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THE HONOURABLE DAN HAYS
SPEAKER

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THE SENATE

Wednesday, March 19, 2003

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

Prayers.

[Translation]

ROYAL ASSENT

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

RIDEAU HALL

March 19, 2003

Mr. Speaker,

I have the honour to inform you that the Right Honourable Adrienne Clarkson, Governor General of Canada, signified royal assent by written declaration to the bill listed in the Schedule to this letter on the 19th day of March, 2003, at 10:01 a.m.

Yours sincerely,

Barbara Uteck
Secretary to the Governor General

The Honourable
The Speaker of the Senate
Ottawa

Bill Assented to, Wednesday, March 19, 2003:

An Act to promote physical activity and sport (*Bill C-12, Chapter 2, 2003*).

[English]

SENATORS' STATEMENTS

INTERNATIONAL CRIMINAL COURT

INAUGURAL CEREMONY

Hon. A. Raynell Andreychuk: Honourable senators, on March 11, 2003, the International Criminal Court, ICC, held its inaugural ceremony, thus marking an important date for both the international community in its efforts to eliminate gross violations of human rights wherever they may occur, and also for Canada. The panel of 18 judges of the court selected, from amongst their peers, Philippe Kirsch, a respected Canadian diplomat and legal expert, to be the first President of the International Criminal Court. The 18 people elected to the court, upon taking oath at the swearing-in ceremony last week, formally took up office as judges of the International Criminal Court.

As of March 11, 2003, 89 countries had joined the International Criminal Court. These 89 members are expected to select a prosecutor at the end of April of this year. Once this step has been taken, the court will be able to investigate and prosecute individuals accused of crimes against humanity, genocide and war crimes in those countries that are party to the Rome Statute, which created the court. The ICC is to complement existing national legal systems and will only prosecute individuals in cases where national courts are unwilling or unable to investigate or prosecute such crimes.

The International Criminal Court represents an important development for international law in combating impunity. It is an honour for Canada to see one of our own chosen to be the first president of an institution that has the potential of playing a key role in bringing to justice those found guilty of crimes against humanity, genocide and war crimes.

WOMEN'S INSTITUTE OF PRINCE EDWARD ISLAND

Hon. Catherine S. Callbeck: Honourable senators, I rise today to recognize the members of an organization that has contributed, and continues to contribute, a great deal to my home province. I am talking about the Women's Institute of Prince Edward Island, which is observing its 90th anniversary this year.

This organization was first established in 1913, in the community of Marshfield. It is an educational organization that focuses on family, community action and personal growth. Its objectives include stimulating and developing leadership, promoting understanding of economic and social problems, and local, national and international understanding and tolerance. The organization undertakes projects and activities in areas such as agriculture and food, Canadian industries and safety, citizenship and legislation, cultural activities, the environment, international affairs, home economics and health.

The organization and its members were instrumental in establishing the first music and drama festivals in my province. Over the years, they have raised untold dollars for health care and other issues important to Islanders.

• (1340)

The Prince Edward Island Women's Institute has had many accomplishments over its 90 years. The annual roadside cleanup is one such initiative, which was first held in 1973. Every spring, they take the responsibility for cleaning up the garbage that has accumulated there over the winter. This initiative of the women's institute contributes greatly to my home province's reputation as the cleanest in Canada.

I am pleased to say that the Women's Institute of Prince Edward Island boasts the second largest membership in Canada. Today, I want to offer my sincere congratulations and appreciation to each and every member of the Prince Edward Island Women's Institute on their ninetieth anniversary. They really form the backbone of our rural communities.

THE LATE DR. GRACE SPARKES

TRIBUTE

Hon. Ethel Cochrane: Honourable senators, I rise today in tribute to one of Newfoundland and Labrador's most vocal advocates, Dr. Grace Sparkes, who passed away recently at the age of 95.

Grace Sparkes was well known to people across the province as a teacher, a politician, a journalist, an activist, an actress and a volunteer. She was an ardent supporter of responsible government and, through her work and community involvement, served as an inspiration to generations of Newfoundlanders and Labradorians.

History remembers Grace Sparkes as the first woman to enter politics in our province. In fact, she ran for the Progressive Conservative Party in our first provincial election in May of 1949. She also ran in the first federal election, which was held one month later. While she did not win either of those contests, she forced the door wide open for other women to enter political life.

Over the decades, Dr. Sparkes' political convictions never wavered and her energy never waned. Even in later years, she approached new experiences with enthusiasm — whether it was in her work with the Kiwanis Music Festival, countless speaking engagements or personal development courses, such as the computer and golf lessons she took in her later years.

She was a lifelong learner who thrived on challenge and never wasted a moment. When she was in her seventies, for example, an age when most of us turn to retirement, she began her role as Grandma Walcott in the much loved CBC series *Tales from Pigeon Inlet*.

To many, Grace Sparkes was best known for her passionate campaign against Confederation. She simply did not believe that joining Canada was in the best interests of her beloved Newfoundland and Labrador.

Honourable senators, the province's place in Confederation remains a topic lively debated to this day. As I am sure honourable senators are aware, the province's Royal Commission on Renewing and Strengthening Our Place in Canada is set to release its report in June. Sadly, for the people of my province, one of the most important and steadfast voices in this continuing debate will be absent.

CANADA-UNITED STATES RELATIONS

WAR WITH IRAQ

Hon. David Tkachuk: Honourable senators, our Prime Minister has announced that he, therefore we, are not supporting the United States' action in Iraq because the Security Council has not explicitly voted in favour of this action. I know that many Canadians are appalled by the actions of our government and believe that we should be supporting the United States government in their quest to remove Saddam Hussein from power and rid Iraq of its accumulated weapons of mass destruction.

By supporting United Nations Resolution 1441, which passed unanimously last fall, Canada supported the call for the

immediate disarmament of Iraq or else it would face serious consequences. There was no doubt to anyone what serious consequences would mean.

It has been almost five months since the passage of that resolution. Most nations would be hard pressed to believe that Iraq has disarmed, even though many other nations believe that he is disarming.

It is interesting that Iraq has had the choice to disarm and destroy its weapons of mass destruction for the last 12 years. The choice to disarm and destroy them at any time in the last 12 years would have meant an end to sanctions, improved trade and a better life for all the people of Iraq.

Why did Saddam Hussein choose not to disarm? It is obvious that the rulers of Iraq were more comfortable with the status quo, because they intended to continue their arms production, or at least continue to conceal their weapons from the world so that they could be used at a later time against Israel, perhaps Kuwait or, as the United States suspects, to sell their weapons to terrorists to be used against the people of the United States.

The Americans will attack with their "shock and awe" campaign as an example to the world of what will happen to anyone who harbours and funds terrorists who have hostile intentions toward the United States.

The terrorist organization al Qaeda, by its attack on the United States, showed the world that they were capable of great evil for no apparent reason. However, now rogue states that thought they could have their way with the United States will find that there is great resolve in our neighbour to the south.

Honourable senators, it seems that many Canadians believe that what happened south of the border has little relevance to our well-being. We will find out that this protected and naive premise is false.

Our Prime Minister, who did not have the courage or grace to telephone the President of the United States to inform him of his decision, showed little regard for our long friendship and, I believe, has done irreparable damage to our relationship. I will warrant that this does not bode well for our economic future.

Today, standing here as a senator and a Canadian citizen, I want to declare my support for the actions of the Government of the United States, the Prime Minister of Britain and the Prime Minister of Australia. May they succeed in their noble endeavour and may they liberate a poor and enslaved people from a tyrant who rules them. May they dispose of Saddam and his sons to the ash heap of history.

For the other despots and oppressors out there, I hope that the world powers will continue their fight against terrorism and not bow down to the pressures of those whose vision does not include a better world ahead.

JUDGE PHILIPPE KIRSCH

CONGRATULATIONS ON BEING ELECTED PRESIDENT OF INTERNATIONAL CRIMINAL COURT

Hon. Douglas Roche: Honourable senators, I want to join in calling to the attention of honourable senators that a distinguished Canadian, Philippe Kirsch, has been elected the first President of the International Criminal Court. This is an honour for both Mr. Kirsch, who has had an exemplary career in Canada's foreign service, and for Canada, which played a leading role in the development of this critically important international institution.

The court is now up and running at its base, The Hague, and 18 judges from several countries were elected. Judge Kirsch was then elected president by his peers.

He chaired the negotiations at the 1998 Rome diplomatic conference that produced the ICC statute. He also chaired the preparatory commission throughout the 1990s. He is a recognized expert in international humanitarian and criminal law.

Judge Kirsch's most recent post in the Department of Foreign Affairs and International Trade was as Canada's Ambassador to Sweden. I first met him when we served together at Canada's mission to the United Nations during the 1980s, where his great skills as a diplomat were evident.

