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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Tuesday, February 25, 2003

The Senate met at 2 p.m., the Speaker in the Chair.

Prayers.

[Translation]

SENATORS' STATEMENTS

2003 CANADA WINTER GAMES

Hon. Viola Léger: Honourable senators, I had the pleasure of attending the official opening of the 2003 Canada Winter Games in Bathurst-Campbellton, New Brunswick. These two neighbouring areas of Northern New Brunswick, on the South Shore of Chaleur Bay, are a true microcosm of Canadian bilingualism. More than half of the population speaks both official languages of Canada, and the culture and language of the Mi'kmaq nation is still very much alive in the community as well.

[English]

Running from February 22 to March 8, it is the country's biggest multi-sport event. About 3,200 athletes and coaches from 10 provinces and three territories are expected at the 2003 Canada Winter Games. A special welcome is extended to the territory of Nunavut, which will be taking part, for the first time.

In all, 21 sport disciplines are in the program. For the first time in the history of the games, special Olympians will be part of the event. They will participate in the solo figure-skating competition.

Honourable senators, close to 5,000 volunteers have been recruited to ensure that the games succeed.

At the Canada Pavilion, all visitors are invited to get involved in the creation of a unique cultural artifact — a 9-metre totem pole carved from British Columbian cedar. The project is scheduled to travel to a total of 14 trade shows and events across the country. To date, over 150,000 individuals have sculpted a portion of this traditional heraldic pole for the Haida First Nation, which, once completed, will be on permanent display.

[Translation]

Last Saturday's opening ceremony for the 2003 Winter Games was a colourful event, focussing on the magic of winter and the cultural diversity of our country. The Prime Minister of Canada was in attendance, and said in his speech that the athletes taking part in these Games are symbols of our values of respect, discipline and fair play, in victory and in defeat. The entire Chaleur Bay area is proud of the event.

We hear so much these days about today's youth's lack of ambition, lack of energy, but that was not the case on Saturday afternoon. Everyone was in a festive mood. It was a treat to see all these young people dressed so colourfully and cheering so loudly, side by side, having fun and experiencing the intensity of emotion involved in amateur sport, the purest discipline possible.

The joyous faces of the winners have nothing at all to do with money, fame or fortune from sponsorships. These are smiles of pure joy on the faces of athletes who have met their goals, who have gone beyond their limits, just for the love of it. These are athletes whose efforts have really paid off. Congratulations to all the athletes, and long live the Canada Winter Games.

[English]

Before concluding, allow me to keep my tradition and recite two small passages of poetry.

The Hon. the Speaker: I would very much like to hear them, but I regret to advise the honourable senator that her time has expired.

Hon. John G. Bryden: I move that the time limit be waived on this occasion.

The Hon. the Speaker: Is it agreed?

Hon. Senators: Agreed.

Senator Léger: Honourable senators, the first piece is by Thompson Hughes.

Rake the sand from your eyes
and collect it in an hourglass
so you can lie awake and count
every liquid minute dripping
from the leaky faucet hours
every melted hour dropping
from the moon's candle glow
and in your room,
the awful din of silence
beats like windswept ice
pellets against your window
roars like north atlantic waves
crashing into the hollow space
that was once filled with the
slow, placid rhythm
of another sleeper's breath.

[Translation]

Sculpture, by Albert Roy

I will build
a sculpture
to sing of
the great pines
floating down
the Saint John River
I will resurrect
a sculpture
like the warm
wind from our forges
fired by
our grandfathers'
spirit
a sculpture
to shore up
the legends flowing
from our riverbed
a sculpture
to express
the love of the wind
the love of the earth
I will discover
a bird
who will turn
furrows
where dreams
will lay the seeds of a
world of equality.

[English]

SCOTT TOURNAMENT OF HEARTS

CONGRATULATIONS TO CHAMPIONS

Hon. Jane Cordy: Honourable senators, the Scott Tournament of Hearts curling playoffs was held this past weekend in Kitchener, Ontario. For the first time ever, the two finalists were from Atlantic Canada. In fact, the top three teams were from Atlantic Canada. The first runner-up was the team from Newfoundland, skipped by Cathy Cunningham, who curled an excellent championship game. The third-place team, who finished the round robin at the top of the standings, was an exceptional team of young women from P.E.I., skipped by Susan Gaudet, a former Canadian and World Junior Champion. I am sure we will continue to hear much of this team in the future. I would like to congratulate these teams on their performances.

• (1410)

Honourable senators, as a Nova Scotian, I am delighted this afternoon to talk about outstanding athletes from my home province — the Canadian women's curling championship team from the Mayflower Curling Club in Halifax: Colleen Jones, Kim Kelly, Mary Ann Waye, Nancy Delehunt and Laine Peters. The Colleen Jones team won their third straight Canadian curling championship on Sunday — their fourth in five years. This marks only the second time in women's curling history that a rink has won three consecutive Canadian championships and the first time that any team has won four Scott titles as a unit.

[Senator Léger]

For Colleen Jones, this is her fifth women's title championship, more than any other skip, with the first one coming 21 years ago, in 1982, at the age of 22. For the team's third, Kim Kelly, this is her second Canadian championship this year. She was a member of Nova Scotia's mixed curling team, also from the Mayflower Curling Club in Halifax, skipped by Paul Flemming, that won the Canadian mixed curling championships in Abbotsford, British Columbia, in January.

The Daily News in Halifax referred to the Jones rink as a curling dynasty. Indeed, they are an amazing team, dominant in the women's curling scene in Canada. This team will represent Canada at the world championships in Winnipeg, in April. I am sure all senators will join me in wishing Team Canada the best of luck.

On the subject of curling, honourable senators, I would like to invite you to the Nokia Brier, which starts in Halifax this coming weekend. The invitation comes with a guarantee of warm Nova Scotia hospitality at the Brier Patch.

[Translation]

ROUTINE PROCEEDINGS

THE BUDGET 2003

DOCUMENTS TABLED

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the following documents: notice of a Ways and Means Motion to amend the Income Tax Act; notice of a Ways and Means Motion to amend the Excise Tax Act; notice of a Ways and Means Motion to amend the Customs Tariff, the Excise Tax Act and the Excise Act, 2001; the Budget Speech; the Budget in Brief; Investing in Canada's Health Care System; Improving Expenditure Management and Accountability and the Budget Plan 2003.

[English]

SENATE DELEGATION TO CZECH REPUBLIC

OCTOBER 14-21, 2002—REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the Senate delegation, led by the Speaker of the Senate, which travelled to the Czech Republic from October 14-21, 2002.

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

Hon. Senators: Agreed.

[Translation]

SENATE DELEGATION TO SPAIN

OCTOBER 21-25, 2002—REPORT TABLED

Hon. Dan Hays: Honourable senators, with leave of the Senate, I have the honour to table the report of the Senate delegation, led by the Speaker of the Senate, which travelled to Spain from October 21 to 25, 2002.

[English]

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

Hon. Senators: Agreed.

[Translation]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presents the following report:

Tuesday, February 25, 2003

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

TENTH REPORT

Your Committee recommends that the following additional funds be released for fiscal year 2002-2003.

Aboriginal Peoples

(Special Study on Urban Aboriginal Youth)

| | |
|---------------------------------|-----------------|
| Professional and Other Services | \$ 5,000 |
| Transport and Communications | \$ 0 |
| Other Expenditures | \$ 0 |
| Total | \$ 5,000 |

Banking, Trade and Commerce

(Special Study on Financial Systems)

| | |
|---------------------------------|------------------|
| Professional and Other Services | \$ 0 |
| Transport and Communications | \$ 22,700 |
| Other Expenditures | \$ 0 |
| Total | \$ 22,700 |

Energy, the Environment, and Natural Resources

(Special Study on emerging issues related to mandate)

| | |
|-----------------------------------|------------------|
| Professional and Other Services | \$ 0 |
| Transportation and Communications | \$ 24,900 |
| Other Expenditures | \$ 0 |
| Total | \$ 24,900 |

National Security and Defence

(Special Study on National Security Policy)

| | |
|---------------------------------|------------------|
| Professional and Other Services | \$ 20,000 |
| Transport and Communications | \$ 24,000 |
| Other Expenditures | \$ 0 |
| Total | \$ 44,000 |

LISE BACON

Chair

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

On motion of Senator Bacon, notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

[English]

BANKING, TRADE AND COMMERCE

REPORT OF COMMITTEE ON QUESTION OF PRIVILEGE CONCERNING PREMATURE DISCLOSURE OF REPORT ON PUBLIC INTEREST IMPLICATIONS OF BANK MERGERS PRESENTED

Hon. E. Leo Kolber, Chairman of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Tuesday, February 25, 2003

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

SEVENTH REPORT

Pursuant to Appendix IV of the *Rules of the Senate*, your Committee is pleased to report as follows on the questions of privilege raised by the Honourable Senator Kolber.

On Thursday, December 12, 2002, Senator Kolber gave written notice pursuant to Rule 43 and subsequently raised a question of privilege in the Senate. It related to the premature disclosure of the report on the public interest implications of large bank mergers of the Standing Senate Committee on Banking, Trade and Commerce. He referred to three articles — the first was distributed the day before by the Reuters News Agency and the others were published in the *Globe and Mail* and *National Post* the morning of the day the report was tabled. Following interventions by Senators John Lynch-Staunton, Noël A. Kinsella, Richard H. Kroft, Anne C. Cools, Lowell Murray and Jack Austin, the Speaker ruled that a *prima facie* case of privilege existed.

Your Committee met on Wednesday, February 5, 2003, to consider the question of privilege raised by Senator Kolber. The Committee debated the alleged leak and the question of privilege and subsequently decided that it was unnecessary to hear any witnesses.

Furthermore, your Committee is of the opinion that no further action is required, except to raise the awareness of Senators and staff as to the need for and requirement of confidentiality and to establish security procedures to avoid a repeat of this breach of privilege. We need to balance our desire for openness and transparency with the right of Senators to be able to discuss freely issues without the fear of their comments being reported the following day. Senators should take great care when discussing the work of Committees with the media that they do not inadvertently release information that the Senate is entitled to hear first or to compromise possible recommendations the Committee may be considering.

Respectfully submitted,

E. LEO KOLBER
Chairman

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

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

VIMY RIDGE DAY BILL

FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-227, respecting a national day of remembrance of the Battle of Vimy Ridge.

Bill read first time.

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

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

• (1420)

THE BUDGET 2003

NOTICE OF INQUIRY

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, I give notice that on Tuesday, March 18, 2003:

I will call the attention of the Senate to the budget presented by the Minister of Finance in the House of Commons on February 18, 2003.

