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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Thursday, June 14, 2001

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

Prayers.

lines and build the kinds of alliances we have enjoyed as friends. They leave with my constant admiration and best wishes for happy and active years ahead with their families and always in continued service to their country.

SENATORS' STATEMENTS

THE HONOURABLE MABEL M. DEWARE
THE HONOURABLE ERMINIE J. COHEN

TRIBUTE ON RETIREMENT

Hon. Joyce Fairbairn: Honourable senators, with great regret I was unable to be here for the wonderful send-off tributes for our colleagues Senators DeWare and Cohen. I should like to add a few words of my own today.

I am tremendously sad that both of them are leaving us. I honestly cannot think of two finer senators on either side of this chamber. Their departure will be a loss of excellence, wisdom, humour and tremendous heart for the Senate of Canada and their beloved province of New Brunswick.

Senator DeWare and I met during the storm clouds of the GST. What a beginning that was for her, but with all the turmoil and angst, one side against the other, it did not prevent us from becoming connected on a personal level. That was when the humour came into play.

Senator DeWare has made a tremendous contribution to the work of this house. I have been so grateful for Mabel's support of literacy in this country. Her outstanding background in the field of education was invaluable. She has also broken new ground as the first woman whip in the Senate. I am well aware that that is one of the roughest and toughest tasks in our system, and Mabel, with a grin on her face, has certainly kept her troops marching.

When I checked the biography of Senator Cohen, I was struck that her middle name is "Joy," and that is exactly what she has brought to the Senate and to our friendship. Senator Cohen has given passionate voice to all of those who care about poverty, children, domestic violence, human rights and literacy. Her report, "Sounding the Alarm: Poverty in Canada," is a legacy to the Senate and the country. We think alike on these issues, which are not always in the headlines but go to the heart of the well-being of our nation.

Both of these honourable senators have served the women of Canada well. Their work and example has taught us all, and I am grateful that the spirit of this institution enables us to cross party

THE SENATE

ADMINISTRATIVE STAFF—EXPRESSION OF APPRECIATION

Hon. Mabel M. DeWare: Honourable senators, when we come into this chamber, among the things we notice first are the Table officers and the pages. They have a prominent presence and important role to play, but with the passage of time they almost acquire a cloak of invisibility. I suspect that is not accidental.

The fact that they are able to move around the chamber virtually unnoticed is a sign that they are doing their jobs very well indeed. There may be a tendency to take for granted the smooth and efficient operation that surrounds us. Nevertheless, I should like to draw the attention of honourable senators to their presence today as a reminder that their unheralded contribution is a significant one.

As our work draws to a close for the summer, I should like to take this opportunity, on behalf of all of us here, to offer our sincere thanks to the Table officers and pages who are literally and physically among us. I should also like to express our thanks to the Hansard reporters, interpreters, researchers and security officers and all the others who are so helpful to us throughout the year.

They certainly help to make our lives more enjoyable in this place. Though it may not be said often enough, we really appreciate their efforts and I hope they all have a wonderful summer.

NUNAVUT—UNVEILING OF COAT OF ARMS

Hon. Willie Adams: Honourable senators, today is a great day for the Territory of Nunavut and the Senate of Canada, as we unveiled the new coat of arms for Nunavut which will appear on the doors outside our chamber.

The colours blue and green symbolize the sea and sky. The *inukshuk* symbolizes the stone monuments that guide the people on the land and mark sacred and other special places. The *qulliq*, or Inuit stone lamp, represents the light and warmth of family and community. The star is symbolic of the North Star, and the Inuit use this star as a traditional guide for navigation.

I wish to thank all honourable senators and guests for taking the time to attend, in particular the Speaker of the Senate who provided us with such a warm reception following the ceremony this morning. If honourable senators have any other questions, I should be happy to expand further.

I also wish to especially thank Mr. Kevin O'Brien, the Speaker of the Legislative Assembly of Nunavut, for attending the ceremony this morning. Speaker O'Brien comes originally from Nova Scotia and has been living up north for the past few years. He is a great man. Perhaps someday he will retire in Nunavut.

• (1340)

NOVA SCOTIA

YOUTH SPEAKS UP PROGRAM

Hon. Jane Cordy: Honourable senators, on June 10, I had the most wonderful opportunity of speaking to "Youth Speaks Up" in Sydney, Nova Scotia. This is an organization of grade six students in the Cape Breton area. It is designed to help children prepare for the changes that will happen in junior high school. The students have a motto of saying "No" to drugs, alcohol, smoking, violence, peer pressure and racism. These students have chosen to be role models for their peers and leaders in their school communities.

This program "Youth Speaks Up" promotes positive lifestyle choices for young Nova Scotians. The students learn to develop public speaking skills and self-confidence. These students are given the advantage of sharing their experiences and of listening to guest speakers on such topics as communication, peer mediation, drugs and alcohol, smoking and leadership. One cannot talk about "Youth Speaks Up" without talking about their founder, Mr. Jack Yazer. Jack is an extraordinary citizen who has dedicated his life to community service. As a 14-year-old boy, Jack Yazer immigrated to Canada from Poland knowing only a few English phrases. He worked hard and along with his brother opened a clothing store in Cape Breton in 1934. In 1940, Jack left his business and joined the Canadian Armed Forces where he served Canada until the end of 1944.

After returning to Canada, Jack re-entered the clothing business and managed his own store in Sydney until he sold it in 1976. Jack has been a strong advocate for Nova Scotia's youth and was the pioneer of the "Yazer graduated licence two-point merit plan," which gives new drivers an incentive to earn a safe driving record.

Along with many other distinctions, Jack is a Member of the Order of Canada, a leader and an inspiration to young people from all over Nova Scotia.

VISITOR IN THE GALLERY

The Hon. the Speaker: Honourable senators, before going to the next item on our Order Paper, it is no surprise to you that I

draw to your attention the presence in our gallery of the Speaker of the Nunavut Legislature, the Honourable Kevin O'Brien.

Welcome to the Senate, Mr. Speaker.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

IMMIGRATION AND REFUGEE PROTECTION BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-11, respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger.

Bill read first time.

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

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

[English]

CRIMINAL CODE

BILL TO AMEND—FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-24, to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts.

Bill read first time.

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

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

[Translation]

CANADIAN SECURITY INTELLIGENCE SERVICE

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that on Wednesday next, June 20, 2001, I will call the attention of the Senate to the latest public report for the year 2000 from the Canadian Security Intelligence Service.

NOMINATION OF HONORARY CITIZENS

NOTICE OF INQUIRY

Hon. Marcel Prud'homme: Honourable senators, I give notice that, on Wednesday next, June 20, 2001, I will call the attention of the Senate to the way in which, in the future, honorary Canadian citizens should be named and national days of remembrance proclaimed for individuals or events.

[English]

CANADA-TAIWAN PARLIAMENTARY FRIENDSHIP GROUP

NOTICE OF INQUIRY

Hon. Lorna Milne: Honourable senators, I give notice that two days hence I will call the attention of the Senate to the recent trip by the Canada-Taiwan Parliamentary Friendship Group to Taiwan from May 18 to 25 and to the issues which were raised and discussed by the delegation with representatives of the government of Taiwan.

[Translation]

QUESTION PERIOD

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table in this house the responses to five questions, namely the questions raised on May 16 and 17, 2001, by Senator Forrestall concerning the Maritime Helicopter Project; the question raised by Senator Kinsella on May 17, 2001, concerning the Maritime Helicopter Project; the question raised by Senator Carney on May 29, 2001, concerning the Maritime Helicopter Project, and the question raised by Senator Stratton on April 24, 2001, concerning the Winnipeg floodway.

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS—AVAILABILITY OF INTERFACE CONTROL SPECIFICATIONS—POSSIBLE WITHDRAWAL OF EUROCOPTER FROM COMPETITION

(Response to questions raised by Hon. J. Michael Forrestall on May 16, 2001)

The draft Basic Vehicle Requirement Specification and the Maritime Helicopter Requirement Specification which includes the integrated mission systems were posted on the Maritime Helicopter Project Web site May 18, 2001, for industry review and comment.

In order to complete the Interface Requirement Specification, information is required from the potential prime contractors. This information will be sought in the

coming months and the Interface Requirement Specification will be ready prior to the pre-qualification process.

To date, no potential prime contractor listed on the Maritime Helicopter Project Web site for the supply of the Basic Vehicle has communicated an intention to withdraw from the competition.

The Maritime Helicopter Statement of Operational Requirement (SOR) approved by the Department of National Defence in July 1999 remains unchanged.

REPLACEMENT OF SEA KING HELICOPTERS—POSSIBLE CHANGE TO BASIC VEHICLE REQUIREMENTS—EFFECT ON INVOLVEMENT OF EUROCOPTER

(Response to question raised by Hon. J. Michael Forrestall on May 17, 2001)

No change has been made to the Statement of Operational Requirements since it was released in August 2000.

All bids received will be evaluated in accordance with the terms and conditions set out in the Request for Proposal and Letter of Interest posted on the Maritime Helicopter Project web site.

REPLACEMENT OF SEA KING HELICOPTERS—LOCATION OF EUROCOPTER BUSINESS OPERATIONS

(Response to questions raised by Hon. Noël A. Kinsella on May 17, 2001)

The Eurocopter helicopter assembly plant is located in the Erie-Lincoln electoral district (south of St. Catharines). Mr. John Maloney is the Member of Parliament for the Erie-Lincoln district. Minister Gray is the Member of Parliament for the Windsor-West district.

All bids received will be evaluated in accordance with the terms and conditions set out in the Request for Proposal and Letter of Interest posted on the Maritime Helicopter Project web site.

REPLACEMENT OF SEA KING HELICOPTERS—POSSIBLE CHANGE TO BASIC VEHICLE REQUIREMENTS—EFFECT ON INVOLVEMENT OF EUROCOPTER

(Response to question raised by Hon. Pat Carney on May 29, 2001)

No changes have been made to the Statement of Operational Requirements since it was released in August 2000. The range and territory requirements remain unchanged.

Search and Rescue is a secondary requirement of the Maritime Helicopter and the range and territory requirements were determined accordingly. The operational requirements for the Maritime Helicopter are based on supporting a task group at sea on either coast. Accordingly, there are no east coast or west coast specific performance criteria.

THE ENVIRONMENT

• (1350)

WINNIPEG FLOODWAY—FEDERAL GOVERNMENT INVOLVEMENT IN FURTHER DEVELOPMENT

(Response to question raised by Hon. Terry Stratton on April 24, 2001)

The federal government, through the Manitoba Infrastructure Program, has cost-shared construction of an additional passage way to the floodway. This was completed in time for the flood peak this year which reduced upstream flood levels.

To deal with the matter on a long-term basis, the International Joint Commission (IJC) has presented two plausible options for the protection of Winnipeg and upstream communities:

an expanded floodway; or

a detention dam at Ste. Agathe.

The socio-economic analyses of these options is expected to be completed in July 2001. Following public review of these options, a decision will be reached as to which option is more feasible, at which time, federal-provincial-municipal partnerships will be sought in order to fund the flood protection works.

Attached is the Minister of the Environment's response to Dr. Robert Stewart's letter dated April 9, 2001. The letter outlines the Minister's current position with respect to the Rules of Operation for the existing floodway.

(For text of letters, see Appendix, p. 1195.)

[English]

ORDERS OF THE DAY

FARM CREDIT CORPORATION ACT

BILL TO AMEND—THIRD READING

Hon. Jim Tunney moved the third reading of Bill C-25, to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts.

Motion agreed to and bill read third time and passed.

APPROPRIATION BILL NO. 2, 2001-02

SECOND READING—DEBATE SUSPENDED

On the Order:

Resuming debate on the motion of the Honourable Senator Finnerty, seconded by the Honourable Senator Sibbeston, for the second reading of Bill C-29, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.

Hon. Lowell Murray: Honourable senators, I regret that I was not in my seat yesterday when our friend Senator Finnerty opened debate at second reading. I have taken the time to read her remarks, and I thank her for her thorough exposé and overview of the material covered in this supply bill and, in particular, of the Main Estimates.

She will know, being Deputy Chairman of the Standing Senate Committee on National Finance and a faithful and active participant in its work, that the committee has had the Main Estimates for the fiscal year which began on April 1 before us for some time. We have studied various items arising from those Estimates. We have reported thereon, most recently earlier this week.

As honourable senators know, we will keep those Estimates before us until the very last moment of March in the year 2002. We will have opportunity to discuss other matters as they arise.

My friend said in opening debate on the bill that the Main Estimates reflect the expenditure plan set in the Minister of Finance's October 2000 economic statement and budget update. To that I say yes and no. As the honourable senator will recall, that very point was a contentious one before the Standing Senate Committee on National Finance when we had the officials of Treasury Board before us. The Estimates were tabled several months ago based on the minister's statement of last October.

However, in May, the minister made a further statement, an economic update to Parliament, which in our view overtook the October statement and, in some respects, the Estimates. For example, in the May update, Parliament was told that we could pretty confidently reduce the debt servicing item by about \$800 million. That was good news or so we thought. It obviously related to decreasing interest rates. However, when the officials were before us and we asked them whether we should not therefore subtract \$800 million from the amount set out in the Estimates, which is something like \$41 billion, they said, "No, no, you must accept the October figure, not the May figure. You must not accept the figure put out in the minister's May statement."