• (1350)

He is now called to preside over the administration of justice in the prosecution of individuals for genocide, crimes against humanity and war crimes. I am sure that all Canadians wish Judge Kirsch great success as he steers the course of international justice in the years ahead.

[Translation]

ROUTINE PROCEEDINGS

YUKON ENVIRONMENTAL AND SOCIO-ECONOMIC ASSESSMENT BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-2, to establish a process for assessing the environmental and socio-economic effects of certain activities in Yukon.

Bill read first time.

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

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

LOBBYIST REGISTRATION ACT

BILL TO AMEND—FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-15, to amend the Lobbyist Registration Act.

Bill read first time.

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

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

SPECIFIC CLAIMS RESOLUTION BILL

FIRST READING

The Hon. the Acting Speaker informed the Senate that a message had been received from the House of Commons with Bill C-6, to establish the Canadian Centre for the Independent Resolution of First Nations Specific Claims to provide for the filing, negotiation and resolution of specific claims and to make related amendments to other Acts.

Bill read first time.

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

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

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO HEAR PROFESSOR NICOLE LAVIOLETTE

Hon. Shirley Maheu: Honourable senators, I give notice that tomorrow, Thursday, March 20, 2003, I shall move:

That the Standing Committee on Human Rights be authorized to invite Professor Nicole Laviolette, from the University of Ottawa, to present her Report of the "Principal International Human Rights Instruments, to which Canada has not yet acceded."

[English]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY LEGAL AID

Hon. Catherine S. Callbeck: Honourable senators, I give notice that on March 20, 2003, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs be authorized to study the status of Legal Aid in Canada and the difficulties experienced by many low-income Canadians in acquiring adequate legal aid for both criminal and civil matters.

QUESTION PERIOD

NATIONAL DEFENCE

WAR WITH IRAQ—DEPLOYMENT OF TROOPS

Hon. A. Raynell Andreychuk: Honourable senators, during the war on terror, the government announced that the JTF2 were being sent to the gulf area. Can the Leader of the Government assure us that the JTF2 is not now operating in the Gulf area, and will not be deployed in any way in the impending intervention in Iraq?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, as I indicated to the chamber yesterday, no Canadians will be engaged in active combat during the war against Iraq.

PERSIAN GULF—RULES OF ENGAGEMENT

Hon. A. Raynell Andreychuk: Could the Leader of the Government endeavour to table in this chamber the rules of engagement that have been issued to our naval and air forces operating anywhere in the Persian Gulf or in the area of the Arabian Sea?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I do not think it would be appropriate to table rules of engagement when there are individuals who are engaged in a war. Our troops are indeed engaged in the war against terrorism. It would not be appropriate to table those and make them a public document.

UNITED NATIONS

PARTICIPATION IN THE EVENT OF SECURITY COUNCIL RESOLUTION TO SUPPORT WAR WITH IRAQ

Hon. John Lynch-Staunton (Leader of the Opposition): Honourable senators, should the Security Council pass a resolution or confirm a resolution for participation in the war against Iraq, is it fair to say that Canada would participate in that war?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada has been clear: They will support the United Nations.

Senator Lynch-Staunton: Assuming that this scenario could and may still happen, what form would Canada's participation take?

Senator Carstairs: Honourable senators, since it is a hypothetical situation, it would be speculation on my part to attempt to indicate in what way we would participate.

Senator Lynch-Staunton: It is not a hypothetical question, because Canada has considered the possibility of participation in the event of a Security Council resolution to that effect. Surely preparations have already been made and are now on hold. I think the country has a right to know what those preparations might be.

Senator Carstairs: Since the Security Council has not made such a decision, no decision has been made with respect to what that contribution might be.

Senator Lynch-Staunton: The conclusion, then, is simply that, whether the Security Council passed a resolution or not, Canada is not prepared and not able to participate in any action against Iraq?

Senator Carstairs: Honourable senators, I think that is the conclusion that has been reached by the honourable senator opposite. It is not a conclusion of the Government of Canada.

Hon. A. Raynell Andreychuk: Honourable senators, I have a supplementary question. Am I to take it that there is no involvement of Canadian personnel directly in Iraq, as the honourable leader has stated, but should the situation change, we will then begin the planning? Therefore, we would have, in some cases, a six-hour to 24-hour turnaround to engage in? Otherwise, what is the situation, if she is saying that these conclusions are hypothetical?

Senator Carstairs: Honourable senators, obviously it is highly unusual for the United Nations to take an instant decision. Should such a motion be put before the Security Council of the United Nations, we know they will be engaged in a certain amount of debate. At that point, plans may indeed be made.

Asking me today to give a reply to a "what if?" scenario will only receive a "what if?" answer. I am not prepared to go down that road.

• (1400)

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Will the honourable minister advise this house what steps the Government of Canada is taking today to prepare resolutions for other similar types of intervention at the United Nations to deal with the situation that is unfolding in Iraq? Will we go to sleep, as we have been for ever so long, doing so little, so late?

Senator Carstairs: Frankly, honourable senators, I do not think we have done so little, so late. We have made it very clear that we will be a participant in the rebuilding of Iraq should a war occur there. I think we are all under the belief that such a war will take place. I indicated to Senator Di Nino yesterday that plans are already underway with respect to rebuilding that country. As to any other hypothetical situation, I think it is entirely inappropriate to comment.

FOREIGN AFFAIRS

WAR WITH IRAQ— USE OF WEAPONS OF MASS DESTRUCTION

Hon. A. Raynell Andreychuk: Honourable senators, if we have no contingency plans, we are putting ourselves and certainly our troops in an untenable situation. Surely the key is not what the United Nations will do but what Saddam Hussein will do. As early as this morning, France said that, should chemical or biological warfare start, it will be in the war with the United States. The question is: Will we be there and will our troops be ready to move that quickly? It is not a question of resolutions and hours and days. It is a question of whether we will be able to help the Iraqi people should Saddam Hussein take the action that some people fear he might if an intervention by the United States occurs.

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, first, there is no proof that chemical or biological weapons exist in Iraq. There have been many theories, but Dr. Blix, with all of his investigators, could not find them. He was looking for proof that Iraq had destroyed these weapons. That proof was never brought forward.

If Saddam Hussein turns on his own people, then there may well be a further resolution of the Security Council. At that time, we will do what we have always said we would, namely, support the resolution of the Security Council.

WAR WITH IRAQ—RESPONSE TO ATTACK ON ISRAEL

Hon. David Tkachuk: Honourable senators, it seems we have no foreign policy whatsoever. The only thing we will do is whatever the United Nations does. Obviously, we are not taking sides on this war.

If Iraq attacks Israel, will we then participate and support the Americans, or will we continue to maintain a neutral position?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, clearly the position of Canada is that we chose not to participate in this war because we believed that the case had not been made that war needed to happen at this time. If there are alternative positions in the sense that changes happen, I am sure that the Security Council will act; and if the Security Council acts, then the Government of Canada will support that action.

Senator Tkachuk: Honourable senators, what happens if they act in a way that goes against our foreign policy? France has a veto. If the United Nations will not assist Israel, what will be our position?

Senator Carstairs: Honourable senators, the statement made by the honourable senator a few minutes ago demonstrates the wide variance between us. He clearly believes that we should be at war with Iraq now. I clearly believe, as does the Government of Canada and the vast majority of Canadians, that we should not be at war with Iraq.

Some Hon. Senators: Hear, hear!

MEETING ON REGIME CHANGE IN HAITI

Hon. Consiglio Di Nino: Honourable senators, I seem to take the minister off the hook whenever it gets a little heated in the chamber. Perhaps I can create my own heat.

The March 15 edition of the magazine *L'actualité* carries a story about a secret meeting at Meech Lake last January to discuss regime change in Haiti. This secret initiative is referred to as the "Ottawa Initiative on Haiti" and is being led by the Secretary of State for La Francophonie. Could the Leader of the Government in the Senate tell us if this meeting actually took place?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I cannot honestly say whether this meeting took place. I have no information whatsoever on such a meeting.

Senator Di Nino: Honourable senators, will the minister please undertake to find out whether it did take place, or at least make an attempt?

POLICY ON REGIME CHANGES IN OTHER COUNTRIES

Hon. Consiglio Di Nino: Honourable senators, I assume that Mr. Vastel's story in *L'actualité* has a kernel of truth attached to it. Yesterday in the House of Commons, when asked about regime change in Iraq, the Prime Minister said:

...I always have spoken very clearly that the position of changing of regimes in different countries is not a policy that is desirable at any time... In the present system, it is for the local people to change the government.

Yet, according to *L'actualité*, the Ottawa group is to meet again in April to further discuss regime change in Haiti.