[Translation]

PARLIAMENTARY DELEGATION TO KINGDOM OF MOROCCO

NOTICE OF INQUIRY

Hon. Gérald-A. Beaudoin: Honourable senators, I give notice that on Thursday next, February 27, 2003:

[Senator Kolber]

I shall call the attention of the Senate to the visit of a parliamentary delegation from the Senate and the House of Commons, at the King's invitation, to the Kingdom of Morocco, from January 19-26, 2003, to discuss trade, rights, law and other matters.

[English]

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION

Hon. E. Leo Kolber: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That with respect to the Standing Senate Committee on Banking, Trade and Commerce's examination of the administration and operation of the *Bankruptcy and Insolvency Act* and the *Companies' Creditors Arrangement Act*, it be empowered to adjourn from place to place within Canada and to travel inside and outside Canada for the purpose of such study.

QUESTION PERIOD

NATIONAL DEFENCE

CUTS IN GRANTS TO MILITARY ASSOCIATIONS

Hon. J. Michael Forrestall: The other day, honourable senators, I directed remarks and a question to the Leader of the Government in the Senate that had to do with funding cutbacks to the Federation of Military and United Services Institutes of Canada. We understand from the press this morning that the Conference of Defence Associations will be cut back some 25 per cent this year and cut out completely next year. The Leader of the Government in the Senate was good enough to indicate to me, as an aside, because it was not a direct question, that the reason may be that they did not fit the core description. I thank her for that explanation.

We now have an added development in that I see no call on grants from the same department to the Canadian Institute of International Affairs. I am wondering why two military associations, both of them around for so many years that few of us can remember when they started, were selected. Senator Graham would know, as a retired chief petty officer, when they started. Is there some explanation as to why the two institutions have been cut back and the third one has not?

Hon. Sharon Carstairs (Leader of the Government): The Conference of Defence Associations has not been cut off immediately, as the honourable senator knows. It will receive \$50,000 this year and nothing in the subsequent year. There are 600,000 members of this association and they have a budget of only \$150,000 for their core activities. It would seem reasonable that they should be able to collect much more than \$150,000. Through a very small membership fee of \$1, they would collect approximately four times their present budget.

Senator Forrestall: The response of a self-sustaining organization varies somewhat from the response with respect to the United Services Institutes, which the minister was kind enough to indicate probably came about because it did not fit the core objectives. Is the minister suggesting that the Conference of Defence Associations fails in that respect as well?

Both of these institutions, honourable senators, date back to the early 1930s. They have enjoyed uninterrupted support, notwithstanding the view of those who would dismiss them as just a bunch of retired generals. Notwithstanding that, the Conference of Defence Associations, the United Services Institutes and other organizations that support Canada's military have historically done Canada and its Armed Forces a great service.

Is this a permanent thing? One organization is cut off this year. The other one will get \$50,000 or \$75,000 and then be cut off next year. Are those cutbacks to be taken as permanent and firm and not to be reinstituted at some later date?

Senator Carstairs: It is quite clear, honourable senators, that it is to be permanent. It has to do with the process that the Honourable Minister of Defence, John McCallum, has undertaken to examine cost-saving measures to maintain and enhance the department's operational capabilities. He made it clear that he needed \$800 million. He was given that amount in the budget. He was given an additional \$275 million to ensure that no future monies would have to be used for past expenditures. He also indicated very publicly that he believed that, by looking carefully at the budget, he could find savings of \$200 million.

Senator Forrestall: At \$25,000 a shot, good luck to him.

PRIME MINISTER'S OFFICE

RESEARCH COSTS FOR TITLE OF SPEECH FROM THE THRONE

Hon. Lowell Murray: Honourable senators, an Access to Information Request revealed that the government spent \$33,000 on a focus group to obtain a suitable title for the Speech from the Throne. The title they came up with was "The Canada We Want."

My first question is: Why could they not have just called it the "Speech from the Throne," like everybody else does, and saved the taxpayer \$33,000?

My second question concerns the budget. They added one word to the title "The Canada We Want." The title of the budget became "Building the Canada We Want." With respect to this one word, another focus group or other public opinion research was done. What is the price of a participle under this government?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, my understanding is that another focus group was not contacted. The reason the word "building" was added was that the Speech from the Throne, as with all Speeches from the Throne, is a statement of fundamental principles to which the government is committed. The budget is the set of building blocks by which that happens.

UNITED NATIONS

INITIATIVES TO AVERT POSSIBLE WAR WITH IRAQ

Hon. Douglas Roche: Honourable senators, I have a question for the Leader of the Government in the Senate. Can the minister elaborate on the plan to avert war in Iraq that Canada's ambassador to the UN, Paul Heinbecker, put before the Security Council today? I put this question in the context that this crisis may prove to be the UN's finest hour if war can be averted. The diplomatic struggle is more intense than I have ever seen at the UN. A bridge can and must be built between the positions of the United States and Britain on the one hand and France and Germany and Russia on the other. Prime Minister Chrétien and Foreign Minister Graham understand the need for this bridge and should be commended for trying to build it. Is the Leader of the Government able to inform the Senate of the steps that Canada is taking?

• (1430)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, let me be clear: There is no concrete plan or initiative on the part of the Canadian government. The Canadian government is sharing some ideas on the basis of the philosophy that the most important objective is to maintain the unity of purpose of the international community. That is and will continue to be the focus of our work at the United Nations. We stand firmly behind resolution 1441 that Iraq must comply with its obligations. We also believe that it is imperative that the United Nations, when possible, should speak with one voice and not with many voices.

Senator Roche: I thank the minister for that response. I would welcome an elaboration, perhaps at a later date, if she can possibly give it, as to what Canada is saying at the UN today.

IRAQ—COMPLIANCE WITH RESOLUTION 1441

Hon. Douglas Roche: Hans Blix, the chief UN inspector, said today that Iraq has shown new signs of substantive cooperation with the inspection process in recent days. He has also set March 1 as the deadline for Iraq to begin dismantling its Al Samoud 2 missiles.

If Iraq complies with this deadline, will the Canadian government consider that this constitutes a step towards compliance with resolution 1441, and that the inspection process should be continued, which is what France, Germany and Russia want?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I believe the entire world welcomes the news from Mr. Blix that there have been new signs of cooperation. However, the Iraqi government is working under a short deadline at present. They have been asked to destroy their missiles which, apparently, when powered, can go beyond the limits that have been placed on them by the United Nations. They have been asked to begin to destroy those missiles by March 1, although they have until March 7 to completely comply. As of this moment, my understanding is that Iraq is arguing that their missiles are not in violation, although they have not closed the door to destroying those missiles as the days go on.

The position of the Canadian government is that Iraq must comply and any step in that direction is a positive step.

VETERANS AFFAIRS

ACCESS TO REHABILITATION BENEFITS BY METIS VETERANS OF WORLD WAR II AND KOREAN WAR

Hon. Michael A. Meighen: Honourable senators, the federal government recently offered compensation to First Nations veterans who were denied rehabilitation benefits upon returning to Canada after fighting overseas. The deal was not extended to Metis, however.

The Metis veterans argue that the government's rehabilitation plan at the time, the Veteran's Charter, did not make adequate provisions for their assistance. For example, most Metis veterans could not take advantage of the housing programs because those programs were offered in urban communities only. Also, training programs did not consider that the education level of Metis prior to joining the service might not be high enough to enter universities after the war was over.

In order to obtain the money they feel they are owed, these veterans have launched a campaign to shame our government into giving them compensation for their efforts on behalf of this country during World War II and the Korean War.

Last July, the National Council of Veteran Associations placed a claim before the United Nations Human Rights Committee on behalf of Metis veterans who have been denied benefits. This month, the National Metis Veterans Association announced it would promote the cause internationally, pleading its case in the European countries that Metis soldiers have fought in.

Honourable senators, it is sad, but perhaps not altogether surprising, that this government is treating our veterans in this fashion, considering their ongoing reluctance to provide adequate support for the active military.

My question is for the Leader of the Government in the Senate. Will the government do the right thing and offer the Metis veterans compensation before this claim goes any further; more important, perhaps, before more people die without a satisfactory resolution of the matter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the honourable senator prefaces his question about the Metis by stating that the Aboriginal veterans have received some compensation for their efforts. I should like to think the number of reports from this chamber that urged that ultimate result helped to achieve that end. In particular, former Senator Len Marchand worked diligently on this matter.

In regard to the Metis people, the preliminary review of Metis benefits was such that the Metis did have access to benefits. However, the government recognizes that there are some Metis who now argue that, because of where they lived, they did not have access to full benefits. This matter is under review.

JUSTICE

FIREARMS PROGRAM—STATUS AS CROWN PROJECT

Hon. Gerry St. Germain: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, the Deputy Minister of Justice admitted to a House of Commons

committee that more information could have been reported in regard to the federal Firearms Program.

Today, the Auditor General advised that the Department of Justice is obliged to report more details on spending. Treasury Board set up rules long ago for federal government spending on major Crown projects.

Is the Canadian Firearms Program considered a major Crown project? There appears to be some ambiguity. Could the minister clarify this matter?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, there is some ambiguity. The deputy minister indicated that ambiguity in his replies, yesterday, to members in the other place.

The reality is that all monies were accounted for either in the Main Estimates or the Supplementary Estimates. The Public Accounts Committee of the House of Commons did not access the information that was readily available to them, unlike our Standing Senate Committee on National Finance, which did take the opportunity to have witnesses appear. The information was certainly out there and was clear. In this matter, however, there is some disagreement between the Department of Justice and the Auditor General.

Senator St. Germain: My question is this: Is the Firearms Program a major Crown project? If it is, which many perceive and believe that it is because it qualifies under the Crown project criteria, why is it, then, that the reporting requirements were not followed? What accountability is there? Is the government blaming the House of Commons Committee for not asking the questions? Apparently, most of the money was put through on Supplementary Estimates, as opposed to Main Estimates; is that not correct?

Senator Carstairs: My understanding is that most of the money went through the Main Estimates. However, whether the money goes through the Main Estimates or the Supplementary Estimates should not matter to the Public Accounts Committee. That did not matter to our Finance Committee. They did the work they were supposed to do.

As to whether or not this is a Crown project, there is a dispute in regard to that definition. The Department of Justice does not accept the Auditor General's point of view on this matter.

