http://www.parl.gc.ca>

## THE SENATE

Tuesday, May 17, 2016

The Senate met at 2 p.m., the Speaker *pro tempore* in the chair.

Prayers.

### SENATORS' STATEMENTS

#### MATERNAL, NEWBORN AND CHILD HEALTH WEEK

**Hon. Norman E. Doyle:** Honourable senators, some time ago, Parliament voted to designate the second week in May of each year as International Maternal, Newborn and Child Health Week. Accordingly, I thought it might be important to take note of the passing of the first anniversary of the MNCH Week designation.

When I spoke on the motion a year ago, I quoted the former Prime Minister, who had highlighted the importance of the matter at a special G-8 Summit in Muskoka in 2010. He said:

Saving the lives of mothers and children is not only a moral imperative; it is the foundation for building prosperous communities for this generation and the next.

I couldn't agree more.

The designation of the second week in May as MNCH Week is designed to enable the various stakeholders in this field to synchronize resources and make a more meaningful impact on this very important problem. And, colleagues, it is a problem of monumental importance. For example, the UN reports that a woman dies every two minutes as a result of pregnancy-related complications, the vast majority of which are preventable by cost-effective, evidence-based interventions. In addition, 12 children under the age of 5 still die every minute from mostly preventable causes. It bears repeating: 12 children under the age of 5 still die every minute from mostly preventable causes. In the year 2012, 6.6 million children around the world died before they could "celebrate" their fifth birthday. During the next 10 minutes, 120 children will die, mainly in the Third World. That's truly a mind-boggling number when we consider how many minutes there are in a day, not to mention a week or a month.

These days, Canada is helping the less fortunate around the world. By providing billions in support for MNCH, Canada has been able to mobilize several billion dollars from our international partners. Thanks to these efforts, worldwide maternal mortality fell from 543,000 deaths in 1990 to 287,000 deaths in 2013. During the same period, the number of children dying before reaching the age of 5 dropped from more than 12 million in 1990 to the earlier mentioned 6.6 million today.

The motion asking for the MNCH Week designation came from a former colleague, Senator Asha Seth. Dr. Seth was more than just the mover of the motion; her 38 years in the practice of obstetrics and gynecology made her uniquely qualified to take the lead on this very important issue. Even though she is no longer in the chamber — I believe she could be in the gallery; yes, she is in the gallery — Dr. Seth has not forgotten what she has started.

This year, I'm pleased to join her in hosting a reception on Parliament Hill this evening —

**The Hon. the Speaker *pro tempore*:** Senator Doyle, would you finish up, please? We have many statements.

**Senator Doyle:** Yes.

A reception to celebrate the MNCH anniversary and to salute the ongoing work of the Micronutrient Initiative, which is an organization dedicated to the elimination of —

**The Hon. the Speaker *pro tempore*:** Senator Dyck.

#### ASIAN HERITAGE MONTH

**Hon. Lillian Eva Dyck:** Honourable senators, on May 3 our Asian senators hosted a celebration of the fifteenth anniversary of Asian Heritage Month by joining together for an evening of Asian culture and food. Former Senator Vivienne Poy was honoured for her motion declaring May as Asian Heritage Month, which was adopted on December 6, 2001. The Senate continues to celebrate this event every year.

Honourable senators, a vital part of the Chinese Canadian heritage is the gold rush in British Columbia in the 1800s. Hundreds of Chinese men from the Guangdong area of China, along with thousands of others, prospected and panned for gold in the interior of B.C. They risked everything in the hopes, the gamble, of finding their fortunes in Gold Mountain, the nickname for what is now part of B.C.

As stated on the Chinese Canadian Stories website:

"Gold Mountain" names a dream of a better life, and the dream was followed in faraway places. The name "Gold Mountain" referred at first to the Chinese who chased the "Gold Rushes" of the 19th century on the west coast of North America and in Australia. Their dreams of a better life became a symbol for all subsequent journeys to these places. The "guests" of Gold Mountain who returned from overseas carried with them gifts and stories from far away, inspiring younger generations to follow in their paths. For a

century, dreams of Gold Mountain led hundreds of thousands of young men and women on journeys of hope. Some realized their dreams; others ended long lives bitter and broken. Many found new hope in new places, changing their original dreams for new ones. For so many, the children for whom they dreamed carried the legacy of their hopes and desires, a golden inheritance that carries through the generations.

Honourable senators, like the early Chinese who came to Canada in search of Gold Mountain, my father, Quan Leen Yok, came to Canada in 1912 to seek a better fortune and eventually became a Chinese café operator on the Canadian Prairies.

Honourable senators, congratulations are due to the Royal B.C. Museum for developing their travelling gold rush exhibit, entitled Gold Rush! — El Dorado in British Columbia. This exhibit is now on display at the Canadian Museum of History until January 2017.

• (1410)

### VISITORS IN THE GALLERY

**The Hon. the Speaker *pro tempore*:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Vidar Nordin and Mr. Glen Patterson. They are both graduates of the Class of 1942 in Forestry at the University of British Columbia. Mr. Nordin became Dean of Forestry at the University of Toronto and Mr. Glen Patterson was the first professional forester in British Columbia. They are the guests of the Honourable Senator Patterson.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

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

### GLEN PATTERSON

**Hon. Dennis Glen Patterson:** Honourable senators, I'm delighted today to pay tribute to my father, Glen Patterson, who has been a constant unflagging support and inspiration to me in my career in politics and in life.

From my youngest years, I was exposed to discussions and debate around the kitchen table about politics and business. While in high school, through him I got to know a stellar parliamentary statesman, our MP for Peace River, Ged Baldwin, and I was at the Conservative convention in 1967 with my mother which elected Robert Stanfield as leader of the party and unseated my hero John Diefenbaker. Later, also through my parents, I came to know Peter Lougheed and worked for his election as a progressive new force in Alberta politics.

My father has taken an active interest in politics and my career and to this day sends me a stream of articles from his eclectic Internet research on topics of interest from all over the world asking my opinions and challenging me to look at things from a different angle.

As a lifelong career forester — one of the first professional foresters on the West Coast — he was an early champion of forestry as a renewable resource. He introduced sustainable forestry concepts in forestry on the West Coast, pioneering forest management practices, including tree planting for timber licence and expanding the use of small diameter trees for plywood and lumber in the Peace River country of northern Alberta.

I've come to apply the same thinking to the harvest of animals in the Arctic, where we don't have trees, as another example of a sustainable renewable resource.

My dad's also a lifelong botanist and gardening enthusiast who has pioneered and promoted the concept of blending Japanese and western gardening values, collected and cultivated plant specimens from all over the world and promoted roof gardens as ecologically sustainable and beautiful additions to the urban concrete and blacktop landscape.

He's delivered countless spellbinding lectures to garden enthusiasts on new approaches to gardening and has inspired many garden writers to celebrate his unique gardening creations.

