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(HANSARD)**

Thursday, November 8, 2001

**THE HONOURABLE DAN HAYS
SPEAKER**

CONTENTS

(Daily index of proceedings appears at back of this issue.)

OFFICIAL REPORT

CORRECTION

Hon. Terry Stratton: Honourable senators, on Tuesday, November 6, Senator Murray spoke in support of amendments to Bill S-22 contained in the sixth report of the Standing Senate Committee on Agriculture and Forestry. The amendments would have the effect of designating the “Canadian horse” as “Canadian” in English and “Canadien” in French.

Unfortunately, the *Debates of the Senate* for that day did not catch the linguistic distinctions and continued to refer to “the Canadien horse” in the English version.

Honourable senators, on page 1654 and 1655, wherever Senator Murray refers to the proposed amendments and to the English version of the bill, the references should be to “the Canadian horse” — “Canadian” with an “a.”

The corrections have already been made to the debates on the Senate Web site, but Senator Murray thought they should also be officially recorded in the chamber.

CORRECTION

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it was brought to my attention by Senator Murray that page 1651 of the *Debates of the Senate* indicates that I disagreed with his comments. The honourable senator and I should like the record to state that I did, in fact, agree with what he had to say.

The Hon. the Speaker: Honourable senators, is leave granted to make this correction?

Hon. Senators: Agreed

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THE SENATE

Thursday, November 8, 2001

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

Prayers.

SENATORS' STATEMENTS

VETERANS' WEEK AND REMEMBRANCE DAY

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I am honoured to rise today to remember the courage and selflessness of the men and women, past and present, who have served in our Canadian military forces around the world.

The Books of Remembrance that reside in the Peace Tower of this Parliament building record 114,710 names of those who gave their lives in defence of freedom. They sacrificed their lives on behalf of their fellow Canadians, but they also sacrificed their lives on behalf of people around the world whom they had never seen because they wanted to ensure that people everywhere had the same freedoms as were granted to every Canadian.

It is the common goal of everyone, from every country, to live in peace and freedom. However, there are times in the course of human history when we forget this common goal. We then realize, with sadness and regret, that peace and freedom always come at a cost. If nations had enough prescience, we might be able to prevent most, if not all, wars.

Although we have been blessed with benevolent leadership in Canada, most countries of the world have not been so fortunate. We cannot turn our backs on people who are suffering from circumstances they do not deserve. No matter the circumstances under which our military forces go to war, they have all done so in order to bring peace and freedom to those who live without it.

This year, the Veterans' Week theme is "In The Service of Peace." Our country is one of the most fortunate in the world because, since Confederation, we have never known war or occupation, but we do not take peace for granted. We understand that it is often transient, and we have been willing to bring peace to corners of the world where peace has been broken and public security shattered.

[Translation]

Canadians have always understood the necessity of providing humanitarian aid to populations in areas of conflict. We have always done our best to restore peace and to maintain it when it is still fragile.

Canadian men and women have taken part in both World Wars and the Korean War, and have served in the Balkans and in various conflicts in Africa and the Middle East.

Canadian troops are at present stationed at sea, as part of the battle to curb terrorism, so that civilians everywhere do not have to live in fear of violence.

[English]

As Mr. Paul Metivier, a veteran of the First World War, said here in this chamber yesterday, "Peace is worth fighting for."

We must remember that these struggles are an ongoing part of human history. When we look at sepia photographs or study famous battles, we must remember that veterans still walk among us, that Canadian men and women still serve their country. Their lives are just like ours, except they were called to make remarkable sacrifices and they rose to the occasion.

November 11 is a day to recognize the courage of those people who try to bring freedom to their fellow human beings under circumstances of incomprehensible hardship and difficulty. If we forget the sacrifices they have made for us, we will be forgetting the importance of a life lived in freedom and peace. We must never forget.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, I wish to draw to your attention that this is the thirty-sixth anniversary of the Honourable Senator Forrestall being elected to the House of Commons.

Hon. Senators: Hear, hear!

• (1340)

Hon. J. Michael Forrestall: Honourable senators, I wish to thank colleagues for that acknowledgement.

Today, I want to do three things. First, I want to join with all Canadians during this Veterans' Week to find occasion to remember, in their own way, the sacrifice. I particularly want to draw to the attention of honourable senators the splendid historical evidence that was presented to Canadians in a formal way at the National Archives last night with the screening of a film, the story of Canada's only Black battalion. It was the number two construction battalion which served during the First World War. For the indignity extended to them by well-meaning and thoughtful but wrong people, I apologize for all of the hurt.

A few days ago, while going through *The Chronicle-Herald*, that great newspaper in Halifax, I ran across a letter to the editor from a high school graduate last year who is now attending the University of New Brunswick at Fredericton. Permit me to read it. I do so because our young people do care. Someone out there is getting the message out and it is an important message.

The letter states:

Dear Editor:

If someone saved my life today, would I forget them tomorrow? Would I thank them once and then forget? If they risk their life to save my own, would it be a waste of time to thank them for their trouble?

What if someone died for me? Giving their life for the lesser cause of my own? Taking the bullet, feeling the pain, suffering when it is unneeded, but taken anyway. A complete stranger, making the complete sacrifice. Would I deny him the gratitude he deserves? Could I sleep, knowing I awaken because another sleeps forever in my place? You tell me.

Please note that when I use "him" or "he," I do not mean to discriminate. Many women, young and old, fought and died for this country, Canada, and they deserve the same respect and awe bestowed on male veterans. We also must not forget those women on the homefront; they kept our country going while the bulk of our men were overseas. To all female veterans, nurses and seniors, a very special thank you.

Is one day enough to thank those who sacrificed themselves so that we could stand here in freedom today? Can we honestly say we deserve this country, Canada, when we can't even provide respect for those who have given their lives for us?

If someone saved your life today, would you forget them tomorrow? Where will you be this Nov. 11, Remembrance Day, at 11 a.m.?

The letter is signed "Ainsley Fuller, student, University of New Brunswick, Fredericton; graduate of Yarmouth High School Memorial Club."

I commend that letter to honourable senators for their thought.

Hon. B. Alasdair Graham: Honourable senators, Remembrance Day, as indicated already by the Leader of the Government in the Senate and by the Honourable Senator Forrestall, whom we congratulate on this momentous anniversary of his first coming to Parliament many years ago, always triggers a whole host of feelings among Canadians. The year 2001 inspires us with a very special need for reflection in view of recent events.

The CBC's outstanding series entitled *Far From Home* could not have come at a more moving time in our nation's history. Now, many Canadians are indeed far from home in the very complex, indefinable and the frightening war against terrorism.

For those of us — Senator Forrestall among them, along with myself and thousands of others — privileged to watch Operation Apollo leave historic Halifax harbour several weeks ago, the sense of calm resolution in the face of the unknown was palpable. That calm resolution has characterized the crowds of Canadians who have said goodbye to loved ones in all the wars of the last century.

Honourable senators, there are many lessons to be learned from these enormous challenges. At the very least, we in our generation must ensure that our children and their children, to the best of their ability, fully understand these important periods in our history.

Today, as we try to envisage what lies ahead in a new kind of war against enemies of the human race, many of us think back to other battles such as the Battle of Vimy Ridge, in 1917, a brilliant tactical victory and one of the great defining moments in our history as a nation. We know that the casualties of over 10,000 represented a very high price to pay, but for many military historians, this incredible effort at that time may have led to shortening the horror of the Great War by at least a year. It was also a victory that was accomplished by brilliant artillery organization, technical skills and an enormous awareness of operational manoeuvres.

Renowned Canadian historian Professor David Bercuson assessed the victory at Vimy this way. He said:

The Canadians leaned into the north wind and carried on despite adversity. They innovated, they experimented, they used imagination and genius to overcome the Ridge and the enemy on it. That is why they won at Vimy and virtually every other engagement they fought until the end of the war.

I might add, honourable senators, that such was the spirit of the times of the proud and courageous Canadians — only 6 million in number, but with a preparedness and an invincible determination which allowed them to punch much higher than their weight, as we have on other occasions.

On November 11, we pay tribute to their sacrifice. Today, as we face a new kind of enemy, we, as a nation, must reflect on the lessons they have taught us about skill, preparedness, imagination and operational manoeuvres and the consequences of those manoeuvres in a new kind of warfare.

These have always been the traditions and the practice of all those brave Canadians who fight for freedom far from home. They have done what the first Canadians have always done since the first human foot trod the northern half of this continent. They have leaned into the north wind. They have always carried on despite adversity. They have remembered the words of Sir Arthur Currie of Vimy that Canadians are best served by Canadians — then, now and forever.

• (1350)

Hon. Ethel Cochrane: Honourable senators, I also rise today in recognition of Remembrance Day. At this time each year, we honour our veterans and our peacekeepers for the sacrifices that they have made in the defence of freedom and the pursuit of world peace.

Like many other Canadians, I will take time to reflect on November 11 and stand with members of my local branch of the Royal Canadian Legion in solemn remembrance. I will go with the veterans and the community to lay a wreath at the war memorial in Stephenville.

No doubt this year, when we turn our thoughts to the price Canadians have paid and the battles we have waged for peace, we will find new meaning in the context of current events. Perhaps now, more than at any other time that many of us can remember, we will be counting on the Canadian Forces as well as our police and intelligence services to protect us from the enemy. We put our faith and trust in them to ensure peace and to restore the stability and the security we have all enjoyed for so many years.

Canada's history in securing and restoring peace is a rich and hard-fought one. Over the course of the last century, almost 2 million Canadians served in war and peacekeeping missions around the world, of whom 117,000 made the ultimate sacrifice.

As we have throughout our short history, Canadians are now standing on guard, prepared to do whatever is necessary to preserve the principles and ideas that have made our country great.

Honourable senators, please join with me in honouring all those who have served us so well in the past and in sending our heartfelt thanks and prayers to all those who continue this legacy by serving our country today.

[Translation]

Hon. Marisa Ferretti Barth: Honourable senators, Remembrance Day, November 11, is when we give special thought to the many Canadians who have taken part in our country's war efforts.

The purpose of this day is to draw attention to, and commemorate the courage of, all those who gave their lives in order to leave us a society in which freedom and democracy are key values.

Large numbers of Canadians left home and friends behind to join the conflict. It is important for those of us who are living in Canada today to remember the men and women who lost their lives for us and were unfortunately not able to enjoy the peace and freedom for which they so proudly fought.

I would also draw particular attention to the many Canadian men and women who are currently battling the terrorism that threatens the very bases of democracy.

I also wish to draw attention to those who have set off on warships with the warmth of last kisses still on their cheeks, not knowing whether they will make it back home to their families and friends before the holiday season. These kisses, they have to keep reassuring themselves, did not carry a message of "goodbye forever," but just "so long for a while."

[English]

November 11, 2001, is a day of remembrance. We deeply remember the glorious sacrifices made by our soldiers who fought and died for us.

[Translation]

In closing, all my thoughts today are with those who have defended our country with honour. The splendour of Canada is in large measure due to the courage of its heroic combatants.

[English]

THE LATE BETTIE HEWES

TRIBUTE

Hon. Tommy Banks: Honourable senators, I have the honour to rise to pay tribute to Bettie Hewes, who died suddenly at her home in Brockville. If one were to look in the dictionary beside the word "committed," one would find a picture of Bettie Hewes. One would also find her picture beside the words "determined, fearless, indefatigable and tenacious." Most important, one would find her picture beside the word "liberal" with both a capital and a small "L."

A chance meeting with Bettie Hewes on the streets of Edmonton, where she spent her political life, was a dangerous thing because you would inquire quite innocently about one or another of her enormously difficult and valuable civic projects and then 20 minutes later, without realizing what happened, you would find yourself on a committee or, worse yet, having been dragooned into forming a committee to ensure that the task got done.

"Getting it done" was Bettie Hewes' operative phrase. She was a one-woman travelling bastion, bulwark and pillar of liberalism in Alberta at a time when, as Senator Taylor can attest, that was a very brave thing to be. Premier Ralph Klein said that Bettie Hewes was one of the most formidable foes he ever faced.

In her distinguished career as an MLA, as leader of the Liberal Party in Alberta, as a city councillor and as President of CNR, Bettie Hewes distinguished herself as she did in so many of her valuable civic undertakings.

To say that Bettie Hewes will be sadly missed is an abject understatement. She was a staunch ally and friend. Alberta public life is simply not the same now that she is gone. Even in her retirement from public life, she was never replaced: She was merely succeeded. God rest her beautiful soul.

THE LATE MALAK KARSH, O.C.

TRIBUTE

Hon. Raymond C. Setlakwe: Honourable senators, it is with a heavy heart that I rise today in this chamber to pay tribute to my cousin Malak Karsh. No one loved Canada and its people more than he. This love was always reflected in his photographs. His country recognized this professional quality when he became an Officer of the Order of Canada. His beloved City of Ottawa gave him, along with his brother Yousuf, the keys to this great city.

At one point, the old Canadian one-dollar bill had a photograph on one side of the Queen taken by Yousuf, and on the other side was a photograph of a logjam on the Ottawa River taken by Malak.

Honourable senators will know that Malak took the most recent photograph of this chamber and the senators. He was also the author of the magnificent book, *The Parliament Buildings*.