SOLICITOR GENERAL

AMENDMENTS TO CORRECTIONS STATUTES

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate. Almost two years ago, in its 2001-02 report on plans and priorities, the Solicitor General's department told Parliament that changes were planned to the Corrections and Conditional Release Act. Last spring, in the 2002-03 report on plans and priorities, we were told that the government would take three years to review this act. Two months later, we read a report in the May 15 *National Post* that the government would introduce changes to both the corrections legislation and the Transfer of Offenders Act in the

fall. Is the government planning to bring in amendments to its corrections legislation and the Transfer of Offenders Act? If so, what is the government's timetable for bringing in such a bill?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have not yet seen this matter on the radar screen. I assume that such proposed legislation will not be introduced during this spring session. Whether such proposed legislation will appear in the fall of 2003 remains to be seen. However, such amendments are not on the priority list at this point.

JUSTICE

AMENDMENTS TO HUMAN RIGHTS ACT

Hon. Terry Stratton: Almost three years ago, the Department of Justice told Parliament, through its 2000-01 report on plans and priorities, that, based on a review by Supreme Court Justice Gérard La Forest, the government may introduce amendments to the Canadian Human Rights Act. The government repeated that announcement in the 2001-02 report on plans and priorities. Has the government put these amendments on ice? If not, when can we expect to see such legislation?

• (1440)

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I know the plans are not on ice. They are moving forward, albeit slowly. I cannot give a time commitment on when they will appear.

LEGISLATION TO DECRIMINALIZE MARIJUANA

Hon. Terry Stratton: Honourable senators, the September 2002 Speech from the Throne announced that the government would amend Canada's drug laws, including possible legislation to decriminalize the use of marijuana. Would the Leader of the Government in the Senate advise as to when the government expects to table this legislation?

Hon. Sharon Carstairs (Leader of the Government): As the commitment was made in the Speech from the Throne, I anticipate that that will be done during this session of Parliament.

AMENDMENTS TO ACCESS TO INFORMATION ACT

Hon. Terry Stratton: Honourable senators, almost four years ago, in its Report on Plans and Priorities for the 1999-2000 fiscal year, the Department of Justice said that the government was working on reforms to the Access to Information Act and the Privacy Act. Two and a half years ago, in August 2000, then Justice Minister Anne McLellan announced that a task force involving public servants from several departments would conduct the review. On July 26, 2001, the *Ottawa Sun* reported that amendments to the Access to Information Act were expected by January 2002.

On June 12, 2002, the government finally released the results of its review of the act and said that it would respond to it in the fall.

The recommendations include extending the legislation to cover more information and more institutions, including parliamentary records, while denying access if a request is frivolous, vexatious or abusive.

Further, on August 6 of 2002, the *National Post* reported that a bill to be introduced in the fall would extend the act to cover Crown corporations and other institutions that are currently exempt, including the CBC and Canada Post.

Could the Leader of the Government in the Senate advise the Senate what the government's current timetable is for introducing these amendments?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I have seen no timetable for an access to information bill. As honourable senators know, there is a new Minister of Justice. He has set priorities, which include the previous bill to which the honourable senator made reference with respect to Canada's drug laws. I cannot give any further detail as to when we could expect to see access to information amendments.

TRANSPORT

AMENDMENTS TO AERONAUTICS ACT

Hon. Terry Stratton: Honourable senators, in March 2001, through its 2001-2002 Report on Plans and Priorities, Transport Canada told Parliament that it was consulting with the aviation community with a view to updating the Aeronautics Act. A year later, in its March 2002 Report on Plans and Priorities for the 2002-2003 fiscal year, the department told Parliament that it was a priority to introduce amendments, within a year, that would address fatigue management, liability insurance and reporting of safety data, while providing new compliance and enforcement tools.

Given that the Order Paper at present does not have a lot on it, could the Leader of the Government advise the Senate as to when we might expect this legislation?

Hon. Sharon Carstairs (Leader of the Government): I can assure the honourable senator that he will see this legislation very soon.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I have the honour to table two delayed answers to oral questions, the first raised in the Senate on November 7, 2002, by the Honourable Senator Tkachuk, regarding the recognition of Hezbollah as a terrorist organization; and the second, raised in the Senate on November 7, 2002, by the Honourable Senator Forrestall, regarding Iltis vehicles.

FOREIGN AFFAIRS

RECOGNITION OF HEZBOLLAH AS TERRORIST ORGANIZATION

(Response to question raised by Hon. David Tkachuk on November 7, 2002)

Canada listed the Hezbollah External Security Organization under the UN Suppression of Terrorism Regulations (the "Regulations") on November 7, 2001. Hezbollah in its entirety was listed under the Regulations and in regulations under the Anti-Terrorism Act on December 10, 2002.

Under the UN Suppression of Terrorism Regulations, it is illegal to provide funds to or to raise funds for an entity or person listed under the Regulations. Persons in Canada and Canadians outside Canada are required to freeze the assets of listed entities and persons. The Regulations do not address membership in an entity.

The Anti-Terrorism Act permits the designation of entities whose activities meet the definition of terrorist activity and "terrorist groups." This definition forms the basis for new offences in the Criminal Code that make it a crime:

- knowingly to collect or to provide funds, either directly or indirectly, in order to carry out terrorist crimes;
- knowingly to participate in, contribute to or facilitate the activities of a terrorist group. The participation or contribution includes knowingly to recruit new individuals for the purpose of enhancing the ability of the terrorist group to facilitate or commit terrorist activities;
- to instruct anyone to carry out a terrorist activity on behalf of a terrorist group;
- knowingly to harbour or to conceal a terrorist.

Persons in Canada and Canadians outside Canada are also required to freeze the assets of "terrorist groups," defined in the Act as a listed entity or an entity that has as one of its purposes or activities facilitating or carrying out any terrorist activity.

Membership is not an offence in and of itself. Knowing participation in, contribution to or facilitation of the unlawful activities of the entity is required.

NATIONAL DEFENCE

PRINCE EDWARD ISLAND RESERVE REGIMENT— CONDITION OF VEHICLES

(Response to question raised by Hon. J. Michael Forrestall on November 7, 2002)

As stated in an earlier reply November 20, 2002, the Prince Edward Island Regiment currently has no Iltis vehicles in operation.

I have been advised that the request by the Honourable Senator for the vehicle maintenance logs for the Prince Edward Island regiment's jeeps to be tabled in this House requires additional information to be processed.

Given that the request is for documents, additional information setting a start and end date for the search is required. We recommend that the documents in question be obtained by contacting the Department of National Defence through an Access to Information Request, or through this House via a request for the production of papers.

[English]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, the Table seems to have passed over "Government Business."

Hon. Fernand Robichaud (Deputy Leader of the Government): I thought the honourable senator was rising to speak on the first item under "Senate Public Bills," which stands adjourned in his name.

Senator Lynch-Staunton: Is there no government business?

Senator Kinsella: There being no government business, neither bills, inquiries, motions or reports of committees, I guess we are at "Other Business." The first item is Bill S-12, which I would ask to stand in my name.

PERSONAL WATERCRAFT BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Forrestall, for the second reading of Bill S-10, concerning personal watercraft in navigable waters.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise in support of Bill S-10, and I will be brief and to the point. This is the kind of bill that the Senate should support. It has been before us for a considerable period of time. All senators have had an opportunity to study it. At our last sitting, Senator Cook gave an excellent explication of it.

As has been pointed out, the bill requires the Minister of Fisheries and Oceans to listen to local concerns where public safety or the environment is at risk and requires the minister to consider local solutions for issues of speed, distance or time

restrictions on personal watercraft. Rather than having one set of regulations for the entire country, we should have regulations that vary from community to community, regulations tailored, in effect, to the needs of each particular waterway, which seems to me to make eminent sense given the variety of situations across our country.

With some initiatives, particularly at the municipal level, people are supportive so long as it is not in their own backyard. Hopefully, that will not be the case with this initiative.

This bill, developed by Senator Spivak and supported by honourable senators on both sides of the house, is not a ban on personal watercraft. Under the terms of the bill, a local authority would be formed to assess what would be allowed on a particular waterway. It would be able to decide the proper use of these vehicles based on local concerns and local requirements.

The bill mandates the local authorities to adopt resolutions proposing that the minister set regulations restricting the use of personal watercraft on a particular waterway after general consultation in the community. The minister may refuse proposed regulations that would impede navigation. These two mechanisms should be sufficient to ensure that the bill is not used to run roughshod over personal watercraft owners but, rather, that there be a proper balance.

It is virtually the same process, honourable senators, that is now in place to deal with water skiing or boat regattas for all high-speed recreational boats. There may well be very small lakes or small portions of larger waterways where local authorities decide that personal watercraft are inappropriate, whether because there are swimming holes where swimmers would be at risk due to the use of such craft, because it would disturb nesting wildlife, or because discharged oil and gasoline would make their way into the drinking water system. In those very limited areas, personal watercraft could be prohibited, just as water skiing is not allowed everywhere.

While personal watercraft in the wrong place at the wrong time can present problems of noise, pollution and risks to the safety of swimmers, canoeists and other boaters, other motorized sports are also noisy, polluting and possibly even more dangerous. The Canadian Institute of Health Information recently released a report that shows that snowmobiling, a very popular pastime in my own province of New Brunswick, where one in three families own either a snowmobile or an all-terrain vehicle, has become a very dangerous sport, and danger is determined by health outcomes as well as life and death outcomes.

• (1450)

Snowmobiling results in more severe injuries, longer hospital stays and more deaths than any other sport. Figures for personal watercraft are not specifically listed in the study.

To get a measure of the risk that personal watercraft present, the database maintained by Health Canada's Canadian Hospitals Injury Reporting and Prevention Program offers some insight.

Personal watercraft injuries account for 21 per cent of all power-boating injuries, even though manufacturers indicate that personal watercrafts make up only 3 to 5 per cent of all powerboats. The risk, honourable senators, supported by the data, is disproportionately high.

In New Brunswick, local authorities work in cooperation with the province to set the regulations on the extensive trail system throughout our province. It is called the New Brunswick Federation of Snowmobile Clubs. They set the rules of the trails, promote snowmobile safety, and groom the trails. To access the trails, you must buy a membership in an affiliated club or, in the case of a tourist, a temporary pass. The RCMP has become more involved in patrolling the trails, and the sport is safer. Apparently, it is not safe enough, and much work must continue. If this system can work on the provincial level for one motor sport, snowmobiling, then, perhaps, it could work in the area of personal watercraft.