For all his 94 years, he has expressed boundless joy and curiosity about the natural world, which he has explored from the far south to north, east and west, with enthusiasm and a spirit of adventure, amassing a superb collection of National Geographic quality photos. He has been to Libya exploring antiquities; Kazakhstan and China to view exotic rhododendrons; the high Sierras to view bristlecone pines; Australia to see a still living stand of the Wollemi pine that is 200 million years old; and to the Atacama Desert in Chile to view Andean flamingos, salt lakes and lava.

More importantly for me, he's constantly expressed his gratitude for the gift of life and the compelling power of enthusiasm and passion through hard work. He has been and continues to be an inspiration to me and all who know him. I'm grateful to be able to pay tribute to him amidst my colleagues in his presence in this august place. Thank you.

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

### SIKH COMMUNITY IN CANADA

**Hon. Ratna Omidvar:** Honourable senators, as I stand before you for the first time to make a statement in the Senate, I wish to thank colleagues on both sides of the chamber as well as the Senate staff for the incredible welcome and hospitality that they have shown me. It has made a difficult transition much easier.

[ Senator Dyck ]

This week the Prime Minister of Canada will offer an apology on behalf of all Canadians for the decision by Canada in 1914 to deny entry to 376 Punjabi migrants who sailed on a boat from Hong Kong called the *Komagata Maru* and arrived off the shores of Vancouver looking for safety, security and prosperity like many other immigrants who came to Canada before and who continued to come after them. However, they were denied entry at that point because Canada had a White only immigration policy. They were turned back and some of them actually did not survive their arrival back in India.

This incident has long been a source of great hurt that lives in the minds and the hearts of the Sikh community, in particular, and members of this community have sought for many years an official apology.

I am not a Sikh, although I was born in Amritsar, the holy city of the Sikhs, and I am proud to have many Sikh friends and colleagues as my neighbours. Today the Sikh community is deeply embedded in the immigrant narrative of our country. They have gone through the cycle of arrival, struggle, renewal and finally redemption. Sikhs have migrated to British Columbia and Ontario in large numbers and, in fact, their farming roots have made them a mainstay of the cranberry industry in British Columbia. The largest cranberry farm is run and managed by members of the Sikh community.

Likewise, one cannot ride a taxi from the airport in Toronto without coming face to face with a Sikh taxi driver, but they are also dominant and predominant in legal, medical, financial and real estate development in Canada and they are born entrepreneurs.

My favourite story is about Ms. Manjit Minhas, female president and CEO of a craft beer brewery that operates out of Calgary. Every year, tens of thousands of Sikhs march in Toronto to Nathan Philips Square to celebrate Khalsa Day, and their love of basketball is signified by Nav Bhatia. Furthermore, their love of hockey, from someone who has to be the world's greatest sport fan, from Calgary, is a wonderful story about how a young Sikh journalist translates and broadcasts *Hockey Night in Canada Punjabi* every time *Hockey Night in Canada* is on the air.

Honourable senators, there is another part of the story that I would like to share with you. They are also known for their valour. Thousands of Sikh soldiers fought alongside Canadians in both World Wars to serve in the armies of the British Empire, despite —

**The Hon. the Speaker pro tempore:** Honourable senator, your time for your statement has expired. Perhaps you could continue at another time. Thank you very much.

**Senator Omidvar:** Thank you. My apologies, Your Honour, for going too long.

## VISITORS IN THE GALLERY

**The Hon. the Speaker pro tempore:** Honourable senators, I wish to draw your attention to the presence in the gallery of Mr. Bernd Kölmel, Chair for the Delegation for Relations with Canada, accompanied by delegates of the Canada-Europe Thirty-Seventh Interparliamentary Meeting.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

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

## MOTHER'S DAY

**Hon. Mobina S.B. Jaffer:** Honourable senators, on Sunday, May 8, I was invited by the Federation of Muslim Women of Toronto to celebrate Mother's Day. For this I would like to thank Rabia Khedr and Sandra Noe. At this celebration, I told the attendees that, as a Muslim mother, values of my faith are important to me, as is the protection of my children.

This Mother's Day, I felt a deep sense of worry for my children and grandchildren mixed with my usual love and joy. As a mother, I want what is the best for my children. I want to provide them with opportunities I could not enjoy. My mother did that for me, and I try to do that for my children, who will in turn do that for my grandchildren.

My worry comes from this thought: Will my grandchildren have fewer opportunities because of the misunderstandings of my faith that is so rampant in the world? Our faith has been distorted globally. There are extremists who claim to act in the name of Islam while acting against what our faith advocates. As a mother, grandmother and Muslim woman, this thought worries me.

This Mother's Day I call on Muslim mothers, my sisters, to help protect our children and faith by speaking about what true Islamic values are. Our faith does not condone violence. Ours is a religion of peace.

We must reclaim what Islam stands for. I can think of no better advocate for this than mothers, who know the true value of Islam. We should make it a priority to protect our children and the message of Islam so it will not be misrepresented.

I also call on mothers to ask the Minister of Public Safety and Emergency Preparedness, Mr. Goodale, to install a crisis line so we can seek help for our children and prevent extremism.

• (1420)

This is an effort we must share. We must all unite as Canadians to fight against the threat extremism represents against our nation.

My own mother, Gulbanu Jaffer, used tell me, and I quote her, "God created mothers because he could not be everywhere." Yes, God cannot be everywhere so he created us mothers.

Honourable senators, today I honour my mother's memory and all mothers who are protecting their children for a safer, fairer world. We have all come together to protect all our children, all our Canadian children.

#### ERA 21 NETWORKING BREAKFAST

**Hon. Victor Oh:** Honourable senators, I rise today to speak about the Era 21 Networking Breakfast for Young Canadians.

On Monday, May 16, I hosted the twelfth edition of the breakfast in the Parliamentary Dining Room. The purpose of this event was to provide students in grades 11 and 12, from various backgrounds, with an opportunity to network with parliamentarians and community leaders.

Together we heard from a distinguished group of speakers representing the diverse experiences and perspectives of minority groups and indigenous peoples living in Canada. They addressed topics related to overcoming challenges and giving back to the community. I am confident that this experience was meaningful for all those in attendance.

The Era 21 breakfast was introduced by former Senator Vivienne Poy in 2005 in partnership with the Ottawa Asian Heritage Month Society and J'Nikira Dinqinesh Education Centre. I am delighted to continue this tradition and hope that the event spreads across our country.

As an advocate for youth engagement, I strongly believe that this event serves as a unique opportunity for students to make valuable connections and gain powerful insights into their own future and the world around them.

As a father and grandfather, I know that we all want our children to live better than we did. Therefore, it is important that they take part in activities that will help them overcome obstacles and fulfill their potential.

My fellow colleagues, in our capacity as senators, we have an exceptional ability to help young Canadians succeed. We can help ensure that every child has the same opportunities, regardless of individual circumstances or background. Let us never forget that the prosperity of our country lies in the hands of our youth.

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[ Senator Jaffer ]

## ROUTINE PROCEEDINGS

### INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

#### SIXTH REPORT OF COMMITTEE PRESENTED

**Hon. Leo Housakos,** Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Tuesday, May 17, 2016

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

#### SIXTH REPORT

Your committee recommends that the following funds be released for fiscal year 2016-2017.