This raises the question as to the relevance of the May statement in some respects. Is it to be considered only some kind of rhetorical exercise without any particular significance? It would so appear. It is a very peculiar situation we are in, partly due to the fact that the minister and the government chose not to present a full budget in February, as recent tradition would have it.

We covered a number of other matters in the interim report of the National Finance Committee and I will return to those matters and to the Senate process before I sit down.

Honourable senators, a supply debate traditionally is an opportunity for parliamentarians to ventilate various grievances on any and every subject. I do not know whether my comments today can properly be described as grievances, but I can tell you in advance that I have a wide variety of matters to touch on. I do so mainly for the purpose of setting out some markers, if you will, or giving notice that these are matters important enough to require our renewed attention when we return here after the summer holidays.

The first matter I raise was the subject of a brief exchange between the Leader of the Government in the Senate and me on May 29. It was also the subject of a delayed answer that was tabled in this place by the Deputy Leader of the Government on June 12. This matter concerns the constitutional convention of collective cabinet responsibility.

I raised this matter during Question Period because two ministers of the Crown — Mr. Manley and Mr. Tobin — seemed to be freelancing with unauthorized advocacy of major constitutional change; that is to say, the abolition of the monarchy. When I say major constitutional change, a change of this kind was considered so fundamental in 1982 when the Constitution was patriated, that any change in those constitutional provisions would require the unanimous consent of all provinces and of the federal government.

It is one thing for the federal government as such to advocate a particular change and to try to persuade the provinces and the Canadian public of the desirability of such a change. That has not been done with respect to the monarchy. The government has not taken any position with regard to changing our status as a constitutional monarchy. Yet two ministers felt free to go out and advocate the abolition of the monarchy.

I therefore asked a question about the convention of collective cabinet responsibility. What I received earlier this week in a delayed response is really a very careful and, if I may say so, well-stated definition of what the convention entails. I will not take honourable senators through the reply because it is to be found in the *Debates of the Senate* of June 12.

The reply points out that conventions are unwritten rules, that they are essentially political rather than legal but they are binding on all those who participate in public life. I will give you one sentence:

[Senator Murray]

Conventions are essentially political and the sanction for failure to respect them is also political rather than legal.

The reply goes on to quote from Sir Wilfrid Laurier on March 18, 1903, in the *House of Commons Debates*, where Prime Minister Laurier says that, first, individuals will obviously hold different opinions but that the cabinet sits for the purpose of reconciling those differences.

• (1400)

He said:

...the Council sits for the purpose of examining the situation and, having examined it, then to come to a solution, which solution then becomes a law to all those who choose to remain in the Cabinet. It would be a mere redundancy for me to affirm that the necessity for solidarity between the members of the same administration is absolute; that the moment a policy has been determined upon, then it becomes the duty of every member of that administration to support it and to support it in its entirety.

As I read that, there has been a serious breach of collective cabinet responsibility and cabinet solidarity in the case of Messrs. Manley and Tobin, who advocate fundamental constitutional change, unauthorized by the government. I think we can be pretty confident that this document, before it was tabled in the Senate, will have been carefully vetted by the Privy Council and other advisers to the government who are concerned about these matters. I take the quotation from Sir Wilfrid Laurier and the statement “conventions are essentially political and the sanction for failure to respect them is also political rather than legal” as a shot across the bow of Messrs. Manley and Tobin, that they should be quiet and refrain from advocating major constitutional change unless authorized to do so by the government.

It remains only for the Prime Minister to answer the question I asked, whether, in respect of the advocacy by Messrs. Manley and Tobin, the convention of collective cabinet responsibility has been suspended for some members. I think it has not been suspended. I think that if the government makes clear that it has not been and will not be, we can move on from here.

Honourable senators, I do not want to take too much of your time on this issue, but it is a matter of crucial importance for the proper functioning of our system of government. It will become more important as we get into an eventual leadership contest for the leadership of the Liberal Party of Canada. Assuming that takes place while the Liberal Party is still in government, various ministers of the Crown will be contesting the leadership. They will be tempted, while remaining ministers of the Crown, to take different positions on important matters of public policy; therefore, to breach cabinet solidarity and collective cabinet responsibility. The easy way to resolve the problem is for any candidate for the leadership to leave the cabinet, to resign from the cabinet during the —

Senator Graham: There wouldn't be any cabinet!

Senator Murray: — campaign for the leadership.

In any case, I noticed in today's newspaper that Mr. Chrétien has already issued a certain admonition to ministers that they must attend to their own departments first and foremost and not campaign for a job that is not now open, at the expense of their other duties. I think that is a timely enough reminder. However, at the same time, he or someone should remind ministers again of what collective responsibility and solidarity entails and, with a leadership campaign in the offing, ensure that those conventions are respected by all concerned.

The second matter I wish to raise was also the subject of a delayed answer. It concerns the Canadian Broadcasting Corporation. I had asked the Leader of the Government on May 17 about reports appearing in the media to the effect that the CBC was about to enter into a "partnership" with *The Toronto Star* for some unstated, journalistic purpose. I wondered aloud what is going on with our public broadcaster. What is going on? I said that I thought this was a matter of legitimate interest and concern on the part of the government and on the part of Parliament. Senator Carstairs seemed to agree with that position. She sent forward my question, and I received a delayed answer a while later.

Let me say a word about the protocol here, honourable senators. There is no minister, as we know, who is responsible for the CBC in the same way that ministers are responsible for their departments. Traditionally, there has been a minister who reports to Parliament on behalf of the CBC, and this rubric is to protect the proper autonomy of the public broadcaster. When one of us asks a question concerning the CBC, it is forwarded to the management of the CBC. They prepare an answer, and usually the minister brings it to senators. Here it is.

I put my question about this so-called partnership, and I received an answer that, while it does not say so, clearly has been prepared by the CBC.

The CBC indicates partnership arrangements can enhance its ability to fulfil its mandate and to get the most out of its resources. Strategic alliances are now a formal part of the way the CBC operates.

The reply goes on to state that the CBC had announced in January:

...that it had reached agreement with *La Presse* to take advantage of synergies —

— that wonderful word —

— resulting from complementary activities, notably with the Internet, special events and promotion.

The CBC is said to be discussing similar arrangements with *The Toronto Star*, but no agreement has yet been announced.

The CBC has stated that any such agreement will be non-exclusive and will have no impact on the editorial independence of the CBC or any of its partners. The CBC has also indicated that it will also continue to have full control of its content.

For several years now, the CBC has cooperated with private sector media in Canada such as: *The National Post...The Globe and Mail...Maclean's...La Presse* and *The Toronto Star...*

That answer does not in any way reassure me, and I think it will not reassure many people who are concerned about the integrity of the public broadcaster.

Further, while I appreciate the protocol here in which the minister simply brings in a reply prepared by the management of this Crown corporation, I want to say this: There is the proper autonomy of the CBC. There is also the legitimate interest and responsibility of the government and of Parliament for the public broadcaster, and I do not think that the CBC should be allowed to go off on its own concluding "partnerships" with other media in the private sector. I think they are going too far with their autonomy. That is one autonomous step too many.

My friend Senator Banks laughs, I do not know whether in agreement, disagreement, or in scorn, ridicule or contempt.

Senator Taylor: Don't be so sensitive.

Senator Murray: It is getting to be that time of year, honourable senators. Perhaps I am getting too thin-skinned. I always appreciate people laughing at my jokes, but when I have not made one, naturally I wonder what they are laughing at.

Senator Taylor: It is hard to tell sometimes.

Senator Murray: I must say that I was encouraged. I thought the new management of the CBC, who are still relatively new, got off to a pretty good start. I was quite pleased with the way Mr. Rabinovitch took on the CRTC when they tried, as I thought, to micromanage that Crown corporation. I thought he stood up very well. However, I think that this kind of "partnership" or arrangement on the part of the public broadcaster should be a matter of legitimate concern first to the government but ultimately to Parliament.

• (1410)

Honourable senators, I am sure the management will plead that this is an economic way of doing things. Many people think that selling the shop would be an economic way of doing things. I do not. I am of the view that the CBC budget should be assured, over a period of years, in such a way as to reinforce their autonomy and their ability to plan cogently for the future. However, these "partnerships" should not be allowed to go ahead without the government and Parliament having something to say about the matter. I do not like it and we should return to this matter in the fall. That is all I wish to say on that subject.

The third matter, honourable senators, is a rather delicate question I raised several times with the Leader of the Government, which concerns abortion and the Canada Health Act. My questions were asked in this place on February 6, 7 and 8, 2001. They arose out of reports in the media that the government had warned four provinces, that is, New Brunswick, Manitoba, Quebec and Prince Edward Island, that they were violating a rule of medicare — the Canada Health Act, in effect — by not ensuring the fees charged to patients at private abortion clinics.

I asked the Leader of the Government what principles of the Canada Health Act were being violated. In particular I took the case of New Brunswick. New Brunswick, like some other provinces, funds abortions in its public hospitals. That is the way it regulates abortions in that province. They choose not to fund abortions in private clinics. On February 6, 2001, after a series of questions and answers back and forth, the leader concluded:

...I would suggest that, perhaps, up to three of the principles are being violated, namely, universality, accessibility and, in cases involving women in Prince Edward Island, portability.

The next day, February 7, 2001, when I asked some further questions, the leader said, reporting obviously on some communication she had had with the Minister of Health:

The Minister of Health does not agree entirely with me on the portability issue, but he totally agrees with me on the accessibility and universality issues.

Honourable senators, I have my doubts about that, frankly; but whether or not my doubts are well-founded is not the question. If the minister has come to the conclusion that the principles of the Canada Health Act are being violated by New Brunswick, Manitoba, Prince Edward Island, Quebec, or any other province, then he knows what must be done. There are sanctions provided for in the law. Let him try his hand. If provinces feel that what is being done is beyond his authority, or that he is wrongly interpreting the act, then they will take him to court. However, none of that has occurred, so far as I can tell. The answer that I finally received from the government said:

New Brunswick's and Manitoba's policy on abortion services is to pay, on a publicly insured basis only for those that are carried out in a hospital. The Government of Canada has concerns about this approach. The *Canada Health Act* applies to *insured* hospital and physician services. The Act requires that all medically necessary hospital and physician services be provided on uniform terms and conditions...

Federal and provincial officials are engaging in bilateral discussions to reach a resolution of this issue.

[Senator Murray]

As I said, I have grave doubts that the federal government is on solid ground in saying, as Mr. Rock apparently said to Senator Carstairs, that at least two provisions of the Canada Health Act are being contravened by the Province of New Brunswick. The regulation of the health care system is within the constitutional jurisdiction of the provinces. While we have the Canada Health Act, I do not believe you can interpret that act to say that a province that funds abortions in public hospitals is also required to fund them in private clinics. I do not think you can do that.

Whether I am right or wrong is not the point. My point is that the government has been backing away from its position and this is too serious a matter. They ought to either "fess up" that their warnings were a lot of hot air in the first place, or if they think they are on solid ground let them impose the sanctions and we will see where that leads them and us.

The fourth matter I want to raise, honourable senators, is that hardy perennial, the Cape Breton Development Corporation. Before all your eyes glaze over completely, I assure you I will not regale you with a history of the Cape Breton Development Corporation. There are a few people here who know it and who have lived it. Rather, I ask you to look at this as a parliamentary issue.

Parliament set up this corporation in 1967. Exactly one year ago the Senate was faced with a bill, which was passed, permitting the assets of the corporation to be sold. Honourable senators were led to believe that there was not only a willing seller, but a willing buyer to be found somewhere. Negotiations went on. For whatever reason, those negotiations collapsed. It appears there is not a satisfactory buyer at hand. The government made the announcement that they were shutting down the coal industry and, in effect, as far as Parliament is concerned, they have walked away.

Honourable senators, I simply make the point that Parliament should concern itself with this matter, if only to have the Minister of Natural Resources come before the appropriate committee to tell us what has happened. Further, we should have him or another minister tell us what their plans are for the future, and submit these plans to Parliament so that we can pass judgment on them. At the same time, we will be providing some assurance to the people of Cape Breton that Parliament has not entirely forgotten about them.

There was a time when serious matters affecting the Cape Breton economy were the subject of fairly frequent discussion in the House of Commons and the Senate. When the Honourable Allan J. MacEachen was in the House of Commons, or the Senate, when our former colleague Bob Muir sat in either House, when Donald McInnis was an MP, when our friend Senator Graham was spokesman in opposition and government, when Mr. Dingwall and others were around, Cape Bretoners could be sure that at the very least their problems were being discussed in Parliament.

Honourable senators, I do not want to cast reflection on anyone. There are a couple of rookie Liberal MPs from Cape Breton sitting in the other place, but one hears nothing. No one is challenging the minister or demanding that the minister come forward to explain what is happening. I have raised this matter on several occasions in the past. I put it forward now. It is a grievance of mine. It is a grievance, as much from a parliamentary point of view as from any other perspective. We should do our job and bring the responsible minister or ministers before some committee of the Senate. There should be a full accounting of what has been happening in the year since we passed that bill and it received Royal Assent. Surely, we can do that much if we take ourselves seriously.

That leads me to my final point, which has to do with the supply process. I should like to draw the attention of honourable senators to the way this whole matter has evolved in the last couple of days in the other place. I will draw the attention of honourable senators to one of the standing orders of that place. Rather than read it to you, I think I can accurately explain it as follows: There is a standing order there that provides that a minister of the Crown can stand and ask for unanimous consent of the Commons in order to make a motion dealing with the business of that House. If the minister does not receive unanimous consent, the minister may then bring in the same motion without notice and, unless 25 members stand immediately to object, the motion is deemed debated and passed.