New Brunswick has already taken some steps in this area. It has banned all boats with two-stroke engines, the type of engine that drives most personal watercraft, from two dozen watersheds across the province. The rationale is that these sensitive waters require protection from petroleum products that the two-stroke engines discharge. It is a public health and safety issue of another order.

Honourable senators, my understanding is that the Province of Quebec is expected to follow suit with a ban on all gas-powered boats for lakes smaller than one square kilometre, and lakes four times that size if they are a source of drinking water.

This bill would see that local and provincial concerns are dealt with in a manner that respects the Constitution. It would put in place measures that Coast Guard officials sought earlier last decade. It seems to me to be imminently reasonable. It is a protective and a safety-supportive initiative, and I believe it is needed. Hopefully, the committee to which the bill will be referred for detailed study will be able to address all these questions.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

Hon. Mira Spivak: Honourable senators, I move that the bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[Translation]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, Bill S-10 is entitled "An Act concerning personal watercraft in navigable waters." Since navigable waters are a Coast Guard responsibility, would it not be preferable to refer the bill to the Standing Senate Committee on Fisheries and Oceans, which also deals with the Coast Guard, since it comes under the Department of Fisheries?

[English]

Senator Spivak: Honourable senators, then I move that this bill be referred to the Standing Senate Committee on Transport and Communications.

The Hon. the Speaker: How about the Fisheries Committee?

Senator Spivak: I would point out that the Canada Shipping Bill was also referred to the Transport Committee. There are issues in this bill that relate to both the Environment Act and the Canada Shipping Act. I do not think Fisheries and Oceans is the right place, with all due respect.

Senator Corbin: Send it to the Foreign Affairs Committee.

The Hon. the Speaker: It is moved by the Honourable Senator Spivak, seconded by Honourable Senator Cochrane, that this bill be referred to the Standing Senate Committee on Transport and Communications for further study. Is it your pleasure, honourable senators, to adopt the motion?

Senator Robichaud: Has —

The Hon. the Speaker: Honourable senators, before we go any further, this is not a debatable motion. It has to be defeated or passed. However, with leave, comments could be made.

Is leave granted, honourable senators?

Hon. Senators: Agreed.

[Translation]

Senator Robichaud: Honourable senators, in this case, should we not stick to the first motion proposed? My suggestion to refer Bill S-10 to the Standing Senate Committee on Fisheries and Oceans was not accepted. The first motion was not amended. We have before us the first motion relating to the referral of Bill S-10 to the Standing Senate Committee on Energy, the Environment and Natural Resources.

[English]

The Hon. the Speaker: Is that agreeable, Senator Spivak?

Senator Spivak: I am in your hands, honourable senators.

The Hon. the Speaker: Under our rules, the mover of the motion can modify the motion with leave of the Senate.

Is leave granted, honourable senators, for Senator Spivak's motion, as modified?

Honourable senators, I will put it clearly so everyone will understand.

It is moved that the motion be modified to refer the bill to the Standing Senate Committee on Energy, the Environment and Natural Resources, not to the Standing Senate Committee on Transport and Communications.

Senator Cools, did you have a question?

Hon. Anne C. Cools: Honourable senators, I am trying to ascertain which committee looks at these issues. It should not be too difficult to look up the list of committees. Which committee looks after issues dealing with navigation and the regulation of vessels on rivers, lakes and oceans?

Senator Spivak: That is the Standing Senate Committee on Transport and Communications. The Standing Senate Committee on Energy, the Environment and Natural Resources looks at environmental and energy issues. Both are involved in this act. There are issues in this particular bill that could be referred to either committee. However, I am happy to have it go to the Transport Committee.

Senator Cools: We should send it to the committee that the honourable senator sits on. Which committee does the honourable senator sit on?

Senator Spivak: Both.

Senator Cools: Then the honourable senator will have to choose.

• (1500)

Hon. Gerald J. Comeau: I did not want to let this pass without noting that Senator Robichaud did make a point in saying that issues involving navigable waters are, generally speaking, under the Coast Guard, and that such issues do belong to the Standing Senate Committee on Fisheries and Oceans. I am not, by any means, trying to have this bill referred to my committee.

I would, however, point out that certain issues dealing with the environment are found in the Oceans Act.

The Hon. the Speaker: Is leave granted, honourable senators, that Senator Spivak's motion be framed that this bill be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources?

Hon. Senators: Agreed.

The Hon. the Speaker: It is moved by the Honourable Senator Spivak, seconded by the Honourable Senator Cochrane, that this bill be referred to the Senate Standing Committee on Energy, the Environment and Natural Resources for further study. Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Spivak, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

BUSINESS OF THE SENATE

Hon. Anne C. Cools: Honourable senators, it is my intention to move second reading of Bill S-15 in several days. I rise to note that, on the Order Paper of today, the bill is listed as Bill C-15, item No. 3. I would ask that the record be corrected to reflect that this is Bill S-15. I note that the reading clerk just referred to it as Bill S-15.

The Hon. the Speaker: Is it agreed that we make that correction, honourable senators?

Hon. Senators: Agreed.

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Noël A. Kinsella (Deputy Leader of the Opposition) moved the second reading of Bill S-14, to amend the National Anthem Act to reflect the linguistic duality of Canada.

He said: Honourable senators, I move the adjournment of the debate.

On motion of Senator Kinsella, debate adjourned.

HERITAGE LIGHTHOUSE PROTECTION BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Forrestall, seconded by the Honourable Senator LeBreton, for the second reading of Bill S-7, to protect heritage lighthouses.—(*Honourable Senator Callbeck*).

Hon. Catherine S. Callbeck: Honourable senators, I should like to begin by congratulating my colleague Senator Forrestall for bringing this proposed legislation forward. I believe in the principle of this bill, Bill S-7, which is to protect heritage lighthouses, as they form an integral part of Canada's identity, culture and heritage.

This proposed legislation will protect heritage lighthouses in three ways. First, it will provide for their selection and their destination. Second, it will prevent their unauthorized alteration or disposition. Third, it will require that they be reasonably maintained. Another important aspect of the bill is that it will provide for public consultation.

My home province of Prince Edward Island has many lighthouses. Among them is Point Prim Lighthouse, the oldest lighthouse on the Island. It holds the status of a heritage building,

as it is the only round brick lighthouse in Canada. P.E.I. is also home to the Cape Bear Lighthouse, where the Canadian Marconi station was the first Canadian station to hear the SOS distress calls from the Titanic.

Indeed, lighthouses are an integral part of life on Prince Edward Island, not only for navigational purposes, but also as symbols of maritime life. Today, many of these lighthouses serve as tourist attractions. For example, the West Point lighthouse, which was built in 1875, now houses an inn and a museum. This was the first lighthouse on the Island built by the federal government.

Currently, the Federal Heritage Buildings Review Office, or FHBRO, is charged with evaluating our federally owned buildings that are 40 years old or older, and deciding whether they should have heritage status.

If this bill is referred to a standing Senate committee, I believe that the committee should look at and evaluate the current process carried out by FHBRO and ask, "Does this present process currently protect heritage lighthouses?" If it does not do this, then the committee must question what changes need to be made. In other words, it must then ask: "Do we need new legislation?"

I realize that this bill is modeled after a bill to protect heritage railway stations, but I believe that we must decide whether it is wise to create separate legislation for each category of building.

I believe that the committee studying the legislation should address many questions. For example, since FHBRO has already examined over 200 of Canada's lighthouses, of which 120 have been classified as designated heritage buildings, would the passing of this bill mean that the Minister of Heritage would have to re-examine all of the buildings that are already designated as heritage buildings, or would those buildings automatically retain their designation?

I am concerned that the onus placed upon citizens in this bill will work against the overall purpose of the bill, which is to protect lighthouses across Canada.

According to subclause 8(1), paragraphs (a) and (b), Canadians who wish a lighthouse to be classified as a heritage building would have to send a petition to the minister within two years of this bill coming into force. Each petition would have to be, as clause 8 states:

signed by at least 25 persons who are resident in Canada and are 18 years of age and over, and whose names and addresses appear in printed form on the petition;

This leads me to the question of what happens after the two-year time limit is up. Will Canadians still be able to appeal to the minister to have a lighthouse designated? If that is not the case, and if this bill and the process of petitioning is not well publicized, then it is possible that the minister would receive very few petitions.

Honourable senators, these are several of the questions that I have regarding Bill S-7. In closing, I should like to reiterate my support for the principle of the legislation. However, many questions do require to be answered in the committee.

The Hon. the Speaker: It is moved by the Honourable Senator Forrestall, seconded by Honourable Senator LeBreton, that this bill be read a second time. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to and bill read second time, on division.

REFERRED TO COMMITTEE

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

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

NATIONAL SECURITY AND DEFENCE

BUDGET—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the sixth report of the Standing Senate Committee on National Security and Defence (budget—study on health care provided to veterans—power to hire staff and to travel) presented in the Senate on February 13, 2003.—(*Honourable Senator Meighen*).

Hon. Michael A. Meighen moved the adoption of the report.

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

Senator Meighen: No.

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

There is a question before the question.

[*Translation*]

Hon. Fernand Robichaud (Deputy Leader of the Government): Honourable senators, I thought that the Honourable Senator Meighen was going to speak on the report. I am going to propose that the order stand until the next sitting of the Senate.

[*English*]

The Hon. the Speaker: Honourable Senator Meighen, do you wish to respond?

Senator Meighen: Perhaps we could defer it to the next sitting of the Senate?

On motion of Senator Robichaud, debate adjourned.

• (1510)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the tenth report of the Standing Committee on Internal Economy, Budgets and Administration, presented in the Senate earlier this day.

Hon. Lise Bacon moved the adoption of the report.

She said: Honourable senators, the tenth report represents a culmination of what has been a challenging process. Last fall, at the beginning of the second session of this Parliament, committees obtained their orders of reference from the Senate and submitted their budget requests to the Standing Committee on Internal Economy, Budgets and Administration. Since witness expenses were lower than had been originally forecast, \$1,400,000 was made available to committees for their legislative and policy work.

As is usually the case, the demand for funds exceeded the available resources. A process was developed to allocate funds in a manner that treated committees equitably, allowing them to pursue their work while respecting budgetary constraints. Guidelines were developed to meet these objectives. I should like to thank those senators who understood and respected the need for a set of guidelines to assist us in our work.

Your committee acted in a timely way to ensure that funds were made available to committees as quickly as possible. All committees received funding from the Senate in early December, and, in most cases, the funds released were sufficient to carry the committee to the end of the fiscal year. However, your committee knew that its job was not done. It made a commitment to review the situation after the Christmas adjournment. By reviewing further demands on the budget and the availability of funds, it was then in a position to make recommendations for supplementary releases.