Can the Leader of the Government tell us what exactly is the policy of the Government of Canada on regime change?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, I think the honourable senator has quoted perfectly from the Right Honourable Jean Chrétien yesterday. That is the policy on regime change.

Hon. Laurier L. LaPierre: Does the Honourable Leader of the Government in the Senate know that Liberals do not use Meech Lake for meetings since it was the place where Mr. Mulroney slept with the Americans?

CITIZENSHIP AND IMMIGRATION

UNITED STATES—EFFECT OF REQUIREMENT FOR NEW TRAVEL DOCUMENTS

Hon. Donald H. Oliver: Honourable senators, my question is for the Leader of the Government in the Senate. It deals with the impact of new U.S. border laws on Canada.

In October 2004, the United States will require all visitors to that country to have biometric-capable travel documents. This information includes such things as fingerprints, retinal scans and facial recognition. The enhanced border security and visa reformat will go into effect at major border entry points and entry points elsewhere by 2005.

Honourable senators, many countries around the world may not have the resources to provide new travel documents with this particular type of information to their citizens, making it difficult, if not impossible, for them to enter the United States. That may very well mean a sharp rise in the number of people making various types of immigration claims in Canada instead.

Does the federal government have any concerns about the potential fallout in this country over the new American legislation? If so, has Citizenship and Immigration Canada raised these concerns with its American counterparts?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the United States makes its own policies on a number of areas, including provisions on entry to and exit from their nation. We have absolutely no control, as the honourable senator well knows, over those decisions. However, we are cognizant of the fact that should the United States become a much more difficult country to enter — much more difficult not only for visitors but also for potential immigrants and potential refugees — there may be an extra burden placed on our immigration service. Ongoing discussions are taking place with the United States on a number of issues, including our concerns about these new border initiatives.

• (1410)

HEALTH

VIRULENT PNEUMONIA VIRUS— TRAVEL ADVISORY ON VISITING ASIA

Hon. Terry Stratton: Honourable senators, my question is addressed to the Leader of the Government in the Senate with respect to the pneumonia outbreak taking place around the world. There have been many news reports in recent days about a new, deadly viral strain of pneumonia that originated in Asia and has now come to Canada, apparently, as a result of air travel. There are presently reports of at least 11 probable or suspected cases of this disease in Canada, giving this country one of the highest numbers of confirmed cases outside of Southeast Asia.

The World Health Organization has issued a rare, worldwide health threat, since 219 people have fallen ill and 14 have died from this infection, including two people in Toronto.

This past weekend, the U.S. Centers for Disease Control advised Americans travelling to affected areas, including Canada, that they might wish to postpone their trips until further notice.

My question is for the Leader of the Government in the Senate: Is Health Canada considering issuing a similar travel advisory to urge people not to travel to Southeast Asia for the time being?

Hon. Sharon Carstairs (Leader of the Government): I thank the honourable senator for his question. Severe acute respiratory syndrome is a serious illness that seems to have begun in Southeast Asia. China and Singapore seem to be the two most relevant sites at this time.

The honourable senator used the phrase “as a result of air travel.” This disease is not contracted through air travel, but rather as a result of having been in the places where SARS, as they are calling it, exists. I wish to make that distinction.

The Department of Health did issue a travel advisory on March 16, 2003.

VIRULENT PNEUMONIA VIRUS—POLICY OF AIR CANADA ON CHECKING IN PASSENGERS

Hon. Terry Stratton: Honourable senators, Hong Kong's Cathay Pacific Airways has announced that it has ordered staff not to check in any passengers who are showing signs of the illness. This decision was replicated by airlines in Vietnam, Australia, Japan and New Zealand. Could the Leader of the Government in the Senate tell us if Air Canada has considered a similar policy?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, Health Canada has asked airport officials at Pearson International and Vancouver International to carefully monitor passengers arriving from Hong Kong to determine whether anyone has flu-like symptoms. I cannot tell the honourable senator, however, whether passengers boarding an Air Canada flight in Hong Kong are being subjected to that same provision, but I will try to obtain that information quickly.

NATIONAL DEFENCE

LEVEL OF ALERT AS A RESULT OF TERRORIST THREATS

Hon. J. Michael Forrestall: Honourable senators, yesterday I asked a question of the Leader of the Government in the Senate with respect to a heightened state of alert in Canada, and the situation with respect to the accompanying soldiers being sent to the Persian Gulf area. Is the minister in a position today to answer that question? Perhaps while she is on her feet, she might tell us whether Canada has increased the threat level.

To add to that question of yesterday, we notice in the press today that both Ottawa and Toronto are on a high state of alert. Perhaps this was done at the behest of the provincial government. If that is the reason for the alert, might the minister indicate that to us? My basic question is: Has the alert level been increased in Canada?

Hon. Sharon Carstairs (Leader of the Government): The answer that I will give the honourable senator is basically a repetition of the information that I gave to him yesterday. We are not aware of any specific threat to Canada at this time. Canada has been operating in a heightened security environment since September 11, 2001.

The Government of Canada is vigilant in assessing threats to national security. Our law enforcement and intelligence agencies are working to detect any emerging threats, and Canadians can rest assured that we will take every possible measure to ensure public safety and security.

Senator Forrestall: Honourable senators, I gather from all of that, what has been written and well read, that there has been no increase in the perceived level of threat to Canada as a result of the position in which the United States and its willing allies find themselves. I hope the minister is correct.

SEA KING HELICOPTERS OPERATING IN PERSIAN GULF REGION—NIGHT VISION EQUIPMENT

Hon. J. Michael Forrestall: Honourable senators, a question was raised on national television last night by the Canadian Broadcasting Corporation, which told us many things about the Sea King, but mainly that it cannot see. When we send a Sea King to the Persian Gulf, will it have night vision? Will the minister assure us that all of the Sea Kings operating in that region, and indeed anywhere, will have the capacity for night vision? Further, would she agree that the difficulty experienced in rescuing people at night has as much to do with the limited range and capability of the helicopters as it does with its lack of night vision?

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, that was a very interesting story last night on CBC. I watched the program, as did the honourable senator, obviously. However, they did not make mention of the fact that the Sea Kings that had been functioning in the area of search and rescue have now been replaced. Sea Kings are no longer being used in that capacity; the search and rescue helicopters are now Cormorants.

In terms of the honourable senator's specific question with regard to night vision, \$80 million in upgrades and capability enhancements have been made to the Sea King helicopters, as the honourable senator is aware.

As to the specific question with respect to night vision, I must indicate that I do not have any further information.

[*Translation*]

JUSTICE

MAINTENANCE OF ESTABLISHED LINGUISTIC RIGHTS—FEDERAL COURT DECISION—IMPLEMENTATION DEADLINE

Hon. Jean-Robert Gauthier: Honourable senators, my question is for the Honourable Leader of the Government in the Senate. She is very knowledgeable about the agreement that was to be reached between the Province of Ontario and the Department of Justice regarding contraventions on federal lands. This relates

particularly to federal airports, where the Province of Ontario was given the authority, for example, to make municipalities responsible for the general administration of contraventions.

On March 23, a few days from now, the current agreement will expire. The deadline is March 23 of this year, after the judge was forced last year to extend it by an additional year. Will the minister undertake to find out if an agreement has been reached between Ontario and the federal government with regard to contraventions?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, so far as I am aware, at this time there has been no agreement signed between Ontario and the Government of Canada in that regard. I recognize that the deadline is quickly approaching, and I will make further inquiries as to the status of that particular agreement. I hope to provide that information to the honourable senator very soon.

[*Translation*]

FOREIGN AFFAIRS

THE WAR WITH IRAQ—POLICY TO AID REFUGEES

Hon. Jean-Claude Rivest: Honourable senators, my question is for the Leader of the Government in the Senate. It seems that government policy goes no further than the Canadian government's decision not to take part in the war with Iraq.

Does the Canadian government intend to participate or to have a policy on the people and resources it could provide the unfortunate victims of this war? I am referring specifically to refugees. Will Canada be directly involved in helping and assisting every man, woman and child who seeks refuge in neighbouring countries to avoid this terrible war?

[*English*]

Hon. Sharon Carstairs (Leader of the Government): Honourable senators, the Government of Canada has made it very clear that it will be there for the victims of the Iraq war. They will also be involved in the rebuilding of Iraq following the war.

• (1420)

Taking the lead in this regard is the Honourable Susan Whelan, Minister for International Cooperation, but other departments are clearly also involved in this process.

As you know, an announcement was made earlier this week about an additional \$250 million to help Afghanistan in their rebuilding efforts. Canada sees this as an important role that we must play, particularly in war-torn, ravaged countries.

[*Translation*]

Senator Rivest: Honourable senators, what will happen to the Iraqi refugees?