• (1420)

That is a standing order. Let me acknowledge a little something of the background of that standing order. Although I cannot put a precise date on it, it came in in the early 1990s. It is not a bad example of that old saw about hard cases making bad law. I will tell honourable senators why it was brought in.

It was shortly after the creation of the Bloc Québécois — a political party that we know is dedicated to the dismantling of Canada's confederation. There was a fear on the part of the government and its advisers that that new party might do what the Irish tried to do many generations ago in the British Parliament, that is, systematically obstruct parliamentary business from going forward. While the House of Commons, since 1867, has managed to get along and rise to surpass many challenges, this was the first time there was any significant body within Parliament that was dedicated to separation. This rule was brought in to enable the government, with the assistance of a majority, to ensure that the business of Parliament would go forward.

As it turned out, the Bloc Québécois did not try to systematically obstruct the business of Parliament. Whatever other effect they had over there, they pretty well played by the rules, as I understand it. The Tory government, of which I was a part, I cheerfully acknowledge, used that provision three times. It used it on December 12, 1991 to authorize travel by the Defence Committee — what else? Also on December 12, 1991, it was used to authorize travel of the Public Accounts Committee, and on December 10, 1992 it was used to authorize travel by the

External Affairs Committee. Senator Prud'homme will remember that as he was probably chairman of the committee at the time.

The Tories used the provision three times. Mr. Boudria has had recourse to it at least three times, and I think more than that, most recently to get the pay bill through the other place. On Tuesday of this week, under that standing order, Mr. Boudria got up and proposed the following motion:

That at 5.15 p.m. on June 13, or when the business of supply in the present supply period is concluded, whichever is later, any proceedings before the House shall be interrupted and all questions necessary to dispose of Government Order, Government Bills (Commons), Number C-11 and Government Order, Government Bills (Commons), Number C-24, and Government Order, Government Business Number 7 shall be put without further debate or amendment, provided that no division requested thereon may be deferred and provided that, if the House is not sitting at that time, a special sitting shall be convened for the purposes of this Order.

I am told that all those bills were at third reading. The following is the paragraph I wish to draw to the particular attention of honourable senators.

That, during the consideration of the business of supply this day, if a division is requested on any motion to concur in any item or items in the Main Estimates, immediately after the taking of the said division, the questions on all subsequent motions to concur in any item or items in the Main Estimates shall be deemed to have been carried on division.

Even if the opposition prevailed on the first item and managed to reduce or to delete the first item under consideration, all the others would be deemed to have been passed with no vote.

I have had previous occasion here and in other places to comment on this system. We all remember the problems that existed way back when, when every minister had to bring his or her Estimates into Committee of the Whole. The opposition and government backbenchers would concentrate on a few. They would have their day and, at 10 minutes to midnight, or even after that, on the very last day, the Estimates of all the other departments would go through in a big hurry. However, at least in the Committee of the Whole the Estimates of a number of departments got very serious examination.

Under Mr. Trudeau's government, the Honourable Donald MacDonald and others decided that this was not rational enough and that a much more rational system would consist of sending all the Estimates to standing committees and providing for a series of opposition days on which members of the opposition could bring forward sometimes votable motions having to do with various aspects of government policy.

What about the actual Estimates? If they are not back in the House of Commons from the standing committee by a certain drop-dead date, they are deemed to have been reported. Then, of course, there are votes in the House of Commons, except that Mr. Boudria had recourse to Standing Order 56(1), which provides for no votes at all on most of the Estimates.

This year, I am told, the following departments actually had their Estimates opened. I cannot say whether much time or effort was taken, but at committee the Estimates of the Auditor General — no surprise there, they wanted to show him who is boss — the Estimates of the House of Commons — no surprise there — the Estimates of the Chief Electoral Officer — no surprise there — and the Estimates of Official Languages, HRDC, Health, Fisheries and Oceans, CIDA and Indian and Northern Affairs were examined. In most of these cases, if not all, I am told that one 90-minute meeting was devoted to looking at those Estimates.

The Estimates of all other departments of government were “deemed” to have been reported.

The Hon. the Speaker: Honourable senators, it being 2:30 p.m., pursuant to the order adopted by the Senate on Wednesday, June 13, 2001, it is my duty to interrupt the proceedings for the purpose of putting the deferred vote on the motion in amendment of the Honourable Senator Lynch-Staunton.

Pursuant to agreement, the bell to call in the senators will be sounded for 30 minutes.

Call in the senators.

CANADA FOUNDATION FOR SUSTAINABLE DEVELOPMENT TECHNOLOGY BILL

THIRD READING

On the Order:

Resuming debate on the motion of the Honourable Senator Sibbeston, seconded by the Honourable Senator Milne, for the third reading of Bill C-4, to establish a foundation to fund sustainable development technology,

And on the motion in amendment of the Honourable Senator Lynch-Staunton, seconded by the Honourable Senator Cochrane, that the Bill be not now read a third time but that it be referred back to the House of Commons for further study.

[Senator Murray]

• (1500)

Motion in amendment negated on the following division:

YEAS THE HONOURABLE SENATORS

Andreychuk	Kelleher
Atkins	Keon
Bolduc	Kinsella
Buchanan	LeBreton
Cochrane	Lynch-Staunton
Cohen	Meighen
Comeau	Nolin
DeWare	Oliver
Di Nino	Rossiter
Doody	Simard
Eyton	Spivak
Forrestall	Stratton
Gustafson	Tkachuk — 26

NAYS THE HONOURABLE SENATORS

Adams	Kenny
Banks	Kolber
Bryden	Kroft
Chalifoux	Lawson
Christensen	Losier-Cool
Cook	Maheu
Cools	Milne
Corbin	Moore
Cordy	Morin
De Bané	Poulin
Fairbairn	Poy
Ferretti Barth	Prud'homme
Finestone	Robichaud
Finnerty	Rompkey
Fitzpatrick	Setlakwe
Furey	Sibbeston
Gauthier	Sparrow
Gill	Stollery
Graham	Taylor
Hervieux-Payette	Tunney
Hubley	Watt
Joyal	Wiebe — 44

ABSTENTIONS THE HONOURABLE SENATORS

Nil

The Hon. the Speaker: The motion in amendment is negated.

The question is on the motion of Senator Sibbeston, seconded by Senator Milne, for third reading of Bill C-4, to establish a foundation to fund sustainable development technology.

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

Some Hon. Senators: Yes.

Some Hon. Senators: No.

The Hon. the Speaker: On division.

Motion agreed to and bill read third time and passed, on division.

APPROPRIATION BILL NO. 2, 2001-02

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Finnerty, seconded by the Honourable Senator Sibbeston, for the second reading of Bill C-29, for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002.

Hon. Lowell Murray: Honourable senators, before we broke for the vote, I was describing the supply and Estimates process in the House of Commons. The government, with the assistance of a Standing Order dating back to 1991, expedited the consideration of supply and Estimates. When the motion was put, it would have taken 25 MPs to stand and object. Only the Tories, who are not 25 in that place, stood. The Bloc Québécois did not stand. The Canadian Alliance did not stand, either because they did not know what was going on or because they were so anxious to leave and remove the spotlight from their own problems that they were willing to go along with anything. I do not know what the reason was for the NDP silence. Mr. Boudria's motion was considered a done deal. Therefore, on Tuesday night, there was a standing vote on motion number one. Motion number one was carried, 157 to 111.

Pursuant to that order, by which all the other items for which concurrence was sought, all the other orders were deemed to have been passed.

We then came to the following statement by the Speaker of the House of Commons. At page 5057 of the *House of Commons Debates* of June 12, 2001, he said:

I declare the motion carried.

Pursuant to order made earlier today, Motions Nos. 2 through 190 relating to the main estimates and standing in the name of the Hon. President of Treasury Board are deemed moved and seconded, the questions are deemed to have been put, and the motions agreed to on division.

Thus it was, honourable senators, that \$166 billion of the taxpayers' money was approved in the House of Commons for the current fiscal year.

Is that place an empty shell or is it not?

Some Hon. Senators: Hear, hear!

Senator Murray: It is an empty shell; it is all form and no substance. Sound and fury signifying nothing over there.

One can hear them demanding a greater role for individual members of Parliament, and then they weakly comply with an initiative such as that.

Senator Bolduc: Shame!

Senator Murray: They demand more power to review appointments to the Supreme Court. They seek the power to hobble the legitimate prerogatives of the Crown. Yet they do not exercise their own prerogative — the ancient prerogative of the power of the purge — to examine the Estimates.

• (1510)

By the way, where were those great guardians of the public weal in the parliamentary press gallery while all this was going on? Has anyone seen, heard or read anything about it in any of the media? I have not.

Some Hon. Senators: No!

Senator Murray: It is deplorable that Parliament has come to the sorry pass in which we now find ourselves.

I tell you that in the Senate, goodness knows, we do not do a line-by-line study of the Estimates, but we have already started with the Estimates for the current fiscal year. We have had several meetings. By the time we are finished, at the end of March, we will have subjected at least some aspects of federal government policy to close scrutiny and examination. We will have called ministers and officials to account.

Honourable senators, what is happening in the House of Commons? Nothing is happening. For the record, so that you know, I did table a report here the other day on behalf of the Standing Senate Committee on National Finance. We reported to you on some of the things we had been discussing in the context of the Estimates. We had heard from the Transportation Safety Board, because a number of senators, Senator Ferretti Barth principally, had expressed concern about the exposure of Canada to bearing an unfair share of the costs of rescue and recovery operations involving international flights because there are so many of them over our territory. We had the officials in and had a very considerable discussion around examination of that problem.

We heard from the President of the Treasury Board, Madam Robillard, and we spent a good morning in her company discussing both policy and technical aspects of the Estimates. We pressed her very much on Senator Kinsella's Bill S-6, the public service whistleblowing act. There is a serious difference of opinion between some honourable senators and the minister on that matter. She believes that a policy decision is sufficient. Senator Kinsella has put forward a bill that has not only wide parliamentary but wide public approval in this country.

We discussed the obvious discrepancy, if you wish, between the Estimates and what we were told in the most recent economic and financial update by the Minister of Finance in May. We discussed the matter that has come to the floor here several times, Bill C-4, the establishment of the Canada Foundation for Sustainable Development Technology, and we condemned the process by which an agency was created and funded to the extent of \$100 million without prior parliamentary approval.

The Chairman of the Public Service Commission appeared before us. We discussed such problems as the practice of limiting competition for federal jobs to only select areas of the country. We discussed official languages and employment equity.

Senators, especially Senator Bolduc, were concerned about the merit principle in the selection and promotion of public servants. In particular he had in mind such new quangos of federal agencies as Parks Canada and Canada Customs and Revenue Agency, which by a previous law passed in Parliament a year or two ago have been put at some remove from parliamentary oversight.

We discussed all those matters and we have many more to discuss as the fiscal year continues. I simply make the point that we in this place do a much better job than our friends and counterparts in the House of Commons, although it is our job and their ancient prerogative to wield the power of the purse.

Hon. Jim Tunney: Honourable senators, in an excellent address the previous speaker briefly mentioned the CBC. I should like to follow on with that and refer only to CBC radio. I am a rather reluctant fan of CBC radio. In my area, it is the best we have. It comes out of Toronto to my farm and home. I would like to remind honourable senators and the CBC that the grammar in programming and news reporting is becoming atrocious.

The so-called control room is out of control much of the time in that the volume goes up and goes down, depending on whether the program coming across is live or taped.

[Senator Murray]

In many interviews and in programs that are taped the language is foul. I suppose it is intended to be entertaining, but it is not. It seems that we must tolerate this foul language, as nothing happens, regardless of how many times I phone CBC in Toronto and complain.

Hon. Tommy Banks: I wish to assure the honourable senator opposite, in spite of my laughing, that first of all I am in awe of the performance just given. Second, I wish to assure Senator Murray, as he well knows, that I was never laughing at him in derision, and never would.

Hon. Edward M. Lawson: In view of the criticism of the House of Commons, is Senator Murray suggesting it might be timely to change the House of Commons from an elected body to an appointed body so it may attract those people who take their job more seriously?

Senator Murray: Perhaps we should abolish the place and keep the Senate.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Is the house ready for the question?

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

THIRD READING

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

Hon. Isobel Finnerty: Honourable senators, with leave of the Senate, now.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

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

Motion agreed to and bill read third time and passed.

[Translation]

ROYAL ASSENT

NOTICE

The Hon. the Speaker informed the Senate that the following communication had been received:

RIDEAU HALL

June 14, 2001

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, will proceed to the Senate Chamber today, the 14th day of June, 2001, at 17:00, for the purpose of giving Royal Assent to certain bills of law.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

• (1520)

[English]

FEDERAL NOMINATIONS BILL

SECOND READING—SPEAKER'S STATEMENT

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Cohen, for the second reading of Bill S-20, to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions.—(*Honourable Senator Robichaud, P.C.*).

The Hon. the Speaker: Honourable senators, I have been asked under this order to make a ruling. I have no ruling, but I have a statement I wish to make.

[Translation]

You will recall that earlier this month, on June 5, Senator Joyal raised a point of order with respect to the possible requirement for Royal Consent in relation to Bill S-20. This bill, sponsored by Senator Stratton, seeks to establish a particular process within

the Privy Council for the appointment of individuals to certain government positions.