The most important principle that guided your committee was that of fairness. All committees should be given an equal opportunity to request funds and know that their requests will be given full and fair consideration. I should like to emphasize that there are no super committees and there are no super senators. All committees consider their work to be of great value. The duty of the Standing Committee on Internal Economy, Budgets and Administration is to allocate funds in a responsible way to enable all of them to pursue their goals. It is not a question of the squeaky wheel getting the grease.

Therefore, upon presentation of its ninth report, your committee invited all committee chairs to submit their requests for supplementary releases and to indicate whether they anticipated any other budgetary requests this fiscal year.

Requests for supplementary releases were received from four committees. In addition, two committees requested a transfer of funds between categories of expenditures. The Standing

Committee on Internal Economy, Budgets and Administration was able to show greater flexibility with respect to the guidelines than had been possible in the fall, since we were able to fully assess the available funds and the likely demands on the budget. We were fortunate that the remaining funds were sufficient to cover nearly all the requests for supplementary funding.

The tenth report includes the recommended release of funds to the Standing Senate Committee on Banking, Trade and Commerce and the Standing Senate Committee on Energy, the Environment and Natural Resources to increase the number of senators travelling on fact-finding missions to the United States. The Standing Senate Committee on Aboriginal Peoples will receive funding for working meals, transcription and youth round table discussions.

The only request for supplementary funding that could not be fully implemented was that of the Standing Senate Committee on National Security and Defence. This committee increased its requests beyond what had been in its original budget submission for a trip to Washington. We were able to provide funding only for the original request.

If the tenth report is adopted, and, taking into account a possible small budget request for the Standing Senate Committee on Transport and Communications, all but \$2,400 of the remaining \$106,000 will have been allocated.

I should like to thank my colleagues on the Standing Committee on Internal Economy, Budgets and Administration, especially those who work with me on the Steering Committee, for all their help in what has been a difficult and demanding process. I would also like to thank all senators who have understood and respected the constraints under which we have been working.

As we head into the new fiscal year, I have no doubt that we will be faced with some difficult decisions. I wish to assure honourable senators that we will continue to treat committees fairly and equitably. We wish to support and facilitate the work of all committees and we must do so within the budget. Until we receive all budget requests, we cannot know how great a shortfall, if any, exists, and which guidelines will be appropriate.

In the meantime, I have every confidence that my colleagues and I on the Standing Committee on Internal Economy, Budgets and Administration can count on your support and understanding as we continue in this challenging endeavour.

Honourable senators, I urge you to adopt the tenth report.

Hon. Tommy Banks: Honourable senators may have had an opportunity to read a letter that I sent to all senators about this subject and attachments to the letter. It expresses confidence in the absolute fairness of Senator Bacon's committee. Without obviating any of the concerns expressed in that report, I wish to compliment Senator Bacon and her committee on the considerable flexibility that has been shown in the report she has presented today. I thank her and her committee very much for that and congratulate them on the stance they have taken.

Hon. Gerald J. Comeau: Honourable senators, has the honourable senator's committee reconsidered its position on committees that travel on fact-finding missions and the number of senators who travel with such committees, as well as whether her committee favours committees that travel for public hearings? In other words, if a committee travels on a public hearing, all committee members are invited to go. If it is a fact-finding mission, the committee must reduce the numbers and tell a few of its members that they cannot go. Did the senator and her committee reconsider this position?

• (1520)

Senator Bacon: I take note of what the honourable senator has said, but, depending on how much money is requested by the committees, we might need another set of guidelines.

Senator Comeau: Looking at the guidelines again, the honourable senator mentions that it depends on the money. If the honourable senator were to do an evaluation or cost accounting of a committee that travels on public hearings versus a committee that travels on a fact-finding mission, I think she would find that the fact-finding committee spends a lot less money than the full-fledged committee conducting public hearings with all the equipment, travellers, stenographers, interpreters, and so on. I raise this matter as an issue of cost. It is actually much cheaper to travel on a fact-finding mission than on public hearings.

Senator Bacon: I do not want the honourable senator to forget that we are a bilingual country. When there is a public hearing, I think both languages should be used. Therefore, we must travel with interpreters. I know it is very expensive, but that is what our country is all about.

Senator Comeau: I do not think I need to take any lessons from the honourable senator on the fact that we are a country that tries to recognize the two official languages. If she were to look at the travel record of my committee, we do respect the two official languages. That was not the point I was trying to raise.

My point is that if a committee travels on public hearings, it is much more expensive than a fact-finding mission. In other words, had our committee applied to go on a public hearing, we would have been granted permission for all of our members to travel. The fact that we applied to go on a fact-finding mission, which is much cheaper and more cost effective, meant that we were denied the full number of members travelling on that committee.

Senator Bacon: I do not think I can add anything other than what I just said. Public hearings are also important to the population of Canada who follow what the Senate and honourable senators do.

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

Motion agreed to and report adopted.

LEGACY OF WASTE DURING CHRÉTIEN-MARTIN YEARS

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator LeBreton calling the attention of the Senate to the legacy of waste during the Chrétien-Martin years.—(*Honourable Senator Bryden*).

Hon. J. Michael Forrestall: Honourable senators, I rise to speak to this inquiry.

In 1963, the CH-124 Sea King maritime helicopter entered service with the Royal Canadian Navy. That same year, the CH-113 Labrador search and rescue helicopter entered service with the Canadian Air Force and Army for search and rescue purposes. The Sea King was the leading edge in antisubmarine helicopter activity.

I am told that when the first Sea Kings were flown into Canada's main naval anchorage at Halifax back in 1963, it was a beautiful summer evening. The old Sikorsky horse was dead and the aircrews were proud of their brand new naval helicopters.

In those days, Canada had a light fleet aircraft carrier, the HMCS *Bonaventure*, and a fleet air arm. Every Sea King pilot in those days was a naval aviator. Pearson government ministers like Paul Hellyer, with their movement toward unification and the resulting disruption that followed, ended all of that. In the end, the Trudeau government killed off the *Bonaventure* fresh from a refit in 1969.

By 1978, even the Liberal cabinet of Pierre Elliott Trudeau knew there was a need to replace the Sea King helicopter in the not-too-distant future. Thus, in July 1978, the New Shipborne Aircraft Project was registered in the Defence Services Program. That same year, the Labrador search and rescue helicopter was identified for replacement. By 1981, the New Search Helicopter Project was registered in the Defence Services Program as well.

The Trudeau Liberals were replaced by the Turner government. In the ensuing period, the Sea King and Labrador helicopter replacement program moved quietly along until the Progressive Conservative government of Brian Mulroney took power in 1984. For the defence community, it was a bit of a joyous day, having suffered dreadfully at the hands of both the Pearson and Trudeau governments.

By 1986, the Mulroney government's Treasury Board gave preliminary project approval to the New Shipborne Aircraft Project to replace the aging Sea King, then 23 years of age. Under the Mulroney government, the project moved rapidly forward. By September 1986, a request for proposal had been issued to industry for new shipborne aircraft. Only two companies responded to the request for proposal in February of 1987 — Eurocopter and EH Industries.

In August 1987, the project definition portion of the program was awarded to EH Industries for a new shipborne aircraft. The Eurocopter Cougar was deemed non-compliant with the Department of National Defence's specifications. In April 1988,

a contract was signed for the New Shipborne Aircraft Project definition phase with EH Industries. The EH-101 maritime helicopter had been born. It was a large, robust, long-range maritime helicopter with three engines. I draw your attention to the three outstanding records of that piece of equipment just in the last two months.

Meanwhile, in January 1990, the Department of National Defence approached EH Industries and Boeing for price and availability of a new search helicopter to replace the aging Labrador fleet. In December 1990, almost a year later, a new search helicopter definition was approved. When the Department of National Defence examined the capabilities needed in a search and rescue helicopter of size, range and reliability, they found that they had just purchased the EH-101 for those very special capabilities as a maritime helicopter.

The advantages of a joint program were obvious. With commonality of aircraft for both naval and search and rescue, the government could save on spare parts, training and aircraft simulators. Thus, in March 1991, the Department of National Defence decided to combine the New Shipborne Aircraft and the New Search Helicopter Projects. In July 1992, the Mulroney government announced the purchase of 50 EH-101 helicopters, of which 35 were for the Sea King replacement and 15 for the Labrador helicopter replacement, in a combined New Shipborne Aircraft and New Search and Rescue Helicopter Program. By October of 1992, contracts for import were signed with EH Industries and Paramax for 50 EH-101 helicopters valued at \$1.4 billion, and their mission systems valued at another \$1.4 billion. The EH-101 was, at most, only four years away for the deliveries of the first complete helicopters.

• (1530)

Then, in a move that can only be described as crass opportunism, in September of 1993, then Liberal Opposition Leader Jean Chrétien seized on the EH-101 for political purposes, charged that it would cost \$5.8 billion and vowed to scrap the contract with EH Industries and Paramax for 50 complete EH-101s to further his apparent behind-the-eight-ball electoral agenda. After all, the Cold War was over and the Sea King crews could be sacrificed as part of the peace dividend. The welfare of the military had never been on the radar sight of Jean Chrétien or that of any other Trudeau cabinet minister.

In response to the vociferous Liberal attacks, in 1993, the Progressive Conservative Prime Minister Kim Campbell cut the number of EH-101s ordered from 50 to 43, as changes in the structure of the navy and capacity of the aircraft provided economies of scale that enabled a reduced order. However, this was not good enough. The smell of political blood thick in their nostrils, the Chrétien Liberals used the EH-101 issue to wage electoral war on Prime Minister Campbell until the program, like Campbell, was politically dead. In November of 1993, Prime Minister Jean Chrétien scrapped the combined helicopter replacement program with a stroke of a pen. The government incurred penalties for cancellation of \$500 million that they would admit to, although other sources placed the costs of cancellation at well over \$1 billion.

By November of 1996, a request for proposals for the Canada Search Helicopter project was issued to industry. The competition would be conducted based on a single procurement, with best value to the Crown and the Canadian taxpayer at the centre of the program.

In May of 1997, four bids were received from industry for the Canada Search Helicopter, which is the Labrador replacement. The Eurocopter Cougar, the Boeing Chinook and the Sikorsky S-70 Seahawk were deemed by the Department of National Defence to be non-compliant. After several attempts to backtrack on the competition outcome, the Liberals admitted defeat and, in the absence of Parliament in January 1998, the government somewhat sheepishly announced plans to purchase 15 EH-101 Cormorant helicopters for the Canada Search and Rescue Project, in other words the Labrador replacement. The value of this was \$790 million, and it was a single contract. Another \$1.7 billion in estimated long-term in-service support costs was hidden in small contracts, renewable for up to 20 years — a contract that was given to IMP, Industrial Marine Products in Halifax. This information was not released to public view until the 2000 election.