[English]

Senator Carstairs: Honourable senators, the Iraqi refugees, it appears, would most likely go to Jordan at this time. In fact, Jordan has already begun to build camps should that unfortunate eventuality take place. The Canadian government has always had a strong policy of supporting refugees, and it is my understanding they will be there at this time as well.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

NATIONAL DEFENCE—COST OF DEPLOYING TROOPS AND EQUIPMENT INTO VARIOUS THEATRES

Hon. Fernand Robichaud (Deputy Leader of the Government) tabled the answer to Question No. 5 on the Order Paper—by Senator Forrestall.

ORDERS OF THE DAY

NATIONAL ANTHEM ACT

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Kinsella, seconded by the Honourable Senator Corbin, for the second reading of Bill S-14, An Act to amend the National Anthem Act to reflect the linguistic duality of Canada.—(*Honourable Senator Corbin*).

Hon. Eymard G. Corbin: Honourable senators, I will probably rise to speak tomorrow on second reading of Bill S-14.

Order stands.

[English]

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 Gustafson*).

Hon. Leonard J. Gustafson: Honourable senators, it is a pleasure to join in the debate initiated by my colleague Senator LeBreton on the legacy of waste during the Chrétien-Martin years.

Nowhere is waste and mismanagement more obvious than in the government's dealings with one of Canada's most productive and innovative industries, the agricultural sector. Many senators will know from the studies produced by the Standing Senate Committee on Agriculture and Forestry — and I am now referring to the excellent report, *Farmers at Risk* that was produced by that committee — that agriculture generates 9 per cent of Canada's gross domestic product and contributes \$5 billion to \$7 billion each year to Canada's trade surplus. In fact, agriculture and forestry are responsible for 35 per cent of all our exports, so they are very important industries.

Between 1993 and 1996, support to farmers was drastically reduced by the Liberal government. Over \$2 billion was eliminated from the federal government budget for agricultural support accounts, for a 55 per cent reduction under the Chrétien-Martin administration. Between 1993 and 1999, farm debt grew to \$15 billion. Over 4,000 farms have been declared bankrupt since 1993, with Saskatchewan accounting for 29 per cent of all the farm bankruptcies.

I will say that our committee considering the question of global warming has just been through the West, to Regina, Edmonton, Lethbridge and Vancouver. While we were dealing with that subject, we heard from different farmers and farm groups who told us about the very severe situation that agriculture is facing right now.

What has the Chrétien-Martin tag team done to support one of the most innovative industries in Canada? Let us take a look at Mr. Martin's earlier budgets as they dealt with agriculture. In the 1994 and 1995 budgets, the federal government cut funding to agriculture. In the 1996 budget, the federal government announced further cuts to agriculture.

Ironically, in 1997, the Minister of Agriculture was briefed about the looming income crisis. The minister's briefing book, obtained under an Access to Information application, warned:

Farm income is forecast to decline from 1997 to 1999, mainly as a result of lower grain prices. The decline in grain prices has already raised some concern in the farm community about the viability of the farm sector and the effectiveness of existing safety net programs.

Further, the minister was warned:

Farm income forecasts do not take into consideration savings, farm wages paid to other family members or off-farm income...

Unfortunately, this is one of the few industries in Canada where you need to have another job besides your main job of farming just to sustain your farm family.

In 1997, net farm income fell 55 per cent nationally. In 1998, farm cash receipts in Western Canada were down drastically. What was the response of the federal government when questioned about the adequacy of farm safety net programs? Lyle Vancilief, Minister of Agriculture, said in the House of Commons on October 28, 1998:

Mr. Speaker, I think we are showing political will, which is not cutting. We have one of the strongest safety nets in the world.

Honourable senators, we still do not have those in place, and it is getting on to close to 10 years later.

In 1999, farmers in Saskatchewan and Manitoba were flooded out. There was no declaration of disaster under the Disaster Financial Assistance Arrangement program — the DFAP — run by the Department of National Defence. There was no assistance to bring the lands back to productivity. Instead, the Minister of Agriculture flew over the fields, looked at the green weeds instead of yellow wheat, and flew home.

In 2001, farmers across Canada took to the cities on their tractors and demonstrated the need for support. Farmers in all parts of Canada were facing dropping incomes, and many were leaving their farms. In fact, since 1996, Canada has lost over 30,000 farmers, a reduction of 11 per cent, country-wide. These farmers walked away from their farms — family farms, many of which were nearly a century old.

• (1430)

In Saskatchewan, we have lost 34 per cent of our farmers in the last five years.

Another ad hoc program came in. It was inadequate and without a lot of planning.

Drought across Canada, from the Atlantic to the Pacific, hit farm incomes hard. In Nova Scotia, drought has hit three years out of four. In Western Canada, there has been severe drought over the last two years.

As an example of what has happened, I have two neighbours who brought cattle from Alberta and the western part of Saskatchewan. They have been hauling water to those cattle all winter because it is easier to move the cattle to the feed than the feed to the cattle.

We all remember that farmers in Eastern Canada graciously helped out by shipping feed and straw to Western Canada. That was commendable, even though it is a long way to ship feed and there are other problems involved in shipping.

Honourable senators, Canadians will be shocked to know that officials with Agriculture Canada admitted to the House of Commons Standing Committee on Agriculture, on April 30, 2002, that there was no plan to ask for additional money for drought relief despite the fact that all forecasts pointed to another drought year.

We never lose a crop in March or April, yet the outlook is not very good. The forecast for grasshoppers is very high. There are many unknowns in the agricultural field. However, it is nice to go into our grocery stores and see such a tremendous amount of food. Few countries have the quantity of food that Canada enjoys. I was in a new market the other day in Estevan, Saskatchewan. I believe it was an IGA. A person can almost lose their way in there because there are so many different varieties of food. Canada is very fortunate to have the food that it has, yet in producing a loaf of bread, farmers get six to eight cents.

Agriculture is a very important industry, and farmers feel that the government has let them down. Sir Leonard Tilley from Great Britain once made this statement, which I hope we all remember: "Destroy our farm and the grass will grow in the streets of every city in the country." One of the strongest recommendations for Canada and North America has been that we have always been able to feed ourselves and feed a great part of the Third World as well. We must never lose that ability. I hope that the experience of the last few years will teach us a lesson. We must deal with a very serious situation.

I have several other recommendations, which I hope are positive. What I have said is pretty negative, but it is the truth about what has happened to our agricultural industry. We must lay the facts on the table.

Canada is now in a new global economy as far as agriculture is concerned. We hear from specialists who say, "Stop the American and European subsidies and somehow things will all come out right." It will not happen. The Americans have just adopted a 10-year program with an additional \$191 billion in financing. In North Dakota, across the border from where I live, a bushel of wheat is subsidized by \$1.68 a bushel. How do we compete with that? I was a little upset when I heard that figure.

When Paul Tellier was moved to Bombardier from the Canadian National Railway, he was acclaimed for running the rail line in a productive way. It was a good thing to make the CNR a profitable company. However, it was the farmers who made the CNR profitable when they lost the Crow Rate because it cost them \$1 per bushel for every bushel shipped. I do not take anything away from Paul Tellier's accomplishments, but today, because of the problems that we face in agriculture, CNR does more business in the United States than it does in Canada. That gives honourable senators an indication of the situation we have been facing.

With regard to the global economy, we will not get off subsidies. The Europeans will not get off subsidies. They did one thing, however, and the United States is beginning to do it as well. They put agriculture, the environment and rural development under one caption and said that farmers alone cannot afford this. It must be the responsibility of all members of society.

I said earlier that the Agriculture Committee is studying global warming and has just travelled across Western Canada. The committee is chaired by Senator Oliver. We had good meetings, but there are problems. Farmers are concerned about the Kyoto Protocol. Where do the credits come from? They raised that issue

in every meeting. Who will pay the bills? Saskatchewan, for instance, is supposed to be the worst polluter because it has the greatest number of acres of arable land. On the other hand, it has the smallest population. There is a bit of an East-West thing happening here. I understand that the automobile industries have been forgiven and will not be too involved in this issue, and the farmers and oilmen in Western Canada are concerned. What will be the end result? Who will pay the bill?

We raised this question with Saskatchewan's minister. He acknowledged that there is no answer at this time.

Before I leave the subject of subsidies, we must abandon the idea that we will get them removed because that will never happen. We are into a new global economy and Canada will have to adjust.

I want to speak now about input costs.

The Hon. the Speaker: I am sorry to interrupt the Honourable Senator Gustafson, but I must advise him that his 15 minutes have expired.

Senator Gustafson: Might I have a minute or two more, honourable senators?

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

Hon. Senators: Agreed.

Senator Gustafson: I have several issues I want to deal with, one of which is input costs. Fertilizer costs have gone up over \$400 a ton. They are twice as high as they were two years ago. This is a major cost for farmers. Energy costs, as we know, have doubled. Today, farmers are asking themselves what they can plant that will at least cover the input costs and perhaps bring some profit.