[English]

In presenting his case, Senator Joyal urged me as Speaker to take the time necessary to study this matter, since it involved an important constitutional question. For his part, Senator Stratton suggested that the matter of Royal Consent could be discussed in the Standing Senate Committee on Legal and Constitutional Affairs together with the bill after second reading.

This was followed by a proposal by Senator Kinsella, who asked that I not consider this to be a point of order “in the ordinary sense that would hold up debate on the principle of the bill.” At the time, I expressed to the Senate my view that the debate would be allowed to continue while I considered the point of order.

As I have tried to come to grips with the issue, I have found it more difficult than I had anticipated to identify the scope of the Royal Prerogative that might require the signification of Royal Consent when it is to be affected by a bill. Even the standard procedural authorities that are normally useful guidelines to parliamentary practice have not been fully satisfactory. Nor have the Canadian and British precedents that I am reviewing helped me to resolve all the questions that I have about the purpose of Royal Consent. I will need more time to look into this surprisingly complex question more thoroughly.

With the indulgence of the Senate, I intend to continue my study into the matter and report back to the Senate with a ruling at the earliest opportunity. In the meantime, I would remind all honourable senators that it remains proper to continue the debate on Bill S-20. There is no absolute requirement to secure Royal Consent, if it is considered necessary to the bill, before third reading.

Should consideration of this bill be referred at some point to a committee, I would be very interested to see if expert testimony could be heard with respect to Royal Consent in general and with specific regard to its possible application with respect to Bill S-20.

[Translation]

ILLEGAL DRUGS

BUDGET—REPORT OF SPECIAL SENATE COMMITTEE ADOPTED

The Senate proceeded to consideration of the second report of the Special Senate Committee on Illegal Drugs (budget — release of additional funds) presented in the Senate on June 12, 2001.—(*Honourable Senator Nolin*).

Hon. Pierre Claude Nolin moved the adoption of the report.

Motion agreed to and report adopted.

[English]

FOREIGN AFFAIRS REPORT ENTITLED “THE NEW NATO AND THE EVOLUTION OF PEACEKEEPING: IMPLICATIONS FOR CANADA”

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Andreychuk calling the attention of the Senate to the seventh report of the Standing Senate Committee on Foreign Affairs: *The New NATO and the Evolution of Peacekeeping: Implications for Canada*.—(Honourable Senator Prud’homme, P.C.).

Hon. Anne C. Cools: Honourable senators, I notice that this item today is at day 15. I am also very aware that we are running short of time today and that there is Royal Assent pending and many other pressing matters. I should like to take the adjournment and speak to this inquiry at some point in the future when there is more time.

On motion of Senator Cools, debate adjourned.

INTELLECTUAL PROPERTY RIGHTS OVER PATENTED MEDICINES

NOTICE OF INQUIRY

Leave having been given to revert to Notices of Inquiries:

Hon. Sheila Finestone: Honourable senators, I give notice that two day hence, I will call the attention of the Senate to three diseases which are sweeping the developing world and which draw many to ask whether intellectual property rights over patented medicines have not taken precedence over the protection of human life.

• (1530)

AFGHANISTAN

DECREE REQUIRING NON-MUSLIMS TO WEAR SPECIAL IDENTIFICATION—INQUIRY—DEBATE ADJOURNED

Hon. Sheila Finestone rose pursuant to notice of June 5, 2001:

That she will call the attention of the Senate to the Islamic Emirate of Afghanistan’s May 22nd decree that would force non-Muslims in that country to wear special identification on their clothing. She believes it is important that this distinguished Chamber not remain silent on this question but go on record in expressing its collective

displeasure with that nation’s flirtation with policies that set the stage for events that proved horrific in recent human history. Let us learn from our mistakes. Let us not repeat them.

She said: Honourable senators, on Tuesday, June 5, 2001, I drew this chamber’s attention to the Islamic Emirate of Afghanistan’s decree of May 22 that would force non-Muslims in that country to wear religious symbols on their clothing to denote a person’s faith.

On May 24, our Minister of Foreign Affairs, John Manley, also condemned the Taliban’s decision to identify religious minorities. He said that Canada is disturbed by reports of the Taliban’s proposal that would force religious minorities in Afghanistan to wear special identification. He said:

I am shocked by these reports — discrimination on the basis of religion is abhorrent and is an affront to values held by all Canadians. I hope that the Taliban will come to its senses and not implement this terrible edict.

On May 30, the House of Commons Standing Committee on Foreign Affairs and International Trade tabled its third report, in which it considered the situation of Afghanistan. The committee’s report —

...condemns the recent actions of the Taliban in Afghanistan and recommends that the Government of Canada actively co-sponsor resolutions within the United Nations system which advocate the promotion and protection of religious freedom and respect of international humanitarian law in Afghanistan.

Honourable senators, I have attached to my statement the reports of the United Nations, which are quite fulsome and bring to our attention the dramatic situation.

As well, on February 10, 2001, Senator Poy rose in this chamber to describe her genuine concern about the desperate plight of women in Afghanistan. Among the circumstances described, my colleague mentioned that women were not permitted to leave their homes without a male relative, that windows were painted black so outsiders could not peer at the women inside, and that women were not allowed to work except as health care workers. Male doctors may not treat female patients; foreign aid agencies could not offer aid to women, and schools for girls were closed. These attacks against women and their living conditions are simply unacceptable in our global culture. I have been following this issue since it was raised at the Inter-Parliamentary Union.

In April of this year, IPU met for its 105th conference, where it adopted a consensus resolution that called upon Afghanistan’s Taliban to comply with the United Nations Security Council’s resolutions 1267 and 1333, as well as the United Nations General Assembly’s resolution 55/243 of March 9, 2001.

In particular, the IPU called upon the Taliban to respect human rights in accordance with relevant international declarations, covenants and conventions, to end the grave violations of human rights of women and girls and to guarantee them unrestricted and equal access to health care, education and employment outside the home.

Whether there has been real improvement flowing from the Security Council and the General Assembly resolutions of March 9 and that of the Economic and Social Council of April 18 of this year, it did appear, honourable senators, that some progress is being made, even though it is far from what I would consider enough.

In a recent issue of the Journal of Humanitarian Assistance, in an article entitled "Making a Difference for Afghan Women," Paul Barker, Director of CARE in Afghanistan, reports the following: First, a Taliban edict prohibiting women from directly receiving humanitarian assistance has been nullified; second, 25,000 widows in Kabul are now able to receive monthly rations of food from CARE and the International Red Cross without fear of reprisal; third, a Taliban edict restricting all female health care to one dilapidated hospital in Kabul was resisted by international aid agencies. The Taliban amended their policy and now allow women to be seen in special sections of all hospitals.

In at least five provinces controlled by the Taliban, provincial authorities have given permission for girls to be educated and women to work in schools. Thirty-five per cent of the students in CARE-supported schools in the Taliban areas are girls, and 14 per cent of the students in Swedish Committee schools are girls.

There are numerous examples of women being allowed to work both inside and outside of the health care sector. Over 50 women work as clerks, distributors, monitors, community development agents, teachers and teacher trainers in CARE projects alone.

In response to queries from NGOs and the Taliban Ministry of Mines and Industry, the Taliban Ministry of Justice issued a judicial decision declaring that widows are allowed to work outside the home as long as they observe modesty in clothing, and married women can work if they have the permission of their husbands.

Mr. Barker went on to say, and I quote:

...building on what is known about the values and beliefs of the Taliban, their organizational structure, and the positive lessons learned by relief and development agencies...we can find a way forward for a brighter future for Afghan women...by using a strategy of positive engagement.

That is all very well and good, and although I am encouraged by some of this report, I certainly do not think it is enough to say that they are not continuing to behave badly.

The leadership by CARE, perhaps, had an impact on bettering the lives of some women, but have things really changed that much when we hear, on May 22, the Taliban decree requiring non-Muslims to wear some form of identification? Anyone from the West who grew up knowing the history of what occurred in Nazi Germany will have legitimate reasons for concern in this regard. None of us want to see a repetition of that horrific episode in history.

While the Taliban regime has claimed that the measure was introduced to safeguard the Hindu and other religious minorities living in Afghanistan, the thinking is worrisome, for it opens people to extremes. If this is how the moderates in that society believe they can protect their citizens, it is truly a sorry state indeed.

I also spoke with my colleague Senator Poy, who has been following these matters as well. She tells me that she has not heard of any significant change. I also spoke with our colleague Senator Andreychuk, who agrees that there has been very little change. There are significant grounds for being sceptical, and I, for one, am concerned.

What should we be doing as a chamber? Should we condemn the Taliban regime? That would be my choice. Should we recommend that the federal government deny any form of assistance it may be sending to Afghanistan at present or in the future? Should we encourage the Security Council of the United Nations to undertake another fact-finding mission in that state to learn what is going on and to recommend a course of corrective action, if using Mr. Barker's CARE plan strategy of positive engagement has had some substantial effect?

Honourable senators, I ask our government to encourage the United Nations to investigate the situation further so that we can make a balanced decision on what position this chamber can and should take in relation to the Taliban.

Some Hon. Senators: Hear, hear!

[Translation]

Hon. Marcel Prud'homme: Honourable senators, very often in the past I have had occasion to disagree profoundly with Senator Finestone on such topics as Canada's policy in the Middle East or Israel's treatment of the Palestinians. It is clear that I am in complete agreement with the speech Senator Finestone has just given.

On this occasion, since I strongly, totally and unconditionally share Senator Finestone's opinion, I am pleased to say so publicly.

On motion of Senator Prud'homme, debate adjourned.

• (1540)

MR. FAISAL HUSSEINI

TRIBUTE—INQUIRY—DEBATE ADJOURNED

Hon. Pierre De Bané rose pursuant to notice of June 7, 2001:

That he will call the attention of the Senate to Mr. Faisal Hussein, one of the great leaders of the Palestinian people, who died on May 31.

He said: Honourable senators, I rise to pay tribute to a great man, Mr. Faisal Hussein, who passed away all too soon, on Thursday, May 31, in Kuwait.

It is impossible to fully comprehend the depth of the sorrow felt by the Palestinian population following the untimely passing of this great leader from one of the oldest and most famous Palestinian families. He was one of the most prominent figures of his people, but he also took part in every battle: military battles during the exile, political ones and street battles following his return to Jerusalem. As a leader of all kinds of protest against the occupant, he was roughed up, injured and jailed like others. He knew each and every part of Jerusalem but, above all, he had established exceptional ties with the population.

The huge cortège accompanying the body of this illustrious person showed the unique place that he had in the heart of every Palestinian. The funeral procession left Ramallah, in the independent territory of the West Bank, with Mr. Arafat and other leaders of the Palestinian Authority in attendance, and made its way to *Orient House*, in East Jerusalem, the unofficial headquarters of the Palestine Liberation Organization, which was under the responsibility of Faisal Hussein. In fact, *Orient House* is located in a building that had belonged to the Hussein family for generations.

Over 20,000 Palestinians accompanied the body of Faisal Hussein to the mosque compound, where it was laid to rest next to Abdel Kader al-Hussein, the father of the deceased, who was killed in 1948 in the battle of Kastel, near Jerusalem.

Behind a sea of Palestinian flags, it was truly a show of independence such as had not been seen since 1967, when Israel conquered the eastern part of the city. People symbolically regained control of the area in an atmosphere of joy and warmth, singing slogans and raising their flag over the Damascus Gate, on the walls of the Old City. This was also a peaceful event, without any confrontations, as law enforcement services were kept some distance away. In the evening, when the last participants calmly left the compound, each side was pleased with how the day had gone.

Faisal Hussein was born in Baghdad, in 1940, after his father, Abdel Kader Hussein, the scion of an illustrious Jerusalem family, had been expelled from Palestine for leading, along with others, the great Arab revolt of 1936.

Abdel Kader Hussein came back secretly to Palestine in 1947, where he took part in the nationalist struggle before being killed in 1948, with a gun in his hands, in Kastel, a small village close

to Jerusalem. Palestinians, who had managed to win the battle, demobilized to attend his funeral, thus leaving the town to the Jews. It was on the following day that the Deir Yassin massacre took place, when 250 Palestinians were killed by extremist Jews of the Irgun.

After being expelled from Iraq, Kader Hussein's family went to Saudi Arabia, and then to Egypt, where Faisal graduated from the military academy, before joining Fatah's military school for officers, for which he became responsible, in Syria and then in Lebanon.

In 1967, when East Jerusalem was occupied, he secretly made his way to the West Bank, by the Jordan River, for a first reconnaissance mission, and then travelled to the East Bank to ask his friends to do the same before Israelis shut the border. After their refusal, he committed his first act of disobedience and made his way back to Jerusalem.

He was then imprisoned for a year by the Israelis because of the discovery in his home of a weapon apparently handed over to him by Yasser Arafat during his clandestine stay on the West Bank after the war. In 1979, along with a number of Palestinian intellectuals, he founded the Arab Studies Society in East Jerusalem which went on to become *Orient House*, considered the unofficial headquarters of the PLO in Jerusalem. During the 1980s, Faisal Hussein was placed under house arrest on a number of occasions for his activism, and subjected to administrative detention without a trial. This was the case particularly in July 1988 when Jordan's King Hussein broke all ties with the West Bank, and Faisal Hussein drafted a declaration of independence for Palestine within the borders set by the UN territorial division of 1947.

