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Tuesday, May 27, 2008



THE HONOURABLE NOËL A. KINSELLA
SPEAKER

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THE SENATE

Tuesday, May 27, 2008

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

Prayers.

SENATORS' STATEMENTS

USHER OF THE BLACK ROD

WELCOME OF MR. KEVIN MACLEOD

The Hon. the Speaker: Honourable senators, I would like to welcome our new Usher of the Black Rod, Kevin Stewart MacLeod, who is serving for the first time in chamber duty. Welcome to the Senate of Canada.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise today also to welcome our new Usher of the Black Rod, Kevin Stewart MacLeod.

The post of Usher of the Black Rod is one of the oldest continuously held offices in Canada, dating back to the first meeting of the Legislative Council of Lower Canada in 1791. No, Mr. MacLeod, you are not that old. You do not date that far back.

The origins of the Usher of the Black Rod can be traced to 1348 in the United Kingdom, where the House of Lords is served, much as our chamber is, by the Usher of the Black Rod.

A native of Boularderie Island, Cape Breton, Nova Scotia, Mr. MacLeod attended Carleton University and the University of Dijon, and holds a Bachelor of Arts and Master of Arts in History and International Relations.

• (1405)

Mr. MacLeod comes to us from the Department of Canadian Heritage where he has served for the past 22 years, most recently as Chief of Protocol. As Canada's leading expert on state ceremonial and protocol, our new Usher of the Black Rod has managed numerous royal visits, installations of Governors General, state funerals, Canada Day ceremonies and other national events. No doubt he is a familiar face to many senators who have seen him working to organize various national ceremonies that take place within the parliamentary precinct. During the 2005 royal visit, Mr. MacLeod served as Acting Canadian Secretary to the Queen.

In addition to his work at the Department of Canadian Heritage, Mr. MacLeod spent more than 15 years in the Canadian Air Force Reserve. He holds the distinction of being the only Canadian to have been promoted through all three levels of the Royal Victorian Order by the Queen. He is the author of a number of books, most notably *The Crown of Maples*, *La Couronne Canadienne*, which has recently been published by the Department of Canadian Heritage; and *A Stone on Their Cairn*, a historical fiction based in late Victorian Cape Breton. A

keen student of Canadian history, a proud Nova Scotian and an avid player of the bagpipes, Mr. MacLeod brings a diverse array of skills to the Senate.

I am sure that all honourable senators would like to join with me in wishing Mr. MacLeod well as he starts his new duties as Usher of the Black Rod. From a fellow Nova Scotian, a special welcome to you, Mr. MacLeod.

SASKATCHEWAN

PROPOSAL TO ELECT SENATORS

Hon. Pana Merchant: Honourable senators, I rise to address a program without a plan. The Saskatchewan government has just announced that it will join with Prime Minister Harper in tinkering with the appointments process to this house. They claim to have been working on this non-plan since 2006, yet they are musing about senatorial selection as a part of municipal elections. They have announced that they would elect a pool of six potential Senate appointees.

Examination of these two concepts is important. In the last municipal elections in Saskatchewan, voter turnout was only 22 per cent. That low turnout is not the only important factor: of devastating consequence in Saskatchewan is the fact that huge numbers of Aboriginal people are not eligible for municipal elections because they live on First Nations reserves or in areas where municipal elections do not occur. This non-plan would disenfranchise Aboriginal people who make up the largest and fastest-growing single group in Saskatchewan. By 2016, 45 per cent of Saskatchewan kindergarten students will be Aboriginal. They are the growth of my province. Democracy should not deliberately bar people from voting.

In the Saskatchewan non-plan, barring the Aboriginals is the first of the non-democratic and non-elected components of this plan. The second of the non-elected components comes from selecting a pool of six, at once, waiting to be appointed possibly in 2010, 2012 or even 2020, as long as 12 years from now. Two of our six Saskatchewan colleagues will serve until 2020.

I welcome our honoured colleague Senator Brown regardless of the process that brought him here. He received just over 300,000 votes and the population of Alberta is 3 million plus. Most important, elected once, appointed years later and serving for, perhaps, 20 years is not electing senators by any concept that Canadians will accept. You cannot tinker, because it is meaningless.