##### Scrutiny of Regulations (Joint)

General Expenses	\$ 3,540
<b>Total</b>	<b>\$ 3,540</b>

Your committee has reviewed the budget process that is normally used by standing or special committees and recommends that expenditures for working meals and witness expenses of the joint committees also be funded from the central budget that is administered by the Principal Clerk, Committees.

Based on the historical expenditures by the joint committees, no increase to the total envelope for committees is required, as the total expenses for joint committees is quite modest. The billing arrangement with the House of Commons and the reporting requirements of the joint committee would remain unchanged.

Respectfully submitted,

LEO HOUSAKOS

*Chair*

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

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

**CRIMINAL CODE**BILL TO AMEND—THIRD REPORT OF LEGAL AND  
CONSTITUTIONAL AFFAIRS COMMITTEE  
ON SUBJECT MATTER TABLED

**Hon. Bob Runciman:** Honourable senators, I have the honour to table the third report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with the subject matter of Bill C-14, An Act to amend the Criminal Code and to make related amendments to other Acts (medical assistance in dying).

**THE SENATE**MOTION TO REINSTATE ACCRUABLE PENSIONABLE  
SERVICE FOR THE HONOURABLE  
MICHAEL DUFFY ADOPTED

**Hon. Leo Housakos:** Honourable senators, with leave of the Senate and notwithstanding rule 5-5(j), I move:

That in accordance with section 2.9 of the *Members of Parliament Retiring Allowances Act*, the entitlement to accrued pensionable service for Senator Duffy be reinstated as of April 22, 2016.

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

**Hon. Senators:** Agreed.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

**BUSINESS OF THE SENATE**

**The Hon. the Speaker pro tempore:** Senator Harder, do you have any information on Minister Chagger's appearance?

**Hon. Peter Harder (Government Representative in the Senate):** I am happy to report that the honourable minister is expecting to be here for Question Period at 3:30. I do understand, however, that it is possible there may be a vote in the other chamber, which would be a 30-minute bell beginning at 3:30, and it would be her expectation to return just before 4:00 to vote should the bell ring.

She is prepared to be here for 3:30 and will stay until just before 4:00. If honourable senators wish to have her return, she is prepared to return, or alternatively, we could move forward on our agenda as expected.

[Translation]

**Hon. Claude Carignan (Leader of the Opposition):** Is that because the Leader of the Government is anticipating a tied vote and thinks the minister's vote will be very important?

[English]

**Senator Harder:** As honourable senators know, that happens from time to time, and of course the minister will exercise her responsibility to vote.

**The Hon. the Speaker pro tempore:** Do the leaders propose option one?

Senator Carignan, would you like option one or option two?

[Translation]

**Senator Carignan:** It would be better to proceed after the vote, if the Senate has not adjourned.

[English]

**The Hon. the Speaker pro tempore:** Are all honourable senators in agreement? We will proceed after the vote and have our full 40 minutes.

• (1430)

**ORDERS OF THE DAY****ABORIGINAL LANGUAGES OF CANADA BILL**

## SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Eggleton, P.C., for the second reading of Bill S-212, An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights.

**Hon. Serge Joyal:** Honourable senators, I feel I have the stage alone this afternoon. I feel privileged to be introducing Bill S-212, An Act for the advancement of the aboriginal languages of Canada and to recognize and respect aboriginal language rights.

Honourable senators will know that recently we had the privilege of welcoming in our chamber the Honourable Senator Murray Sinclair. Senator Sinclair has something quite

unusual in our chamber, unfortunately, not that he is the first Aboriginal senator — he has an illustrious predecessor with that status — but that he is the person to whom we are indebted to correct historical injustices that have been inflicted upon the Aboriginal peoples of Canada for a very long time.

Senator Sinclair has something in particular that is unique, and that is that he is one of the first Aboriginal people in Canada to be a judge. He was, in fact, Manitoba's first Aboriginal judge. He was appointed Associate Chief Justice of the Provincial Court of Manitoba in 1988 and promoted to the Court of Queen's Bench of Manitoba in January 2001.

In the course of his legal practice, preceding his appointment to the bench, he was known for his knowledge of Aboriginal legal issues. He has also been legal counsel for the Manitoba Human Rights Commission. It is an honour, honourable senators, to benefit from the support of Senator Sinclair for the bill I am introducing this afternoon for the third time in this chamber, An Act to recognize and promote the rights of Aboriginal peoples.

I am looking at our Aboriginal senators: Senator Lovelace Nicholas, Senator Patterson, who was here a minute ago, and Senator Dyck, who spoke before me this afternoon.

Honourable senators will know this bill is the third incarnation of an objective that is very fundamental. I'm privileged that we're doing it in the Senate, the house of minorities in Parliament, and singularly the house of Aboriginal peoples in Parliament because, in fact, the Senate was the first chamber to welcome an Aboriginal parliamentarian due to the Right Honourable Prime Minister John Diefenbaker. The bust at the entrance to our Senate Chamber is in fact the first Aboriginal senator to sit in this place. We thank Prime Minister John Diefenbaker for that.

Having the Honourable Senator Sinclair as the Chair of the Truth and Reconciliation Commission is thanks to Prime Minister Stephen Harper.

Honourable senators will remember that in this chamber in June 2008, we had the privilege of hosting the Aboriginal representative following the official apology presented by Prime Minister Harper in the House of Commons. That was in June 2008. Following that formal apology, the Truth and Reconciliation Commission was established, also in June 2008.

The commission tabled its report in December 2015, and the final report in February 2016, so it's very recent. The reason I mention it is because the report tabled by Senator Sinclair contains a whole piece dealing with language and culture. We find that in sections 13 to 17. I will quickly read a summary of the recommendations.

The first one is recommendation 13, which states:

We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

[ Senator Joyal ]

I repeat: "Aboriginal rights include Aboriginal language rights." This is important. It stems from a decision of the Supreme Court in 2004.

In 2004, the Supreme Court of Canada, in the case of *Haida Nation v. British Columbia (Minister of Forests)*, concluded the following:

Put simply, Canada's Aboriginal peoples were here when Europeans came, and were never conquered.

I repeat, "were never conquered." That means they still enjoy the rights to their land, to their identity, to their culture and to their history.

If you have never been conquered, you have not theoretically been disturbed in the possession of your belongings and who you are. I can say that because French Canadians have been conquered. We were conquered through the Treaty of Paris. We were abandoned by France in 1763 through the Treaty of Paris, and it was only in 1774, 10 years later, that we were reinstated in our rights to practise our religion, to speak our language and to maintain our system of law. It's only since then, since the Quebec Act of 1774, that we enjoy our rights of being who we are.

The Aboriginal peoples have never been conquered, but they suffer all the consequences of conquest. They have progressively been deprived of rights to their land since 1857. That was before Confederation. It was at the time of a united Canada. Then they were parked into reserves after Confederation through the Indian Act. They were deprived of their status as free Canadians. They could not vote and they could not own land unless they abandoned their identity.