Above all, however, Malak was loved and appreciated for his outstanding human qualities. He had the gift of simplicity that all great people possess. Anyone who came in contact with him, and there are many of those in this chamber, felt a special bond. Like a poet, Malak could always see a world in a grain of sand and a heaven in a wildflower.

I spoke to Malak last Sunday and he was pleased to inform me that the National Capital Commission had named a tulip bed close to the river at the Museum of Civilization in his name.

Malak, of Armenian descent, arrived in Canada in 1938 and spent the war years on a minesweeper in the North Atlantic. While apprenticing with his brother Yousuf, Malak met his wife, Barbara, and she has been by his side ever since. He was always the first to recognize that without her he would never have succeeded as well as he did. They were inseparable. As of yesterday, they were putting the finishing touches on a new book about Canada that will be published in Iceland.

To Barbara and their children, Sydney, Lawrence, Michael, Marianne, and their grandchildren, I extend my deepest sympathy.

• (1400)

THE HONOURABLE HERBERT ESER GRAY, P.C.

CONGRATULATIONS ON BECOMING LONGEST-SERVING PARLIAMENTARIAN

Hon. Isobel Finnerty: Honourable senators, today a new record of service is being celebrated in Parliament.

Until yesterday, the longest unbroken period of parliamentary service in the House of Commons was held by the late Right Honourable John Diefenbaker. Today, Mr. Diefenbaker's record has finally been exceeded by the Honourable Herb Gray, Deputy Prime Minister and a member of the House of Commons for Windsor since 1962. Herb Gray has now been a member in the other House of Parliament for 14,389 days of unbroken service.

This remarkable Canadian has been a minister of the Crown in six portfolios. He served as Deputy Prime Minister and as Leader of the Opposition for more than 10 months in 1990.

To be quite blunt, Herb Gray is a public figure unequalled in the political life of our nation. I have always found him to be a fountain of knowledge, an eminent adviser, and a consummate gentleman.

I am sure that all honourable senators extend to him every good wish as he continues his career. Dare I say that all of us should look forward to his re-election in the next federal election.

Hon. Bill Rompkey: Honourable senators, I rise to join Senator Finnerty in offering congratulations to Herb Gray. He was in the House of Commons when I was first elected in 1972. He is still there after I have been gone for six years.

There are two things I want to say about Herb Gray. Some of those mischievous people in the press call him Gray Herb. However, he is anything but grey. He is the wittiest man I know. The best part of his humour is the self-effacing part. On the wall of his office are all the cartoons that have been printed about him over the years, making fun of him. He enjoys that so much.

Herb Gray puts service before self. I think it is a lesson to all of us in politics that one can be successful and yet be self-effacing, because that is exactly what Herb Gray is. We are so often a profession of egos, yet Herb Gray is one of those who has shown us that sometimes one can subvert ego to the greater service. That is, I think, his outstanding legacy: He has put service before self.

It was John Kennedy who defined politics as a calling. There was a day when many other people thought that was the case. It is a concept that I share.

Unfortunately, the profession of politics falls into disrepute from time to time, but as long as people like Herb Gray are around, there will be a beacon to all of us who believe that public service is just that — it is service. We get satisfaction from serving the public. That is the greatest lesson I have learned from Herb Gray. Like Senator Finnerty, I want to be there at his next election.

[Translation]

ROUTINE PROCEEDINGS

REPLACEMENT OF SEA KING HELICOPTERS

DOCUMENT TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table documents sent to me by the Assistant Deputy Minister of National Defence (Materiel), Allan Williams. The document comprises four slides on the Cormorant search and rescue helicopters, which he promised when he appeared before committee of the whole.

[English]

YOUTH CRIMINAL JUSTICE BILL

REPORT OF COMMITTEE—POINT OF ORDER

Hon. Lorna Milne: Honourable senators, I have the honour to present the tenth report of the Standing Senate Committee on Legal and Constitutional Affairs, which deals with Bill C-7, in respect of criminal justice for young persons and to amend and repeal other acts.

A Clerk at the Table: The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its tenth report.

Your Committee, to which was referred Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*, has in obedience to the Order of Reference of September 25, 2001 —

Hon. John Lynch-Staunton (Leader of the Government): Honourable senators, on a point of order, if copies are available, we should like to know the content of the report. If the committee chairman can make copies of the report available today, we can have the report before the Senate adjourns for the recess. Otherwise, it will have to be read for the record.

A Clerk at the Table: The report continues:

— examined the said Bill and now reports the same with the following amendments:

1. Pages 2 to 4, Clause 2:

(a) Page 2,

(i) Add immediately before line 3, on page 2, the following:

“2. (1) An object of this Act is for the law of Canada to be in compliance with the United Nations Convention on the Rights of the Child, and this Act shall be given such fair,

large and liberal construction and interpretation as best assures the attainment of this object.”; and

(ii) Renumber subclauses 2 (1) to (3) as (2) to (4) and any cross-references thereto accordingly.

(b) Page 3, Replace lines 30 to 38 with the following:

“(a) an offence committed, or alleged to have been committed, by a young person who has attained the age of sixteen years, under one of the following provisions of the *Criminal Code*”; and

(c) Page 4,

(i) Replace lines 5 to 15 with the following:

“(b) a serious violent offence for which an adult is liable to imprisonment for a term of more than two years committed, or alleged to have been committed, by a young person after the coming into force of section 62 (adult sentence) and after the young person has attained the age of sixteen years, if at the”; and

(ii) Replace line 21 with the following:

“committed a serious violent offence and if at the time of the commencement of proceedings the Attorney General does not elect, in writing, to decline to treat the offence as a presumptive offence.”.

2. Page 17, Clause 19: Add after line 17 the following:

“(5) Rules established under subsection (3) for the convening and conducting of conferences must

(a) provide for the right of the young person to attend with counsel; and

(b) comply with the principles of procedural fairness and natural justice.”

3. Page 21, Clause 25:

(a) Delete lines 21 to 31, and;

(b) Renumber subclause 25(11) as subclause (10) and any cross-references thereto accordingly.

4. Page 38, Clause 38:

(a) Replace lines 27 and 28 with the following:

“for that offence;

(d) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons; and

(e) subject to paragraph (c), the sentence”; and

(b) Renumber all references to paragraph 38(2)(d) as references to paragraph 38(2)(e).

5. Page 57, Clause 50: Replace line 23 with the following:

“except for paragraph 718.2(e) (sentencing principle for aboriginal offenders), sections 722 —

[Translation]

Hon. Marcel Prud'homme: Honourable senators, there are limits. You know the rules, and I know you want to follow them. If there is no translation of the documents, we do not proceed. It is as simple as that. It is a fundamental principle. I have seen plenty of precedents. No translation? We will continue when there is.

[English]

Too bad; so sad.

[Translation]

We will continue when the translation is available.

[English]

Hon. Jean-Robert Gauthier: Honourable senators, I have a personal reason for objecting. I cannot follow the debate if there is no interpretation. I am not a part-time senator. I am here almost all the time. Please wait a few minutes and we will have the report as the minister promised.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, we agree to take Senator Kinsella's suggestion that we revert to Presentation of Reports from Standing or Special Committees when the report has been distributed to all senators and the interpreters later today.

[English]

The Hon. the Speaker: Honourable senators, I have treated this as a matter of order, and I think it is a matter of order. The suggestion is that I ask leave of the house to revert to Presentation of Reports from Standing or Special Committees later this day for purposes of receiving this report, if it is ready. Is it your pleasure, honourable senators, to do that?

Hon. Senators: Agreed.

[Translation]

SCRUTINY OF REGULATIONS

THIRD REPORT OF JOINT COMMITTEE TABLED

Hon. Céline Hervieux-Payette: Honourable senators, it is my pleasure to table the third report of the Standing Joint Committee on Scrutiny of Regulations, which deals with certain articles of the Royal Canadian Mounted Police Regulations, 1988.

I would add, honourable senators, that these are provisions regarding the eligibility of members of the force for participation in political activities. I invite honourable senators to read our report.

The Hon. the Speaker: I would ask the Table officer to pause in his reading of the report. There is no translation of the report into the other language. The interpreters need a copy for the purposes of their interpretation.

Honourable senators, we can proceed with the reading of report, as we are doing, or we can agree to return to this matter later in the day when the interpreters have the necessary material before them.

• (1410)

Do honourable senators object to us continuing with the reading of the report?

Senator Lynch-Staunton: Honourable senators, I think my point has been confirmed; that is, not only are there no copies for senators, but there are no copies for the interpreters. If the chairman had been a little more considerate, she would have waited to table the report until copies were available, particularly for those who are having a great deal of difficulty interpreting this difficult technical material.

I have no objection to ending the reading of the report. I would prefer, however, that the chairman withdraw the report and reintroduce it when copies are available, particularly for those upstairs who are charged with interpreting it.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the amendments have been made. They are all available. There is no reason why staff cannot make copies of that report and circulate it to senators within a very short period of time. I see no reason for the withdrawal of the report. I am prepared to delay the further reading of the report until such time as we have distributed it. If we have distributed it and the other side still wants it read, then so be it.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, under the circumstances, the better solution would be to grant consent later this day to revert to Presentation of Reports from Standing or Special Committees when the report is properly ready with the copies that are to be appropriately circulated when a report is presented. If the government side would agree with us, we could revert to this item when the documents are ready.

Hon. Eymard G. Corbin: Honourable senators, I simply want to state that the principle that applies to official languages and interpretation is just as important, if not more, than the principle that applies to the availability of copies.

[English]

QUESTION PERIOD

NATIONAL DEFENCE

REPLACEMENT OF SEA KING HELICOPTERS— UNBUNDLED PROCUREMENT PROCESS

Hon. J. Michael Forrestall: Honourable senators, my questions are directed to the Leader of the Government in the Senate. She will be happy to know, after her quips yesterday, that representatives of the firm that produces the custom-built VH-3s have assured me that the VIP derivative — and I underline the word “derivative” — of the Sea King bears absolutely no resemblance whatsoever to the Sea Kings currently being operated by the Canadian Armed Forces out of Shearwater and on the West Coast. They are clear about that.

Even so, the minister should know — and if she does not I am pleased to draw it to her attention — that the President of the United States spends much more time in the Sikorsky Black Hawk, not in the Sea King. I wonder why? I understand the Queen of Canada also has her choice of vehicles.

As I indicated the other day, I have in my possession the speaking points of the favourite witness of the Leader of the Government in the Senate — Assistant Deputy Minister of Public Works and Government Services Jane Billings. The notes for July 26, 2000, are entitled “Speaking Points on the Maritime Helicopter Acquisition Project.” You will all remember Ms. Billings. She is the one who could not reply to our questions because, apparently, she was not there.

Her speaking points for July 26 state that the helicopter mission systems, systems integration and in-service support would fall under one competition. However, her notes for July 27, 2000, state that the government decided on a split procurement for the helicopter mission systems and the in-service support for both air frame and mission systems.

What happened overnight between July 26 and July 27, 2000, to so abruptly cause the government to change its mind?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me go back to a few of the preambles. I thought that Jane Billings, when she appeared before our committee, was extraordinarily forthright. She answered every question that was put to her. To cast aspersions on that witness and say, as the honourable senator has said this afternoon, that she would not answer questions is absolutely wrong. She did answer every single question put to her.

• (1420)

In terms of what magically happened July 26 or 27, I would suggest nothing happened magically July 26 or 27. The government made a policy decision. The cabinet made a policy

decision. It is a policy decision that I think is in the best interests of the greatest number of companies in this country.

Senator Forrestall: Honourable senators, that flies in the face of information contained in these very speaking points and information made available to this chamber over a long period of time. Can the minister tell us what caused the government to change its policy when clearly it knew from every single bit of professional advice that it was given on the acquisition process for this, both militarily and from the Department of Public Works, that the unbundling of this contract would have a very detrimental effect on the regional and national distribution of industrial benefits flowing from the award of this contract? Why?

Senator Carstairs: With the greatest of respect to the honourable senator, the government simply does not believe the argument that he is putting forward. It believes that the unbundling of the contract will, in fact, give more corporations viably active in Canada a greater opportunity to be part of this bidding process.

Senator Forrestall: Would the minister take advantage of the week of adjournment ahead to reread the documentation now in the public realm? We will take up this discussion in a week or 10 days.

Senator Carstairs: Honourable senators, the minister, and I assume the honourable senator is referring to me, has availed herself of every opportunity and every document, those provided by Public Works, those provided by DND, and those provided by the honourable senator himself. Frankly, I do not think, with the greatest of respect to the honourable senator, that my answers will change.

Senator Forrestall: I would bet my life on it, but I hate betting pilots' lives on it.

FOREIGN AFFAIRS

AFGHANISTAN—AID TO REFUGEES

Hon. Douglas Roche: Honourable senators, my question is directed to the Leader of the Government in the Senate. A few minutes ago, Lloyd Axworthy, former Foreign Minister, just back from Pakistan, appeared on national television on behalf of Oxfam, reporting that up to 100,000 Afghan people are at risk of starvation because relief supplies cannot get through as a result of the bombing campaign. Mr. Axworthy is appealing for a halt in the bombing so that relief supplies can reach desperate people. A seminar yesterday in Ottawa convened by the Canadian Council of Churches heard similar calls.

An increasing number of Canadians are asking: What is it that the coalition is bombing, and why? When I raised this issue with the Leader of the Government two days ago, the minister said she would take my questions forward to cabinet. I ask today: Can the minister inform the Senate whether these humanitarian concerns being increasingly expressed are truly being heard by the government?