Honourable senators, this is the kind of tinkering that is under way by the Conservatives to give a spurious impression that democratic reform is taking place. Notably Ontario, Quebec, Nova Scotia, and Newfoundland and Labrador have all indicated that they will have nothing to do with this silly, unworkable and misleading proposal.

CANADA COMPANY

Hon. Hugh Segal: Honourable senators, I rise to pay tribute to Canada Company, an organization that was formed in 2006 for one express purpose: to bring Canadian community leaders together to support our troops in their work at home and abroad. Their focus is singular: ensuring that Canadians who serve, or wish to serve, in either the Canadian Forces or the Reserves receive the widest possible support and care for themselves and their families.

• (1410)

Canada Company's genesis was a compelling idea of Blake Goldring, one of Canada's leading business chief executive officers. As an example of their activities, early this month, Blake Goldring, Honorary Colonel with the Royal Regiment of Canada and Chair of Canada Company, officially welcomed 3045 Royal Canadian Army Cadet Corps into the Royal Regiment of Canada family.

The re-badging ceremony took place in Arctic Bay, Nunavut, and was made possible by Canada Company members. The 3045 is Canada's most northerly Quebec corps. At the ceremony, each member of the regiment was presented with a new Royal Regiment of Canada cap badge and the corps itself was presented with its new flag and colours.

We should all thank Canada Company for its good work. We owe a debt of gratitude to those who generously give of their time to support our women and men in uniform.

As much as the serving members appreciate what is done on their behalf by organizations like Canada Company, we, too, should take a moment to thank this organization on behalf of all Canadians for travelling to a remote part of Canada to recognize units like the 3045, as well as for the volunteer and generous support they give Canada's men and women in uniform all year long, right across the country.

PRINCE EDWARD ISLAND

PALLIATIVE CARE MEDICATION COVERAGE

Hon. Elizabeth Hubley: Honourable senators, I am pleased today to draw your attention to a new initiative of the Government of Prince Edward Island to cover the cost of palliative care medication for those who wish to spend their last days at home.

On May 13, the Quality End-Of-Life Care Coalition of Canada released a progress report on hospice palliative home care in Canada. It identified Prince Edward Island as one of only two jurisdictions in Canada that did not cover palliative drugs for home care. On the same day, the report was already obsolete with the announcement by Premier Robert Ghiz of a provincial program to help those in palliative home care.

This new program does not consider financial need when looking at whether to cover palliative care medication. All Islanders will be eligible for this program. We will now have the ability to preserve the wishes and dignity of those in the final

stages of their life. These people will no longer have to choose between the financial burden of palliative care medication and spending the end of their life in comfortable and familiar surroundings.

Congratulations to Premier Ghiz on initiating this program.

PEOPLE'S REPUBLIC OF CHINA

EARTHQUAKE IN SICHUAN PROVINCE

Hon. Anne C. Cools: Honourable senators, the People's Republic of China is a land of antiquity. The Chinese now number 1.3 billion souls. They are known for their brilliance, their industriousness and their tenacity. In recent years, they have been forging ahead in every sphere of human endeavour, seeking their rightful place among the nations and peoples of the world.

For two weeks now, we have been hearing their voices and their pain. On May 12, 2008, a natural disaster, a massive earthquake, struck China in and around its Sichuan province. Daily, our consciousness has been filled with reports of the enormous rescue and relief efforts as the Chinese government and its Armed Forces respond to the Chinese people and these terrible circumstances. The devastation and suffering are great. More than 60,000 are dead, over 360,000 are injured and 5 million are homeless. Further, there are continuing aftershocks, 182 to date.

Honourable senators, the government and the people of China have recently completed three days of national mourning. Such suffering is a call to prayer and action; a call to expressions of sympathy, support and universal humanity from us to the people of China.

In so doing, I call upon the memory and work of a great Canadian from my home province of Ontario, Dr. Norman Bethune, called Beth by his close friends and associates. This physician — this great Canadian humanitarian — served the Chinese people and China as a doctor and surgeon attending the wounded during the trying Sino-Japanese War. He died in China in 1939.

Honourable senators, we are reminded that natural disasters represent the story of finite and frail humankind pitted against infinite nature in all its fierce omnipotence. Nature in its disasters, particularly an earthquake, is a stern and merciless taskmaster. It is a dead reckoning, an uneven encounter between humans and natural forces.