• (1440)

We, in Canada, face a serious problem. There is no question in my mind that if we keep the farmers on the farms, they will produce dollars for the country. They are good, hard workers. They will be productive. I believe it is the responsibility of all of us, honourable senators, to do our best to convince governments of their role in helping farmers survive this difficult time that we are facing.

I know that the word going around is that farmers are always complaining. I tell you, honourable senators, farmers, right now, are discouraged, especially the young ones; they are leaving the farms, and that is unfortunate. I leave honourable senators with this quotation, oft repeated, by Sir Samuel Leonard Tilley — his name was Leonard, you will notice: "Destroy our farms and the grass will grow in the streets of every city in the country."

Hon. Senators: Hear, hear!

On motion of Senator Bryden, debate adjourned.

[Translation]

FOREIGN AFFAIRS

MOTION TO REFER THE 2002 BERLIN RESOLUTION OF ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE PARLIAMENTARY ASSEMBLY TO COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Joyal, P.C.,

That the following resolution, encapsulating the 2002 Berlin OSCE (PA) Resolution, be referred to the Standing Senate Committee on Foreign Affairs for consideration and report before June 30, 2003:

WHEREAS Canada is a founding member State of the Organization for Security and Economic Co-operation in Europe (OSCE) and the 1975 Helsinki Accords;

WHEREAS all the participating member States to the Helsinki Accords affirmed respect for the right of persons belonging to national minorities to equality before the law and the full opportunity for the enjoyment of human rights and fundamental freedoms and further that the participating member States recognized that such respect was an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation between themselves and among all member States;

WHEREAS the OSCE condemned anti-Semitism in the 1990 Copenhagen Concluding Document and undertook to take effective measures to protect individuals from anti-Semitic violence;

WHEREAS the 1996 Lisbon Concluding Document of the OSCE called for improved implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms and urged participating member States to address the acute problem of anti-Semitism;

WHEREAS the 1999 Charter for European Security committed Canada and other participating members States to counter violations of human rights and fundamental freedoms, including freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism;

WHEREAS on July 8, 2002, at its Parliamentary Assembly held at the Reichstag in Berlin, Germany, the OSCE passed a unanimous resolution, as appended, condemning the current anti-Semitic violence throughout the OSCE space;

WHEREAS the 2002 Berlin Resolution urged all member States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic and to issue strong, public declarations condemning the depredations;

WHEREAS the 2002 Berlin Resolution called on all participating member States to combat anti-Semitism by ensuring aggressive law enforcement by local and national authorities;

WHEREAS the 2002 Berlin Resolution urged participating members States to bolster the importance of combating anti-Semitism by exploring effective measures to prevent anti-Semitism and by ensuring that laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism;

WHEREAS the 2002 Berlin Resolution also encouraged all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries;

WHEREAS the alarming rise in anti-Semitic incidents and violence has been documented in Canada, as well as Europe and worldwide.

Appendix

RESOLUTION ON ANTI-SEMITIC VIOLENCE IN THE OSCE REGION

Berlin, 6-10 July 2002

1. Recalling that the OSCE was among those organizations which publicly achieved international condemnation of anti-Semitism through the crafting of the 1990 Copenhagen Concluding Document;
 2. Noting that all participating States, as stated in the Copenhagen Concluding Document, commit to "unequivocally condemn" anti-Semitism and take effective measures to protect individuals from anti-Semitic violence;
 3. Remembering the 1996 Lisbon Concluding Document, which highlights the OSCE's "comprehensive approach" to security, calls for "improvement in the implementation of all commitments in the human dimension, in particular with respect to human rights and fundamental freedoms," and urges participating States to address "acute problems," such as anti-Semitism;
 4. Reaffirming the 1999 Charter for European Security, committing participating States to "counter such threats to security as violations of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief and manifestations of intolerance, aggressive nationalism, racism, chauvinism, xenophobia and anti-Semitism";
 5. Recognizing that the scourge of anti-Semitism is not unique to any one country, and calls for steadfast perseverance by all participating States;
- The OSCE Parliamentary Assembly:
6. Unequivocally condemns the alarming escalation of anti-Semitic violence throughout the OSCE region;
 7. Voices deep concern over the recent escalation in anti-Semitic violence, as individuals of the Judaic faith and Jewish cultural properties have suffered attacks in many OSCE participating States;
 8. Urges those States which undertake to return confiscated properties to rightful owners, or to provide alternative compensation to such owners, to ensure that their property restitution and compensation programmes are implemented in a non-discriminatory manner and according to the rule of law;
 9. Recognizes the commendable efforts of many post-communist States to redress injustices inflicted by previous regimes based on religious heritage, considering that the interests of justice dictate that more work remains to be done in this regard, particularly with regard to individual and community property restitution compensation;
 10. Recognizes the danger of anti-Semitic violence to European security, especially in light of the trend of increasing violence and attacks regions wide;
 11. Declares that violence against Jews and other manifestations of intolerance will never be justified by international developments or political issues, and that it obstructs democracy, pluralism, and peace;
 12. Urges all States to make public statements recognizing violence against Jews and Jewish cultural properties as anti-Semitic, as well as to issue strong, public declarations condemning the depredations;
 13. Calls upon participating States to ensure aggressive law enforcement by local and national authorities, including thorough investigation of anti-Semitic criminal acts, apprehension of perpetrators, initiation of appropriate criminal prosecutions and judicial proceedings;

14. Urges participating States to bolster the importance of combating anti-Semitism by holding a follow-up seminar or human dimension meeting that explores effective measures to prevent anti-Semitism, and to ensure that their laws, regulations, practices and policies conform with relevant OSCE commitments on anti-Semitism; and
15. Encourages all delegates to the Parliamentary Assembly to vocally and unconditionally condemn manifestations of anti-Semitic violence in their respective countries and at all regional and international forums.—(*Honourable Senator Kinsella*).

Hon. Noël A. Kinsella (Deputy Leader of the Opposition): Honourable senators, I rise to speak on Senator Grafstein's motion to refer this matter with regard to the rise in anti-Semitism and, particularly, the OSCE's resolution to a standing Senate committee. After a discussion with Senator Grafstein, and following the remarks made by Senator LaPierre yesterday, it would be preferable, in our opinion, to refer this study and the preparation of a report on the matter to the Standing Senate Committee on Human Rights rather than the Committee on Foreign Affairs. At the end of my speech, I shall make a motion to this effect.

Honourable senators, I would like to start my comments today by telling the story of Angelo Joseph Roncalli, later to become Pope John XXIII, and who greeted a Jewish delegation to the Vatican in 1962 with the following words:

I am Joseph, your brother...

There is no doubt in my mind that John XXIII, author of the Encyclical "*Pacem in Terris*" — Peace on Earth — dreamed of a world where all religions would form one family.

For Canadians, this same idea of living together, as one family, is embodied by Saint Joseph. This idea highlights the importance of coexistence, *convivencia*, as the cornerstone of social and world peace.

I am therefore deeply concerned by news from B'nai Brith that 87 anti-Semitic incidents occurred last year right in the shadow of Montreal's Saint-Joseph's Oratory. Fourteen of these cases involved violence.

Honourable senators, the Parliament of Canada cannot ignore this rise in anti-Semitism, which is capable of undermining the political body of free societies, like a cancer.

The Senate of Canada must take a firm stand against this situation. The OSCE resolution must be referred to the Standing Senate Committee on Human Rights, so that it can report back to the Senate by June 30 of this year, as proposed in the motion.

The committee must recognize and condemn the rise of anti-Semitism and intolerance in Canada, and ensure that strong legislative measures are enacted to properly punish manifestations of intolerance. The committee should also have included, in its terms of reference, the study of preventative

measures, such as a campaign to promote awareness of the importance of diversity and multiculturalism. It must ensure that there is a free and open dialogue to find a solution to this problem.

The increase in violence against Jews is a worldwide phenomenon to which Canada has not been immune. Even though figures indicate that anti-Semitic feelings are twice as prevalent in Europe as in the United States, North America is not free of anti-Semitic violence, which is fuelled by negative attitudes towards Jews, stereotypes about Judaism, and physical attacks and violence against Jewish people, symbols and holy sites.

A study conducted by the Anti-Defamation League in spring 2002 found that 17 per cent of Americans are "unquestionably anti-Semitic," while this figure was only 12 per cent in 1988. A breakdown of American society into categories found that university professors were less likely to be anti-Semitic. The study showed that 3 per cent of professors held anti-Semitic prejudices, which supports the theory that education and principles can help to dissipate these stereotypes and attitudes. Honourable senators, the situation in Canada is truly disturbing. Between January and June last year, B'nai Brith, League for Human Rights, showed that there had been a 63 per cent increase in the number of anti-Semitic incidents over the same period in 2001.