Hon. Sharon Carstairs (Leader of the Government): I can assure the honourable senator that the humanitarian concerns are being heard and are one of the reasons the government has been so responsive in terms of humanitarian aid not only to Afghanistan but also to Pakistan. They are clearly uppermost in the mind of government officials as we proceed with the war on terrorism.

TRANSPORT

AIRPORT SECURITY

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate.

We have heard the Minister of Transport and other representatives of this government say repeatedly since September 11 that security systems at Canada's airports are far superior to those of other countries. Of course, lo and behold, reports in today's *Globe and Mail* and last night on CTV national television poke a few holes in this claim. Apparently, the security screening process did not detect a box cutter and pen knives and other items that a *Globe and Mail* reporter was able to carry upon two flights. She was checked twice, going to Victoria leaving Toronto, and coming back. They missed on both tries. The government ought to launch an inquiry into this security breach. What other measures is the government considering to avoid such problems in the future?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as the Americans learned last week when someone got through their security system with guns and a number of knives, I think up to eight, as long as this system is operated by human beings, it will not be a perfect system. Since we do not know what other systems we can use except those involving human beings, I am not sure how we can absolutely perfect the system so that it never, ever has a failure.

Honourable senators, the government is working very hard —

Senator Lynch-Staunton: Israel does it.

Senator Carstairs: — to ensure that there are as few failures as there possibly can be. Senator Lynch-Staunton shouted across the way —

Senator Lynch-Staunton: I did not shout.

Senator Carstairs: — the success of the Israeli air system. Those of us who have been through it know how extensive that process is. It also, by the way, deals with very few passengers in relative terms on a daily basis. The government is working towards having the most secure system possible. When we have breaches like the one mentioned, then they must be investigated thoroughly.

Senator Stratton: Honourable senators, that really does not leave me feeling very comfortable. We all, for the most part, get

on airplanes, and a great number of Canadians fly on these aircraft. I will leave that for another day. It is worrisome that that kind of thing can happen. It virtually encourages something else to happen.

STATE OF AIRLINE INDUSTRY—TRANSPORTATION POLICY

Hon. Terry Stratton: Honourable senators, I turn to another issue regarding transportation. I should like to ask the Leader of the Government in the Senate: Will we have any aircraft to fly, with Air Canada and Canada 3000 virtually reaching the stages of bankruptcy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, it is clear that both airlines are still flying their routes throughout this country. The Minister of Transport and his officials are working with both companies, as with other companies, to ensure that we have viable and active flying routes in Canada.

Senator Stratton: I guess my concern is that we are reacting. We are always reacting to situations. We react to the security issue at the airports. We react to Air Canada getting in trouble. We react to Canada 3000 getting in trouble. Will the government examine the issue of air transportation and contemplate re-examining its airline policies?

Hon. Nicholas W. Taylor: Are we supposed to take over airlines before they go out of business?

Senator Carstairs: With the greatest of respect, the Honourable Senator Stratton says, "we react to." We tend to react to most decisions made in the private sector. We plan what is going to go on in the public sector.

Senator Taylor has clearly raised a significant issue. Do we want the Canadian government to take over the operation of all airlines in this country? Is that what the opposition is suggesting this afternoon?

Senator Lynch-Staunton: How about a little competition? How about some foreign airlines coming in? How about open skies?

Hon. David Tkachuk: We are not asking that the government take over the airlines; we are asking for a national transportation policy. Last summer, Mr. Collenette broke his own rules on competition policy by allowing Mr. Schwartz to buy both airlines, causing chaos, and causing financial chaos in the airline industry. There is only one place where Air Canada's woes should be drawn, not on their own problems since the events of September 11, but on the mishandling of transportation policy by Minister Collenette in trying to create a monopoly situation run by a Liberal friend out of Winnipeg.

Senator Carstairs: Honourable senators, the information coming across this way is not making much sense to me. First, Mr. Schwartz did not buy an airline. Second, Mr. Schwartz does not live in Winnipeg.

• (1430)

I am having great difficulty understanding the questions emanating from that side of the chamber.

Senator Tkachuk: Honourable senators, Mr. Schwartz was being urged to buy an airline by Minister Collenette. Air Canada reacted, therefore, and picked up Canadian Airlines, which Mr. Collenette should have left alone to face its own creditors. However, he refused to do so and Air Canada is in deep financial trouble today. It is because of the transportation policy of the federal government that Air Canada is in trouble and not just as a result of the events of September 11.

Senator Carstairs: Again, the whole presentation from the honourable senator is verging on the bizarre. The Minister of Transport did not tell Air Canada what to buy. Air Canada made a decision that it wanted to enter into the bidding process with Canadian and, in fact, ratcheted up the price of Canadian, but it is a private company. It seems to me that that started under a previous administration.

INTELLIGENCE AND SECURITY

LIST OF TERRORISTS AND TERRORIST GROUPS

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, my question is directed to the Leader of the Government in the Senate. There is a government news release dated today that advises us that Finance Minister Paul Martin and Foreign Affairs Minister John Manley have announced that the government has listed an additional 83 individuals and organizations linked to terrorism. The property of these individuals and organizations is to be frozen and reported to the relevant authorities.

My first question is: How many does that add up to in terms of who is on this list?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have to say that I cannot answer that question. Like the honourable senator, I know of the additional new list of 83 individuals and organizations. I do not know whether those are 83 new names or whether it is 83 names in total. I will attempt to get clarification for the honourable senator.

Senator Kinsella: I thank the honourable senator for that.

I have two questions that flow from this issue. First, the government's press release, in reference to the additional 83 individuals and organizations, states "that they are linked to terrorism." That is a serious statement. Is it an allegation or has it been proven?

Second, later in the same press release it states:

A copy of the letter and a list of persons and entities can be found on the OSFI Web site...

It then gives the Web site address. OSFI is the Office of the Superintendent of Financial Institutions.

Are we to understand that when some organization or individual is assumed by the Government of Canada to be linked to terrorism, they put their name on this list and this list then gets put on the Web site? Is the presumption of innocence out the door with this government in this matter? Could the honourable minister explain the process, at least?

Senator Carstairs: Honourable senators, I will do my best. Pursuant to the United Nations Suppression of Terrorism Regulations, the Governor in Council, on the recommendation of the Minister of Foreign Affairs, establishes a list of those individuals and entities that it believes, on reasonable grounds, are involved in or associated with terrorist organizations. The decision to include a name on the list is based on an assessment by Canada's law enforcement and intelligence agencies, such as the RCMP and CSIS, which review information from a wide range of sources, both domestic and international. On their advice, the cabinet makes a decision on any name that should be added to the list.

Senator Kinsella: Honourable senators, I thank the honourable minister for her answer.

What safeguards does the government intend to set in place to protect innocent individuals or groups who end up having their names placed on this list and then published on the Internet? Great damage can be caused to their reputation and integrity by having their names associated with terrorism. What safeguards are made available by the government for those whose names are published and yet are totally innocent?

Senator Carstairs: Honourable senators, the government works with the Office of the Superintendent of Financial Institutions, which is the Web site to which the honourable senator referred, and they in turn work with other financial institutions to remove any confusion about whose assets are supposed to be frozen, and to ensure that only those assets of these people or entities listed are frozen. Further, if there is a case of mistaken identity that cannot be resolved in this way, the United Nations Suppression of Terrorism Regulations provide for a person or entity to get a certificate from the Minister of Foreign Affairs confirming that they are not a listed individual.

Senator Kinsella: Honourable senators, a business operation in the south of Ottawa that transferred funds, particularly from the Canadian Somalia community in Ottawa to family members in Somalia, was visited by police authorities yesterday. Can the leader tell us whether that hawala is listed among those 83?

Senator Carstairs: Honourable senators, as probably has been apparent, I am reading carefully from the notes I have been given because this is one of those issues about which we must not get anything but the most correct information on the record.

With respect to the specific question that the honourable senator has asked, the RCMP does not confirm or deny their investigations, nor do they provide details regarding ongoing investigations, and this is a perfect example. The RCMP has assured the Solicitor General that they continue to cooperate with Canadian and international law enforcement partners in sharing information and intelligence, and that is the extent of the information that I can provide to the honourable senator at this time.

TRANSPORT

AIRPORT SECURITY—ACTIONS OF JOURNALIST INVESTIGATING PROCESS

Hon. Laurier L. LaPierre: Honourable senators, my question is for the Leader of the Government in the Senate. Is she aware that Ms Wong, of *The Globe and Mail*, with her little excursion, readily and deliberately breached security in the pursuit of a story? Furthermore, in displaying on the tray on the plane her various pieces of equipment, she endangered the security of the passengers. The plane could have been diverted or military aircraft could have accompanied the plane for a landing. In other words, could this be described as mischief that might be, in the short run, criminal?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I thank the honourable senator for providing that information to the chamber this afternoon. However, as he well knows, it is not up to me to determine whether a matter is mischief under its criminal or non-criminal definition. That would be up to the RCMP, and should they indicate that they are investigating, it would not surprise me if they were. They and they alone will determine if they are provided with sufficient proof that a charge should be laid.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

The Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, it is my pleasure to table a response to a question raised by Senator Di Nino on September 26, 2001, regarding the state of sanctions against Pakistan and India.

FOREIGN AFFAIRS

STATE OF SANCTIONS AGAINST INDIA AND PAKISTAN

(Response to question raised by Hon. Consiglio Di Nino on September 26, 2001)

On October 1, 2001, Minister Manley and Minister Minna announced an easing of sanctions against Pakistan, except for the ban on military sales. The announcement was in recognition of the stance taken by Pakistan to support the international campaign against terrorism. As for India, Minister Manley had announced the easing of sanctions last March (again with continuing restrictions on military sales).

[English]

YOUTH CRIMINAL JUSTICE BILL

REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

• (1440)

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

Thursday, November 8, 2001

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

TENTH REPORT

Your Committee, to which was referred Bill C-7, *An Act in respect of criminal justice for young persons and to amend and repeal other Acts*, has in obedience to the Order of Reference of September 25, 2001, examined the said Bill and now reports the same with the following amendments:

1. Pages 2 to 4, Clause 2:

(a) Page 2,

- (i) Add immediately before line 3, on page 2, the following:

“2. (1) An object of this Act is for the law of Canada to be in compliance with the United Nations Convention on the Rights of the Child, and this Act shall be given such fair, large and liberal construction and interpretation as best assures the attainment of this object.”; and

- (ii) Renumber subclauses 2 (1) to (3) as (2) to (4) and any cross-references thereto accordingly.

(b) Page 3, Replace lines 30 to 38 with the following:

“(a) an offence committed, or alleged to have been committed, by a young person who has attained the age of sixteen years, under one of the following provisions of the *Criminal Code*.”; and

(c) Page 4,

- (i) Replace lines 5 to 15 with the following:

“(b) a serious violent offence for which an adult is liable to imprisonment for a term of more than two years committed, or alleged to have been committed, by a young person after the coming into force of section 62 (adult sentence) and after the young person has attained the age of sixteen years, if at the”; and

(ii) Replace line 21 with the following:

“committed a serious violent offence and if at the time of the commencement of proceedings the Attorney General does not elect, in writing, to decline to treat the offence as a presumptive offence.”.

2. *Page 17, Clause 19:* Add after line 17 the following:

“(5) Rules established under subsection (3) for the convening and conducting of conferences must

(a) provide for the right of the young person to attend with counsel; and

(b) comply with the principles of procedural fairness and natural justice.”

3. *Page 21, Clause 25:*

(a) Delete lines 21 to 31, and;

(b) Renumber subclause 25(11) as subclause (10) and any cross-references thereto accordingly.

4. *Page 38, Clause 38:*

(a) Replace lines 27 and 28 with the following:

“for that offence;

(d) all available sanctions other than custody that are reasonable in the circumstances should be considered for all young persons, with particular attention to the circumstances of aboriginal young persons; and

(e) subject to paragraph (c), the sentence”; and

(b) Renumber all references to paragraph 38(2)(d) as references to paragraph 38(2)(e).

5. *Page 57, Clause 50:* Replace line 23 with the following:

“except for paragraph 718.2(e) (sentencing principle for aboriginal offenders), sections 722 (victim impact state-”.

6. *Page 68, Clause 61:*

(a) Delete lines 23 to 28; and

(b) Renumber clauses 62 to 200 as clauses 61 to 199 and any cross-references thereto accordingly.

7. *Pages 79 and 80, Clause 76:*

(a) *Page 79,* Replace lines 16 to 19 with the following:

“(b) a youth custody section of a provincial correctional facility for adults, in which young

persons are kept separate and apart from any adult who is detained or held in custody; or

(c) if the sentence is for two years or more, a youth custody section of a penitentiary, in which young persons are kept separate and apart from any adult who is detained or held in custody.”;

(b) *Page 80,* Replace lines 18 to 21 with the following:

“(b) a youth custody section of a provincial correctional facility for adults, in which young persons are kept separate and apart from any adult who is detained or held in custody; or

(c) if the sentence is for two years or more, a youth custody section of a penitentiary, in which young persons are kept separate and apart from any adult who is detained or held in custody.”.