To this day, the government would rather walk barefoot over hot coals than admit to the hidden costs, as access to information articles point out that they present a “communications challenge” when compared to the Progressive Conservative Party’s EH-101 program. The former Minister of National Defence claimed in confidence, to whoever would listen, that the purchase was like sticking a fork in his eye.

Finally, in August of 2000, the Chrétien government announced plans to purchase 28 Maritime helicopters to replace the Sea King naval helicopters. The Maritime Helicopter Project was valued at \$2.9 billion and was comprised of four separate contracts, not the single procurement that the aviation industry had been told to expect or that the Department of National Defence and Public Works and Government Services had prepared documentation for over several months.

The project was to be awarded on the basis of lowest price compliance, which is a process, as we all know, that violates Treasury Board guidelines. Industry was baffled. Clearly, the Chrétien government was so fearful to be put in the place of having to purchase the EH-101 again that it formed the so-called “Grey committee” to ensure that they would not have to face a choice, because the choice was between an EH-101 and an EH-101.

In the dark of the night, I believe a group of ministers decided to alter this process to prevent the EH-101 from ever winning the contract, and in their rush to be clever by half, sideswiped the Sikorsky S-92 with a restricted certification process. Again, an estimated \$1.9 billion was hidden from the taxpayer in contracts that would have to be signed after award, and that would pay for 20 years plus service of long-term in-service support. Department of Defence engineers burned the midnight oil all that fall in an attempt to produce separate documentations to support four contracts.

Industry screamed “bloody murder” and it was rumoured, throughout the aviation industry, that the president of the Canadian Aerospace Industry Association had to quietly go to the Grey committee to attempt to plot a path through the procurement and political minefields ahead. EH Industries, the producer of the most expensive EH-101, the Cormorant, and thus the most vulnerable competitor in a lowest price compliant process, immediately took the government first to the International Trade Tribunal and then to the Federal Appeals Court. The Eurocopter Cougar was withdrawn from the competition by its French company when it found out that it could not make the grade to pass the Statement of Operational Requirements. Sikorsky asked for changes to the specifications and contract process that made unreasonable certification demands on its new H-92 that was to have a certification before it was even built. Lastly, NH Industries demanded changes to the specifications or it would withdraw. Part of the problem for its competitor, the NH-90, rested in the fact that it came as a package and, thus, could not compete in a split procurement.

On December 5, the government admitted to major problems in a split procurement process and announced they would merge all four contracts for the Sea King replacement into one project. The terms “bundling” and “unbundling” came from this process.

Hon. Shirley Maheu (The Hon. the Acting Speaker): Honourable Senator Forrestall, I regret to inform you that your time for speaking has expired. Are you seeking leave to continue?

Senator Forrestall: Yes.

The Hon. the Acting Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Forrestall: This the Liberals would do to speed up the process, and lower the risks and the costs — at least so they claimed. In fact, it was almost the direct opposite of what the Chrétien government had claimed only two years earlier. The total value of the new contract was not released because, at the very least, it would be equal to the \$5.8 billion alleged EH-101 program costs that the Liberals campaigned against in 1993 due to the merger of airframe, emissions systems and their in-service support costs into one project.

• (1540)

In January of 2003, with a second war on the horizon in the last two years, this time with Iraq, the Sea King is still flying, and likely will not be replaced, according to government documents, before 2012 to 2015. Every year of delay costs Canadian taxpayers in excess of \$100 million and, every year, costs for the Sea King community rise, both at home and on the high seas. At home, there is frustration and concern about the day the aging and unreliable Sea King will fail to make it back to base safely. On the high seas, the Sea King crews are frustrated. For every hour of flying, it takes at least 30 hours of maintenance to keep it in the air, and then it fails to take off approximately 60 per cent of the time. Even when it gets airborne, its missions fail at least half of the time, making the mission somewhat of a sideshow. They are frustrated that the government does not seem to understand or really care for their well-being.

Lastly, honourable senators, there is a fear that, one day, a Sea King will thunder into the deck of a multibillion dollar frigate in the North Atlantic, causing severe damage to the plane, the vessel, and, God forbid, to the crew.

It is time that we move to rectify this situation, to stop the bleeding, to give the Canadian Armed Forces a ship-borne helicopter replacement that has three, not two, engines, and that can accomplish the feats off the East Coast and off the West Coast that the EH-101 has done and has been noted in the press over the last two or three months. I thank you for your attention.

On motion of Senator Bryden, debate adjourned.

SANCTIONING OF MILITARY ACTION AGAINST IRAQ UNDER INTERNATIONAL LAW

MOTION—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Roche, seconded by the Honourable Senator Taylor:

That the Senate notes the crisis between the United States and Iraq, and affirms the urgent need for Canada to uphold international law under which, absent an attack or imminent threat of attack, only the United Nations Security Council has the authority to determine compliance with its resolutions and sanction military action.—(*Honourable Senator Rompkey, P.C.*).

Hon. B. Alasdair Graham: Honourable senators, this motion stands adjourned in the name of Senator Rompkey. With his permission, I would like to speak today, if it is agreed.

Hon. Bill Rompkey: Agreed.

Senator Graham: Honourable senators, I rise to speak to the motion of our honourable colleague Senator Roche, which was introduced in this chamber on October 8, 2002. I congratulate Senator Roche for his initiative, as well as all senators who participated in the debate.

Senator Roche argues that Canada cannot escape the serious consequence of a war with Iraq and that it is in Canada's direct interests to work to stop it. Go on the offensive for peace, we are advised. As the intervening months have proven, global public opinion has, in fact, gone on the offensive. The tidal waves of peace and peace demonstrations across this planet have shown that humanity does not want war. In fact, Patrick Tyler of *The New York Times* wrote last week that there are now two international super powers: the United States of America and world opinion.

Polls tell us that the majority of Canadians are now part of the arsenal of the second super power, but I believe that that does not mean that the very close ties that bind the people of Canada and the United States have lessened. I believe all Canadians understand and sympathize with the enormous sadness and frustration felt by our close ally and friend south of the border in

the aftermath of 9/11. Ours is a partnership between two great nations that has always transcended borders. When I say, "Let the United Nations do its work; let the United Nations continue to develop new resolutions and new ways to curb the multi-faceted threat Iraq poses, both to the region itself and to the broader international community," this does not, in any way, detract from my great affection, admiration and, indeed, respect for the United States or its people at this very difficult time.

I might add that this is a time of great creative opportunity for the United Nations. This is an historic time when windows of opportunity abound. It is a time when the world community has come to the United Nations with unprecedented concerns, with a depth of thinking, and with resolve and a determination to avoid war that is unmatched in the 58-year history of this wonderful institution.

Over the last few weeks, honourable senators, I have sought out references to help with my own thinking on our present difficulties. I hearken back, today, to the words of a great Canadian I once had the privilege to know. When Lester Pearson accepted the Nobel Prize for Peace in 1957, he gave a speech that I commend for reading to all honourable senators. It is called "The Four Faces of Peace." In order to achieve peace, he said:

... what is needed is a new and vigorous determination to use every technique of discussion and negotiation that may be available, or, more important, that can be made available for the solution of the tangled, frightening problems that divide us today, in fear and hostility...and thereby endanger peace. We must keep on trying to solve problems, one by one, stage by stage, if not on the basis of confidence and cooperation, at least on that of mutual toleration and self-interest.

Tangled, frightening problems. The tragedy of war. Use every technique of discussion and negotiation that is available. Lessons from the past. A message from 1957 from a diplomat, professor of history, cabinet minister, war veteran and, later, Prime Minister of Canada.

This is a message that is about creating peace and saving human lives. It is about taking the time to put humanity first, and it is about rejecting the quick fix based on emotion and frustration, no matter how solidly rooted those reactions are in the kinds of depraved attacks the American people have suffered. Yes, Pearson's message possesses a wisdom that cuts across generations and decades, across politics as we know it, and ideologies, across developing and developed countries in this current unhappy world of ours. It is about letting the United Nations do its work. It is about putting all of our resolve, all of our determination and the best of our diplomatic talent into the service of the kind of passionate internationalism for which Canadians are renowned.

• (1550)

I am not one of those who believe that Canadians should follow the lead of the United States merely because it may be economically or politically helpful to do so. The Right Honourable Jean Chrétien had one of his finest hours as Prime Minister of this country when he went to Chicago two weeks ago

to deliver an important message to the Council on Foreign Relations and, indeed, to the American public. It was a message that he has stated over and over again. His message has been that multilateral institutions are essential to managing our world. I quote from that speech. He said that "...the long-term interests of the United States will be better served by acting through the United Nations than by acting alone." Later in that speech he said, "...given a proper chance, the United Nations will fulfil its obligations to the world community."

Honourable senators, one cannot overstate those words: "...given a proper chance, the United Nations will fulfil its obligations to the world community." Despite all the pressures of today, I believe we must continue to exercise patience. We must exercise restraint. We are faced with enormously tangled difficulties that seem to defy our very human capabilities. Much of the international community has not been persuaded that pre-emptive strikes against Iraq are supported by international law, or, even more important, that they are necessary at this particular moment in time.

However, try telling that to many Americans still reeling in the aftermath of the tragedy of 9/11. Their perception is enormously different from that of the Europeans who have remained free from attack in these dangerous times. Americans now understand the full significance of national security and are acutely conscious that all instruments possible must be brought into play to secure it.

Europeans, on the other hand, are in a very different phase in their history. They have been engaged in a remarkable process of ceding aspects of sovereignty to the European Union. Europeans have experienced the horrors of two major wars on their territory, and many believe that war is no longer an acceptable instrument of national policy.

Canada, whose gaze is often fixed on their gigantic neighbour south of the 49th parallel, and its people are better equipped to understand the American perception of what national security entails. While many Canadians may fail to see an immediate security threat coming from the tyrant, dictator and butcher of Baghdad, Saddam Hussein, they are, both through instinct and understanding, fully aware that one must treat American perceptions as reality.

As well, many thoughtful Canadians are legitimately fearful that, if we support our ally without reservations with regard to the exercise of military force against Saddam Hussein, we will contribute to undermining the international system that our two countries have worked so hard to build.