Faisal Hussein was one of the key figures behind the first Palestinian Intifada, from 1987 to 1993, and one of the handful of Palestinian "representatives of the population of the occupied territories" whom the Jewish State deemed suitable participants in the peace process. As such, along with certain others, Hanan Ashrawi in particular, he met on a number of occasions with then U.S. Secretary of State, James Baker, the key architect of the peace process.

Neither Faisal Hussein nor any of the other Palestinian negotiators ever agreed to give in to Israeli demands that they break ties with the PLO. It remained their point of reference, and Yasser Arafat their mentor. In fact, it was the latter who designated Hussein to dialogue with James Baker and who entrusted him with the selection of the other members of the Palestinian delegation.

He was respected by Palestinians of all backgrounds, because of his distinguished lineage and his elegance of manner, coupled with great discretion and humility that were only equalled by his unshakeable political determination. That respect is what lies behind the unanimous tributes they are paying to him today.

Faisal Hussein was a man of audacity and independent spirit. As an example of this, in 1967, he refused to obey his leaders, who wanted to continue the battle against Israel "from outside," and instead infiltrated Palestine in order to continue to work "internally" within the occupied territories.

For all these reasons, and also because of his remarkable success in making the transition from military to political life, he was able to get away with almost anything. In 1987, when contacts with Israel were still viewed as high treason by most Palestinians, he did not hesitate to take the initiative of meeting on several occasions with a member of the Likud, Moshe Amirav, to discuss the idea of making Jerusalem the capital of both nations. This got him thrown in jail by then Prime Minister Itzhak Shamir.

Having fiercely opposed the Israeli occupation, Faisal Hussein will play a key role in the peace process, driven by his belief in a peaceful resolution to the conflict.

In 1991, he headed a Palestinian delegation at a meeting with then U.S. Secretary of State, James Baker, to pave the way for negotiations between Israel and Palestine. He was also appointed head of the Palestinian delegation at the Madrid conference, which launched the peace process, despite Israel's objections to the fact that a resident of Palestine was being allowed to play a key role in these negotiations.

In the eyes of the world, Mr. Hussein had become the spokesman in the Palestinians' battle to claim the eastern part of the city as the capital of the nation they hope to create.

The descendant of a family whose roots in Jerusalem go back eight centuries, Faisal Hussein had such a close and powerful tie with that city that it is difficult to overestimate:

My family has lived in Jerusalem for eight centuries. My connection with the city is rooted in culture, religion, and family, and does not stop there. It is a city like no other: here, the region becomes the world; the microcosm, the macrocosm. I even turned down a job as minister so that I could continue to live in Jerusalem.

Mr. Hussein believed strongly that Jerusalem was destined to become, in his words, "one city, two capitals."

If the problem of Jerusalem were to be resolved, he said, last December, in Bordeaux, France:

The Palestinian, Israeli, Jewish, Christian and Muslim factions must be taken into account. The solution is a city open to everyone, with freedom of circulation, and two capitals, East Jerusalem for the Palestinians, and West Jerusalem for the Israelis. This idea of East Jerusalem as the capital of Palestine, a solution we find reasonable and one we favour, is gradually winning acceptance.

[English]

Like some of his Israeli friends, he urged that Jerusalem become an open city that both Israelis and the Palestinians could call their capital. He often described the first time he visited West Jerusalem in 1967 and saw the Israelis "as people and not only as

soldiers." He talked about seeing "weak people, strong people, intelligent people, stupid people, children and even an old man and an old woman sitting together holding hands." That was when he began to think of coexistence, he said.

• (1550)

Hussein, the champion of coexistence with Israel, dedicated his life to cementing the Palestinians' claim to East Jerusalem as their capital. Hussein was beloved by Palestinians and viewed by many Israelis as a moderating force. A welcome guest on Israeli TV and radio programs, he explained the Palestinian view in Hebrew, which he learned in Israeli jails.

He never attained the lofty status of prime minister or president, but that would be hard to believe from the tributes that poured forth after his death.

Perhaps no one else has as much respect among the range of Palestinians, Israelis and foreign diplomats alike.

Hussein was at the same time a peacemaker and a nationalist, a visionary and a pragmatist. His probity was unquestioned.

[Translation]

For me, having been born in Haifa, Palestine, my discussions with him at *Orient House* are among the most intense and most moving moments of my life.

This in April 2000, while I was accompanying the Prime Minister of Canada on a visit to the Middle East with, among others, Senator Marcel Prud'homme. Prime Minister Chrétien, the first foreign head of government to visit Nazareth since 1947, the headquarters of the Arab-Israeli community, had asked me to meet with Mr. Hussein officially, on behalf of the Government of Canada. I will never forget this meeting. Mr. Hussein radiated a gentle strength and had an immense capacity for listening I will not soon forget.

As soon as his death was known, tributes to this very great man have flowed in from all over.

[English]

In New York, Secretary-General Koffi Annan extended "heartfelt condolences to his family and to the Palestinian people for the loss of one of their most distinguished and principled leaders."

On the day after his death on June 1, the Security Council observed a moment of silence in his honour.

In Gaza City, Palestinian Cabinet Secretary Ahmed Abdel-Rahman said:

The Palestinian people lost a great hero and leader. He devoted all his life to Palestine and Jerusalem and to challenging the Israeli occupation.

Azmi Bishara, an Israeli Arab member of the Knesset who visited the Canadian Parliament a few months ago where he was the guest speaker of the Middle East Study Group, said:

He symbolized the continuity of Arab leadership in Jerusalem. He combined steadfastness in the struggle against Israeli occupation with a rational political sense. This combination is unique.

[Translation]

Mr. Émile Jarjoui, a member of the Palestinian Legislative Council has said:

This is a catastrophe for all of Jerusalem. We have lost a hero and a fighter. Faisal Hussein devoted his life to Jerusalem and to Palestine.

The President of the French Republic, Mr. Chirac said that he had left France with:

...the image of a man of conviction, dialogue and tolerance.

French Prime Minister Lionel Jospin said he was moved by his passing.

Claire Bertrand, a member of the Amnesty International group that had adopted Faisal Hussein during his detention by Israel, said of him:

He was a most honourable man, a man of profound moral fibre.

[English]

On his death, praise from the Israeli left read like carbon copies of Palestinian leader Hannan Ashrawi's description of Hussein as a "leader of integrity and vision and dignity."

Israel's left wing also spoke out. Former Justice Minister Yossi Beilin, an architect of the 1993 Oslo accords said:

We lost a partner today, somebody who was a Palestinian nationalist and who had his own principles and preferred to stick to them, but who was also a pragmatist.

On CBC, Mr. Beilin praised Mr. Hussein in these terms:

Faisal Hussein was the voice of sanity, and he was ready to negotiate with us in a pragmatic way.

Meron Benvenisti, an Israeli writer and a former Israeli Deputy Mayor of Jerusalem, was to describe him as "a man who had his family's sense of pride but was someone we could talk

[Senator De Bané]

with and who understood us better than anyone else. The idea of peace, the hope for peace, has been dealt a heavy blow."

"He was a man of peace," said Menahem Klein, an Israeli professor who has worked to draft solutions to the issue of Jerusalem's future status. "His death is a great loss and leaves a leadership vacuum that I don't know who will fill," said Mr. Klein. "Faisal Hussein stayed quite a bit in Israeli prisons in the 1980s. But he was a diplomat, not a fighter. He was the most prominent leader in the Jerusalem area."

Dr. Moshe Amirav, one of the first Israelis to hold secret talks with Palestinians, told Israel Radio that he had been the host at a dinner last year with Mr. Hussein and a senior adviser to former Prime Minister Barak. "He talked about Jerusalem as a city of peace, a city of two capitals," said Dr. Amirav. "He had a very specific plan."

At the funeral of Hussein, Dr. Amirav was asked to address the crowd as one of several speakers. "I had the great honour to know a man who was a gentleman and a fighter for Jerusalem," Amirav later said of Hussein.

Opposition leader Yossi Sarid, head of the Meretz party, said:

Palestinians have lost one of their highest sons, who represented their cause with honour, courage, responsibility.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes have expired.

Senator De Bané: I ask leave to continue.

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

Hon. Senators: Agreed.

Senator De Bané: I thank my dear colleagues. I have almost finished.

[Translation]

The U.S. State Department expressed, on Thursday, its "sorrow" at the loss of "a man who worked for peace."

[English]

In Washington, U.S. State Department spokesman Richard Boucher said the United States was:

...very saddened by his passing. He's a man who has worked for peace in this region for many, many years. And I think all of us who knew him and who worked with him...extend our most sincere condolences to his family and to the Palestinian people.

In 1988, George Shultz, who was Secretary of State of the United States, suggested that Hussein would be an ideal partner in peace talks, but the then Prime Minister of Israel, Yitzhak Shamir, refused to allow it.

[Translation]

Enough quotes from the famous. I would point out that the tears of the people who were with him regularly bear witness to the strength of the ties Faisal Hussein had formed with the Palestinian people. Witness the following comments:

[English]

"What can I tell you, we never noticed that Faisal Hussein was a Palestinian official, he was like a father to us," said Fatima Abu-Quse, standing outside the headquarters of *Orient House* in tears.

"It's a big loss, not only for the Palestinians but for the rest of the world," said Ahmed Shoukry, 40, a family friend who was among about 100 people who had gathered outside Hussein's East Jerusalem home. "It's a loss for peace."

[Translation]

Faisal Hussein epitomized the Palestinian leader whose courage and loyalty to the ideals of his people had earned him the deep love of his compatriots. Because of his ability to understand the aspirations and hopes of his Israeli neighbours, Faisal Hussein had also become a leading spokesperson.

On motion of Senator Prud'homme, debate adjourned.

[English]

TRIBUTE TO PAGES ON DEPARTURE

The Hon. the Speaker: Honourable senators, before proceeding to motions, I wish to take a moment of the chamber's time to advise that we have certain pages who will be leaving the Senate this year. I should like to recognize them now.

[Translation]

First, Donald Bouchard just completed his second year in the Senate. He will pursue a Master's degree at the University of Ottawa, in September.

• (1600)

[English]

Joshua Griffin has completed his second year as a page in the Senate and will go on to complete his degree in English Literature at the University of Ottawa.

[Translation]

Pierre Lambert-Bélanger just completed his second year as a page in the Senate. He will be completing a B.A. in Common Law at the University of Ottawa this fall.

[English]

Daniel Mercer has completed his first year as a page in the Senate. He will be completing his Political Science degree at Memorial University this fall.

Laura Payton has completed her second year as a page in the Senate. Next fall she will become the news editor for the University of Ottawa students paper *The Fulcrum*.

Jason Pearman has completed his first year as a page in the Senate. In the fall, he will be going back to the University of Guelph to pursue his studies in Medical Engineering.

Chloe McAlister has completed her second year as a page in the Senate. In September, she will be completing her degree in Biochemistry at Dalhousie University.

We say goodbye to you. We wish you well. We sincerely thank you for the good service that you have provided to us during your time here.

Hon. Senators: Hear, hear!

[Translation]

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT
ON STUDY OF DEVELOPMENTS IN THE FIELD OF PERSONAL
INFORMATION PROTECTION AND ELECTRONIC DOCUMENTS

Hon. Fernand Robichaud (Deputy Leader of the Government), pursuant to notice of May 16, 2001, for the Honourable Michael Kirby, moved:

That, notwithstanding the Order of the Senate adopted on March 1, 2001, the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized to examine and report upon the developments since Royal Assent was given during the Second Session of the Thirty-sixth Parliament to Bill C-6, an Act to support and promote electronic commerce by protecting personal information that is collected, used or disclosed in certain circumstances, by providing for the use of electronic means to communicate or record information or transactions and by amending the Canada Evidence Act, the Statutory Instruments Act and the Statute Revision Act, be empowered to present its final report no later than December 31, 2001.

Motion agreed to.

[English]

NELSON MANDELA

MOTION TO DECLARE HONORARY CITIZEN OF CANADA

Hon. Anne C. Cools, pursuant to notice of June 12, 2001, moved:

That this House, recognizing the great moral leadership provided by Nelson Mandela to South Africa and to all humanity, agree that he be declared an honorary citizen of Canada.

She said: Honourable senators, this exact resolution was adopted in the Commons two days ago, on June 12. It had been moved by John McCallum, the member for Markham. This resolution is not my initiative. In point of fact, John McCallum asked me on his behalf to move his very same motion here so that we could have a state of affairs where both Houses agreed and both Houses concurred. Obviously, I am pleased to assist Mr. McCallum.

I have just been informed, honourable senators, that the High Commissioner from South Africa is present with us today and sitting in the gallery. I thought that this fact should be noted on the record. I am told his name is His Excellency Mr. André Jaquet.

Hon. Senators: Hear, hear!

Senator Cools: Honourable senators, I shall be very brief because I know many senators wish to speak to this resolution today, and I also know that it is the wish of the chamber to vote on it, to pass its judgment and opinion on it.

Honourable senators, Mr. Nelson Mandela needs no introduction to anyone here. In point of fact, his greatness needs very little explanation because Mr. Mandela has touched the entire world because of his own personhood and his own personal existence.

Honourable senators, this man is a phenomenon. In point of fact, Mr. Mandela himself by his own personhood, averted civil and political catastrophe in South Africa, and allowed, by his very existence, a transformation of South Africa to a universal franchise, electorally based democracy, without carnage.