8. *Page 113, Clause 110:* Replace line 29 with the following:

“(2) When the youth justice court, on application of the prosecutor, determines that the public interest will best be served, subsection (1) does not apply”.

9. *Pages 129 and 130, Clause 125:*

(a) *Page 129,* Add after line 31 the following:

“(7) A youth justice court judge shall disclose to a representative of any school board or school or any other educational or training institution any information contained in a record kept under section 114 if the disclosure is necessary

(a) to ensure compliance by the young person with an authorization under section 91 or an order of the youth justice court;

(b) to ensure the safety of staff, students or other persons; or

(c) to facilitate the rehabilitation of the young person. “; and

(b) *Pages 129 and 130,* Renumber subclauses 125(7) and (8) as subclauses (8) and (9) and all cross references thereto accordingly.

10. *Pages 145 and 146, Clause 146:*

(a) *Page 145,* Delete lines 37 to 46; and

(b) *Page 146,* Renumber subclauses 146(7) to (9) as subclauses (6) to (8) and any cross-references thereto accordingly.

11. Page 150, New Clauses 158 and 159:

(a) Page 150, Add after line 40 the following:

“Review of Act

158. (1) Three years after the coming into effect of the Act and at the end of every five-year period thereafter, the Minister of Justice shall undertake a comprehensive review of the operation of this Act and cause to be laid before both Houses of Parliament a report thereon including any recommendations pertaining to the amendments to this Act that the Minister considers necessary or desirable.

(2) For the purpose of the report referred to in subsection (1), the Minister shall consult the Attorney General of every province and persons, groups or class of persons or a body appointed or designated by or under this Act or an Act of the legislature of a province and representatives of aboriginal people of Canada.

159. (1) As soon as the Minister of Justice's report has been laid before both Houses, a comprehensive review of the report and of the provisions and operation of this Act shall be undertaken by such committees of the Senate, of the House of Commons or of both Houses of Parliament as may be designated or established by the Parliament to determine if the objectives of the Act are met in various provinces across Canada.

(2) The committee referred in subsection (1) shall, within six months after the completion of the review undertaken pursuant to that subsection or within such further time as Parliament may authorize, submit a report on the review to Parliament including a statement, if any, as to any changes the committee recommends.”; and

(b) Renumber clauses 158 to 200 as clauses 160 to 202 and any cross-references thereto accordingly.

Respectfully submitted,

LORNA MILNE
Chair

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

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

[Translation]

ORDERS OF THE DAY

MISCELLANEOUS STATUTE LAW AMENDMENT BILL, 2001

SECOND READING—DEBATE ADJOURNED

Hon. Fernand Robichaud (Deputy Leader of the Government) moved the second reading of Bill C-40, to correct

[Senator Milne]

certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.

He said: Honourable senators, the title of this bill says it all. This act seeks to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed or otherwise ceased to have effect.

This bill is the result of a report presented in the Senate by the Chair of the Standing Senate Committee on Legal and Constitutional Affairs, which examined proposed amendments to ensure that they met the following criteria: be non-controversial; not include the spending of public monies; not adversely affect human rights; not create offences; and not subject a new category of accused persons to an existing offence.

Bill C-40 reflects the review made of the proposed changes, which were not all accepted.

Honourable senators, I move that this bill be read the second time.

[English]

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I assumed that the task of critic for the opposition on Bill C-40 would be a straightforward task, as we discussed the other day when we had the report from the Standing Senate Committee on Legal and Constitutional Affairs. However, as so often happens when we are given a bill that is described as “straightforward,” it is soon realized that it contains elements that question such an assumption.

Honourable senators, clause 44 of Bill C-40, page 12, contains a serious parchment error. There are 25 pages in total, and given that there is an error on page 12, I will take the next few days to read the remainder of Bill C-40 for fear that I may find something more profoundly wrong than the parchment error.

On motion of Senator Kinsella, debate adjourned.

CANADA CORPORATIONS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Atkins, seconded by the Honourable Senator Keon, for the second reading of Bill S-30, to amend the Canada Corporations Act (corporations sole).—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, Senator Atkins had indicated to me that he would be unavoidably absent. However, I would not say anything at this time that would challenge the foundations of Bill S-30 that he is presenting to us. I have had many opportunities, over the past years, to deal with the issue of the incorporation of corporations sole by Parliament.

Honourable senators, I do not intend to review the legislative history of that initiative. Much of the bill is technical and much of it is administrative. In my opinion, the best thing to do with the bill is speed it on to committee, where it will receive all the attention it deserves. In that way, supporters of the initiative and opponents of the initiative — charitable organizations, for example — will be given the opportunity to express their views. Bill S-30 is much along the classic lines of a bill that is best dealt with in committee.

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?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Kinsella, bill referred to Standing Senate Committee on Banking, Trade and Commerce.

• (1450)

NATIONAL HORSE OF CANADA BILL

REPORT OF COMMITTEE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Murray, P.C., for the adoption of the sixth report of the Standing Senate Committee on Agriculture and Forestry (Bill S-22, to provide for the recognition of the *Canadien* Horse as the national horse of Canada, with amendments), presented in the Senate on October 31, 2001.—(*Honourable Senator Hubley*).

Hon. Elizabeth Hubley: Honourable senators, it is a pleasure to rise today in support of Bill S-22, which seeks to have the Canadian horse recognized as our national horse.

Horses occupy a proud and glorious place in the history of Prince Edward Island going back to the earliest European settlements. Island folklorist and historian John Cousins tells me the first Clydesdale horse in Canada arrived at Charlottetown

with a group of English settlers in 1830. Horses were an indispensable part of pioneer life. They helped to clear the land, haul wood for the winter and represented the only means of transportation between settlements.

At the turn of the 20th century, there were more horses per capita on Prince Edward Island than in any other part of Canada. As some honourable senators may know, we were the only jurisdiction in North America to ban the automobile so that horses could enjoy complete supremacy of the roadways. Even as late as 1951, nine of ten Island farms used horses on a regular basis.

With such a strong affinity between Islanders and horses generally, one might expect to find the Canadian horse roaming through the fields of our early history, and find him we do. For a period of time in the mid-18th century, prior to the British conquest, Prince Edward Island, or Île St-Jean as it was then called, played an important role as a supplier of food to the great French fortress at Louisbourg. The Acadian plowmen of Île St-Jean cleared land, established orchards and grew crops for exports. This was a fledgling, but nevertheless promising, agricultural and fishing society. Moreover, the Acadians seemed to coexist well with the native Mi'kmaq who had come before them.

Honourable senators, the Canadian horse was undoubtedly part of this early Acadian society. The first animals probably arrived in the 1920s from Quebec by way of Louisbourg. An archeological investigation of the 18th century settlement of Jean Pierre de Roma has uncovered artifacts from this period, including a riding spur.

Horses were also enumerated in early census reports. In the wake of the conquest, thousands of Canadians were forcefully expelled from what was then British North America, including the few hundred families who had made Île St-Jean their home. The Acadian expulsion was not entirely successful. A handful of Island Acadian families managed to escape Lord Rollo's expeditionary forces. They ran and hid in the forest where they eluded their new rulers until time and more tolerance permitted greater visibility. Not only did the Acadians flee into the forest, but their horses did as well.

Scottish settler John MacGregor, writing in the 1820s, relates a haunting story of a herd of horses that roamed the eastern part of the Island. Discovered when the English arrived after the expulsion, these horses were "running in a wild state." These horses had been exposed to the bitter winter weather and had survived against all odds. There is no question that the most mythical creature MacGregor wrote about was the Canadian horse. To the early settlers, this animal became known as the wilderness horse, tough of spirit, with sound feet and a small appetite.

While I cannot say for certain, I suspect the descendants of this animal can still be found in my province, although generational cross-breeding has made it difficult to pick them out.

Honourable senators, Bill S-22 proposes to recognize the Canadian horse as the national horse of Canada. I enthusiastically support this legislation and suggest that we seize this opportunity to enshrine yet another national symbol, one that will have meaning to Canadians in many provinces and regions and one that speaks so eloquently to the early developments of our country.

Hon. Joyce Fairbairn: Honourable senators, I wish to add my voice to this debate. I have not had an opportunity in the past because of other commitments in and around this chamber, but from the moment that Senator Murray came forward with this piece of legislation, I have probably been its strongest supporter.

As Senator Hubley has described, the Canadian horse has a very special place in our history. One of the remarkable things about it is that it is a very Canadian horse. It has the qualities that we like to ascribe to our own people; strength, determination and steadiness. The Canadian horse may not be the most beautiful horse, but it is a handsome and attractive symbol of our country.

People in the southern part of my province are particularly familiar with the presence of this magnificent and trusted animal. The Canadian horse has a place of honour at Spruce Meadows in the equestrian events that our Speaker and myself often have the privilege of attending. One may see the horse pulling exquisite antique carriages that have been cared for and preserved by individuals and families in southern Alberta. A pair of Canadian horses proudly pulls these vehicles in wonderful parades that towns and cities hold in my province throughout the summer season.

Canadian horses are my friends. I have had the privilege of riding with and on the Canadian horse. At a time when people are always looking for reasons to pull things apart, it is good to have symbols that bring us together. This trusted animal is respected and admired across this country.

I am enormously proud to support this bill, and I know that people throughout Canada will think that this is a fine thing we are doing. I thank Senator Murray for pushing ahead with it.

Hon. Nicholas W. Taylor: Honourable senators, I should like to ask a question of Senator Hubley, although Senator Fairbairn just spoke.

Senator Fairbairn and I are both from southern Alberta. Although she loves horses, I am not so sure that I do. I spent many a time on the seat of my pants trying to ride one, and did not like it. I would fall off when four miles from home and the horse would run about 20 feet in front of me all the way home. I could never catch them, not even when it was 20 degrees below zero.

Perhaps Senator Hubley could explain to me why the horse from Newfoundland or Sable Island did not get the title of Canadian horse?

The Hon. the Speaker: We are on Senator Fairbairn's time and this is properly a question to Senator Fairbairn. We would need leave to go to Senator Hubley. Senator Fairbairn, do you wish to respond to that question?

Senator Fairbairn: Honourable senators, I am sure that Senator Hubley could give Senator Taylor a longer answer than I will. These questions were raised at the committee. I point out, however, without taking anything away from the animals in Newfoundland and Sable Island, that the animals in Newfoundland are referred to as "ponies" and this is a horse.

• (1500)

There is a difference.

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 report adopted.

THIRD READING

The Hon. the Speaker: When shall this bill be read the third time?

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): With leave, now, honourable senators.

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

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.

STUDY ON ECONOMIC DEVELOPMENT OF NATIONAL PARKS IN NORTH

REPORT OF ABORIGINAL PEOPLES COMMITTEE

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Aboriginal Peoples entitled: *Northern Parks — A New Way*, tabled in the Senate on September 27, 2001.—(Honourable Senator Chalifoux).

Hon. Ione Christensen: Honourable senators, since tabling this report in the house, we have delayed speaking to it pending a meeting with the Minister of Heritage to formally present her with the report.

As you will remember, the report was undertaken at the request of that department, which wanted an independent assessment on land claims agreements between First Nations, the Inuit, as they applied to the economic opportunities in national parks.

On Tuesday last, Senator Chalifoux and I had the pleasure of presenting our report, "Northern Parks — A New Way," to Minister Copps, who was very pleased with the report. Her department is working actively on the recommendations.

Our fact-finding committee of three senators travelled to all three territories. We met with 37 groups and developed eight recommendations for action. The minister has asked that our committee forward a request to the Department of Human Resources with a copy of our report, recommending the development of an education program in the North to train persons in the field of tourism. Certainly, ecotourism is growing as a northern industry, and such assistance would promote that industry. There are many opportunities, but the training for tour development and marketing skills, along with customer service, would help meet the industry standards. Such training assistance would open up many local economic opportunities.

Minister Copps has also suggested that a three-territorial conference be held between First Nations, the Inuit and Parks Canada to address the question posed in recommendation number 3 of co-management and cooperative management. The Senate's Aboriginal Committee will continue to follow the progress of the recommendations that we have made through the subcommittee.

The Hon. the Speaker: If no other honourable senator wishes to speak to the fourth report of the Standing Senate Committee on Aboriginal Peoples, the matter is considered debated.

STUDY ON ROLE OF GOVERNMENT IN FINANCING DEFERRED MAINTENANCE COSTS IN POST-SECONDARY INSTITUTIONS

REPORT OF NATIONAL FINANCE COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the ninth report of the Standing Senate Committee on National Finance (study on the role of the government in the financing of deferred maintenance costs in Canada's post-secondary institutions), tabled in the Senate on October 30, 2001.—(*Honourable Senator Murray, P.C.*)

Hon. Wilfred P. Moore: Honourable senators, I am pleased to rise before you today to speak on a topic that has come to mean a great deal to me, and for which I have worked diligently with Senate colleagues over the past few weeks and months in an effort to bring this topic to the attention of parliamentarians and the general public. I am referring to the topic of accumulated deferred maintenance in Canadian universities.

Recently, the Standing Senate Committee on National Finance, of which I was a member, completed its study of this growing problem and produced the report entitled "The Role of the Government in the Financing of Deferred Maintenance Costs in Canada's Post-Secondary Institutions." I wish to speak to that report today.

At the outset, I wish to express my sincere appreciation for our committee chairman, Senator Lowell Murray, and the fair and thorough manner in which he led that study. I applaud the keen participation of my committee colleagues.