Honourable senators, right now the heart of that international system, the United Nations, is home to small and middle-sized countries speaking their minds, airing their opinions and expressing their resolve. The world's foremost power sits in the same committee rooms, often frustrated and bewildered. The point is that the United States is still there.

Let the United Nations do its work. No matter what the outcome, have faith that the international organization will prove conclusively that these have been some of its finest hours and that

we will continue to see that, while the international community generally abhors Saddam Hussein, the same community abhors war much more.

Canada must do everything it can to avert the tragedy of war. We must do it for the international institutions that the global community has built together for over half a century. They are the only means we have to reach a modicum of peace and security in this new century. We must do it for the tens of thousands of innocent Iraqis who will die, bound to the insidious lust for power of a pariah regime, which is, we must remember, only one among many. We must do everything we can to avert the tragedy of war for the United States itself and for its place in the world. It is a country that has been a force for good in so many corners of the globe, but it risks, more now than at any time in history, being misunderstood and isolated as a lonely superpower.

Honourable senators, we must undertake all of this through the arsenal of our diplomacy. Canada is an experienced middle power, and our flag is respected around the world. This week and the next may prove to be the milestones in terms of the way future generations will write about war and about peace. Canada must continue to make it clear that war is a last resort and that a war with Iraq will be no cakewalk. It will be brutal and ugly, and there will be great loss of life on all sides.

While there is much discussion of the benefits of regime change, and while every diplomatic, political and military strategy, short of war, must be employed to remove Saddam Hussein, we must remember that the process of reconstruction of Iraq, after Saddam, will be difficult, costly, and require a united, long-range vision.

The deep sadness inherent in the beating heart of anti-Americanism, in all its ambivalence, can be felt in this little poem I saw recently in the London *Guardian Weekly*. It was written by Saadi Youssef. It was translated from Arabic. I quote from that poem:

I too love jeans and Treasure Island
and John Silver's parrot and the balconies of New Orleans.
I love Mark Twain and the Mississippi steamboats and
Abraham Lincoln's dogs.
I love the fields of wheat and corn and the smell of Virginia
tobacco.
But I am not American.
Is that enough for the Phantom pilot to turn me back to the
stone age.

• (1600)

All honourable senators have read about the sad sweep of European anti-Americanism to the extent that many of America's most admirable qualities — in many circles, the proud democratic principles of the great republic, "the land of the free," "the home of the brave" — have been eroded beyond recognition. John LeCarre wrote in *The Times* of London last month that "America has entered one of its periods of historical madness, but this is the worst I can remember."

Honourable senators, I am one who would urge Europeans to think twice before engaging in the convenient simplicity of anti-Americanism.

The Hon. the Acting Speaker: Honourable senators, Senator Graham's speaking time has expired. Is leave granted for him to continue?

Hon. Senators: Agreed.

Senator Graham: Honourable senators, an incident at an international conference that I attended in 1979, 24 years ago and 10 years before the Berlin Wall came down, may be worth recalling. The conference was held in the old Reichstag, in then West Berlin. A resolution had been introduced proposing that the Europeans go it alone with a European alliance. Obviously, the objective was to reduce dependence on NATO. The scuttlebutt in the halls was that the Europeans were worried about what they perceived to be indecisiveness on the part of then President Jimmy Carter. They also thought that Ronald Reagan would win the upcoming U.S. election. They feared not so much Reagan, but the independent hard line of those around him.

When it came time for me to speak to the resolution, I invited the delegates to take what we referred to in North America as a "7th inning stretch." I remember it as though it happened yesterday.

Outside, you could hear the ominous rumbling of tanks as they patrolled in the vicinity of the building, which, in effect, formed part of the Berlin Wall. When all the delegates were standing, I urged them to turn around and, through a couple of large windows at the back, I directed their attention to the soldiers on top of the observation tower on the East Berlin side of the wall. There they were, automatic rifles at the ready and binoculars focussed on the windows of the large auditorium in which we were meeting. "As soon as the Russians start coming over that wall," I said, "we will all be calling for our friends, the Americans, to come and help us out once again." The resolution was defeated.

Honourable senators, I believe that, in these times, Canada has an enormous responsibility on the international stage to ward off the dangers of an all-encompassing clash of civilizations. As a multicultural country that is internationally renowned for tolerance and respect for diversity, and as a country that shares an enormous continent with the world's only superpower, we possess an understanding and a global appreciation that is rare in these difficult times.

As we speak in this beautiful chamber today, our diplomats are working overtime, here at home and at the United Nations, using every technique of discussion and negotiation that may be available, as Lester Pearson once advised. The Canadian compromise on Iraq speaks to all sides at a time when our great powers of bridge-building are, once again, imperative to the resolution of a grievous threat to peace and security.

As the next critical weeks unravel, our diplomats and statesmen must, and will, remain active internationalists, as they have been over the decades and as they are proving to be so brilliantly today, building compromise and consensus in the organization that we so effectively helped to create.

[Senator Graham]

Let them get on with their work and remember that, given the proper opportunities, the United Nations will fulfil its obligations to the world community. Peace depends on it, and I believe we still have time to give peace a chance.

Some Hon. Senators: Hear, hear!

Hon. Lowell Murray: Honourable senators, may I ask the honourable senator a question?

Hon. Senators: Agreed.

Senator Murray: The honourable senator urged us, several times during the course of his speech, to urge the world to allow the United Nations to do its work. How does Senator Graham define "the work" of the United Nations in respect of Iraq in light of the various UN resolutions that have been placed on the record over the past 10-12 years?

Senator Graham: Many resolutions have been passed in respect of Iraq. I recognize that UN Security Council Resolution 1441 encompasses all of the resolutions that were passed and, indeed, ignored by Iraq. We now have the latest resolution, which was introduced by the United Kingdom on behalf of the United States and Spain, I understand.

How will the United Nations deal with Iraq? I think that we have come to a new stage in the evolution of our relations with Iraq and with that part of the world. I am not one who believes that inspectors should be given an open-ended instruction to continue their work for months without coming to some kind of strong resolution. However, I have great confidence in Dr. Hans Blix and if he were to ask for more time for his inspectors, we would come closer to achieving a resolution.

Senator Murray: I appreciate the reply that the honourable senator has given. However, to put it more precisely, is the job of the United Nations, in respect of Iraq, to inspect Iraq; or is the job of the United Nations, ultimately — in my friend's view, that would be something short of a few months — to inspect and disarm Iraq?

Senator Graham: Yes. I would respond very much in the affirmative.

Senator Murray: The honourable senator referred to the Canadian compromise. I am aware that, yesterday or the day before, the Canadian ambassador made a statement at the UN. Could Senator Graham describe the Canadian compromise?

Senator Graham: The Canadian compromise is to urge for more time for the inspectors to do their work and to have a specific deadline as to when the inspectors must present a final report.

Senator Murray: Has the deadline been specified?

Senator Graham: We are unsure of a specific deadline. I believe that the Canadians were talking about two weeks, but I do not know if an exact date was suggested.

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): What will happen next?

Senator Murray: Dr. Blix has put forward for a March 1 deadline for Iraq to destroy its missiles. However, I believe that Canada is talking about a general deadline for the disarmament to take place. I wish to ask another question which, I hope, is not unfair. I ask it more to stimulate contributions from other honourable senators during the course of the debate. My party and a number of other people in the country have taken the position that Canada should not be associated with any military action against Iraq unless that action is sanctioned by the United Nations. That position is close to Canadian public opinion.

• (1610)

In light of the existence of five vetoes at the United Nations Security Council, is the honourable not concerned about that position? If we and other countries thought that military action was necessary, and it was vetoed by one of the five powers at the United Nations, does our prior commitment not to go to war except under the United Nations not constitute a veto of our foreign policy, even though we and the other countries may feel that course of action is necessary?

Senator Graham: The honourable senator's question speaks to two points. First, I believe the veto powers of the five permanent members of the Security Council needs review. Second, my position would be that we should not go to war against Iraq without the approval of the United Nations.

Senator Murray: Does the honourable senator agree that, as far as Canada is concerned, the Prime Minister has left all options open?

Senator Graham: That is why he is such a great leader, honourable senators, and why he has been the Prime Minister of this country for the last 10 years.

Hon. Douglas Roche: I should like to congratulate the honourable senator and thank him for a perceptive and sensitive speech, which has done the Senate proud. I hope that it gets the wide circulation it deserves. However, I do have a question to put to the honourable senator.

My question is in the context of what Senator Graham said, namely, that Canada is an experienced middle power and has an enormous responsibility and a great capacity to bridge-build. I agree with that position. Would the honourable senator draw on his own experience and tell us how the two positions that I will outline briefly can be bridged?

The first position is in the resolution of the United States, the United Kingdom and Spain tabled yesterday in the UN. There is only one operative paragraph after the preamble; it says "Iraq has failed to take the final opportunity afforded to it in resolution 1441." The translation of that is that we are ready to go to war because Iraq has not complied.

France, Germany and Russia put the second, and polar opposite, position forward in a memorandum today, which says, "Inspections have just reached their full pace. They are

functioning without hindrance. They have already produced results." Therefore, if you favour this position, you favour a deeper inspection process and not war.

Can these two positions be bridged? What can Canada do, while maintaining its position of credibility in bridge-building, to make a contribution to the UN that could avert war?

Senator Graham: Honourable senators, Senator Roche is absolutely right. We have had a reputation for bridge-building as a middle power and as a non-interventionist country. I believe that, as I indicated, we should keep talking. I would not favour, under any circumstances, a pre-emptive strike or going to war on the basis of the latest resolution that has been tabled on behalf of the United Kingdom, the United States and Spain.

The resolution itself that the honourable senator mentioned is being sent back to all the capitals of the world that may be involved. My understanding is that it will be discussed again at another private meeting on February 27.

In the meantime, I am sure that Canada will be able to live up to the wonderful traditions that were set by people like Mr. Pearson, through the Prime Minister, who is in regular contact with the leaders of the world, our foreign minister and our ambassador to the United Nations, with whom I had an opportunity to meet and discuss this matter when I was at the United Nations with the Inter-Parliamentary Union in the latter part of November.

Senator Roche: If Senator Graham has the opportunity to speak with the Prime Minister of Canada, I hope that he will convey the message that he is on the right track in trying to build this bridge and that he has many Canadians behind him in this process.

Senator Graham: I would be happy to deliver that message on behalf of Senator Roche, who is well known at the United Nations as a former ambassador for disarmament. He has a serious interest, as we all do, in matters of this kind.