Honourable senators, on July 6, 1994, I spoke in this chamber. I was one of those Canadians who went as a United Nations observer to observe the South African election. At that time, I recorded a fair amount of the more interesting aspects of the history between Canada and South Africa. For example, I spoke about Mr. Diefenbaker's profound interest in the question of South Africa. I had also spoken at the time about the unique relationship and the expectation that was held at the turn of the century that the Boers in South Africa would find resolutions to their problems in pretty much the same fashion as the French Canadians had been accommodated in Canada.

On July 6, 1994, I made this particular statement and I should like to repeat it. I said in my speech:

This stupendous event —

— obviously the elections —

— in South Africa was made possible by the social and political collapse of the U.S.S.R. and the personal and political character of two men, Mr. Frederik Willem de Klerk and Mr. Nelson Mandela. I think that this South African election is the single most impressive political event

[Senator Cools]

of the decade, possibly the century. It is certainly an enormous testimony to human endurance, to political will, and to political skill.

I believed that then, and I still believe that now. Only God will ever know what was truly averted.

Honourable senators, I wish to close by adding an anecdote now that I am aware that the high commissioner is with us. Historically there are some very unique and interesting relationships between South Africa and Canada. As senators know, South Africa and Canada were two of the gems, so to speak, of the dominion of Britain abroad. What I am referring to here is the particularly cordial relationship that existed between our own then Prime Minister William Lyon Mackenzie King and the then Prime Minister of South Africa General Smuts, who in particular issues at the various Imperial conferences were able to give each other support.

• (1610)

This is an anecdote, and it should be looked into at some point in time, but I was told that the current residence of the High Commissioner from South Africa to Canada was personally chosen and identified by Mr. William Lyon Mackenzie King. It was an interest of Mr. Mackenzie King to know the architecture of Ottawa. Apparently, he had wanted a certain kind of residence for the Government of General Smuts.

Having said that, honourable senators, I shall yield the floor to senators whom I know are eager to speak.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, on behalf of the opposition, we enthusiastically support this motion.

I draw to the attention of honourable senators the title of Nelson Mandela's autobiography, which was *Long Walk to Freedom*. Some of the early partners holding hands with Nelson Mandela, as he began that long walk, were a number of distinguished Canadian Prime Ministers. First, the Right Honourable John Diefenbaker, who was the first to walk with the people of South Africa as they struggled to deal with the scourge of apartheid. In more recent times, it was the Right Honourable Brian Mulroney, who took the leadership, not only within the Commonwealth but also within the G7. All Canadians were probably surprised at the time to see them cross swords with the then Prime Minister of Great Britain and insist, as Prime Minister Mulroney spoke for Canadians, that the practice of freedom must always triumph over historical practices, over material considerations, over economic, social and cultural bondage.

Honourable senators, it is noteworthy as well that when former Prime Minister Joe Clark, now Leader of the Progressive Conservative Party of Canada, was foreign minister, he visited Lusaka shortly after Nelson Mandela was liberated from prison. Nelson Mandela had gone to Lusaka to meet with the members of the African National Congress. It was at that time that our national leader, then Minister of External Affairs for Canada, was able to form the same assessment as many freedom fighters in Canada and around the world were able to form: It is not always necessary to struggle for freedom by use of the sword; it is not always necessary to kindle or to give oxygen to the fires of community memories.

Honourable senators know that the bonded peoples of South Africa certainly had many collective memories. Mr. Mandela's approach, which has been singled out, was one of moving forward and not flaming the injuries of the past.

I had my own opportunities, honourable senators. Nelson Mandela was still in prison on Robben Island when I visited that most beautiful country. For honourable senators who have yet to visit South Africa, a treat awaits you. It is one of the most beautiful countries in the world. All the peoples of South Africa, in my experience, are the most hospitable and warm people; from the indigenous peoples to the Afrikaner community.

I shall close by saying that the Government of Canada, having heard a similar motion in the other place and recognizing that we are debating a motion today, would issue the appropriate Order in Council that there be a minute of the Privy Council of Canada naming Dr. Mandela an honorary citizen of Canada. Perhaps at some point we might wish to examine the process of how we would go about extending the honour that we, as Canadian citizens, feel it is. In the fall, we may wish to study whether we want to see a provision in the Citizenship Act.

Let me close by simply saying, in the words of one of the great peoples of South Africa, the Zulu, *ngiyabonga*. Thank you.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, it is rare for me to reveal my sources, but I must admit that I took the initiative earlier today to call His Excellency the Ambassador to inform him that we would be discussing this matter around four o'clock this afternoon. I am delighted that he is here and I wish him the most cordial of welcomes.

His Excellency will realize that the honourable senators wanted to particularly honour this extraordinary man as one of their final acts this session.

In the past, when I chaired the House of Commons Committee on External Affairs and National Defence, I was often invited to visit South Africa. For I do not know how many years, I refused out of principle.

That may have been a mistake. Perhaps I could have gone and tried to alter the course of history, but I doubt it.

[English]

If I reflect on my university time, I remember that as president of the students at the University of Ottawa, it was very a difficult event for me and for my future. I ended up at the University of Montreal. In my younger years, I had the honour of burning in effigy Governor Orville Faubus, during initiation week, for his anti-Black policy. Over the years, I repeated that very legitimate performance, which showed the disgust that the university students had for the policy of the day.

Honourable senators, I wish to join with Senator Kinsella in reminding the Senate of the actions taken by the Right Honourable Prime Minister John Diefenbaker, with whom I was very close. I never missed a speech of his. He would inform my office, through his secretary, of when he would be speaking in the House. I would be there, sometimes almost alone, facing him and applauding him, or disagreeing with him. I wish also to pay the same courtesy to Mr. Brian Mulroney, as Senator Kinsella said so well.

I will not speak long on this great hero. I am well prepared, but sometimes a few words are much better.

I draw the attention of honourable senators to a book signed by Mrs. Aline Chrétien recently. It is a book by Daryl Rock entitled *Making a Difference, Profiles and Abilities*. I believe it was published here. It speaks of the disabled, who have showed the way to live, even though they may be handicapped. The quote I wish to comment on reads:

I can honestly say that I was never affected by the question of the success of an undertaking. If I felt it was the right thing to do, I was for it regardless of the possible outcome.

I thought this was fabulous. It is signed, Golda Meir.

• (1620)

I was very disturbed when I arrived on a Monday night in 1985 and saw something very unusual for that hour — over 60 members present at Private Members' Business to debate a motion to proclaim Raoul Wallenberg the first honorary Canadian citizen. The motion had not been announced and we were not prepared. I had to give my consent four times: I gave consent to Reverend Roland de Corneille, whom some of you may remember: I gave consent to Mr. Ricard, a Conservative member, who sponsored a bill to send this question to the committee on immigration; I consented to not sending these two bills to committee for further study but to withdraw them.

There was a new motion put that night to proclaim, that very night, Raoul Wallenberg as our first honorary Canadian. The press is always comparing the two. The first honorary citizenship was given posthumously, although we claimed then that he was still alive in a Soviet jail. The press today, unable to do their homework, said that we gave it to a dead body. According to the Senate and the House, he was not.

On a Monday night in December of 1985, some people wanted to kill the bill. I made sure they did not, even though I was not knowledgeable about the bill. A few minutes before six o'clock, we passed that bill and it came to the Senate. I do not want to embarrass any senators but it was one of the wildest days in the Senate. When the resolution was introduced, one very gentle senator said that he wanted to seek some advice, and withheld his consent. That was the end of the session on Tuesday, December 10, 1985.

My friend Guy Charbonneau was the Speaker at that time. He was almost in Montreal when he was called back urgently for a second sitting that day, to pass the resolution that was refused passage at the first sitting. We had never seen that happen before in the history of the Senate, and I hope never to see it again. It happened because people were not part of the decision-making process — people did not know.

If you want to know more, read the *Debates of the Senate* of Tuesday, December 10 and Wednesday, December 11. The debate continued at the end of December and in January, February and March. You know how Allan McEachen was when he started to scrutinize. He continued to ask questions of Mr. Roblin.

Honourable senators, I believe the time has come for due process. As an old parliamentarian with 38 years of experience and an institutional memory, I do not want to face again such an embarrassment as we are facing now, where one member objects.

I will remind you of how Raoul Wallenberg became an honorary citizen in the United States, and you will understand. The United States of America has only two honorary citizens — Winston Churchill and Raoul Wallenberg. Mr. Wallenberg was given this honour because of the great support of a Jewish Hungarian who was saved, as were many of my friends in Montreal, by Raoul Wallenberg. The resolution to grant this honour went through the appropriate committees in the Senate and in Congress and was signed by Mr. Reagan. That is the way it was done then and that is the way it should be done in the future.

I regret the way it was done here, even though we all agree that this man was one of the great lights of hope for people who believe that you can have peace and justice with pride and reconciliation.

That is what Mr. Mandela believed in. Mr. Mandela answered to the United States by saying, “I take no lesson from anyone. If I so decide, I will go to Cuba to thank the Cubans for their support in my struggle.” One of his first visits after his release from prison was to Libya, to thank Mr. Gaddafi. Whatever you think of Gaddafi, he takes no lesson for having supported the Palestinian just cause.

The man we are honouring today is a man of courage, a man who is so reasonable and understanding. He was put in jail for 27 years, where he reflected. When he came out, he could have put fire in the blood of all of Africa. Instead, he said that even though he had spent 27 years in jail, even though he was falsely accused, even though he suffered for his people, he would preach reconciliation. He came out to build a new Africa. He came out and became an example for the people of the world who suffer

today. There are other places in the world where people suffer because we are afraid to stand up for them.

The inspiration of my life is to have seen Mandela slapped back and forth, insulted by his own colleagues and his own friends, yet remain calm and joyful. Look at him.

[Translation]

He is a man with an aura of serenity, believing that more progress can be made by experiencing what he has experienced, and reflecting to the rest of humanity serenity and goodness, but determination as well; the determination not to fear solitude. The determination to speak out for justice, to say: I will act even if it brings me suffering. His is an example the young pages here in the Senate should always keep in mind.

[English]

To give an example, the other night there was a big reception in reconciliation with Saudi Arabians. On my way out, I saw a man whom I recognized. He did not know that I campaigned for him in Vancouver with students. He was with a young gentleman in his thirties who said, “You don’t know me but I know you.” This for us, senators, who receive so much from the people of Canada by being here, shows us that we should never be afraid to share our feelings with the young people of Canada. However, we need examples.

That young man said, “I remember you. You said one word to us in the chamber. You said ‘dare’.” René Lévesque used to say “osez.” This same young man told me that today he is chief of staff of the new minister. That is luck for me, but I do not need it.

Senators, convey to young people that people such as Mandela, who will be honoured today, are that kind of inspiration. But please, government of today, governments of tomorrow, parliamentarians of tomorrow, let us get our act together. Let us stop the practice of having surprise motions for honouring people without following the due process of Parliament. In that way we will avoid the immense embarrassment that we went through last week.

• (1630)

Let us forget the past. Let us take it as inspiration for the future, to put our house together so that this never happens again, and to convey to His Excellency and his people the strong feeling of the people of Canada.

We live in a democracy. In the United States there was a vote for Raoul Wallenberg, of 396 to 2. Let these two swallow their pride. That is democracy. I do not want Canada to be a steamroller. You know what I am talking about, senators. Some people seem to know more than others. I am talking to you, senator.

[Senator Prud’homme]

I will conclude. I do not want to be ruled out of order and need to make a request to continue.

I am happy that you are here, sir. You are South Africa for us. I am happy that Senator Cools asked us to give unanimous consent for this motion. I shall give my consent.

Hon. Vivienne Poy: Honourable senators, I rise to speak in support of Senator Cools' motion to declare Nelson Mandela an honorary citizen of Canada. I feel privileged to speak about Nelson Mandela for, throughout his life, he has served as an inspiration to people around the world.

Through his patience and endurance in the face of great oppression, he taught us the value of forgiveness and reconciliation. He showed us that a people's will to achieve freedom and democracy can triumph over all the weapons of an oppressive regime. He fought for the freedom of the human spirit, so Blacks and Whites could live together in peace, and he was prepared to die for his beliefs.

After 27 years in prison, Nelson Mandela was without bitterness or anger. Instead, he was filled with hope for the future of his country. It was hope and love, rather than hatred and revenge, that allowed for an end to Apartheid in South Africa. Despite his many experiences of human brutality, Nelson Mandela has faith in the fundamental goodness of humankind.

Canada has a close and abiding relationship with Nelson Mandela. Long ago, we recognized the injustice that was Apartheid and actively fought for its end. In 1990, when he visited Canada's Parliament, he spoke about the great friendship between our peoples. At that time, he was still denied citizenship in his own country. In 1998, he returned to Canada as the elected representative of South Africa.

This fall, we hope that he will have the opportunity to come to Canada, as a citizen of our country. It is one of the greatest honours that we can bestow, and it is a fitting tribute to such a giant of humanity.

The Hon. the Speaker: Is the house ready for the question?

I must advise honourable senators that if Senator Cools speaks now, her speech will have the effect of closing the debate.

Senator Cools: Honourable senators, I should just like to complete the debate, to close it, and to thank those senators who participated and, as well, to point out to all that I believe there is significant support here for this particular motion.

As other speakers have said, and as I have said at different times in this chamber, the accomplishment of bringing the Black people of South Africa into the governance of South Africa, and of bringing the vote to all those millions of people, is an enormous, extraordinary, even superhuman achievement.