I wish to speak to the recommendations that have been born of this report, for I feel they are well deserving of our attention. They are the product of the learned opinion of the committee, the expertise of several academics and professionals in the field, and the students themselves who have been affected directly by the problem of accumulated deferred maintenance.

Although the meaning of this term, "accumulated deferred maintenance," or ADM, has become all too clear for the members of the National Finance Committee, I should like to clarify its significance for the honourable senators present in the chamber today who may not hold such an understanding. The term refers to the backlog of unfunded major maintenance projects that have been deferred by our universities to future budgets. It resulted from either an accumulation of neglected routine maintenance items which evolved into more serious concerns, or from a failure to carry out major repair or restoration projects on facilities that have reached the end of their life cycle or have become obsolete.

It is believed that this problem has been snowballing since the energy crisis of the early to mid-1970s, when federal and provincial government budgets were tightened, thus hampering any hope of nipping this budding problem.

Following nearly a quarter century of deferral, the Canadian Association of University Business Officers, CAUBO, now tells us that the problem of ADM has accumulated in the year 2000 to the amount of \$3.6 billion. As staggering as this figure is in and of itself, they warn us that this number is a conservative one. I do not want to presume to guess what the current figure is, but the fact that it may exceed \$3.6 billion is alarming.

Nor do I want to presume that we should ask the federal government to write a cheque to address this problem. Even with the unanticipated change in budget priorities that have arisen since the horrible terrorist attacks on the United States of America on September 11, 2001, and the public's justifiable concern for their safety, I would not have expected our government to eliminate this problem before September 11 with a simple cash infusion.

Therefore, in addition to examining the more obvious immediate cash solutions, I believe it is important to examine other more creative proposals, as my colleagues and I have done over the past few weeks before the Standing Senate Committee on National Finance.

Honourable senators, we heard a number of proposals that address the growing problem of accumulated deferred maintenance with more than a Band-aid solution. The first of these proposals was the product of the very same organization that I just mentioned, CAUBO. In a joint presentation with the Association of Universities and Colleges of Canada, CAUBO suggested employing a formula similar to that of the Canada Infrastructure Program, whereby the three parties proposing to deal with this problem of accumulated deferred maintenance — namely, the federal government, the provincial governments and the universities themselves — would contribute to a one-time cash fund of \$3 billion directed at eliminating this problem. The AUCC and CAUBO suggest that each level of government contribute 40 per cent, or \$1.2 billion each, while the universities would contribute the remaining 20 per cent, or \$600 million.

Given the already heavy burden placed on the wallets of students attending university today, these organizations felt that any further financial pressures by tuition increases would only exacerbate that burden, a position with which I believe we can all sympathize.

A second proposal calls for an extension to that existing government program, the Canada Infrastructure Program. Currently, this program provides \$2.65 billion of funding over the next six fiscal years for municipal infrastructure and highway renewal.

• (1510)

Under this program, it is proposed that the federal government would attach additional monies to that funding. These additional monies would be used to cover the repair of damage arising from the years of ADM. Failing that, a new program could be established that would have universities take on the role that municipalities now play under the Canada Infrastructure Program. Thus, universities would be involved in the allocation of these resources just as municipalities identify and target community infrastructure programs under the current Canada Infrastructure Program.

A third proposal put forward by the Canadian Alliance of Student Associations, the CASA, suggests sizeable funding by the federal government. However, CASA suggested that this proposed cash infusion would be needed annually in order to keep the problem at bay or to keep it from resurfacing in another 25 years.

To begin to address the problem of ADM, CASA suggests that the federal government create at \$1.2-billion fund immediately, in addition to setting aside \$1 billion with the provinces to cover future post-secondary educational costs. Although the details of that proposal were not fully explored by CASA, the intent behind it is certainly consistent with the theme of other proposals we heard.

To ensure a fair and just distribution of funds under any of the aforementioned proposals across regions, provinces and

post-secondary institutions, our National Finance Committee suggests the employment of a formula that provides for the distribution of funds to cover accumulated deferred maintenance on a full-time equivalent student basis. I believe that the employment of this formula would ensure that any funds hereunder would be properly and equitably distributed across the country. I feel this is a very important point because this problem, although felt from coast to coast, does not necessarily intensify where population is concentrated. Rather, it intensifies where the number of students using university facilities is proportionately larger.

Moreover, employing a student per capita formula based on provincial population is not an accurate reflection of the problem of ADM facing post-secondary institutions across our country. This is highlighted in the discrepancy found between Central Canadian post-secondary institutions and those in the Atlantic provinces, where the latter have a much lower per capita provincial population and a much higher student per population ratio than the former.

Honourable senators, perhaps the most innovative proposal to come out of these discussions was a plan whereby citizens, including alumni of course, would receive a tax incentive to donate money to their university of choice. Like political donations of today, it is suggested that citizens would receive a tax credit for donations they make to any Canadian university, provided that any money raised under this proposal would be placed in a fund specifically dedicated to ADM application. Although the ability of universities alone to raise the \$3.6 billion needed to address the immediate concerns presented by ADM is questionable, I believe it would be most constructive for us to create an incentive to attack that problem.

Another proposal that is a product of the committee's study is a previous solution that is now recycled to address this ADM problem. The Canada Mortgage and Housing Corporation proposal suggests that universities be permitted to renegotiate existing mortgages held by CMHC, which were entered into to fund the construction of student residences, as a means of funding ADM work today. To carry through with this proposal, I suggest the leadership and involvement of our federal government would be needed, as indeed it will in every other proposal which I have touched on here today. I say this because I am familiar with the costs passed on to students in the last few years. The last thing a university student needs is the stress of possible additional debt as he or she works toward entering the workforce.

Furthermore, honourable senators, the continuing deteriorating state of our universities is a poor expression and reflection of our true educational capabilities. Frankly, it masks the potential and talent that is concealed within these crumbling walls. I believe it is time to address this problem so that we may direct our resources to the future well-being of our students and not to correcting shortcomings of the past.

A final innovative proposal would have a waiver of capital gains tax upon the disposition of shares listed on stock exchanges and donated to a Canadian university.

Honourable senators, I think this matter is of a size, magnitude and scope that makes it truly national. I hope that other senators will see fit to comment on this report.

Hon. Nicholas W. Taylor: Honourable senators, I have a question on a very good report, for which I compliment the senator. Did the committee look at the American idea of public capital? In the U.S., if a loan is made to an educational institution, the interest received from it is tax free. This allows institutions to borrow at a rate sometimes 2 to 4 percentage points lower than the market rate. Consequently, the debt load is not as heavy.

Senator Moore: Honourable senators, that idea was not considered by the committee. It was touched on in a roundabout way in a suggestion by Senator Meighen with respect to private foundations in Canada. The idea was that they might make donations and the interest would be covered. It is a good idea and one certainly worth exploring.

[Translation]

Hon. Roch Bolduc: Honourable senators, I will keep my remarks on the deferred maintenance costs for university buildings in Canada brief because I have little to add to the present report or to the speech our colleague has just given.

We have seen that maintenance of university buildings in Canada has been neglected and that it is relatively urgent to set aside funds to address the problem. For all sorts of reasons, provincial and university administrations have not made this aspect of academic life a priority in their budgets. Apparently, there is more visibility in cutting the ribbon to open a new building than investing in repairs to an existing one.

Private donors also apparently prefer to see their name associated with a new building or a category of scholarship. Whatever the reasons, the fact remains that provincial and particularly university administrators did not make this a priority. They preferred to hire more professors and support professionals, increase salaries or buy lab equipment, books or computers. Now they are in a tight spot.

As a federal parliamentarian, I do not wish to become involved in the management of our post-secondary education system, which is primarily a provincial responsibility, even if the federal government does contribute some funding.

However, it seems to me that, if there are genuinely urgent situations, a few solutions were put forward in committee. I, for one, would be inclined to view university buildings as municipal infrastructures, since they are located in cities and have been built largely through public funding.

This is an existing program and I believe that in certain provinces, Quebec in particular, the funds are not exhausted.

On motion of Senator Banks, debate adjourned.

• (1520)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

COMMITTEE AUTHORIZED TO STUDY RENEWAL OF
BROADCASTING CONTRACT WITH CPAC

On the Order:

Resuming debate on the motion of the Honourable Senator Gauthier, seconded by the Honourable Senator Hubley:

That the Standing Committee on Internal Economy, Budgets and Administration be authorized to examine and report upon the renewal of the television broadcasting agreement between the Senate and CPAC (the Cable Public Affairs Channel), so that it includes the subtitling of parliamentary debates authorized on television and the renewal of this agreement follows up on CPAC's commitments concerning services to the hearing impaired.

Hon. Eymard G. Corbin: Honourable senators, since I already expressed my views on the issue currently before us during a previous sitting of the Senate, I will not repeat what I said. I then rose, as I am doing today, to support with all my energy the request made by Senator Gauthier in this motion.

This is an important issue that involves national unity considerations and compliance with the Official Languages Act and certain constitutional provisions. It goes without saying that this issue depends partly on certain technical innovations, but primarily on goodwill. It would be disappointing if we were once again forced to beg to obtain this type of services.

It really saddens me when I see official language minority groups being forced to go to the Supreme Court to get what they are legally entitled to under the Canadian Constitution and laws.

The time for indecisiveness is over. We should be taking action. We can talk about this issue until we are blue in the face, but we will not solve it. This issue must be reviewed by the Standing Committee on Internal Economy, Budgets and Administration, as requested and desired by Senator Gauthier.

I hope we will give this issue all the importance that it deserves. A few weeks ago, Senator Kroft reported on the state of negotiations with CPAC regarding closed-captioning and access for the hearing impaired. I believe that he is well intentioned and will carry on in that direction, and I encourage him to do so.

I would not want this issue to be doomed to indifference, as is sometimes the case with some of Senator Gauthier's motions, including at the Standing Committee on Rules, Procedures and the Rights of Parliament, where some of the issues that he has been raising for a long time are always and systematically put on the back burner.

This is no way to treat the requests of senators and to react to these requests when they are well justified and, moreover, when they enjoy the support of the Canadian legislation and Constitution. I hope, honourable senators, that the Senate will adopt this motion at the earliest opportunity.

Hon. Laurier L. LaPierre: Honourable senators, I wish to express my support for Senator Corbin's comments and Senator Gauthier's motion.

[English]

The time has come to resolve this matter. The calendar suggests that as of September 1, 2002, Canadians all across the country have the fundamental, inalienable right to hear the comments and debates of their elected officials in the House of Commons and also those who constitute the second house in Parliament, to understand what is going on, to reflect upon them and thereby to participate in the democratic process.

[Translation]

Honourable senators, it strikes me as obvious that the time has finally come to ponder what Senator Gauthier said yesterday, that not a word was said about the Senate's broadcasting needs. His words were as follows:

We know that the agreement with CPAC expired last year. Negotiations are underway, and we have less than a year to make important decisions and to send the message to Canadians that Parliament has two chambers, the House of Commons and the Senate.

The Senate is also involved in the debates and must be a party to the decisions taken in this Parliament.

I support Senator Corbin's request that we agree to this motion as soon as possible.

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

Motion agreed to.

[English]

RECOGNITION AND COMMEMORATION OF ARMENIAN GENOCIDE

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Maheu, seconded by the Honourable Senator Setlakwe:

That this House:

- (a) Calls upon the Government of Canada to recognize the genocide of the Armenians and to

condemn any attempt to deny or distort a historical truth as being anything less than genocide, a crime against humanity.

- (b) Designates April 24th of every year hereafter throughout Canada as a day of remembrance of the 1.5 million Armenians who fell victim to the first genocide of the twentieth century.—(*Honourable Senator Finnerty*).

Hon. Isobel Finnerty: Honourable senators, I speak today in support of the motion of my colleague Senator Maheu regarding the recognition of the Armenian genocide. I am delighted there are others in this chamber who are prepared to join this modest effort to promote historical truths.

The facts of history in this matter are well known. This story, now almost 100 years old, has, however, always been in the nature of a taboo. We are not supposed to talk about it.

Citizens of Turkey who have dared to discuss it over the years are strongly encouraged to forget about it. The Government of Turkey is in a perpetual state of denial about it. This is state policy. The events that pitted the Turkish forces against Armenians in 1915 resulted in catastrophic acts of genocide. The facts are well known. Some Turkish scholars admit the facts. These scholars now declare that it is factually correct to say that unchecked Turkish nationalism caused the death of more than 600,000 Armenians in fewer than 10 months.

Rewriting history has often been a state policy. Many totalitarian governments have promoted half-truths and lies to prop up the sagging popularity or to fortify national myths that serve to consolidate internal support for the government of the day.

In the old Soviet Union, the spinners of propaganda were given free reign to write history to suit current political needs, to keep citizens from asking questions that would expose atrocities and human rights violations. The same patterns occurred during the lengthy regime of apartheid in South Africa. Three generations of government in North Korea have been enormously guilty of such practices. Communist China is another government that is notoriously active in twisting the truth.

The common thread among these and other like-minded regimes is that they are totalitarian in fact and in spirit. It is perhaps surprising that the ongoing distortions of history have been perpetuated by a succession of governments in Turkey that are democratic. In the atmosphere of democracy, it has not been possible to change state policy and have the real story about relations between Turks and Armenians officially acknowledged.