Unfortunately, barely a few months ago, last fall to be precise, Canadians caught a glimpse of the high tensions caused by the situation in the Middle East, when students were beaten up, insulted and spit in the face at Concordia University. Many of these attacks were directed against Jewish students and were meant to protest against the visit by former Prime Minister Benjamin Netanyahu, who was at the university to deliver a speech to faculty and students.

The incident at Concordia University demonstrates the serious polarization with regard to the situation in the Middle East but, more important, it demonstrates that an unwillingness to discuss, listen and perhaps even learn may result in chaos and destruction. The fact that an institution of higher learning obstructs free discussion and free dialogue about such an issue seriously threatens basic rights and democracy.

• (1450)

Although open demonstrations of hostility toward Jews and the Jewish faith are in themselves a source of concern, it is essential to learn at all costs the root causes. Not only is the number of violent attacks on the rise, but anti-Semitism and systematic intolerance, which are difficult to quantify, are also growing. This wave of racism cannot help but be swollen by the distressing silence of citizens who, by practically refusing to acknowledge anti-Semitism and systematic or occasional intolerance, are isolating citizens who are members of minority groups.

Unfortunately, anti-Semitism is not the only scourge on the rise. Many other forms of intolerance and racism are increasingly popular. Islamists, Asians, Aborigines and African-Canadians are also targets, along with Jews. Intolerance toward these groups, although sometimes manifest, frequently takes the form of hostile comments or attitudes.

The silence of the public and of the government, which remains insensitive to the increase in the various forms of racial discrimination, is of particular concern. By tolerating the development of hateful opinions and attitudes toward Jews, we contribute to the alarming spread of anti-Semitism. Those who do not speak out against racist and discriminatory acts are as guilty as the perpetrators of those acts.

The Holocaust taught us about “sins of omission.” While millions of Jews were being killed, the great majority of the world’s population remained indifferent. Even today, there are still people who deny it ever happened! The denial of the existence of such a tragedy, which affected the whole world, not just the Jews, or downplaying its consequences, is direct and disconcerting proof that anti-Semitism is indeed on the rise.

In 2002, Ken Jacobson, National Director of the American Anti-Defamation League, said in a speech to the OSCE in Berlin that we recognize as anti-Semitism each aggression against Jews, Judaism or Jewish institutions. We must call upon people to intervene by condemning anti-Semitism as a form of racism that is unacceptable in Canada and the other OSCE member countries.

Canada is not the only country dealing with this problem, and we cannot fight anti-Semitism without the help of other countries around the world. This scourge afflicts Canada and all of the OSCE countries to varying degrees, and we must find a common solution. Any form of racism or anti-Semitism capable of surviving in our modern country and in our interrelated world can only hurt vital concepts like pluralism, diversity and peace.

Some people have expressed concern that the intellectualization of the conflict between Israel and Palestine has fuelled anti-Semitism among liberal thinkers who are sympathetic to the plight of Palestinians. We all know that the conflict between Israel and Palestine has been punctuated with violations of human rights and fundamental freedoms by both camps. Israel is certainly not above international humanitarian law and should be held responsible for any human rights violations that it has committed, just like any other perpetrator of similar acts. That said, disagreement with the Israeli government’s policies toward Palestinians is legitimate, but it must be clearly dissociated from anti-Israeli attitudes that could be construed as anti-Semitic.

During this difficult period of conflict, we must reaffirm our commitment to preserving our cultural diversity, because it can only be viewed as a guarantee for the development and well-being of humanity. Anti-Semitism or any other type of discrimination is not becoming of a country such as Canada, or any other country. We have to take a proactive approach to this global problem, which is gaining ground. The quick review of Senator Grafstein’s motion and the referral of OSCE (PA) Resolution to a standing Senate committee, so that it may think about the measures to be taken to react to anti-Semitism and intolerance, which are growing, about the methods of increasing awareness and about discussion forums, are an excellent first step in the right direction.

Honourable senators, let us behave like “Joseph, your brother.”

[Senator Kinsella]

Honourable senators, as I mentioned, Senator Grafstein and Senator Joyal have agreed that the resolution should be sent to the Human Rights Committee and not to the Foreign Affairs Committee. Perhaps we could agree to this too without a motion in amendment.

[English]

The Hon. the Speaker: This is something I think we could do. It would have to be done at the request of the mover of the motion, Senator Grafstein. However, there is a senator rising who, I think, wishes to participate in the debate.

Hon. Marcel Prud’homme: Honourable senators, members of a high-level Russian delegation are on Parliament Hill and I must serve as their host. They are being introduced right now in the House of Commons. As Chairman of the Canada-Russia Inter-Parliamentary Group, it is my duty to do what I have been asked to do.

I am interested in the subject matter of this motion. I could quote extensively from denouncements I have made over 30 years to the effect that anti-Semitism is one of our greatest cancers. I should like to participate in the debate because I should also like to add an addendum relating to how to combat the phobia against Islam that is becoming an immense danger for humanity.

With the kind permission of honourable senators, I wish to adjourn the debate. I will not drag my feet. I assure honourable senators that within a few days I will speak to the motion. I agree with the Honourable Senator Kinsella that, in due time, Senators Grafstein and Joyal could accept — we could make it unanimous — to send the resolution to committee, since I have already proposed that it should go to the Standing Senate Committee on Human Rights.

• (1500)

The Hon. the Speaker: We have two matters to deal with, honourable senators. If the mover and seconder agree and all senators give their leave, I believe there is a will to follow the suggestion to change the motion of Senator Grafstein where it states that the resolution “be referred to the Standing Senate Committee on Foreign Affairs.”

Hon. Jeremiah S. Grafstein: I want to thank all honourable senators, and I await Senator Prud’homme’s contribution to this debate. I do agree with the discussions with Senator Kinsella and our house leadership that the resolution should be amended so it is referred not to the Standing Senate Committee on Foreign Affairs but to the Standing Senate Committee on Human Rights. Perhaps we could deal with that issue and then let Senator Prud’homme take the adjournment. I will await his comments. After he has completed them, I might make a few final comments before we call the resolution to a vote and hopefully refer it to that committee.

The Hon. the Speaker: Is it agreed, honourable senators, that the words “Standing Senate Committee on Foreign Affairs” be replaced with the words “Standing Senate Committee on Human Rights”?

Hon. Senators: Agreed.

On motion of Senator Prud’homme, debate adjourned.

TRANSPORT AND COMMUNICATIONS

COMMITTEE AUTHORIZED TO STUDY MEDIA INDUSTRIES

On the Order:

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

That the Standing Senate Committee on Transport and Communications be authorized to examine and report on the current state of Canadian media industries; emerging trends and developments in these industries; the media’s role, rights, and responsibilities in Canadian society; and current and appropriate future policies relating thereto; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004,

And on the motion in amendment of the Honourable Senator Stratton, seconded by the Honourable Senator Lynch-Staunton, that the motion be amended by removing all the words after the word “authorized” and adding the following:

“to study the appropriate role of public policy in helping to ensure that Canadian news media remains healthy, independent and diverse, given changes in the media in recent years, notably globalization, technological change, convergence and concentration of ownership; and

That the Committee submit its final report to the Senate no later than Wednesday, March 31, 2004.”.
—(*Honourable Senator Prud’homme, P.C.*).

Hon. Marcel Prud’homme: Honourable senators, as I said to Senator Stratton and Senator Robichaud, I read the motion again and will not pursue it further. I am satisfied with the debate that took place, and the chamber can proceed to dispose of this motion. I will not delay the vote any further.

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

Some Hon. Senators: No.

The Hon. the Speaker: I will put the question in a formal way. Will those honourable senators in favour of the motion in amendment please say “yea”?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those honourable senators opposed to the motion in amendment please say “nay”?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the nays have it. The motion in amendment is defeated, on division.

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

Motion agreed to.

THE BUDGET 2003

INQUIRY—DEBATE ADJOURNED

Hon. John Lynch-Staunton (Leader of the Opposition) rose pursuant to notice of February 25, 2003:

That he 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.

He said: Honourable senators, I will limit my remarks to the budget process itself and not speak to its content because there are others on this side much more qualified than I.

I have been, as I have said here and elsewhere, preoccupied by the fact that our system of government should be improved to give the legislator more authority and more direction to the executive than is allowed now. I think nothing truer than that can be found in our own budget process.

On more than one occasion, I have compared the American legislative system to our own and urged that some of its features be incorporated in ours in order to give parliamentarians, particularly members of the other place, a more active and decisive say in legislation. In the United States, the separation of powers makes it impossible for the executive branch to dominate Congress, even if the President’s party controls it, while the executive in our country has near absolute control over Parliament as long as it has a majority in the elected house. These differences are nowhere more noticeable than in the budget process of the two countries.