Honourable senators, I should like to close by saying two little things only, one of them on the question of bloodshed and

carnage in South Africa. Sir Laurens van der Post, a very great South African author, once wrote about a particular South African tribe of people, the bushmen. He said the following words, which I think articulate the reason that Mr. Mandela has been able to garner the personal support that he has:

You cannot eliminate something precious in life without killing something in your soul.

Honourable senators, as I said before, when I witnessed that election in South Africa, I felt exposed to danger and I felt very vulnerable, but I truly felt at that point in time that I had witnessed an appointment with destiny.

Senator Prud'homme: Honourable senators, I rise on a point of order. We know we may leave now. Would His Honour indicate to us if the government of the day could be informed of what took place here today? We are leaving, as is certainly the wish now of both Houses. I do not know if it is regular. Even if it were irregular, I ask unanimous consent that the comments of Senator Kinsella and the wishes of the Senate be brought to the attention of the government so that the appropriate action could be taken right away. They know what went on in the House. They should know what went on here, and the wishes we are expressing.

If someone can help me in this, I would only say that we wish His Honour the Speaker to inform the government. Someone who knows the rule better than I could do it, but the message of today should be brought to the attention of the government.

The Hon. the Speaker: I am not sure, honourable senators, if that is a point of order. I think, Senator Prud'homme, our next item of business is instructive in this matter in terms of the difference between the executive and legislative branches of government.

Is the house ready for the question?

Hon. Senators: Question!

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

Hon. Senators: Agreed.

Motion agreed to.

VISITORS IN THE GALLERY

The Hon. the Speaker: I would draw the attention of honourable senators — and perhaps this has already been done — to the presence in our gallery of the High Commissioner to Canada from South Africa, His Excellency, André Jaquet.

On behalf of all honourable senators, I bid you welcome.

Hon. Senators: Hear, hear!

[Translation]

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of 50 presidents of senior citizens' clubs. These clubs are under the umbrella of the regional council of Italian-Canadian seniors, who represent 10,000 Italians from Montreal, and whose founder is one of our colleagues, the Honourable Marisa Ferretti Barth.

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

Hon. Senators: Hear, hear!

• (1640)

[English]

FOUNDATION TO FUND SUSTAINABLE DEVELOPMENT TECHNOLOGY

RESOLUTIONS OF STANDING COMMITTEES OF ENERGY, THE
ENVIRONMENT AND NATURAL RESOURCES AND
NATIONAL FINANCE—MOTION TO FORWARD
TO COMMONS—DEBATE ADJOURNED

Hon. Mabel M. DeWare, pursuant to notice of June 13, 2001, moved:

That the Senate endorse and support the following statements from two of its Standing Committees in relation to Bill C-4, being An Act to establish a foundation to fund sustainable development technology.

From the Fifth Report of the Standing Senate Committee on Energy, the Environment and Natural Resources the following statement:

“The actions of the Government of Canada in creating a private sector corporation as a stand-in for the Foundation now proposed in Bill C-4, and the depositing of \$100 million of taxpayers' money with that corporation, without the prior approval of Parliament, is an affront to members of both Houses of Parliament. The Committee requests that the Speaker of the Senate notify the Speaker of the House of Commons of the dismay and concern of the Senate with this circumvention of the parliamentary process.”

From the Eighth Report of the Standing Senate Committee on National Finance, being its Interim Report on the 2001-2002 Estimates, the Committee's comments on Bill C-4:

“Senators wondered if this was an appropriate way to create such agencies and crown corporations. They questioned whether the government should have passed the bill before it advanced the funding. The members of the Committee condemn this process, which creates and funds a \$100 million agency without prior Parliamentary approval.”

And that this Resolution be sent to the Speaker of the House of Commons so that he may acquaint the House of Commons with the Senate's views and conclusions on Bill C-4, being An Act to establish a foundation to fund sustainable development technology.

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I do not have anything prepared because I think the motion speaks for itself. It is a natural follow-up to the concerns expressed by two of our standing committees to the effect that the financing of the sustainable development foundation, which we have just approved today, was done in a most irregular manner, to use a careful word.

The Standing Senate Committee on Energy, the Environment and Natural Resources felt that these concerns should be brought to the attention of the House of Commons through a message from our Speaker to its Speaker, to the effect that the form of financing and the sequence of events are a circumvention of the parliamentary process, while the Standing Senate Committee on National Finance condemned the process because funds were created without prior parliamentary approval.

The Leader of the Government in the Senate yesterday tried to justify the transfer of funds by invoking Vote 5, which Treasury Board can use when an existing program of Parliament lacks funds for legitimate reasons that prevent it from carrying on its program. Funds through Vote 5 are then advanced to that department and recovered through the Supplementary Estimates. In this case there was no program to justify the use of Vote 5. In addition, the Estimates of two departments show each \$50 million to be advanced to the foundation, but the Estimates have yet to be approved. The supply bill was only given third reading today and has yet to be given Royal Assent. Thus, nowhere can we find prior authorization for the funds to justify advancing any amount of money to a private corporation whose objective had yet to be approved by Parliament. This is a problem for many of us on both sides, because the evidence was discussed and questioned by members of both sides. This was a Senate effort, not a partisan effort.

Let me also state that no one in the other place, diligent as they are, as Senator Murray told us a few moments ago, ever picked up on this blatant disdain for the parliamentary process. Nowhere at second reading, in committee or at third reading was it found, was it discussed. However, thanks to the good efforts of the Senate Energy Committee and the Finance Committee, ministers were questioned. The answers given were not at all satisfactory, while the statements made here by the Leader of the Government are also not at all satisfactory.

I think it behooves us to alert the House of Commons that, once again, they have failed in their duty; that this house has been able to do what they should have done. It seems that we are becoming the chamber of sober first thought rather than second thought, because more and more over there, as Senator Murray so accurately explains, the Estimates for \$165 billion go through in a matter of minutes without any serious examination whatsoever. At the time, on television, I watched the proceedings that Senator Murray has described, and it was pathetic to see what happens in their so-called Committee of the Whole. Nothing happens.

Senator Bolduc: And that is their primary function.

Senator Lynch-Staunton: As Senator Bolduc points out, their primary function is to oversee the purse, and in the case of the Estimates and Supply they failed. In this particular case, they also failed.

The least we can do through this motion is to alert them to their delinquency by quoting the conclusions of both committees. We could also have added the great concern shown by the Auditor General designate, but since there is no formal report by her, it would have been imprudent to include her remarks, which were based on only partial fact, but I think enough for her to realize that what has been said here is more than accurate.

By including the conclusions of both committees, this resolution instructs the Speaker of this house that he acquaint the House of Commons of the Senate's views and conclusions on this bill. I think that that is quite in order, and I urge all senators to support the motion that Senator DeWare has put down.

Hon. Senators: Hear hear!

On motion of Senator Robichaud, debate adjourned.

• (1640)

[Translation]

ADJOURNMENT

Leave having been given to revert to Notices of Motions:

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

That when the Senate adjourns today, it do stand adjourned until Tuesday, September 18, 2001, at 2:00 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

ROYAL ASSENT

Her Excellency the Governor General of Canada having come and being seated upon the Throne, and the House of Commons having been summoned, and being come with their Deputy Speaker, Her Excellency the Governor General was pleased to give the Royal Assent to the following bills:

An Act to amend the Judges Act and to amend another Act in consequence (*Bill C-12, Chapter 07, 2001*)

An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence (*Bill S-24, Chapter 08, 2001*).

An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions (*Bill C-8, Chapter 09, 2001*).

An Act to amend the Patent Act (*Bill S-17, Chapter 10, 2001*).

An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act (*Bill C-17, Chapter 11, 2001*)

An Act to amend the Proceeds of Crime (Money Laundering) Act (*Bill S-16, Chapter 12, 2001*)

An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts (*Bill S-3, Chapter 13, 2001*)

An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence (*Bill S-11, Chapter 14, 2001*)

An Act to amend the Excise Tax Act (*Bill C-13, Chapter 15, 2001*)

An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco (*Bill C-26, Chapter 16, 2001*)

An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act (*Bill C-22, Chapter 17, 2001*)

An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act (*Bill C-3, Chapter 18, 2001*)

An Act to amend the Federal-Provincial Fiscal Arrangements Act (*Bill C-18, Chapter 19, 2001*)

An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act (*Bill C-28, Chapter 20, 2001*)

An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act (*Bill C-9, Chapter 21, 2001*)

An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts (*Bill C-25, Chapter 22, 2001*)

An Act to establish a foundation to fund sustainable development technology (*Bill C-4, Chapter 23, 2001*)

An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (*Bill S-25*)

An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (*Bill S-27*)

An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (*Bill S-28*)

The Honourable Bob Kilger, Deputy Speaker of the House of Commons, then addressed Her Excellency the Governor General as follows:

May it please Your Excellency.

The Commons of Canada have voted certain supplies required to enable the Government to defray the expenses of the public service.

In the name of the Commons, I present to Your Excellency the following bill:

An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002 (*Bill C-29, Chapter 24, 2001*)

To which bill I humbly request Your Excellency's assent.

Her Excellency the Governor General was pleased to give the Royal Assent to the said bill.

The House of Commons withdrew.

Her Excellency the Governor General was pleased to retire.

• (1720)

[*English*]

The sitting of the Senate was resumed.

Hon. Bill Rompkey: Honourable senators, before we depart, on behalf of all of us, I wish to thank those who have served us so well over the past session. I include the Clerk of the Senate, the Table officers and those who work with them, the Black Rod and her staff, including those who serve us the food that we get in the back of the chamber from time to time. I include as well the Hansard reporters, the staff in all our offices, including both whips and their staff, the pages, who have already been thanked, the interpreters, the security staff who serve us so well, and those who keep these buildings on our behalf. I thank them all on behalf of honourable senators at this time.

Hon. Senators: Hear, hear!

Hon. Mabel M. DeWare: Honourable senators, at the beginning of our sitting today, I did what Senator Rompkey has just done. However, I want to say that we will do it again now.

The Senate adjourned until Tuesday, September 18, 2001, at 2 p.m.

APPENDIX

May 22, 2001

Dr. Robert Stewart
Chair
North Ritchot Action Committee
Suite 261
35-2855 Pembina Highway
Winnipeg, MB R3T 2H5

Dear Dr. Stewart:

Thank you for your letter of April 9, in which you express concern with respect to revisions proposed for the rules of operation for the Winnipeg Floodway and the process by which the revisions are being made and approved.

As you are aware, the 1962 agreement between Manitoba and Canada assigns responsibilities to both parties with respect to the control and operation of the Winnipeg Floodway, including approval of revisions to the program of operations.

On December 28, 2000, Manitoba requested that Environment Canada review and grant approval of the revised rules of operation. Environment Canada has carefully considered the technical soundness of the proposed rules of operation, which incorporate changes that will assist in protecting Winnipeg from dike failures and extensive storm and sewer backup. As you may already know, the proposed rules of operation are supported by the Red River Floodway Operational Review Committee.

My department has taken into account concerns that the operation of the floodway could lead to artificial flooding of upstream communities, and also the desire of those communities to be engaged in the development of the rules of operation. On the basis of this review, I have granted approval of the proposed rules of operation, with a strong recommendation that Manitoba undertake consultations with its citizens on the rules of operation and other measures, as advocated by the International Joint Commission, at the earliest possible opportunity.

Mr. Jim Vollmershausen, Regional Director General, Prairie and Northern Region, is available to discuss this decision with you further. Mr. Vollmershausen may be reached by telephone (780) 951-8869 or by fax at (780) 495-3086.

I appreciate your taking the time to write, and trust that you will find this information useful.

Yours sincerely,
Original signed by

David Anderson, P.C., M.P.

cc: Mr. Jim Vollmershausen
North Ritchot Action Committee
Suite 261
35-2855 Pembina Hwy.,
Winnipeg, MB
R3T 2H5

9 April 2001

Hon. D. Anderson
Minister of the Environment
Government of Canada
House of Commons
Ottawa, ON

Dear Minister Anderson:

The North Ritchot Action Committee (NRAC) represents residents living immediately upstream of the Winnipeg Floodway in matters arising from the 1997 Red River Flood. In addition to direct communication, we have previously provided you with copies of related correspondence (Attached). I write now to renew your attention on the very real and legitimate concerns of our residents with respect to revisions proposed for the Rules of Operation for the Winnipeg Floodway and the process by which those revisions are being made and approved.

Specifically, NRAC and upstream residents are concerned about your department's participation and support for the Red River Floodway Operating Rules Review Committee and your Departments apparent intent to approve the operating rules without due regard to the interests of upstream residents. This is, of course, contrary to NRAC's position that there should be open and public discussion of the Rules of Operation; a position soundly endorsed by both the Manitoba Water commission and the International Joint Commission.

In your correspondence to NRAC of February 23, 2000 you stated:

"Environment Canada committed to working with the Manitoba government to fulfill obligations arising from the 1962 agreement. The knowledge gained ... will form a basis for developing the rules of operation for the floodway and will also take into account the protection of the City of Winnipeg and upstream communities [emphasis added]"

In an attached E-mail, Mr. Jim Vollmershausen of your department stated:

"On December 28, 2000, Environment Canada received a revised rules of operation from the Province of Manitoba. The province has requested that Canada review and grant approval of these rules of operation in accordance with the original agreement between Manitoba and Canada. It is Environment Canada's intention to address this request as appropriate in the coming months."