• (1530)

Frank and open discussion of one's own history is taken for granted to be an essential component of life in a democracy. Prominent members of the academic community in Turkey have been discussing openly the facts of Armenian genocide since 1999, 84 years after it happened.

[Senator Corbin]

No doubt it is time for participants on Canadian delegations who interact with their Turkish counterparts to freely compliment those citizens of Turkey who are forthright in removing some of the cobwebs of history that cloud the understanding of a most unpleasant episode in ethnic politics. Progress has a great deal to do with the changing patterns of behaviour. We should not shrink from playing a small part in promoting progress.

I hope that Turkish academics will be successful in encouraging new generations of Turkish students to embrace the truth about their nation's past. In Germany, the truth about its Nazi past is part of the school curriculum. In Eastern Europe, the atrocities of a totalitarian past are continuing to be revealed to anyone who wishes to listen. It is only when we let the light shine in that we can truly challenge each other to create a better world for us all.

I compliment Senator Maheu and other senators who seek to let the light shine in.

On motion of Senator Cools, debate adjourned.

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Honourable senators, I stepped out for a few moments. When I came back, Senator Finnerty was speaking, so I assumed she was speaking on Item No. 44 on the Order Paper. I took the adjournment on that motion. It seems to me that after No. 44 is No. 8. What happened to that item?

The Hon. the Speaker: That item was stood. Do you wish to speak to it?

Senator Cools: It was stood even though it was 15 days?

The Hon. the Speaker: Do you wish to speak to it, Senator Cools?

Senator Cools: No. I thought there had to be activity on it today; otherwise it would fall off the Order Paper. I am happy to take the adjournment, since Senator Prud'homme is not here and obviously has not acted on it. I do not want it to fall off the Order Paper, so I am happy to take the adjournment.

The Hon. the Speaker: It is a substantive motion, and the honourable senator has a right of reply. If she speaks to it, she would be the last speaker.

I am sorry. I misunderstood. There is no right of reply, so the honourable senator cannot speak again.

Senator Cools: I have not replied yet.

The Hon. the Speaker: I am sorry. Senator Cools does have a right of reply.

Senator Cools: That is what I am saying.

The Hon. the Speaker: I must advise honourable senators that if the Honourable Senator Cools speaks now, it will have the effect of closing debate on this matter.

Senator Cools: I move the adjournment. That is what I was trying to do.

The Hon. the Speaker: Please give me a moment.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, could we get an indication as to where in the rules this right of reply is referred?

The Hon. the Speaker: The rules provide that on a substantive motion — for instance, a bill at second reading — the mover of the motion has a right of reply. There are also other matters that we deal with in the Senate that are considered substantive matters — motions, for instance. If I am given a moment, I will find the rule and refer honourable senators to it.

Senator Kinsella: Rule 35.

The Hon. the Speaker: I will read the rule to the house, in that the question has come up. The rule I will be reading is rule 35, as Senator Kinsella noted, which is under the section of our rules dealing with process of debate, documents and privilege. It states:

A Senator who has moved the second reading of a bill or made a substantive motion or an inquiry shall have the right of final reply.

It is our practice, because that is the final intervention, to announce such so that if other senators present wish to speak, or if a senator knows another wishes to speak, he or she can do so or the debate can be adjourned.

I am not sure — and I will ask for some help on this — whether the mover, in exercising the right of reply, can adjourn the motion. I do not see why not. In other words, if a senator starts to speak in reply, that senator may continue and finish those remarks — there is a time limit — at the next sitting. I do not see why you cannot do that.

Senator Kinsella: Honourable senators, I think His Honour is absolutely correct in his interpretation of rules 35 and 36. However, the *conditio sine qua non* for rule 35 to be exercised by the given senator is that the given senator must be present in the chamber. It cannot be presumed to be a right that is somehow inherent. It is circumscribed to that extent. It must be acted upon when the item is called.

The Hon. the Speaker: That is correct, but this is Senator Cools' motion. It stands in Senator Prud'homme's name, but our practice is that when another senator wishes to speak, they may do so.

Perhaps I am on weak ground. I would ask for interventions as a matter of order. If the mover wishes to speak, then in this case she may do so

Honourable senators, I will take all the help I can get.

Senator Kinsella: Honourable senators, if the honourable senator in whose name the motion was made wants to exercise the right that is provided for by rule 35, he or she must be in the chamber when the item is called.

In the matter before us, honourable senators, the item not only was called; it was disposed of. The proceedings of the house this afternoon have gone far beyond this. It would require unanimous consent, it seems to me, to refer back to that item. We should be perfectly clear that senators must be present if they are to exercise the right provided for by rule 35.

Hon. Eymard G. Corbin: On a point of information, I had to take a phone call and was absent when this matter arose. What item are we on, please?

The Hon. the Speaker: We are on Item No. 8, which is a very important question, as it turns out.

Senator Kinsella: We are on Item No. 25 under Inquiries.

The Hon. the Speaker: It is important because we had moved on to Order Paper Item No. 24. Senator Finnerty spoke to Item No. 44, and it was adjourned by Senator Cools. Item No. 8 was called by the Table, and no one spoke. There was a very long pause. It occurred that no one wished to stay "stand." The effect of doing that is that the matter falls off the Order Paper.

• (1540)

It can be reinstated through procedure. It is not lost but it requires another step. Rather than sit here a long time in silence it occurred to me that, as your presiding officer, I would say "stand," so I did. Then we moved on to the next item under Inquiries. The importance of that is — Senator Kinsella is quite right — that to return to an earlier part of the Order Paper, we would need unanimous consent. That was not in my mind when I made my comments in terms of Senator Cools' right of reply, and her adjourning to continue debate on reply, that she might commence now within the time frame that she has.

I should now like to ask whether the Honourable Senator Cools would like leave to do that?

Senator Cools: Honourable senators, I think it is clear that I asked for leave. When we say to His Honour that we had moved on, we must note that we are on to the very next item. It had been my clear understanding that Senator Prud'homme had indicated he was planning to speak today; therefore I was expecting him to rise. It suddenly occurred to me that the honourable senator was not here and I did not want the matter to fall off the Order Paper. That is why I scrambled to my feet as quickly as I could. The delay was only a few seconds. If it is a problem, I offer my apologies, but I thought that the chamber would be generous with me.

The Hon. the Speaker: Senator Cools has requested leave to revert to Order No. 8, Inquiries. Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Senator Kinsella: Honourable senators, this side would be happy to give leave, provided that it is for a substantive contribution to the debate. If it is for the purpose of moving the adjournment of the debate, honourable senators, the point is that it defeats the rule that we set in place some time ago of having items not stay forever on the Order Paper. We allow them to stay for 15 sitting days. As someone mentioned a few moments ago, it keeps the Order Paper manageable, which was the objective of bringing in that rule.

However, honourable senators, all is not lost because any honourable senator can reintroduce the inquiry. I do not believe we would be overly restrictive. If there were a substantive contribution to be made, certainly we would want to hear that.

The Hon. the Speaker: Do any other honourable senators wish to comment?

Hon. Nicholas W. Taylor: Honourable senators, I think Senator Kinsella introduces an entirely new concept, and that is that we may or may not give unanimous consent depending on what is to follow. That cannot be done. We do not know what will follow. The point is, we either revert or we do not. We cannot say we will revert if we have a five-minute speech, or we will revert if no speech is given, or we will revert if new business is mentioned. There can be no requirements. Either we revert or we do not revert.

Hon. Tommy Banks: Honourable senators, have we reverted?

The Hon. the Speaker: Honourable senators, just so we are clear, what we are talking about, as a matter of order, is that Senator Cools has, through the Chair, asked for leave to revert to Item No. 8 so that she may speak to it. She has indicated that if she has the floor, she will, in effect, speak only to adjourn the debate.

I am now hearing honourable senators on the issue of whether or not leave should be granted. Senator Kinsella has indicated that he would agree to granting leave if a speech were made today by Senator Cools. Senator Taylor has indicated that he does not think that that is in order, that is, either leave is given to revert or it is not given, and there can be no condition attached.

Are there any other comments on the matter of whether leave should be granted?

Senator Banks: Honourable senators, would Senator Kinsella consider a reversion to Order No. 8 if another senator were to make a contribution to the debate on the motion?

The Hon. the Speaker: Honourable senators, are there any other interventions?

Senator Corbin: Honourable senators, I am still not sure I understand the process. With all the respect I can muster, of course, I thought His Honour had said that there was not, in this case, a right to reply. Senator Cools is the author of the inquiry, and she does not have a right of reply and therefore she cannot stand up and reply.

Senator Cools: I have the right of reply.

Senator Corbin: That is what is not clear in my mind, Senator Cools, and I would like clarification.

The Hon. the Speaker: Honourable senators, I should clarify that now. I did say that but I was wrong. Upon reading the rules, it is clear from rule 35 and rule 36 that there is a right of reply on an inquiry, and so Senator Cools does have a right of reply.

Hon. Laurier L. LaPierre: Honourable senators, it is my fault again. It seems that I inadvertently caught the attention of Senator Cools because I wanted to move the adjournment of the debate on the Armenian question in my name. She was then distracted, and because she is an honourable senator, distraction is not permitted. Therefore, I should like to say that it is imperative that we accept this inquiry for the sole and simple reason that we have not liked the black people for a long time. We may brag about having a railroad, and Mr. Watson and I did a magnificent "Heritage Minute" about it. Nevertheless, in many ways over the long run of our history people who are black in colour have suffered great discrimination in this country. Consequently, we want to be able to celebrate their astonishing contribution to Canada one day. Many of them left Nova Scotia to go to an African country because they were having such a terrible time there. I would like to move that we agree to the motion and proceed with the matter.

Senator Cools: Honourable senators, I would submit that our honourable colleague, Senator LaPierre, has made the substantive intervention that would undoubtedly satisfy Senator Kinsella. Having said that, I should like to move the adjournment of the debate. I can promise Senator Kinsella that I will give him a most substantive intervention at the appropriate moment because Senator Kinsella knows that I love to do that sort of thing.

The Hon. the Speaker: Honourable senators, on this last suggestion that we have reverted, we have not reverted. For clarification, we are discussing the question of leave, as to whether or not leave will be given to revert. I would also say that I believe the Senate can give leave on condition. We have a clear ruling that leave can be given, for instance, to extend time for a specific amount of time. I had occasion to review Speaker Molgat's ruling on that recently. I believe that is established. Senator Kinsella is in order then, when he says that he will give leave if the honourable senator who requests leave speaks today.

Does the Honourable Senator Cools intend to speak today?

Senator Cools: Honourable senators, I am not convinced that the situation would be much assisted by speaking today for a

substantial period of time. I have been here for many years and I understand well that at 4:50 on a Thursday afternoon most senators' minds are directed towards catching their planes and getting out of Ottawa. I thought that by offering not to speak today I was assisting and supporting colleagues who have to travel extremely long distances to all parts of this country. I thought that I was being helpful, sensitive and collaborative.

• (1550)

Remembrance Day is coming up and I am certain that senators are eager and ready to go home so that they can play their dutiful parts in the upcoming ceremonies.

Honourable senators, I did not realize that it was a large issue and that I was creating such a momentous incident. Having said that, I am hopeful that it has been sufficient so that I may simply adjourn the debate and senators may continue with the business at hand.

The Hon. the Speaker: I am sorry, Senator Cools, but we are not on the item. We have passed the item, and the issue is whether we revert to it. I assume that you have asked for leave to revert for the purpose that I described earlier. That has been agreed to, if you speak today. Leave has been asked by Senator Banks to speak to it today. If you say no, then I would see if leave is granted to revert for that purpose. However, I first need to know whether you wish to speak to it today.

Senator Cools: I said before that I have been here for a long time and I am very aware that senators have plane schedules. If it is your pleasure, I will ask for leave again. The situation is quite clear.

The Hon. the Speaker: Honourable senators, is leave granted to revert to Item No. 8?

Hon. Senators: Agreed.

BLACK HISTORY MONTH

PRESENTATION TO CANADIAN BAR
ASSOCIATION—INQUIRY—DEBATE ADJOURNED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Cools calling the attention of the Senate to the celebration of Black History Month in Canada, and the Canadian Bar Association of Ontario dinner in Toronto on February 1, 2001, at which she, as the keynote speaker, spoke to the topic *A Room With a View: A Black Senator's View of the Canadian Senate*.—(Honourable Senator Prud'homme, P.C.).

Hon. Anne C. Cools: Honourable senators, I had not been taking this discussion too seriously at first, but perhaps I should.

The Hon. the Speaker: Just to be clear, if Senator Cools speaks now the debate on the inquiry will then be closed. Other honourable senators wishing to speak to the item should speak now.

Senator Cools: My understanding, Your Honour, is that I have 15 minutes to speak and I can use the time as I see fit. Has that rule suddenly been altered in the last five minutes?

The Hon. the Speaker: In answer, Senator Cools, no rules have been altered. That is what I indicated earlier, and you have 15 minutes.

Senator Cools: Honourable senators, the issue before us is my inquiry calling the attention of the Senate of Canada to the celebration of Black History Month in Canada, and to the Canadian Bar Association of Ontario's dinner in Toronto, February 1, 2001. As the keynote speaker at that dinner, I addressed the topic, "A Room with a View: A Black Senator's View of the Canadian Senate."