Honourable senators, I extend to the people of China my personal sympathies in this time of unspeakable sorrow, particularly to the families of those who have perished. I also extend my sympathies to all those injured and to all those rendered homeless. I thank the President of China, Hu Jintao, and the Prime Minister, Wen Jiabao, and the brave, enduring military forces. The President's and the Prime Minister's sensitivity and steadfastness in the face of incalculable difficulties have given new meaning to the term "leadership." I laud all those Canadians who are assisting China's extraordinary and colossal relief efforts and I also praise the international community's efforts, and pledges, now at about \$5 billion.

Honourable senators, I uphold the people of China. My prayers are with them in this adversity.

• (1415)

NATIONAL CAPITAL COMMISSION

GATINEAU PARK—HOUSING DEVELOPMENT

Hon. Tommy Banks: Honourable senators, my statement would belong in Question Period if we were to categorize it by subject matter. However, I cannot find a way to make it a question without it being completely convoluted. I will address my statement to the Leader of the Government in the Senate.

I hope the leader will accept my congratulations. The honourable senator will recall that I asked her several times over the past weeks about the residential development on Carman Road in Gatineau Park.

We have now learned that the National Capital Commission, I presume with the approval, or perhaps even the urging of the government, has arranged to buy the property so that it will be precluded from residential commercial development. I congratulate the honourable senator, her government and the National Capital Commission on having done so.

Some Hon. Senators: Hear, hear!

BRITISH COLUMBIA

PRINCE GEORGE—FIRE IN PLYWOOD MILL

Hon. Gerry St. Germain: Honourable senators, another blow has been dealt to the forest industry of my home province of British Columbia. First, it was the pine beetle infestation; then a depressed U.S. housing market, mill closures and pulp and paper mills shutting down. Early this week, a devastating fire destroyed the plywood manufacturing mill in Prince George. The city has declared a local state of emergency as a result of having experienced what has been called the largest fire in Prince George's history.

The forest industry in British Columbia today, like other timber production facilities across Canada, has seen a much more vibrant era. The loss of the plywood mill in Prince George, a well-known economic generator for northern British Columbia, can only be regarded as a major loss to the city, the region, the province and the country as a whole.

The mill, which now sits as charred ruins, has a payroll of some 350 employees. It is the livelihoods of those workers that we must keep in the back of our minds as the situation is addressed over the coming weeks.

Honourable senators, I give thanks that the 40 workers who were on the job on Monday night made it to safety. My thoughts are with the workers and their families whose livelihoods remain in limbo as a result of this tragic incident. I ask all of you to think of these people as we go forward in trying to deal with this very challenging situation.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of His Excellency Gundars Daudze, Chairman of the Parliament of the Republic of Latvia, the Saeima. He is accompanied by a number of his distinguished colleagues who are members of the Saeima.

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

Hon. Senators: Hear, hear!

[*Translation*]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2007-08 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Information Commissioner's annual report for the period ending March 31, 2008, pursuant to section 38 of the Access to Information Act.

HIS EXCELLENCY VICTOR YUSHCHENKO PRESIDENT OF UKRAINE

ADDRESS TO MEMBERS OF THE SENATE
AND HOUSE OF COMMONS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(i), I move that the Address of His Excellency Victor Yushchenko, President of Ukraine, to Members of both Houses of Parliament, delivered on May 26, 2008, together with the introductory speech by the Right Honourable the Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an Appendix to the *Debates of the Senate* of this day and form part of the permanent records of this House.

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

Hon. Senators: Agreed.

(*For text of speeches, see Appendix, p. 1396.*)

• (1420)

QUESTION PERIOD

INTERNATIONAL TRADE

CHINA—PURCHASE OF TALISMAN ENERGY INC.

Hon. Céline Hervieux-Payette (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government. In the summer of 2005, the China National Offshore Oil Corporation offered US\$18.5 billion for Unocal, an American oil company. That offer nearly led to the largest foreign acquisition ever made by a Chinese company, but the American authorities, staunch champions of free trade, opposed the purchase, and the China National Offshore Oil Corporation was forced to withdraw its offer.

According to information in the *South China Morning Post*, this same company is now trying to lay its hands on the entire Talisman group, a Canadian company. Could the Leader of the Government tell us whether what was bad for the United States would be good for Canada and whether the Canadian government is going to approve the purchase of Canada's non-renewable natural resources by foreign interests without doing anything?