In the United States, the President proposes, rather than tables, a budget to Congress by the first Monday in February. Both houses separately review the proposals in order to come to a joint agreement by the middle of April. The President can veto the intentions of Congress, in whole or in part. Reconciliation of differences can go on indefinitely, even leading to such extremes as a shutdown of government. This occurred in 1995, when President Clinton and the House of Representatives were in disagreement on the latter’s insistence on a balanced budget as a government priority.

While the American system can lead to extreme stalemate, it nonetheless involves both houses of Congress as partners, as neither the legislative nor the executive branch can dominate the process.

Contrast this procedure with our own, where Parliament's role is limited by the Constitution to approving the government's proposals, either in full or at a reduced level, or rejecting them altogether. This is because the Constitution grants the government the exclusive power to initiate expenditure proposals. In addition, tradition has it that any vote on a money bill is a confidence vote.

Another significant difference between the two systems is a consultation process. In the United States, this is ongoing at the executive and legislative levels before, during and after the budget is proposed. In Canada, for a number of years, there have been separate consultations by the Minister of Finance and the Commons Finance Committee during a given pre-budget period. However, once the budget is tabled, that is it. Any changes in taxation usually go into effect immediately, although the enabling legislation may not receive Royal Assent for many, many months.

As for the Main Estimates flowing from the budget, let me quote from a document entitled: "Budgeting and Management in Canada," submitted in June 1999 to the twentieth annual meeting of senior budget officials, sponsored by the Public Management Committee of the Organisation for Economic Co-operation and Development, the OECD.

• (1510)

I was unable to find the authorship on the paper. I can only assume that it was prepared by the Department of Finance. I quote:

Parliament does not approve the Main Estimates prior to the start of the fiscal year. The fiscal year starts on 1 April but the Main Estimates is not approved until just before Parliament's summer recess in late June. (Special provisions govern the funding of government during this interim period...). A quarter of the fiscal year has thus elapsed when Parliament formally approves the Main Estimates as proposed by the government.

Another factor limiting Parliament's role in the budget process is the fact that over 70 per cent of government expenditure does not require annual funding through the budget process but is rather "statutory" in nature. Such expenditures can be divided into three categories. First, interest payments and other public debt charges. Second, funding for transfer (grant) programs to provincial governments. The programs for the provinces, however, come up for renewal every five years. Third, various entitlement programs whose original enabling legislation granted permanent spending authority for them. There is no need for Parliament to approve appropriations on an annual basis for these programs, or even to discuss them at all.

These factors have conditioned Members of Parliament to devote little effort to a discussion of the Main Estimates. A recent report by the House of Commons Committee on Procedure and House Affairs included the results of a survey among serving Members of Parliament. Members were quoted as using expressions such as "a profound degree of dissatisfaction," "a total waste of time," "a cursory review," and "futile attempts to bring about change" to describe the current system. There has also been a very substantial turnover of Members of Parliament at recent elections which has severely diminished institutional knowledge of the complex parliamentary budget process.

To add salt to the wound, major budgetary changes rarely, if at all, result from Commons representations but rather from outside pressures. I would quote two striking examples that are, I am sure, familiar to many honourable senators.

In June 1963, then Minister of Finance Walter Gordon tabled his first budget, and less than one month later he was in near full retreat. In November 1981, Allan MacEachen tabled his budget. On December 18, about one month later, at the last sitting day before the Christmas break, according to the *Ottawa Citizen*, he announced, "32 changes to 17 different measures ... one of the most extensive budget revisions in Canadian history."

During this entire period, the House of Commons was nothing more than a spectator as the government in each case, faced with ferocious opposition from interest groups directly affected by the original proposals — opposition widely supported by editorial and other press comments — gave in to it and informed the House accordingly.

The Globe and Mail's article of December 19, 1981, on former Minister MacEachen's backtracking began as follows: "Bowling to complaints from businessmen and MPs in his own party....." Views of businessmen and others in the private sector were widely publicized, but nowhere can one find any public comments about "MPs in his own party" because these were obviously made in the privacy of caucus.

Honourable senators, I bring all of this up only to add to the argument that unless there is an involvement, a public involvement, by the House of Commons in at least debating tax changes before they are implemented and in having a vote in determining revenues and expenditures generally, its interest and participation in the entire budgetary process will continue to decline as it realizes how powerless it is in this area.

While the budget changes referred to earlier were at least first announced in the House of Commons, the present government's preference for ministerial statements to be made in surroundings decided by image-makers has now been extended to those directly related to the budget. Three days after the current budget was tabled, the Prime Minister announced in Shediac, New Brunswick, that, and I quote *The Globe and Mail* of February 22:

...It was "a mistake" to make a \$10 million grant for elite athletes conditional upon Vancouver getting the 2010 Winter Olympics and he never approved the measure... his intention all along was to increase funding, and tying assistance to the bid was never approved by him or even discussed with him.

One finds in this incident an admission that a Canadian budget is the preserve of a few select members of cabinet, that the Prime Minister's word is final, that Parliament can first hear of changes in the media and, as usual, any vote against the budget is considered a vote of non-confidence with all the consequences that that entails.

There was a time when the budget was considered so secret prior to it being delivered that any leak beforehand was enough to require the resignation of the Minister of Finance. Again, colleagues may remember the incident in the U.K. when, in 1947, the Chancellor of the Exchequer, on his way to the house to deliver his budget, was asked if cigarette taxes would be increased. The chancellor, Mr. Hugh Dalton, replied that people should buy their cigarettes early. A newspaper published this before Mr. Dalton began to read his text. The following day, he apologized to the house and resigned.

Contrast that to what happened in this country in 1983, one day before budget day. A television cameraman in the former Finance Minister Lalonde's office filmed portions of the French version of the budget, which showed a projected deficit of some \$31.2 billion and a \$4.6-billion job creation program. The following day, Mr. Lalonde delivered the budget showing that the job creation program had increased by \$200 million overnight and that the deficit had increased accordingly. Mr. Lalonde kept his job.

To me, these incidents only serve to question the whole idea of budget secrecy, particularly because in the last few years little in the budgets has come as a surprise, having been, for the most part, carefully leaked days, even weeks, before being made public.

Why not go one step further, the ultimate step, and have the budget presented as a set of proposals, submitted for discussion, and open to amendments and eventual disposal? As it is, only a few parliamentarians have more than a passing interest in either the budget or the Estimates, except for any item of interest to their constituents, as they simply have so little influence over them.

In the United States, Congress and the President are equal partners. The President proposes, the House and Senate assess, compromise, bargain, and eventually Congress submits a joint agreement to the President. He can veto all or part of it. Congress then can attempt to override the veto. The balance of powers works throughout the process. Is this not a preferable procedure, with all its flaws, to that in Canada, where the executive is the dominant party and the legislative is the passive spectator?

The current budget had been widely described as the Prime Minister's legacy and, by dedicating funds many years ahead, a clever way for him to commit a successor to projects for which he or she might show less enthusiasm.

I suppose things could be worse. In Quebec last week, no sooner had the government presented its budget than it immediately called an election. Ontario intends to introduce its next budget as a media event by having it made public at the end of the month in a television studio or in some room in a hotel — so much for the role of the elected representative. Budgets seem to have degenerated into little more than the ruling party's political platform, which, by any measure, is to be greatly deplored.

More deplorable, however, is that if action is not taken soon to give Parliament, particularly the House of Commons, increased authority over the budget process, one shared with the executive, then the traditional power over the purse will continue to lose meaning because Parliament will simply be reduced to authorizing expenditures with little, if any, significant influence over them.

The United States' experience may not be ideal and could lead to gross excesses, but it does show respect for the elected representative. For that reason alone, I am convinced that it has elements that, once modified to our needs, could go a long way in reversing a dangerous trend that has gone on for much too long.

Hon. Jack Austin: Honourable senators, I wish to address a specific question to the Leader of the Opposition in the Senate. I concur with him in his general thesis that Parliament, both chambers, in my view, should exercise far more inspection of government Estimates and spending. A suggestion was made to send budget papers and Estimates, as they become available in this chamber, to the appropriate committees. The Standing Senate Committee on National Finance would receive priority to choose, from all of the issues, those that it wishes to deal with in priority order. Other items would be sent to various committees. This would require a change in the rules. It was discussed, and seemed to have the support of the Rules Committee, in the last Parliament. Would the honourable senator comment on, and perhaps even endorse, the idea of a further responsibility on the part of this chamber to look at these spending and budget materials in the Senate?

• (1520)

Senator Lynch-Staunton: Honourable senators, that is done in the House of Commons. The Estimates are sent to each committee but, unfortunately, as I have read, the departments must contact the committee to find out when the committee will be deliberating on their Estimates.