• (1440)

It's only recently voted in general elections, the middle of the 20th century. The Indian Act is still ruling the status of the Aboriginal people of Canada. I'm looking at Senator Nicholas Lovelace. She knows what it meant for Aboriginal women to live under the Indian Act. She fought the United Nations for that. We are still in the process of re-establishing the Aboriginal peoples in the rights to their identity. The rights to their identity mean the right to their languages.

That's what Senator Sinclair wrote in section 13 of his recommendations.

The next recommendation that he put forward was this:

We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

i. Aboriginal languages are a fundamental and valued element of Canadian culture and society . . . .



- ii. Aboriginal language rights are reinforced by the Treaties.”

I repeat: “Aboriginal language rights are reinforced by the Treaties.”

In 1982, we entrenched the treaty rights in section 35 of the Constitution Act, so treaty rights include not only recognition of the possession of the lands, of the property of the land and its resources, but also the recognition of the Aboriginal identities.

That is recognized by the Royal Proclamation since 1763. The Royal Proclamation marks the definition of the status of Aboriginal people through the British Crown. We entrenched the Royal Proclamation also in 1982.

When Senator Sinclair mentioned in his report that Aboriginal language rights are reinforced by the treaties, he speaks of the nature of our constitutional law in Canada. Honourable senators, this is very important. It is at the heart of the United Nations Declaration on the Rights of Indigenous Peoples, which the Canadian government endorsed finally on May 10 of this month, only a week ago.

The Minister of Justice and the Minister of Indigenous and Northern Affairs were in New York to sign formally the recognition by Canada of the United Nations Declaration on the Rights of Indigenous Peoples. Before that, we recognized the UN declaration, but with a proviso of reserve. There were four countries that reserved their approval of the UN declaration. Canada was one of them. Last week we lifted that reserve and are now fully under the principle of the United Nations Declaration on the Rights of Indigenous Peoples.

Under that declaration, Article 13 reads: “Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their . . . languages . . . .”

Article 14 states: “Indigenous peoples have the right to establish and control their educational systems. . . in their own languages . . . .”

Article 16: “Indigenous people have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.”

It’s quite clear, honourable senators, that we’re now in a new era. We’ve turned the page. It’s a new era of challenge. It won’t be easy to re-establish Aboriginal language rights because there are 60 different Aboriginal languages spoken and grouped in 12 different families

As it is now, only three languages would have a chance to survive if nothing is done. I’m sure Honourable Senator Sinclair and Honourable Senator Dyck know them: Cree, Ojibwe and Inuktitut, the language of our friends Senator Watt and Senator Patterson. They are the only three Aboriginal groups

who have a chance to see their languages survive in the years to come if we don’t take any initiative to support the languages of our Aboriginal peoples in Canada.

This is a very serious situation. We were the author of that turpitude by establishing the residential school system. The Aboriginal kids who were caught by the teacher speaking their languages, they were shamed in the corner of the class, had their mouths washed with soap, or were prevented from eating that evening. So how do you find pride when speaking your language when you are taught in your education system that speaking your original family language is in fact a sin against civilization — civilization being the value the Western world has accorded and interpreted under Western standards?

Honourable senators, we are gifted in Canada. We owe the diversity of the country to the Aboriginal peoples and to the effort they have spent through the centuries to try to maintain the flame of their identity in such an adversarial school system. I cannot imagine being sent to a residential school 800 kilometres from my hometown and being deprived of speaking French because that would be seen as another stated language in Canada. This is what they lived for 150 years.

The first thing I thought when I introduced the bill was to avoid its being interpreted as a colonial initiative. I wrote to each and every Aboriginal chief in Canada to ask them if they would be supportive of such an initiative. I’m pleased today to put on the record, and, with the concurrence of the Senate, to table those letters, the positions of the Aboriginal chiefs in Canada on the opportunity of this bill.

Chief Phil Fontaine, at the time National Chief of the Assembly of First Nations, wrote: “You have my complete support regarding the introduction of an act for the advancement of the Aboriginal languages in Canada.”

Chief Mary Simon from the Inuit wrote in her letter: “I have taken an initial look at the bill, and I’m very supportive of its general purpose and direction.”

Our colleague Senator Sibbeston stood up two weeks ago when the Supreme Court of Canada recognized the full rights of Metis as an Aboriginal group. Mr. Clément Chartier, President of the Métis National Council, wrote to me: “I can assure you that such an initiative would be heartily supported by the Métis Nation.”

I have another letter from Mr. Ghislain Picard.

[*Translation*]

My colleagues from Quebec certainly know who Ghislain Picard is. He is the Chief of the Assembly of the First Nations of Quebec and Labrador.

[*English*]

He wrote this to me: “I encourage you to pursue this legislation in the hopes that this time, the government may recognize the importance of our languages, that our languages, cultures and

peoples deserve to be afforded the same protection and respect as French and English languages.”

I have other letters of support I would like added to the minutes of today. It's up to us, honourable senators, to live up to the standards established by the Truth and Reconciliation Commission under the leadership of Honourable Senator Murray Sinclair. I think that from now on Canada will never be the same.

• (1450)

Canada will have the pride of having re-established the recognition of the value of Aboriginal languages and the diversity of its people. It speaks to the strength of Canada to be able to accommodate, within its territory, different cultural diversity in sync with the objectives of freedom and democracy that mark the progress of this nation.

I am indebted to Senator Sinclair for agreeing to second the introduction of this bill because that's the course to go. I hope the bill will soon go to the Aboriginal Committee of the Senate to be studied and hear from witnesses and those interested in the promotion and re-establishment of the rights of Aboriginal people to speak their languages with pride.

Thank you, honourable senators.

**The Hon. the Speaker pro tempore:** Is leave granted to table the documents introduced by Senator Joyal?

**Hon. Senators:** Agreed.

(On motion of Senator Sinclair, debate adjourned.)

## INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

### THIRD REPORT OF COMMITTEE—MOTION IN AMENDMENT—POINT OF ORDER— SPEAKER'S RULING RESERVED

On the Order:

Resuming debate on the motion of the Honourable Senator Housakos, seconded by the Honourable Senator Maltais, for the adoption of the third report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2016-2017), presented in the Senate on February 25, 2016.

And on the motion in amendment of the Honourable Senator Ringuette, seconded by the Honourable Senator McCoy:

That the Senate postpone debate on the third report of the Standing Committee on Internal Economy, Budgets and Administration (Senate budget for 2016-17) until the full itemized budget has been tabled and distributed to Senators, as well as the detailed Senate expenses for 2015-16, and, five sitting days after it has been distributed, the Senate sit as Committee of the Whole for questions and that the Committee of the Whole sit until all questions by Senators have been answered.

**The Hon. the Speaker pro tempore:** Honourable senators, I am prepared to hear further arguments on the point of order and once concluded will take the matter under advisement for the Speaker's consideration.

I thank honourable senators.