It is my intention to speak in a more fulsome and wholesome way on the particular subject. I have done a fair amount of research to answer some of the concerns. There was a particular concern that was raised by a senator, and it is my intention to speak in a complete and sufficient manner.

The Honourable Senator Prud'homme indicated to me that he would be here and prepared to speak to this item today. Senator Prud'homme, obviously, is a man of many commitments, substantial tasks and duties, and so he is unable to be here. I felt that it was only proper and appropriate to proceed in the right way. I thank Senator LaPierre for pointing that out when he distracted me for that brief moment.

Honourable senators, my intention to speak in a more fulsome way to call the attention of the Senate to my descendants — the people we called, in the British Caribbean, the free coloured people. They were people who were able to make their way by manumission, or by some form of private emancipation to become, in those days, "free men and women."

It is my intention to speak more fully on that subject, and to continue to draw attention to my speech that I presented in Toronto earlier this year.

On motion of Senator Cools, debate adjourned.

ENDING CYCLE OF VIOLENCE IN MIDDLE EAST

INQUIRY—DEBATE ADJOURNED

Hon. Pierre De Bané rose pursuant to notice of November 1, 2001:

That he will call the attention of the Senate to his recommendation for ending the atrocious cycle of violence raging now in the Middle East.

He said: Honourable senators, the Secretary of the British Foreign Office, Mr. Jack Straw, recently observed:

It used to be possible to ignore distant and misgoverned parts of the world. That is no longer so. In the world without borders, chaos is now our neighbour whether it is in Africa, in Asia or in Afghanistan.

For many months now, daily images of violence, and the attendant procession of dead and wounded, have constantly put before our eyes the suffering of the people living in Israel and the Palestinian Territories. Who could suggest that the sufferings of the mothers, fathers, children, husbands, wives and families who have lost those dear to them, their own flesh and blood, are not the same on both sides of the conflict?

It is precisely for that reason that the situation calls for Canada and other well-disposed countries to offer direct and effective assistance to put an end to the infernal cycle of violence. I want to suggest a concrete way in which we could show leadership and work actively towards the humanitarian objective. By doing so, we will be taking action to deal with the chaos in that part of the world which, whether we like it or not, is Canada's neighbour.

Born in Haifa, Palestine in 1938, to parents born in Egypt, with roots in Lebanon and Syria, I had the privilege of arriving, as a child, in Canada as it was emerging from World War II and generously opening its doors to so many people affected by the upheavals of the time. As a result, I had the opportunity to grow up in this welcoming, free and truly democratic country, where respect for differences is an integral part of the natural culture of Canadians. I simply cannot overstate Canada's generosity toward the people who immigrate here, as it has been given to me to be elected member of Parliament, to work as a member of the government and to be appointed senator.

The profound gratitude I conceived as a result led me to put myself at the service of the Canadian community as a whole, with the dedication of one who has received a great deal indeed. It is precisely for this reason that I cannot now shirk my duty of solidarity and solicitude toward all the people in Israel and the Palestinian Territories who, for more than 50 years, have been ravaged by a succession of wars.

• (1600)

For this reason, I wish to share my thoughts about this intolerable conflict and to propose the creation of a multinational security force. This would be in the tradition of Canada as a peacekeeping nation and would establish the pre-conditions for enduring peace that were laid out in the Mitchell report of May 2001. Let me explain.

My comments stem from Canada's constant involvement in easing conflict and tension in the Middle East. In 1956, honourable senators will recall that in order to ensure Israel's withdrawal from Sinai and to pacify the zone between Israel and Egypt, it was our country that designed and proposed the brilliant initiative of Lester Pearson — who was awarded the Nobel Peace Prize for his efforts — to deploy a peacekeeping force that has subsequently become the model for other similar operations.

Again, since 1947, Canada has been one of the main financial contributors to UNRWA, the United Nations agency responsible for Palestinian refugees from the various Arab-Israeli wars. Canada also chairs the refugee task force established in the context of the Madrid Conference for the Middle East peace process.

As honourable senators can see, Canada has a long history of involvement in this region, where it has constantly played an important role in reducing tension and providing relief to various populations. More recently — last year, in fact — Prime Minister Jean Chrétien made an extensive tour of the countries of the Middle East, on which I accompanied him. Currently, our Minister of Foreign Affairs, John Manley, is visiting those same countries, demonstrating the importance our government attaches to the establishment of a climate of peace in that part of the world. Thus, I speak to senators today in the spirit of Canada's tradition of being peacemakers and humanitarians. It is in that spirit that I will make the proposal that is at the heart of my comments.

The Mitchell commission report on the situation in the territories and on the status of relations between the Israelis and Palestinians was published this past May. The commission was established by former President Clinton following a meeting convened by him on October 17, 2000, in Charm El-Cheikh, Egypt, between Israeli Prime Minister Ehud Barak and Chairman of the Palestinian Authority Yasser Arafat in an attempt to put an end to Israeli-Palestinian violence which had broken out on the West Bank and in Gaza and Israel a few weeks earlier.

Senator George Mitchell, former majority leader in the U.S. Senate, was appointed the chairman of the commission. Honourable senators will remember how Senator Mitchell was admired around the world for his remarkable performance in facilitating talks between Catholics and Protestants in Northern Ireland. His brilliant patience ultimately triumphed over the fierce resistance of the parties to the conflict in Northern Ireland and culminated in 1998 in the Good Friday Agreement, the cornerstone of the peace process between the protagonists in that centuries-old war.

Senator Mitchell would use this exceptional ability in dealing with complex situations of conflict to conduct the work which his commission would be responsible for doing in investigating and establishing the facts.

Working with Senator Mitchell were four other commission members, equally prestigious and experienced in international affairs: Mr. Suleyman Demirel, ninth President of the Republic of Turkey, who, in 1996, was also elected Chairman of the UN Conference on Habitat; Mr. Thorbjørn Jagland, former Norwegian Prime Minister and Minister of Foreign Affairs; Mr. Warren B. Rudman, who, in his capacity as senator, had previously chaired the U.S. Senate's Ethics Committee and, in 1998, was appointed by President Clinton as Chair of the Special Oversight Board for the Department of Defence Investigation of

Gulf War Chemical and Biological Incidents; and, lastly, Mr. Javier Solana, former Spanish Minister of Foreign Affairs, Secretary-General of NATO from 1995 to 1999 and, since 1999, Secretary-General of the European Union and its High Representative for Foreign Policy and Joint Security.

Thus, this high-level five-member commission conducted a fact-finding investigation. They met with and listened to Israeli and Palestinian representatives in Israel and the territories in an attempt to understand the causes of the violence afflicting those two peoples and, on April 30, submitted to President Bush a report prepared in a spirit of objectivity, reflecting the difficult realities of each of the parties and the gulf that every day further separates them as violent acts and confrontation continue.

While the report paints a dark picture of seven months of bloody confrontation, it also, and especially, contains a series of recommendations intended to restore prospects for peace between the Israeli and Palestinian peoples, a peace made necessary by their proximity and concomitant tragedy. The authorities of both parties, Israeli and Palestinian, accepted the entire report, thus confirming that its tone and analysis were accurate.

The first recommendation of the Mitchell commission report is that steps be taken to put an end to violence. The cessation of violence is considered a prerequisite to implementation of the other two series of recommendations, which are designed to rebuild confidence and, finally, to resume negotiations.

Among the measures designed to build confidence between the parties, the Mitchell commission flags the need for the Palestinian Authority to take effective action to suppress terrorism:

The PA should make clear through concrete action to Palestinians and Israelis alike that terrorism is reprehensible and unacceptable, and that the PA will make a 100 per cent effort to prevent terrorist operations and to punish perpetrators. This effort should include immediate steps to apprehend and incarcerate terrorists operating within the PA's jurisdiction.

At the same time, the commission points to the need for the Government of Israel to halt settlement activities in the territories and to give careful consideration to their impact:

The GOI should give careful consideration to whether settlements which are focal points of substantial friction are valuable bargaining chips for future negotiations or provocations likely to preclude the onset of productive talks.

The Mitchell commission stresses in its report that the resumption of negotiations between Israelis and Palestinians will depend on an end being put to violence and a rebuilding of confidence, but it also emphasizes that the resumption of negotiations must not be unreasonably deferred.

The three groups of recommendations are thus set out in a kind of temporal sequence: end violence, rebuild confidence and resume negotiations. I therefore return and draw honourable senators' attention to the first recommendation — to end violence — which is in fact the governing principle for all the other recommendations.

The Mitchell commission appears to assign responsibility for halting violence to the Government of Israel and the Palestinian Authority, considering that both should immediately take steps for this purpose:

The Government of Israel and the Palestinian Authority should reaffirm their commitment to existing agreements and undertakings and should immediately implement an unconditional cessation of violence.

It is crucially important to put an end to a situation that can only foster growing hatred on both sides, reinforcing each party's mistrust of the other all the more since each attributes to the other the endless mutual counterstrikes that have marked their populations' suffering. The Mitchell commission thus advocates resumption in security cooperation between the Israeli and Palestinian authorities:

Effective bilateral cooperation aimed at preventing violence will encourage the resumption of negotiations. We are particularly concerned that, absent effective, transparent security cooperation, terrorism and other acts of violence will continue and may be seen as officially sanctioned whether they are or not.

[Translation]

We have to admit, as we speak six months later, that neither party has been able to take any kind of definitive action as far as unconditional cessation of the violence and initiating of cooperation is concerned. As things stand at present, such a possibility is more distant than ever, even.

• (1610)

Each of the parties is under pressure by the more vocal elements of its population, which balk at any efforts to contain them unless there is some guarantee that the adversary will not take undue advantage of the situation. In this connection, the Mitchell report states as follows:

[English]

We acknowledge the PA's position that security cooperation presents a political difficulty absent a suitable political context; i.e., the relaxation of stringent Israeli security measures combined with ongoing fruitful negotiations. We also acknowledge the PA's fear that, with security cooperation in hand, the GOI may not be disposed to deal forthrightly with Palestinian political concerns.

The same report indicates:

The PA should renew cooperation with Israeli security agencies to ensure, to the maximum extent possible, that Palestinian workers employed within Israel are fully vetted and free of connections to organizations or individuals engaged in terrorism.

[Translation]

Those are the basic concerns of each of the parties.

Everyone is well aware of the legitimacy of Israel's ongoing concern over its security as a country and over the security of its people. Palestinians must understand that this is a vital issue for the Israelis.

The Hon. the Speaker: I regret to inform Senator De Bané that his 15 minutes have expired. Is he seeking leave to continue?

Senator De Bané: Yes, honourable senators.

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I would ask Senator De Bané to tell us how much time he needs to conclude his speech.

Senator De Bané: Honourable senators, I am at the final part of my speech.

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

Hon. Senators: Agreed.

Senator De Bané: Thank you, honourable senators.

This security, however, should be designed in a way that it does not prevent the Palestinians from exercising their right to self-determination — recognized by the United Nations — in a State that is economically and politically viable, that is not an amalgam of Bantustans scattered over a fragmented land.

As you have understood, while they follow each other logically, the three parts to the recommendations of the Mitchell report are, in reality, inextricably intertwined. The authors acknowledge it themselves when they say, in response to the fears of the Palestinians, and I quote:

[English]

We believe that security cooperation cannot long be sustained if meaningful negotiations are unreasonably deferred, if security measures "on the ground" are seen as hostile, or if steps are taken that are perceived as provocative or as prejudicing the outcome of negotiations.

[Translation]

It is in this context that the Israelis and the Palestinians have been incapable of unconditionally putting an end to the violence. Each party faces intransigent and powerful political pressure. How, under the circumstances, could they implement the recommendations of the Mitchell report?

[Senator De Bané]

Conclusions must be drawn and the fact recognized that the active support of a third party, one that enjoys the trust of both parties, is vital to the achievement of the first stage contemplated by the Mitchell commission as a prerequisite to the achievement by the other two: the rebuilding of confidence and the resumption of negotiations between the Israelis and the Palestinians — “rebuild confidence, resume negotiations.”

Need it be pointed out? The very fact that confidence between the Israelis and the Palestinians must be rebuilt speaks of the extent of the dramatic effects of merciless confrontation with its pathetic suffering and rancour. So the gap is widening and each party is becoming deaf to the legitimate complaint of the other. This painful reality I have described is remarkably summarized by the Mitchell commission, whose report notes, and I quote:

[English]

Despite their long history and close proximity, some Israelis and Palestinians seem not to fully appreciate each other's problems and concerns. Some Israelis appear not to comprehend the humiliation and frustration that Palestinians must endure every day as a result of living with the continuing effects of occupation, sustained by the presence of Israeli military forces and settlements in their midst, or the determination of the Palestinians to achieve independence and genuine self-determination. Some Palestinians appear not to comprehend the extent to which terrorism creates fear among the Israeli people and undermines their belief in the possibility of coexistence.

[Translation]

No purpose is served by trying to blame one party or the other. What is really to blame are the fear and blind violence which obliterate each party's perception of the other, similar though they are in their suffering and wounded humanity, to the point where fear and violence engender nothing but self-perpetuating hatred, and reason is drowned out in the clash of arms of all sorts.

This indeed was the observation in the Mitchell commission report, and I quote:

[English]

Fear, hate, anger and frustration have risen on both sides. The greatest danger of all is that the culture of peace, nurtured over the previous decade, is being shattered. In its place there is a growing sense of futility and despair, and a growing resort to violence.