The level of interest here is much greater. The work done by the Standing Senate Committee on National Finance is outstanding. Dividing up the Main Estimates and sending sections individually to each committee that has responsibility for a department is an excellent idea. It is a question of finding the time to do it within a certain time frame. We should do this if for no other reason than to make ourselves more aware of how government works and how the departments operate, including the intricacies of each department.

That is an excellent suggestion, and I would heartily support it.

Senator Austin: Honourable senators, I comment by way of an observation to the response just received. It would also make government departments and their officials much more sensitive to the views of the Senate.

Senator Lynch-Staunton: Quite right.

Hon. Anne C. Cools: Honourable senators, I rise to ask a question of Senator Lynch-Staunton, following on the question put to him by Senator Austin.

The evidence is that that system of referring the Estimates to many different committees in the House of Commons has failed in that place. The evidence is that the House of Commons is trying to make some corrections to that system. It seems to me that it would be unwise to adopt a system in the Senate that has been shown to be failing in the House of Commons.

Is the Honourable Senator Lynch-Staunton aware of the evidence that that system has been failing in the House of Commons?

Senator Lynch-Staunton: Honourable senators, I do not know if I would use the word "failure," but certainly it has not been a success. That is due largely, I am told, to disinterest on the part of a number of committees in looking at the Estimates. It is a fact that the other place, being a partisan house, the die is already cast before the Estimates are given proper study.

Here, as Senator Austin has suggested, we can do a better job because, as we have seen in the Standing Senate Committee on National Finance, partisanship is put aside. For the same reason, individual Estimates examined by individual committees would see that happen also. Our approach, from a partisan point of view, would be much different than what we see taking place in the House.

Senator Cools: In addition, Senator Austin's ideas could also be enhanced by perhaps the Senate employing the old concept of Committee of Supply, which is really a Committee of the Whole.

Would the Honourable Senator Lynch-Staunton comment on the idea of greater use of the Committee of the Whole on something like the Estimates? The evidence points in the direction that the process deteriorated because most Commons members no longer had a total experience with the Estimates as they had had with the old Committee of Supply.

The Committee of the Whole engages all members simultaneously. Currently, as bills or proposals go to one standing committee, there is only an engagement of a half dozen or dozen members at any given moment. By contrast, the Public Accounts Committee in the House of Commons at the turn of the century had about 90 members.

Has the Honourable Leader of the Opposition given any thought to the additional use of the Committee of the Whole? It is crystal clear, in the wake of the problem with the firearms registry, that much more scrutiny is needed. Even though the Standing Senate Committee on National Finance was scrutinizing the firearms program thoroughly, no minister responded. Has the honourable senator thought about this in any way? It is a most interesting phenomenon.

Senator Lynch-Staunton: Honourable senators, I have not given that concept great thought, but I have been disturbed that when the Estimates are brought before the Committee of the Whole in the other place, they are passed within half an hour without any debate whatsoever. The other place is the House that is supposed to be responsible for the power of the purse, and it absolutely abdicates that responsibility.

I do not know whether we have the time or resources to go through all of the Estimates. However, I would see some advantage in picking one or two every year and having a thorough examination in Committee of the Whole. It would not only acquaint us with the intricacies of each department but also alert the government that in a Committee of the Whole, the Senate can do on a broader basis that which we do in the Finance Committee.

Honourable senators, I would entertain that suggestion and hope that the Standing Committee on Rules, Procedures and the Rights of Parliament, and the Senate as a whole, would follow through on it. Certainly, I intend to pursue it.

Hon. John G. Bryden: Honourable senators, obviously Senator Lynch-Staunton has done a good deal of research and understands this process very well. During his research, has the honourable senator found other legislatures in the tradition of Westminster wherein a process such as that currently being proposed by Ontario is followed? The Premier of Ontario is proposing that the budget be presented to the media in a room at another site somewhere, rather than being tabled in the legislature. Does the honourable senator have any indication that this sort of thing has happened previously in a legislative system elsewhere?

Senator Lynch-Staunton: Honourable senators, I am not aware of that. I listened last night to the interviews of the Ontario Minister of Finance and the Speaker of the Ontario Assembly. That question was raised. The answer was "No, we are not aware of this happening anywhere in a system similar to ours" — by that they meant a Westminster system, of course.

Senator Bryden: Honourable senators, if that is the proposed process, I do not understand by what method it is proposed that the Government of Ontario will gain the approval of their budget. Will it be tabled in the legislature thereafter? Will they have a provincial referendum, or what?

Senator Lynch-Staunton: Honourable senators, as I understood the minister last night, only the budget statement would be read outside of the legislature, but all the legislation, the ways and means motions and so forth, would be tabled in due course. The actual reading of the statement is not required to be done before the legislature. It is like an economic statement, and could be done outside of the legislature, but the tradition is that it should be done before the elected representatives.

The minister was asked about the elected representatives and about honouring the tradition of addressing them. The minister said that they, too, will be invited to the studio or to the hotel room.

Hon. Serge Joyal: Honourable senators, I would like to commend the Leader of the Opposition for his contribution this afternoon. I was listening carefully to him, and I had the impression that what he said this afternoon was, in fact, the second part of the speech that he made at the Rotary Club in Calgary three years ago, I believe. I appear learned on that speech because I quote him in the book that Senator Murray and I are publishing, of which I hope our colleagues will have the benefit next month.

In fact, the issue raised by the Leader of the Opposition this afternoon goes to the heart of the institution. While listening to him, I had the deep conviction that I was listening to our former colleague Senator Stewart. Some honourable senators here were present at the time when Senator Stewart made his extensive knowledge and expertise available regarding the study of the Estimates, and the art of the Parliamentary system. We are supposed to be in a responsible government system. A government that is responsible is a government that must ask for the credit from the House.

Through the years, there has been a distinction between the House that must vote the credit and the house where the government is accountable. Being accountable means answering for each and every specific decision that you make. In the other place, the government is supposed to be responsible. That is where it will be defeated or maintain the trust. That is what we will know next week, with regard to the government's Estimates.

• (1530)

In fact, where the government is accountable is in this place, for all the reasons that the Honourable Leader of the Opposition has mentioned. First, it is because we have a long-term perspective. We are here for a longer period of time and we remember, from one year to the other, the kind of commitment that we got from the various departments and ministers. Second, we develop the expertise because, through those debates and questions, we learn from one year to the next. We can use the benefit of our professional knowledge to try to get from the government accurate accounts of what the government is doing.

Third, we are here on a continuing basis. It is not a kind of musical chairs. We maintain stability within the study of the Estimates. That is why, in my opinion, and in the thesis that Senator Murray and I developed in the book, the concept of the Westminster model has changed over the years. As a chamber of Parliament, we can play a significant and fundamental role in maintaining the principle of responsible government.

That is why I was so interested in listening to what the honourable Leader of the Opposition had to say, because this is a concept that is not understood in the other place. I am not inventing the words of the other place when I say that; it is their own report that mentions it. When we were arguing that we have different roles than the other place, this is, to me, the best illustration that our two Houses are complementary. We are not in competition with each other. We each have a specific role to

play. The art of that role is in the Estimates and the budgetary process.

Honourable senators, I hope that the Honourable Leader of the Opposition will continue his reflection on this subject because it is where we can illustrate the most significant parliamentary role of our house. If we can have the opportunity to debate those issues in the way that the honourable senator has been putting forward this afternoon, it will be helpful to improve governance in Canada for the public interest. When a government is not kept accountable, the government goes its own way, loses track of public opinion and the priorities of its citizens, and does not achieve the mandate for which it was elected.

Even though we are not elected, we have a significant role to play in the democratic system in Canada.

Again, I would like to thank the Leader of the Opposition for his contribution this afternoon.

Hon. Senators: Hear, hear!

The Hon. the Speaker: Did you wish to comment, Senator Lynch-Staunton?

Senator Lynch-Staunton: I am overwhelmed. I want to thank Senator Joyal for his remarks. He is right; this is a continuation of what was said in Calgary and elsewhere. Academics and others are fighting the same battle regarding the responsibility of Parliament and of government in its accountability. It seems to be that when a political party becomes the government, it suddenly likes the system through which it was elected and forgets the reforms that it has promised.

I am afraid this will go on too long. If we can take the initiative here, then fine. However, it must also be taken in the other place. As much as they are aware of the problem, I do not find many people over there who are keenly committed to at least proposing changes and trying to force changes.

On motion of Senator Robichaud, for Senator Carstairs, debate adjourned.

[Translation]

BUSINESS OF THE SENATE

Hon. Fernand Robichaud (Deputy Leader of the Government): Would honourable senators agree to let stand the remaining items on the Order Paper until the next sitting of the Senate?

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

Hon. Senators: Agreed.

The Senate adjourned until Thursday, March 20, 2003 at 1:30 pm.

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