**Hon. David M. Wells:** As honourable senators may know, I was on a flight last Wednesday afternoon and was surprised to read that my absence from the chamber was raised by Senator Ringuette on this point of order.

I rise today to address the point of order made by Senator Ringuette regarding my comments made in the chamber on May 5 of this year on the availability of the second and third reports presented by the Subcommittee on the Senate Estimates in December 2015.

These documents were presented in the Standing Committee on Internal Economy, Budgets and Administration and therefore belong to the committee. As set out in the *Senate Procedure in Practice*, they can be viewed by a senator who makes a request to the committee to do so. It's then up to the committee itself to decide the outcome of the request.

It's also important to note that committee members, as well as other senators present at any of the meetings of the Standing Committee on Internal Economy, Budgets and Administration, may receive a hard copy of the documentation at the meeting. Simply put, all a senator has to do is to be present at a meeting and they have the opportunity to review the documents.

I stated on May 5 that:

I encourage all senators to consult these public documents in order to get a better understanding of the important work the Subcommittee . . .

Although these documents are not public because they belong to the committee, any senator can request them, and I encourage them to do so.

It's important to remember that all subcommittee reports are advisory only. The conclusions of the full committee were made known to all senators through a tabling of the third report, and that third report is currently on the Order Paper.

[ Senator Joyal ]

Honourable senators, many reports dealing with budgetary issues regarding the Senate are discussed in Internal Economy, Budgets and Administration. In 2015, the Subcommittee on the Senate Estimates presented the result of an unprecedented study pertaining to the Senate's budgetary requirements. I would like to stress that any senator is welcome to participate in either Internal Economy or the Estimates Subcommittee. That is where the details are available.

Just the other day, newly appointed independent Senators Pratte and Omidvar came to join us at the Subcommittee on the Senate Estimates and their presence was welcomed. Additionally, many senators who are not members of the Committee on Internal Economy, Budgets and Administration have attended its meetings. For instance, Senator McCoy, an independent senator, is not a member of Internal Economy and attends on a regular basis. Senator McCoy provides the committee with valuable input and we welcome that.

I trust this clarifies the record and addresses Senator Ringuette's point of order.

**Hon. Pierrette Ringuette:** Well, I guess the point of order has been dealt with because Senator Wells has publicly said that the documents were not public. I guess that constitutes a removal from his remarks in his speech earlier, on May 5, that these documents were public, which they are not. I really appreciate the statement of Senator Wells today.

**The Hon. the Speaker pro tempore:** I thank you all, honourable senators. As already indicated, the matter has been taken under advisement by the Speaker.

## HUMAN RIGHTS

### BUDGET AND AUTHORIZATION TO ENGAGE SERVICES AND TRAVEL—STUDY ON THE STEPS BEING TAKEN TO FACILITATE THE INTEGRATION OF NEWLY-ARRIVED SYRIAN REFUGEES AND TO ADDRESS THE CHALLENGES THEY ARE FACING—THIRD REPORT OF COMMITTEE ADOPTED

Leave having been given to revert to Other Business, Reports of Committees, Other, Order No. 2:

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Human Rights (Budget—study on the integration of newly-arrived Syrian refugees and the challenges they are facing—power to hire staff and to travel), presented in the Senate on May 12, 2016.

**Hon. Jim Munson:** Honourable senators, I move adoption of the report.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator Munson explain?

**The Hon. the Speaker pro tempore:** May Senator Fraser ask a few questions?

**Senator Munson:** I thank you for the question, Senator Fraser, and thank you for being the watch person on all of these issues that deal with travel.

The Senate Human Rights Committee is planning to travel to Toronto and Montreal in the next couple of weeks for our study on Syrian refugees. We began our study last week by having witnesses before us who have arrived in Canada recently and explained some of the discrepancies that are there between government-sponsored refugees and privately-sponsored refugees.

This comes from a human rights lens. We want to take a look at how they are settling, how it affects their family's lives who are still back in Syria and the trauma they have gone through. We have a lot more questions even to ask the minister tomorrow. Minister McCallum is scheduled to appear before us tomorrow at the Senate Human Rights Committee.

We have also had testimony by video conference from Halifax, Nova Scotia, and hope to have more input from across the country. To keep expenses at a minimum — I believe it's approximately \$54,000 for the entire committee to travel — we are going to be in Toronto for public hearings and a fact-finding mission, and talk to families, advocates and others who are caring for the new arrivals in the country. Then we will be off to Montreal — I think it's Montreal first now and then Toronto — to do the same thing.

We hope to have a report in real-time. What we're trying to do like we did last week on the issue of Iranian political prisoners, is that when we have witnesses appearing before us, have a one-day hearing and get that information out right away in order to inform the public. Sometimes it is in the form of a press release and sometimes in the form of a report and sometimes a longer study.

This will include four or five hearings that will take us to those two cities. We will have a communications person, which actually enhances our work, and we also have to have an Arabic translator at these public hearings, which I think is extremely important.

• (1500)

As was agreed to last week, we had an in camera session with a family who felt they could say what they really wanted to say for now without having repercussions happening in Syria, that their families could be hurt by others.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

[Translation]

### THE SENATE

MOTION TO ENCOURAGE THE GOVERNMENT TO  
EVALUATE THE COST AND IMPACT OF  
IMPLEMENTING A NATIONAL BASIC  
INCOME PROGRAM—DEBATE  
CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Eggleton, P.C., seconded by the Honourable Senator Dawson:

That the Senate encourage the federal government, after appropriate consultations, to sponsor along with one or more of the provinces/territories a pilot project, and any complementary studies, to evaluate the cost and impact of implementing a national basic income program based on a negative income tax for the purpose of helping Canadians to escape poverty.

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Honourable senators, I have started my research, but I haven't finished it yet. As a result, I would like to move the adjournment of the debate for the remainder of my time.

(On the motion of Senator Bellemare, debate adjourned.)

MOTION TO AMEND THE *RULES OF THE SENATE* AND  
THE *ETHICS AND CONFLICT OF INTEREST CODE FOR*  
*SENATORS* TO PROVIDE FOR A REPRESENTATIVE  
OF INDEPENDENT, NON-PARTISAN SENATORS  
TO BE ELECTED TO THE ETHICS AND  
CONFLICT OF INTEREST FOR  
SENATORS COMMITTEE—  
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Wallace, seconded by the Honourable Senator Demers:

That, in order to provide for a representative of independent, non-partisan senators to be elected to the Standing Committee on Ethics and Conflict of Interest for Senators;

1. **The *Rules of the Senate* be amended by replacing rule 12-27(1) by the following:**

“Appointment of Committee

**12-27.** (1) As soon as practicable at the beginning of each session, the Leader of the recognized party with the largest number of Senators shall move a motion, seconded by the Leader of the recognized party with the second largest number of Senators, on the membership of the Standing Committee on Ethics and Conflict of Interest for Senators. This motion shall be deemed adopted without debate or vote, and a

similar motion shall be moved for any substitutions in the membership of the Committee.”; and

2. **The *Ethics and Conflict of Interest Code for Senators* be amended by replacing subsections 35(4) to (6) by the following:**

“Election of members

(4) Two of the Committee members shall be elected by secret ballot in the caucus of the recognized party with the largest number of Senators at the opening of the session; two of the Committee members shall be elected by secret ballot in the caucus of the recognized party with the second largest number of Senators at the opening of the session; the fifth member shall be elected by secret ballot by the majority of the Senators who are authorized to attend sittings of the Senate and who do not belong to the caucus of the recognized party with either the largest or second largest number of Senators at an in camera meeting called by the Clerk of the Senate at the opening of the session.