[Translation]

In the hell into which they thus find themselves plunged, neither the public nor the authorities governing them seem able to extricate themselves from the devastating inferno consuming them. Can we continue to stand idly by and watch their torment,

as though it did not concern us — at least as fellow human beings?

It is my profound belief that we cannot. We cannot allow ourselves to shirk the responsibility falling to us as Canadians and as a country, — a country which has always been in the vanguard internationally when it comes to peacekeeping and humanitarian assistance — we cannot avoid our ethical obligation and our obligation as a government to work towards encouraging an effective cessation of the violence in order to finally provide relief to the populations, who cannot take any more, and to allow the parties to progressively restore lost trust and resume negotiations, without which no lasting peace is possible.

That is why I am proposing that Canada take the initiative of creating a multinational security force to ensure the protection of populations, and observation of a real cease-fire and an equally real cessation of violence.

This force would be made up of contingents from Canada, the U.S., France and Great Britain, all of which maintain good relations with the State of Israel, as well as contingents from Egypt, the first Arab State to make peace with Israel, within the framework of the same treaty that sets out Palestinian independence. In truth, any other country that would be acceptable to both parties would be welcome. These countries certainly benefit from the trust of both Israeli and Palestinian authorities. As a result, the deployment of their troops in a security cordon would not likely encounter any opposition or resistance, or at least, none that would be insurmountable. Other countries, such as Germany and Japan, could also be included, as long as they are approved by both parties.

The multinational security force would be sub-divided into two kinds of forces. On the one hand, a force of Canadian, American, French and British observers would be positioned in different hot spots, whose mission would be to record any violations of the cease fire and of the cessation of violence, report them to authorities of both parties — Israeli and Palestinian — to allow a shared management of the situation in order to prevent any such violations from degenerating into armed conflicts or a new cycle of violence.

In the other force, troops from the armed forces of the five countries — Canada, the United States, France, Great Britain and Egypt — would be deployed in different Palestinian sectors to control Israeli and Palestinian populations living within these territories, by patrolling and using appropriate means to subdue the populations and deter potential offenders.

The operational and decisional independence of the multinational security force would not prevent taking joint action with the Israeli-Palestinian security committee, where required — action designed specifically to improve the security of these populations, which is no doubt the cornerstone of a broader process of rebuilding confidence between the parties and allowing them to resume negotiations.

• (1620)

Because beyond the vital protection of populations, this is also the essential motive and fundamental objective of my proposal to create a multinational security force.

Indeed, without the unconditional cessation of violence — which is the first recommendation of the Mitchell commission's report — none of the other recommendations on restoring mutual confidence and resuming negotiations can be implemented.

So far, this unconditional cessation of violence has been blocked — as we have seen and continue to see every day — by the inability of the parties to commit to it. The deployment of observers and of armed contingents from the multinational security force would first seek to achieve this unconditional cessation of violence, so as to finally create conditions that are conducive to the progressive restoration of confidence and to a negotiation process leading to sustainable peace, as mentioned in the Mitchell commission's report which — and it is important to stress it again — was accepted by the Government of Israel and by the Palestinian Authority.

As one can imagine, many objections could be raised regarding such a proposal. But let me use the words of British Prime Minister Tony Blair when he explained the military action currently going on in Afghanistan, during his meeting with the Arab press, in London, on October 18:

[English]

We took this action with very great reluctance; we took it because we had no option.

[Translation]

Regardless of the hesitation there may be about the difficulties of deploying the multinational security force, they must answer the ultimate question: do we have any other choice? The answer, irrevocably, is: no, we have no choice but to do so, if we want to avoid an uncontrollable explosion in the Middle East, which would inevitably have disastrous repercussions for all of us.

Acting on behalf of all of us, the multinational security force will be a sentinel ensuring the rebuilding of confidence and the Israel-Palestine peace process. Otherwise, the violence will escalate and will, without a doubt, come closer to home.

Hon. Marcel Prud'homme: Honourable senators, I will of course be taking part in this debate. I should like to ask Senator De Bané a question.

I have followed your speech carefully but the fundamental question is still being skirted around. It is, first and foremost, a United Nations responsibility, since they are the ones who

decided on November 29, 1947 that from then on there would be two States on Palestinian territory, one for the Jews and one for the Palestinians. This was facilitated by the diplomatic skills of Lester B. Pearson, then Deputy Minister of External Affairs, and was in response to reports by Justice Rand of the Supreme Court. Do you not feel that one of the solutions would be to go back to square one and say that neither Israel nor Palestine is to be consulted, but that those who created the present situation should assume responsibility? Do you not think that we should turn back to those who created this problem, that is the UN. They are the ones who, in 1947, decided to adopt the resolution on the creation of Palestine, with 33 votes for, 13 against, and 10 abstentions. At that time, it was the only humane solution. As long as we do not go right back to square one, we will be going round and round with committee after committee, taking one step forward and one step back.

I was impressed by Senator De Bané's speech, but there are some points I should like to respond to when I take part in the debate.

Is it not vital now to return to square one, November 29, 1947, and exclude those who currently will never agree? We ask those who created the events of today to take a stand. They should say: "We decided there would be two States, so there will be two States and now we can negotiate."

Senator De Bané: Honourable senators, I certainly understand Senator Prud'homme's position. Since the UN resolution in 1947, other events have occurred. The most important is the one in effect today, the Madrid accords, which established the procedure we would follow to try to resolve these conflicts. The two parties accepted the basic principles of this conference in Madrid. As you know, five task forces were set up, one of which Canada chairs. Today we have the Mitchell report, which both parties accept, fortunately. This is why my speech was an attempt more to find a way to implement the report, whose first prerequisite, before confidence building and resumption of negotiations, is an end to the violence. For this reason, I gave my speech based on the Mitchell report of six months ago.

[English]

Hon. Nicholas W. Taylor: Honourable senators, I have a very short question of the Honourable Senator De Bané. He suggests an interesting solution.

As the honourable senator knows, we now have a UN force, comprised mostly of Canadians, in the Golan Heights which is between Syria and Israel. Syria is sort of a de facto occupier of Lebanon. Does the honourable senator think that the people of that region would accept the idea of a force, enlarged to the extent that the honourable senator has been talking about, into the rest of the West Bank in view of the fact they have been unhappy with what is already there?

[Senator De Bané]

Senator De Bané: Honourable senators, I am trying to study the three main steps identified by the Mitchell report. The first is the cessation of violence. The second involves measures to rebuild confidence. The third is to resume negotiations. The first step has not been achieved. As long as it has not been achieved, we cannot move to the second step.

What I am suggesting is that countries which have the confidence of both parties — and I mentioned specifically Canada, the United States, Egypt, France, Great Britain — participate in a multinational force. I said if other countries such as Japan, Germany, South Africa or others are acceptable to both parties, then I see those multinational forces with two mandates: The first is to help both parties monitor the situation; the second is to station armed contingents of those forces in the occupied territories to help Chairman Arafat in bringing about a cessation of violence.

By so doing, I think we would help both parties to reach the second stage, which involves measures to rebuild confidence.

• (1630)

That is essentially my position. I can say with great satisfaction and happiness that when I discussed that matter with members of the Arab diplomatic corps in Ottawa, they were very much in support because they see that the situation is deteriorating every day. We must put an end to the violence. If we do not, we are essentially giving a veto to the extremists on both sides who do not want peace. We cannot allow the extremists on both sides to prevail.

On motion of Senator Finestone, debate adjourned.

[Translation]

THE SENATE

TIME ALLOTTED FOR TRIBUTES—
INQUIRY—DEBATE ADJOURNED

Hon. Jean Lapointe rose, pursuant to notice of November 6, 2001:

That he will call the attention of the Senate to the time allotted for tributes.

He said: Honourable senators, to begin this brief speech, I should like to say that I was inspired by a speech made spoken in the House of Commons on June 22, 1938, by Major Arthur-Joseph Lapointe, the Liberal member for Matapédia—Matane. He was my father.

In order to avoid delaying the proceedings, I will be very brief. I should like to take this opportunity to make a comment I believe to be of general interest. Despite my short experience as a senator, I humbly offer a suggestion that would no doubt reduce

the time spent on the interminably long tributes occasioned by deaths, retirements, or celebrations of famous people.

I realize that on such occasions some of our colleagues use the opportunity to speak more about themselves. My suggestion is therefore as follows. In the event of a death, or when tributes are made to living persons, I suggest that both Senate leaders make a short speech to mark the occasion. There may be exceptional circumstances, where people acknowledge that a colleague was a very close personal friend of the departed, and I can accept this.

Hon. Céline Hervieux-Payette: Honourable senators, I wish to make a few comments in response to Senator Lapointe's remarks.

Since my appointment to the Senate, I have also heard the tributes and I think that there will probably be some to me one day, and I will not be here. First of all, I would rather hear them when I am alive than after I am gone. Second, I refer you to today's *Journal de Montréal*, which says as follows:

The placement of commas and the crossing of t's generate many words, debates, questions and answers in this chamber.

Basically, we are being compared to an ivory tower. These words of praise, which are certainly well-intentioned and heartfelt, for departed colleagues — or for those who have departed this chamber but not necessarily this life — are certainly appropriate, and I think they should be published elsewhere.

Doing our work as legislators and using the time of this chamber for these occupations is certainly our primary duty. I therefore support Senator Lapointe's proposal.

Hon. Joan Fraser: Honourable senators, I agree fully with Senator Lapointe's proposal and I thank him.

Hon. Marcel Prud'homme: Honourable senators, not only do I support this proposal, but I myself have perhaps sometimes, but not always, gone on for too long when paying tribute to someone.

What Senator Lapointe has just proposed today to the Senate, I myself have already proposed. This matter should be referred to the appropriate committee. We discussed the proposal but, unfortunately, it was rejected.

Now that someone has risen and had the temerity and the courage to say what Senator Lapointe has just said, it could again be referred to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament, which could examine the proposal for once and for all.

On motion of Senator Robichaud, on behalf of Senator Bacon, debate adjourned.

[English]

[Translation]

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Hon. Jack Wiebe, for Senator Gustafson, pursuant to notice of November 6, 2001, moved:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 3:30 p.m. on Tuesday, November 20, 2001, to hear from Ambassador Danièle Smadja, Head of the European Commission in Canada, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to government 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, November 20, 2001, at 2 p.m.

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

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, November 20, 2001, at 2 p.m.

THE SENATE OF CANADA
PROGRESS OF LEGISLATION
(1st Session, 37th Parliament)
Thursday, November 8, 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	01/10/25	25/01
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
S-31	An Act to implement agreements, conventions and protocols concluded between Canada and Slovenia, Ecuador, Venezuela, Peru, Senegal, the Czech Republic, the Slovak Republic and Germany for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	01/09/19	01/10/17	Banking, Trade and Commerce	01/10/25	0	01/11/01		

November 8, 2001

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
S-33	An Act to amend the Carriage by Air Act	01/09/25	01/10/16	Transport and Communications	01/11/06	0	01/11/06		
S-34	An Act respecting royal assent to bills passed by the Houses of Parliament	01/10/02	01/10/04	Rules, Procedures and the Rights of Parliament					

**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-6	An Act to amend the International Boundary Waters Treaty Act	01/10/03							
C-7	An Act in respect of criminal justice for young persons and to amend and repeal other Acts	01/05/30	01/09/25	Legal and Constitutional Affairs	01/11/08	11			
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	01/09/27	Social Affairs, Science and Technology	01/10/23	0	01/10/31	01/11/01	27/01
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	01/10/18	0	01/10/31	01/11/01	26/01
C-15A	An Act to amend the Criminal Code and to amend other Acts	01/10/23	01/11/06	Legal and Constitutional Affairs					
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

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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	01/09/26	Legal and Constitutional Affairs					
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
C-31	An Act to amend the Export Development Act and to make consequential amendments to other Acts	01/10/30							
C-32	An Act to implement the Free Trade Agreement between the Government of Canada and the Government of the Republic of Costa Rica	01/10/30	01/11/06	Foreign Affairs					
C-33	An Act respecting the water resources of Nunavut and the Nunavut Surface Rights Tribunal and to make consequential amendments to other Acts	01/11/06							
C-34	An Act to establish the Transportation Appeal Tribunal of Canada and to make consequential amendments to other Acts	01/10/30	01/11/06	Transport and Communications					
C-40	An Act to correct certain anomalies, inconsistencies and errors and to deal with other matters of a non-controversial and uncomplicated nature in the Statutes of Canada and to repeal certain provisions that have expired, lapsed, or otherwise ceased to have effect	01/11/06							

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	referred back to Committee 01/10/23		
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	Rules, Procedures and the Rights of Parliament					
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	Rules, Procedures and the Rights of Parliament (Committee discharged from consideration—Bill withdrawn 01/10/02)					
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							

No.	Title	1st	2nd	Committee	Report	Amend	3rd	R.A.	Chap.
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	01/10/31	4	01/11/08		
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	01/10/31	Transport and Communications					
S-30	An Act to amend the Canada Corporations Act (corporations sole) (Sen. Atkins)	01/06/12	01/11/08	Banking, Trade and Commerce					
S-32	An Act to amend the Official Languages Act (fostering of English and French) (Sen. Gauthier)	01/09/19							

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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