NRAC has two obvious concerns with the above comments. The first of these is that the Province of Manitoba is currently seeking approval for a condition in the 1962 agreement that reads, in part:

20.(1) The Province will submit to the Federal Minister for approval prior to completion of the floodway [emphasis added]

(a) a program for the control and operation of the floodway under routine conditions and emergency conditions, and

It is not clear to NRAC how the proposed rules of operation recently submitted to your department for approval can satisfy the original agreement when they were not submitted prior to completion of the floodway. In fact, the original 1970 rules of operation were drafted 2 years after completion of the floodway. They were not approved at that time and revisions made to them in 1984 were never submitted by the province. It appears that your Department is considering approval of revisions for rules that were never approved, under a schedule which violates the original federal-provincial agreement to authorize your pending approval. Perhaps it is time for a new federal-provincial agreement that reflects the needs and requirements of this century.

Our second concern is that there is no indication from your Department that your approval process will include public consultation or "will take into account the protection of the City of Winnipeg and the upstream communities" as stated in your letter of February 23, 2000. NRAC's previous correspondence to you (August 3, 2000) documents the absence of any consideration of upstream interests in the development of the current rules of operation along with the absence of any meaningful public consultation. Indeed, the Province of Manitoba actively excluded public discussion. It did receive over 80 written submissions from residents objecting to some of the proposed changes and asking for public meetings but refuses to indicate how it acted on those requests.

NRAC's view has always been, and remains, that informed and involved stakeholders are critical to the development of the flood protection measures in the Red River basin. This view is supported by recent assertions in the IJC report Living with the Red. The report states:

“Clearly, the protection of Winnipeg must be given a high priority. But it is equally clear that proposals for additional protection for the city or alterations to the operating rules for the Winnipeg Floodway must take into account of the full economic, social and human costs for other areas that would be affected by such measures. A transparent process of open consultations must be established to ensure residents of such areas have an opportunity to be an integral part of any decision-making process.” (p.31).

The IJC incorporated this philosophy into its Recommendation #3.

NRAC’s position that the concerns of upstream residents have not been considered is further supported by observations of the IJC:

The Commission knows from its many visits with local residents, public hearings, and study of the flood that the human toll is high and is real. There is no way to assign an economic benefit to the value of knowing one is relatively safe from future floods or the economic cost of the trauma of knowing that you can once again be flooded. Uncertainty about the amount and timing of compensation from governments still are important issues in many people’s minds. Many residents upstream of the Winnipeg Floodway who were harmed by increased water levels caused by the way in which the Winnipeg Floodway was operated to save Winnipeg feel that the matter still has not been satisfactorily addressed by the government of Manitoba.” (p. 36).

It is the very issue of “security” addressed by the Commission that residents upstream of the Floodway have enunciated to the Manitoba Water Commission, the IJC and all levels of government. Our security remains threatened by the lack of consideration for compensation attributable to the Floodway operation, the absence of public consultation or dialogue, and the absence of meaningful representation of upstream residents. The only compensation presently available is through the Disaster Financial Assistance Agreement (DFAA) which is subject to the political whims of the government of the day and the availability of funding by Parliament. By its very nature the DFAA cannot contribute to the security that upstream residents are entitled to.

Over the course of our correspondence with you, NRAC has advocated that full and meaningful representation by upstream residents in an open and transparent consultation process, consideration of compensation for future damages arising from the operation of the floodway, and an analysis of the social and economic impacts of the floodway operation are necessary pre-requisites to any meaningful review of the floodway operating rules. Both the Manitoba Water Commission and The IJC have supported this position. We trust that after careful consideration of the facts that you too will arrive at the same reasonable conclusion and take the necessary actions to restore the rights and security of residents living upstream of the floodway.

We look forward to hearing from you soon and would be pleased to meet with you and Departmental representatives to further discuss our mutual positions and the significance of this matter. Please do not hesitate to contact me at (204) 261 6218 or by fax (204 261 8156).

Sincerely,

Original signed by

Dr. Robert Stewart
Chair,
North Ritchot Action Committee

Attachments

Cc w/o attachments

R. Duhamel, Minister of Veterans Affairs, Secretary of State (Western Economic Diversification)
L. Vanclief, Minister of Agriculture and Agri-Food
J. Manley, Minister of Foreign Affairs
M. Spivak, Senator
S. Carstairs, Senator
T. Stratton, Senator
L. Legault, International Joint Commission
R. Stefaniuk, Reeve of Richot
R. Loudfoot, Association 768
V. Baird, Ste. Agathe Economic Development

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, June 14, 2001

GOVERNMENT BILLS
(SENATE)

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-2	An Act respecting marine liability, and to validate certain by-laws and regulations	01/01/31	01/01/31	—	—	—	01/01/31	01/05/10	6/01
S-3	An Act to amend the Motor Vehicle Transport Act, 1987 and to make consequential amendments to other Acts	01/01/31	01/02/07	Transport and Communications	01/05/03 amended 01/05/09	3	01/05/10	01/06/14	13/01
S-4	A First Act to harmonize federal law with the civil law of the Province of Quebec and to amend certain Acts in order to ensure that each language version takes into account the common law and the civil law	01/01/31	01/02/07	Legal and Constitutional Affairs	01/03/29	0 + 1 at 3rd	01/04/26	01/05/10	4/01
S-5	An Act to amend the Blue Water Bridge Authority Act	01/01/31	01/02/07	Transport and Communications	01/03/01	0	01/03/12	01/05/10	3/01
S-11	An Act to amend the Canada Business Corporations Act and the Canada Cooperatives Act and to amend other Acts in consequence	01/02/06	01/02/21	Banking, Trade and Commerce	01/04/05	17 + 1 at 3rd	01/05/02 Senate agreed to Commons amendments 01/06/12	01/06/14	14/01
S-16	An Act to amend the Proceeds of Crime (Money Laundering) Act	01/02/20	01/03/01	Banking, Trade and Commerce	01/03/22	0	01/04/04	01/06/14	12/01
S-17	An Act to amend the Patent Act	01/02/20	01/03/12	Banking, Trade and Commerce	01/04/05	0	01/05/01	01/06/14	10/01
S-23	An Act to amend the Customs Act and to make related amendments to other Acts	01/03/22	01/05/03	National Finance	01/05/17	11 + 2 at 3rd (01/06/06)	01/06/07		
S-24	An Act to implement an agreement between the Mohawks of Kanesatake and Her Majesty in right of Canada respecting governance of certain lands by the Mohawks of Kanesatake and to amend an Act in consequence	01/03/27	01/04/05	Aboriginal Peoples	01/05/10	0	01/05/15	01/06/14	8/01

**GOVERNMENT BILLS
(HOUSE OF COMMONS)**

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
C-2	An Act to amend the Employment Insurance Act and the Employment Insurance (Fishing) Regulations	01/04/05	01/04/24	Social Affairs, Science and Technology	01/05/03	0	01/05/09	01/05/10	5/01
C-3	An Act to amend the Eldorado Nuclear Limited Reorganization and Divestiture Act and the Petro-Canada Public Participation Act	01/05/02	01/05/10	Energy, the Environment and Natural Resources	01/06/06	0	01/06/12	01/06/14	18/01
C-4	An Act to establish a foundation to fund sustainable development technology	01/04/24	01/05/02	Energy, the Environment and Natural Resources	01/06/06	0	01/06/14	01/06/14	23/01
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30							
C-8	An Act to establish the Financial Consumer Agency of Canada and to amend certain Acts in relation to financial institutions	01/04/03	01/04/25	Banking, Trade and Commerce	01/05/31	0	01/06/06	01/06/14	9/01
C-9	An Act to amend the Canada Elections Act and the Electoral Boundaries Readjustment Act	01/05/02	01/05/09	Legal and Constitutional Affairs	01/06/07	0	01/06/13	01/06/14	21/01
C-11	An Act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger	01/06/14							
C-12	An Act to amend the Judges Act and to amend another Act in consequence	01/04/24	01/05/09	Legal and Constitutional Affairs	01/05/17	0	01/05/29	01/06/14	7/01
C-13	An Act to amend the Excise Tax Act	01/04/24	01/05/01	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	15/01
C-14	An Act respecting shipping and navigation and to amend the Shipping Conferences Exemption Act, 1987 and other Acts	01/05/15	01/05/30	Transport and Communications					
C-17	An Act to amend the Budget Implementation Act, 1997 and the Financial Administration Act	01/05/15	01/05/30	National Finance	01/06/07	0	01/06/11	01/06/14	11/01
C-18	An Act to amend the Federal-Provincial Fiscal Arrangements Act	01/05/09	01/05/31	National Finance	01/06/12	0	01/06/12	01/06/14	19/01
C-20	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2001	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	1/01
C-21	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/03/21	01/03/27	—	—	—	01/03/28	01/03/30	2/01
C-22	An Act to amend the Income Tax Act, the Income Tax Application Rules, certain Acts related to the Income Tax Act, the Canada Pension Plan, the Customs Act, the Excise Tax Act, the Modernization of Benefits and Obligations Act and another Act related to the Excise Tax Act	01/05/15	01/05/30	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	17/01
C-24	An Act to amend the Criminal Code (organized crime and law enforcement) and to make consequential amendments to other Acts	01/06/14							

C-25	An Act to amend the Farm Credit Corporation Act and to make consequential amendments to other Acts	01/06/12	01/06/12	Agriculture and Forestry	01/06/13	0	01/06/14	01/06/14	22/01
C-26	An Act to amend the Customs Act, the Customs Tariff, the Excise Act, the Excise Tax Act and the Income Tax Act in respect of tobacco	01/05/15	01/05/17	Banking, Trade and Commerce	01/06/07	0	01/06/12	01/06/14	16/01
C-28	An Act to amend the Parliament of Canada Act, the Members of Parliament Retiring Allowances Act and the Salaries Act	01/06/11	01/06/12	—	—	—	01/06/13	01/06/14	20/01
C-29	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2002	01/06/13	01/06/14	—	—	—	01/06/14	01/06/14	24/01

COMMONS PUBLIC BILLS

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

SENATE PUBLIC BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-6	An Act to assist in the prevention of wrongdoing in the Public Service by establishing a framework for education on ethical practices in the workplace, for dealing with allegations of wrongdoing and for protecting whistleblowers (Sen. Kinsella)	01/01/31	01/01/31	National Finance	01/03/28	5			
S-7	An Act to amend the Broadcasting Act (Sen. Finestone, P.C.)	01/01/31	01/02/07	Transport and Communications	01/06/05	0	01/06/07		
S-8	An Act to maintain the principles relating to the role of the Senate as established by the Constitution of Canada (Sen. Joyal, P.C.)	01/01/31	01/05/09	Privileges, Standing Rules and Orders					
S-9	An Act to remove certain doubts regarding the meaning of marriage (Sen. Cools)	01/01/31							
S-10	An Act to amend the Parliament of Canada Act (Parliamentary Poet Laureate) (Sen. Grafstein)	01/01/31	01/02/08	—	—	—	01/02/08		
S-12	An Act to amend the Statistics Act and the National Archives of Canada Act (census records) (Sen. Milne)	01/02/07	01/03/27	Social Affairs, Science and Technology					
S-13	An Act respecting the declaration of royal assent by the Governor General in the Queen's name to bills passed by the Houses of Parliament (Sen. Lynch-Staunton)	01/02/07	01/05/02	Privileges, Standing Rules and Orders					
S-14	An Act respecting Sir John A. Macdonald Day and Sir Wilfrid Laurier Day (Sen. Lynch-Staunton)	01/02/07	01/02/20	Social Affairs, Science and Technology	01/04/26	0	01/05/01		

S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco products by young persons in Canada (Sen. Kenny)	01/02/07	01/03/01	Energy, the Environment and Natural Resources	01/05/10	0	01/05/15	<i>Bill withdrawn pursuant to Commons Speaker's Ruling 01/06/12</i>
S-18	An Act to Amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	01/02/20	01/04/24	Social Affairs, Science and Technology (withdrawn 01/05/10) Energy, the Environment and Natural Resources				
S-19	An Act to amend the Canada Transportation Act (Sen. Kirby)	01/02/21	01/05/17	Transport and Communications				
S-20	An Act to provide for increased transparency and objectivity in the selection of suitable individuals to be named to certain high public positions (Sen. Stratton)	01/03/12						
S-21	An Act to guarantee the human right to privacy (Sen. Finestone, P.C.)	01/03/13		Subject-matter 01/04/26 Social Affairs, Science and Technology				
S-22	An Act to provide for the recognition of the <i>Canadien</i> Horse as the national horse of Canada (Sen. Murray, P.C.)	01/03/21	01/06/11	Agriculture and Forestry				
S-26	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	01/05/02	01/06/05	Transport and Communications				
S-29	An Act to amend the Broadcasting Act (review of decisions) (Sen. Gauthier)	01/06/11						
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12						

PRIVATE BILLS

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-25	An Act to amend the Act of incorporation of the Conference of Mennonites in Canada (Sen. Kroft)	01/03/29	01/04/04	Legal and Constitutional Affairs	01/04/26	1	01/05/02	01/06/14	
S-27	An Act to authorize The Imperial Life Assurance Company of Canada to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	
S-28	An Act to authorize Certas Direct Insurance Company to apply to be continued as a company under the laws of the Province of Quebec (Sen. Joyal, P.C.)	01/05/17	01/05/29	Legal and Constitutional Affairs	01/05/31	0	01/05/31	01/06/14	

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