Presentation and adoption of motion

(5) The Leader of the recognized party with the largest number of Senators, seconded by the Leader of the recognized party with the second largest number of Senators, shall present a motion on the full membership of the Committee to the Senate, which motion shall be deemed adopted without any debate or vote.

Chair

(6) The Chair of the Committee shall be elected by its five members.”.

**Hon. Pierrette Ringuette:** Honourable senators, as you can see, debate on this motion was adjourned by our honourable colleague, Senator Demers. Most of you are aware of the situation. However, I hear that Senator Demers is a “fighter” and that he’s doing better.

I therefore move the adjournment of the debate for the remainder of his time.

(On motion of Senator Ringuette, debate adjourned.)

[English]

### SENATE MODERNIZATION

SPECIAL COMMITTEE AUTHORIZED TO  
EXTEND DATE OF FINAL REPORT

**Hon. Tom McInnis,** pursuant to notice of May 5, 2016, moved:

That, notwithstanding the order of the Senate adopted on Friday, December 11, 2015, the date for the final report of the Special Senate Committee on Senate Modernization in

relation to its study of methods to make the Senate more effective within the current constitutional framework be extended from June 1, 2016 to December 15, 2016.

He said: Honourable senators, I would like to speak briefly to this motion and explain why the Special Committee on Senate Modernization is seeking an extension for the tabling of its final report. The report will be tabled in two parts. Part one, which reports on our findings to date, will indeed be tabled this spring. Part two, and the final report, will be tabled on December 15, 2016.

The creation of the special committee was first proposed during this session on December 10, 2015, and adopted by the Senate the following day. At that point, the Senate adjourned for the Christmas recess. The next step before the special committee could begin its work was the striking of the membership, which occurred on February 17 of this year, with the presentation and adoption of the Selection Committee's report. This paved the way for the committee to hold its organizational meeting on February 24.

We got to work right away. Since then, the committee has held 11 meetings and heard from 11 witnesses. The winter sitting schedule was interrupted by a few break weeks.

As you know, the mandate of the committee is quite broad. Permit me to quote the mandate:

That a Special Committee on Senate Modernization be appointed to consider methods to make the Senate more effective within the current constitutional framework;

Within this framework, there is considerable latitude to what the committee can accomplish. It was clear the Senate contemplated that the task ahead and the breadth of the mandate would be challenging given the tight time frame, and in recognition of this challenge, it allowed the committee to sit during periods not normally permitted by the *Rules of the Senate*.

Honourable senators, the Senate is undergoing fundamental changes. The committee rightly understands that in preparing our report we have just begun to scratch the surface of the changes taking place in the Senate. The committee is unanimous in its view that it would not be prudent and wise, and indeed it would not do justice to the enormity of the changes occurring in the Senate, to wrap up its work by this spring.

The members of the Modernization Committee strongly believe that it has a role to play in ongoing development and much work to accomplish in guiding this change. We are committing to an interim report this spring on a number of crucial areas to address matters of immediate concern, issues that will assist in managing, at least in the short term, the transition.

With this request for extension, we wish to continue our work to examine issues like the impact of the Supreme Court reference on our deliberations and the role of the Senate in the Canadian political system; greater outreach with Canadians and public engagement; procedural reforms with how we conduct our business; the Senate sitting calendar; examining some of the broader aspects of residency and how it influences the actual role of senators to represent their regions; greater transparency of the work of senators; how the Senate works with a greater number of independent senators; the topic of partisanship; the Senate veto power; the Senate and House of Commons relations; private senators' public bills; greater public engagement and participation in the work of the Senate; and a more proactive role in financial matters.

Now this is not an exhaustive list. As you see, honourable senators, the work of the special committee is far from over. If we are to do justice to the historic changes taking place in the Senate today, we must be confident that we are approaching the task thoroughly, thoughtfully and, in a coherent way, in a manner that can engender the trust of Canadians.

The task ahead is too important not to allow the committee to exercise what this Senate was created for: independence, objectivity and sober second thought. It is also essential to live up to the name of the committee, "modernization." If the Senate is to truly modernize its practices to live up to the expectation of Canadians to be accountable, transparent and in touch with the needs of Canadians, we must do this properly.

With part one of the report being presented this spring, I ask you, honourable senators, to grant this committee an extension until December 15, 2016, to continue to hear witnesses, to bring forward new ideas for your consideration and help manage our transition to a modern upper chamber.

Senators, I ask that you support the motion for the extension of time to complete the final segment of the report on modernization of the Senate.

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** Would the senator take a question?

**Senator McInnis:** Yes, please.

**Senator Bellemare:** My question is very simple. I heard the list of all the deliberations ahead. Do you think there will be enough time in committee for all those deliberations by December 15, or would you prefer to have a second report and a third one? Some of the items on your list of questions are very important and will probably require more time. I would like to have your opinion.

• (1510)

[Translation]

**Senator McInnis:** Well, it's a very astute question. In fact, my position at committee was that perhaps we should be talking about June 1, 2017. However, it was the committee's wish to keep the heat on and do as much as we can. It may be that I'll stand before you in November and ask for an extension, but at least we'll have part two. Then, we will look at another period of time, but I hope that's not the case.

You're absolutely correct. This is a broad list to deal with, and bringing witnesses in will take some time. The committee's wish is to stick to December 15.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** Would Senator McInnis take another question?

**Senator McInnis:** Yes.

**Senator Fraser:** Let me state at the outset that I strongly support Senator Bellemare's suggestion. I cannot believe you can get all that work done properly by December. We are all counting on you to do the work properly.

You read a long list of very important items. May I ask whether, as the committee addresses the residency question, you've planned to get and provide for us an authoritative opinion on the constitutional requirement for residency?

**Senator McInnis:** As you know, senator, we are dealing with issues that are within the control of the Senate as to what we can or cannot amend. We are going to look at this particular issue, but we're mindful of the fact that any step into the Constitution is not within the mandate that Senator Cowan put in the motion when he rightly presented it before the Senate. It will be an investigative one but not an exhaustive one.

**Senator Fraser:** To clarify, I'm not asking you to produce constitutional amendments, but there has been in recent years a fair degree of confusion about how we senators should interpret that requirement. I do hope that you will provide us some much needed guidance in that area.

**Senator McInnis:** That is exactly the intent regarding that particular issue.

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

**Hon. Senators:** Agreed.

(Motion agreed to.)