Hon. Marcel Prud'homme: Honourable senators, I join with the honourable senator in thanking Senator Graham for his speech. I listened attentively in my office. That is one advantage of being so close to the Senate chamber.

In order to understand the situation of today, I am of the strong view that one must go back to in history to see how this situation started and how we reached this point. Senator Graham is a prominent member of the Standing Senate Committee on Foreign Affairs and a friend. I see here in the Senate at least one surviving member of the famous Committee on Foreign Affairs chaired by Senator van Rогgen, which, for three years, studied the Middle East and Canada's interests in that region. Senator Murray played a major role in the early 1980s, until another senator who sits on that side, whose name I will not mention, took over. They are the two surviving members who sabotaged the study of that committee after three years. That will be part of my speech when the debate eventually is in my name.

Does the honourable senator not agree that, for the better understanding of honourable senators, pressure should be brought to bear on the Standing Senate Committee on Foreign Affairs to have at least, as I said in my speech last week, an open meeting for all honourable senators interested, so that they may be briefed on the situation in the Middle East? I am not referring to the daily accidents, incidents, murders and counter-murders. I am referring to briefing that would add to our knowledge of the present situation.

I hope Senator Graham will join me in my efforts in the weeks to come, because, if war with Iraq comes about, it will be horrible, not only in Iraq, as people think, but also in other parts of the world. If something were to happen there, it would unleash hate and other difficulties around the world. I hate the word "terrorism," but we are all familiar with the concept. Anyone who has followed this situation for 40, 10 or even 5 years knows that concept.

• (1620)

Would it be wise and advisable for what is in my opinion the most prestigious committee of the Senate, the Standing Senate Committee on Foreign Affairs, to at least revisit this issue? I know the pressure committee members are under to revisit the study that was undertaken by some of the most prominent senators of the time, including former Senators Lapointe, Hicks, Flynn and Macquarrie, all prestigious senators who gave three years of their time to this study. At the end of the day, the results of the committee were sabotaged.

Is it not time, 20 years later, regardless of the pressure and the difficulty, to revisit and study the true role of Canada in the Middle East? In that way, we might become educated.

Today, we heard about Mr. Pearson in 1957. I would speak about Mr. Pearson in 1947 at the United Nations and his role at that time.

Would the honourable senator work within his party and join with me to pursue this endeavour? I do not wish to speak against anyone. I wish to ensure that we are better informed and that we play a role. Canada has a role to play. Has not the time come to play our role? By being better informed, we might play a better role.

Senator Graham: Honourable senators, that was a long preamble to the question, which was repeated on several occasions. However, I do understand, with the greatest of respect, the intense interest of Senator Prud'homme in this problem and in that particular part of the world. I agree with the honourable senator that if war breaks out in Iraq, it will spread to adjacent countries.

With respect to the specific representation of the honourable senator, I would be happy to bring the matter to the Foreign Affairs Committee and especially to its chairman.

Hon. John G. Bryden: Honourable senators, I should like to ask Senator Graham a question following on a supplementary I had planned to ask Senator Murray.

Is Canada's clear position that we would not agree to military action without the support of the UN? What would happen if one of the members of the Security Council were to use their veto? If every member of the Security Council, except for a single country using its veto, supported a final decision that there was no way to accomplish the enforcement of the resolution except by armed intervention in Iraq, what would be Canada's position?

I do not wish to put words into the mouth of the honourable senator because none of us know, but would that not give a significant reading to the vast majority of countries represented at the Security Council, even if France, for example, decided to use its veto? If the United States is standing against public opinion, where is public opinion in this situation?

Senator Graham: Honourable senators, there is talk that France could use its veto power or may even abstain. If France abstains and the resolution passes, I believe that Canada must support the United Nations.

Senator Bryden: What is the view of the honourable senator on a question that is asked regularly in relation to this difficult situation: Why must we move now when there have been violations for a long period of time? What has generated the absolute, total commitment of the United States to reach a conclusion with Saddam Hussein at this time? What would be a satisfactory conclusion?

The Americans began with a demand for a regime change. Then they asked for the elimination of weapons of mass destruction. Then they pushed for disarmament. Does that mean every handgun? The point that I am getting at, and on which I should like the honourable senator to give an opinion, is this: Is there any limitation to concessions or surrender that the regime of Saddam Hussein must agree to that would stop the United States from going in and cleaning up the job?

Senator Graham: I wish to thank the Honourable Senator Bryden again. The goal is total, absolute disarmament and nothing less. Again, we must put our faith in Dr. Blix to make that kind of determination and to make the recommendation to the appropriate authorities at the United Nations.

I have tried to explain that the agitation in the United States was obviously heightened by the events of 9/11. The honourable senator asks "Why now?" because it has been 10 years since the Gulf War and many breaches of UN resolutions on the part of Iraq. There has been little or no conformity whatsoever.

I was invited to go to NORAD a couple of years ago, shortly before 9/11. I recall speaking to our military people at NORAD and to the Americans about how proud I was of the role that our own Armed Forces were playing at that fascinating place inside Cheyenne Mountain. I came away from there convinced that the biggest threat in the world is terrorism. The biggest threat is not missiles that might come from a power such as the former Soviet Union or a rogue state. I came away with two impressions: The biggest threat to the world is terrorism with a missile that could be

fired from a huge ocean-going vessel, as an example. The second biggest threat is North Korea, because I was told then that they have armed missiles that can hit the West Coast of the United States and/or Alaska.

Senator Bryden: Many interesting questions arise out of what the honourable senator has just said, but I wish to be brief. I believe the Bush administration has a problem that surrounds this issue. The problem is one of credibility with regard to their absolute and categorical statements of what the purpose is — their absolute and categorical statements that Saddam Hussein has weapons of mass destruction, chemical weapons, biological weapons and the means to make nuclear weapons.

• (1630)

People have asked how the Bush administration knows that he has these weapons. The answer that one finds on the Internet is that they have the receipts.

Yesterday morning, I heard on CBC radio the serious allegation that parts of the famous 1,200-page report that was given by Saddam Hussein to the United Nations was also given to the United States in its unlaundered version.

Senator Stratton: Is this a speech or a question?

Senator Bryden: I am getting to the question.

The allegation was that the names of the companies that supplied the chemicals, the drawings and the plans, and the names of the people who were involved in supplying the intelligence to enable Saddam Hussein to use these weapons during the war on Iran were expunged from this document and are only now coming to light.

My question relates to credibility. We started out with a war on terrorism. The Bush administration took the position that they would get Osama bin Laden, which they have not done, and that they would stifle terrorism, which they have not been able to do, although we wish they had.

When we are totally frustrated at every turn in our objectives, we go home and kick the cat. Does President Bush simply want to attack a handy target? Would “war on Iraq” be a misnomer? Would it not really be a live fire exercise using real people as targets?

Does the honourable senator believe that the Bush administration has a serious problem of credibility in this case?

Senator Graham: Honourable senators, I am looking forward to Senator Bryden’s speech on this issue. I do not want to question the motives or the credibility of the Bush administration.

When I visited NORAD, the raging question of the day was nuclear missile defence systems, which were then being promoted by the U.S. military and George W. Bush, systems that had been talked about by his father when he was president. Of course, Canada took a neutral position. Indeed, some had spoken against a nuclear missile defence system. I believe our colleague Senator Roche made statements in that regard in this chamber.

The question arises: Who will defend North America? Will we leave it all to the United States? Does Canada have a contribution to make? I believe that we do, but we will not make that contribution by imputing motives to our friends south of the border. However, we must be honest. I said in my speech that I would not be one of those who would support unilateral American action merely for political or economic reasons.

Senator Bryden must draw his own conclusions with regard to whether he has seen the receipts as a result of 10 years of surveillance after what happened between the United States and Iraq and, in particular, Saddam Hussein, and as a result of the work of all the operatives of the United States and other countries who have been examining the situation from the inside, hopefully for the right reasons, that is, to disarm and bring peace to that part of the world and to the world as a whole.

Senator Kinsella: Honourable senators, I join with other honourable senators in thanking Senator Graham for his speech.

Senator Graham spoke of the tragedy of 9/11. If I understood him correctly, he argued that in the light of that horrific experience one might understand the American psychology.

Is it his view that there is a relationship between the disarming of Iraq, a process begun in the early 1990s, and 9/11, which occurred a decade later?

Senator Graham: I thank the Honourable Senator Kinsella for that question. He earlier made a brilliant contribution to this debate from a legal standpoint. I had to read his intervention several times in order to understand the technicalities of international law that the honourable senator brought forward.

Senator Bryden asked the question that Senator Kinsella is now asking: Why now? I think there is a direct relationship between the events of 9/11 and the actions that are being taken at this time in terms of timing.

Senator Kinsella: In the analysis of Senator Graham, the American response is somewhat akin to its response to the attack on Pearl Harbour, which, in the analysis of many, was justified as they had been directly attacked.

Does Senator Graham think that the current American policy is a similar response to the attack on the twin towers? Is this their justification for a possible armed invasion of Iraq?

Senator Graham: It may have something to do with the timing of the response. When President Bush visited the site of the horrific blast that took down the twin towers, he spoke through a megaphone. A fireman said, “Speak louder, we can’t hear you.” President Bush responded with words to the effect of, “Well, I can hear you, and the whole world will hear you and from us, and those responsible will be held to account for this dastardly deed.”

• (1640)

Senator Kinsella: This is what concerns me greatly. Is it the honourable senator's view that there is a causal relationship between the amassing of arms of mass destruction, which is one issue, and the decision of the world community that, subsequent to an invasion of a neighbouring country by Iraq 11 years ago, the tragedy in New York on September 11 is justification for a potential invasion of Iraq? Is this causal relationship distinct from the issue of Iraq having invaded a country and having used weapons of mass destruction? The world community has said, through various resolutions, including 1441, that Iraq has a moral obligation to get rid of those weapons.

I wish to understand the argument made by those who try to connect 9/11 to Iraq having weapons of mass destruction, which the world community has said that they must get rid of.

Senator Graham: I think there are two different situations.

Senator Kinsella: Agreed.

Senator Graham: I think that 9/11 is the catalyst that responds, again, to Senator Bryden's question of "Why now?" Resolution 1441 is replete with resolutions and referrals and broken promises. After Iraq invaded Kuwait, the world responded and got certain undertakings from Saddam Hussein. However, despite all the resolutions passed by the United Nations, promises have been broken. I think there is a direct connection between the timing of the present response and 9/11.

On motion of Senator Rompkey, debate adjourned.

The Senate adjourned until Wednesday, February 26, 2003, at 1:30 p.m.

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