## THE SENATE

### MOTION TO URGE THE GOVERNMENT TO TAKE THE STEPS NECESSARY TO DE-ESCALATE TENSIONS AND RESTORE PEACE AND STABILITY IN THE SOUTH CHINA SEA—DEBATE ADJOURNED

**Hon. Thanh Hai Ngo,** pursuant to notice of May 12, 2016, moved:

That the Senate note with concern the escalating and hostile behaviour exhibited by the People's Republic of China in the South China Sea and consequently urge the Government of Canada to encourage all parties involved, and in particular the People's Republic of China, to:

- (a) recognize and uphold the rights of freedom of navigation and overflight as enshrined in customary international law and in the United Nations Convention on the Law of the Sea;
- (b) cease all activities that would complicate or escalate the disputes, such as the construction of artificial islands, land reclamation, and further militarization of the region;
- (c) abide by all previous multilateral efforts to resolve the disputes and commit to the successful implementation of a binding Code of Conduct in the South China Sea;
- (d) commit to finding a peaceful and diplomatic solution to the disputes in line with the provisions of the UN Convention on the Law of the Sea and respect the settlements reached through international arbitration; and
- (e) strengthen efforts to significantly reduce the environmental impacts of the disputes upon the fragile ecosystem of the South China Sea;

That the Senate also urge the Government of Canada to support its regional partners and allies and to take additional steps necessary to de-escalate tensions and restore the peace and stability of the region; and

That a Message be sent to the House of Commons to acquaint it with the foregoing.

He said: Honourable senators, I rise today to call the attention of the Senate to China's aggressive behaviour in the South China Sea.

I introduced an inquiry on this subject in the Senate chamber two months ago to illustrate the fact that the South China Sea is strategically very important to the Southeast Asian island countries that border it, but especially to China, which has for some time been exhibiting hostile behaviour to assert its particular vision of territorial ownership.

I want to begin by thanking all those senators who expressed an interest in this issue, and I encourage all senators to take part in future debates. As part of the inquiry, we discussed the situation in the South China Sea, where six separate nations are claiming territorial ownership.

We also saw that those claims have led to increased tensions and the military occupation of several islands. We also discussed the United Nations Convention on the Law of the Sea and how it applies to the situation in the South China Sea.

We also looked at a number of aggressive actions taken by China. Over the past two weeks, tensions have increased even further, to the point where a stronger response is now required. It is therefore appropriate to submit this motion, which has two main objectives. The first objective is to draw the attention of the Senate to this matter. The second is to call on the government to take more action on this file.

In January, China began landing aircraft on the airstrip at Fieri Cross Reef, which is what prompted me to raise this issue. This reef, which is claimed by China, Taiwan and the Philippines, was built as an artificial island. The landing strip on the island is the longest in the region and the only one capable of supporting long-range bombers. In February, Chinese authorities placed surface-to-air missiles on Woody Island, a first in the region. Since that time, Chinese militarization in the South China Sea has intensified considerably.

On March 21, it was reported that anti-ship cruise missiles were also deployed on Woody Island. Fighter jets were stationed there on April 6. On April 26, it was reported that Chinese forces were preparing the site for an airfield and a permanent garrison on Scarborough Shoal.

Scarborough Shoal is just slightly more than 200 kilometres from the Philippines' largest island. Filipino fishermen depend on access to this shoal for their livelihood. The Chinese forces seized the shoal in 2012 after a naval standoff and have barred access to fishermen since then.

On April 12, the Chinese army conducted a test of its newest intercontinental ballistic missile. This missile can strike anywhere in the United States. This test coincided with the visit of a high-ranking Chinese general to Chinese outposts in the South China Sea.

[English]

All of these aggressive events are underscored by the constant presence of the China Coast Guard. With over 200 vessels, the China Coast Guard includes the largest coast guard ships in the world. By patrolling China's extensive maritime claims and harassing other ships in the area, China is asserting its control over the region and providing cover for Chinese fishing vessels to intrude into the waters of other nations.

Faced with this rampant aggression, other nations in the region have reciprocated and strengthened their militaries in turn. In March, the Philippines and the United States signed a defence

agreement that allows the United States to use several Philippine military bases within range of the disputed region. Both countries announced plans for joint patrols of the South China Sea in April.

Even nations that have traditionally stayed neutral in the South China Sea disputes have been forced to take action. Singapore's military budget, already the largest in Southeast Asia by share of GDP, is expected to increase further due to what Singapore's defence minister has called "rising nationalism" in the region.

After facing incursions in its waters by up to 100 Chinese fishing and coast guard vessels in March, the Malaysian defence minister has called for a "pushback" against China, and the foreign minister has claimed that Malaysia can no longer remain neutral on the issue.

Honourable senators, these are a few of the events that outline a worrying trend. I plan to release a detailed position paper to describe the maritime dispute, summarize the overlapping claims, list all the developing hostile activities, and describe the impacts this conflict has on Canada and the international community. That is why this motion aims to make it clear that the People's Republic of China's escalatory behaviour is jeopardizing the peace and stability of the region and undermining international maritime law.

• (1520)

Canada must add its voice to those calling for China and the other states involved to take the following actions set out in the motion:

[Translation]

(a) recognize and uphold the rights of freedom of navigation and overflight as enshrined in customary international law and in the United Nations Convention on the Law of the Sea.

The free movement of vessels and aircraft is vital for the global economy. Freedom of navigation is one of the fundamental principles of maritime law and Canada needs to uphold it internationally. China is violating the principles of freedom of navigation in two ways. First, it requires that foreign warships that wish to travel through its territorial waters under the right of innocent passage must ask for prior permission, which is contrary to the United Nations Convention on the Law of the Sea. Second, China is deliberately vague about the legal status of its expansionist maritime claims. The ensuing confusion undermines the protection of freedom of navigation in the region.

(b) Cease all activities that would complicate or escalate the disputes, such as the construction of artificial islands, land reclamation, and further militarization of the region.

China is not the only country to have contributed to the militarization of the region. Most of the claimants have occupied islands and reefs in the South China Sea and have built artificial islands to strengthen their positions. However, China's actions have gone well beyond those of all the other claimants. China's activities in the past two and a half years alone account for 95 per cent of all reclaimed land in the Spratly Islands over the past 40 years.

Moreover, China is the only country to have deployed military assets to the region that have no civilian use. There is a big difference between building lighthouses and ports for military and civilian purposes and deploying anti-aircraft and anti-ship missiles in the region. Other countries are contributing to the militarization in the South China Sea simply in response to China's behaviour.

(c) Abide by all previous multilateral efforts to resolve the disputes and commit to the successful implementation of a binding Code of Conduct in the South China Sea.

In 2002, China and members of the Association of Southeast Asian Nations signed the Declaration on the Conduct of Parties in the South China Sea. The signatories agreed to respect the UN Convention, respect the freedom of navigation and overflight, and to exercise self-restraint in the conduct of activities that would complicate or escalate disputes. Although China has blatantly and systematically disregarded these provisions, the 2002 Declaration remains the most comprehensive multilateral initiative for resolving disputes. Voluntary compliance with its provisions is an essential prerequisite to a lasting diplomatic solution.

The 2002 Convention committed its signatories to working on implementing a legally binding code of conduct. Since 2002, the Association of Southeast Asian Nations and the international community have repeatedly called for this code of conduct to be negotiated, including at the G7 meeting last month. Each time, China expressed a rhetorical interest in establishing a code of conduct, but it refused to participate seriously in the process and used its weight within the Association to undermine the negotiations.

[English]

(d) Commit to a peaceful solution in line with the UNCLOS and respect settlements reached through international arbitration.

In his statement at the inquiry, Senator Enverga described in detail the arbitration process that the Philippines is currently pursuing against China. In essence, the Philippines maintains that China's South China Sea claims do not comply with the international law or the UN convention.

In response, China accused the Philippines of sabotaging attempts to reach a negotiated solution. This accusation ignores the fact that the Philippines started arbitration as the final resort only after several attempts at reaching a multilateral solution were blocked by Chinese obstructionism.

China has refused to recognize the proceedings and has announced that it is exempt from the legally binding court decision that is expected sometime this year. In doing so, China has declared that it is not willing to abide by the UN convention, which it has itself ratified, and is not willing to respect international law when it does not agree. This is an

irresponsible attitude and a complete disregard for international law and must be condemned by Canada and the international community.

(e) Strengthen efforts to significantly reduce the environmental impact of the disputes.

Not only is island construction undermining peace and stability in the region, but it is also jeopardizing the region's biodiversity. A study published by the University of Hawaii in March found that constructing an artificial island by dredging the reef does irreparable harm to the coral. The dredging process buries reefs and blankets the surrounding sea with a cloud of sediment that kills nearby aquatic life. This includes the fish that the coastal population surrounding the South China Sea depends upon. It is quite ironic that these nations are destroying the region in an attempt to control it.

The construction of artificial islands will have profound long-term consequences. The coral reefs that act as the foundation for these islands are being destroyed during the construction process. As a result, more dredging and environmental destruction will be needed just to keep the existing island above sea level. Lastly:

(f) That the Senate urge the government to support its regional partners and allies and to take additional steps necessary to de-escalate tensions.

Honourable senators, it is in Canada's interests to ensure that our state abides by international law, including the United Nations Convention on the Law of the Sea.

With new global powers in the Asia-Pacific region, Canada's national interests are at risk. China's refusal to set maritime boundaries in line with UN convention sets a dangerous precedent, particularly as the eyes of the world turn north toward the Arctic, another area of overlapping claims.

China's hostile behaviour is all the more disturbing as China looks to increase its presence in the Arctic. China's authorities have portrayed the country as a near-Arctic state since at least 2012. China has also expressed interest in playing a greater role in Arctic governance, securing its status as an observer on the Arctic Council in 2013.

China is also interested in increasing the amount of merchant shipping travelling through the Arctic, including Canada's Northwest Passage, as evidenced by a report released last month by China's Maritime Safety Administration.

If China succeeds in consolidating its position in the South China Sea through intimidation and by disregarding international law, what tells us this couldn't happen in the Arctic? It is in Canada's interest to ensure that all states abide by the UN Convention of the Law of the Sea, and it is my belief that a motion is needed to urge our government to take greater action there in the South China Sea and to protect our claim here in the Arctic.

[ Senator Ngo ]



• (1530)

Honourable senators, the South China Sea may seem half a world away from our shores, but ultimately the disputes there affect us and Canada must play a larger role.

Honourable senators, it is worth noting that it was Canadian Alan Beesley who helped cement the Law of the Sea in international law. A committed diplomat and civil servant, he was the chairman of that conference drafting committee from 1967 to 1983. His work, for which he was made an Officer of the Order of Canada, was instrumental in the ground breaking convention and enshrining the Canadian values of freedom, fairness and collaboration in the law that governs our collective maritime heritage. We must now urge the government to ensure that neither China nor other states undermine this legacy.

Thank you.

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

(On motion of Senator Cools, debate adjourned.)

#### BUSINESS OF THE SENATE

**The Hon. the Speaker *pro tempore*:** Honourable senators, we have received word that the minister is tied up with votes in the house. We can suspend to a five-minute bell if you would like to wait for Question Period or we can adjourn. What is your pleasure?

**Some Hon. Senators:** Adjourn!

**The Hon. the Speaker *pro tempore*:** Adjourn. Is it your pleasure, then —

**Hon. Anne C. Cools:** What if the minister is only delayed a few minutes?

**The Hon. the Speaker *pro tempore*:** Senator Cools, we will take a consensus. The consensus amongst most honourable senators sitting here is that we adjourn and ask the minister to come back another time.

**Senator Cools:** No one has said anything.

[*Translation*]

**Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate):** To be polite, we should wait a few minutes before postponing question period to another day, since the minister was prepared to come and meet with us. As you suggested, we could take a break with a five-minute bell.

**Hon. Joan Fraser (Deputy Leader of the Senate Liberals):** I thought that the minister was supposed to leave the Senate a few minutes before 4 p.m. to participate in the vote that will be held around 4 p.m., which doesn't leave her much time to answer our questions. I suggest that we invite her back another day.

[*English*]

**The Hon. the Speaker *pro tempore*:** I believe the majority of honourable senators wish to invite the minister to return another time for a full 40 minutes. May I have a motion, Senator Bellemare to adjourn?

**Hon. Yonah Martin (Deputy Leader of the Opposition):** Is there another vote at 4 p.m. that she must then go to? Perhaps Senator Harder could give us some clarification.

**The Hon. the Speaker *pro tempore*:** If the minister comes here, then she has to go back again.

**Senator Martin:** Senator Harder, is it correct that the minister would have to go back for a 4 p.m. vote as well as voting at this time? Would you clarify that for us?

**The Hon. the Speaker *pro tempore*:** Senator Harder, there is some confusion here.

**Hon. Peter Harder (Government Representative in the Senate):** Honourable senators, it is my understanding that voting is just wrapping up and that there will be a second vote. However, there will be a 30-minute bell. The minister will be on her way here once voting is complete to be here with us for the maximum amount of time available before the next bell, if there is a bell.

**The Hon. the Speaker *pro tempore*:** I think, Senator Harder, we have agreed to adjourn. If you will propose the adjournment, we will invite the minister to return when she can come for 40 straight minutes.

**Some Hon. Senators:** Agreed.

**Senator Fraser:** Your Honour, my earlier remarks were based on the premise that the minister would be able to spend maybe 15 minutes with us. I gather from Senator Harder that she might get nearly half an hour with us, if all went well. I am in the hands of colleagues on this one.

**The Hon. the Speaker *pro tempore*:** Guys, let's stop arguing. We are going to adjourn.

Senator Harder, could you propose the adjournment and we will invite the minister to return when we can have a good 40 minutes of Question Period with her?

**Senator Harder:** Certainly, Your Honour. I move that the Senate do now adjourn.

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

**Hon. Senators:** Agreed.

(The Senate adjourned until tomorrow at 2 p.m.)

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