[English]

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): I thank the honourable senator for that question. I am sure honourable senators do not expect me to respond to news reports or speculation in the Chinese media.

I am aware of the actions of the U.S. government. I have no knowledge of this matter at the moment, so I will take the question as notice.

[Translation]

Senator Hervieux-Payette: I would like to add some information for her consideration and especially for the discussion in cabinet about this important issue, which I feel should be examined very carefully.

We know that the Chinese government owns 71 per cent of this company. As a lawyer with the firm Northern Rose in Beijing has said, China wants to guarantee that it will have a supply of raw materials.

In just four years, this company has invested 3 billion euros in Australia, Indonesia, Canada and Nigeria. We are not talking about a transaction between two private companies. This is not just a takeover of a strategic Canadian sector by foreign interests. A non-democratic country is buying up a strategic Canadian sector, removing it from the market and controlling it using its own interests.

Can the Leader of the Government tell us when her government will shoulder its responsibilities and decide to stop the transfer of Canadian crown properties in the mining and oil sectors to foreign government interests?

[English]

Senator LeBreton: I thank the honourable senator for putting that information on the record. The honourable senator has previously asked questions in this chamber about foreign state-owned enterprises. The Minister of Industry has commented and is on top of the issue of foreign state-owned enterprises and the impact they could have on Canada.

• (1425)

I realize that the honourable senator's question was framed to put this information on the record. I appreciate that and I will take her question as notice.

Hon. Yoine Goldstein: Honourable senators, I have a supplementary question.

In the course of considering any such request by the Chinese oil company, will the minister and the cabinet take into consideration the abysmal human rights record of this particular company in other countries, where it has bought and is now managing a variety of investments, including, amongst other places, in Darfur?

Senator LeBreton: Honourable senators, it is difficult to answer a question based on media reports, or speculation on what the cabinet may or may not do. I am well aware of some of this company's endeavours from reading the media myself. However, it would be improper for me to speculate on how the cabinet may handle such an issue since I have no idea whether it will even come before the cabinet or whether we will need to deal with it. I cannot make a commitment on behalf of the government on something that we have absolutely no knowledge of at the moment.

FOREIGN AFFAIRS

RESIGNATION OF MINISTER— POSSIBLE BREACH OF SECURITY

Hon. Joan Fraser: Honourable senators, I have a question for the Leader of the Government in the Senate about the extremely difficult and unfortunate matter of the former Minister of Foreign Affairs and Julie Couillard.

At the outset, I wish to say that I share the views of millions of Canadians that private lives are private lives.

Senator Comeau: Having said that?

Senator Fraser: Yes, having said that, we all know when we move into public life at any level that some degree of overlap may occur, and that where that overlap involves serious questions of the public interest, then some degree of privacy — only some — but the relevant degree of privacy may have to be sacrificed.

Indications have been piling up that the public interest and, in particular, national security questions have been or may have been involved in this matter. The most obvious case, of course, is the matter of the confidential document that was in, I believe the Prime Minister called it, a “non-secure place” for several weeks with the possibility — we do not know — of repercussions for national security and, indeed, for Canada's diplomatic relations with our allies.

There are questions now about when the former minister knew about Ms. Couillard's relationship with organized crime. There are questions about possible dissemination of information involving the national security system in airports; there are questions about the possible electronic surveillance of Ms. Couillard. On none of these matters do we have, nor do I expect the Leader of the Government to offer today, final answers. However, I ask the leader to give us the assurance that the government will conduct a full and proper inquiry about the national security implications of this matter, including any elements of which we are not yet aware.

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As the honourable senator rightly points out, much of this matter is speculation and allegation. The action the Prime Minister took upon becoming aware of the situation involving the documents was immediate. The minister in question resigned, as the Prime Minister publicly stated. It was a disappointing day, not only for the Prime Minister and the government but also for former Minister Bernier.

• (1430)

The various allegations and stories that are circulating are obviously of interest. The government quite rightly takes the safety and security of Canadians very seriously. We all know that as cabinet ministers we have an obligation to keep cabinet documents and secret papers well secured; we sign an oath not to disclose cabinet discussions. I know that my colleagues adhere to this oath; I know I do, very carefully, and we take it seriously.

I assure the honourable senator that the Department of Foreign Affairs is conducting a thorough review of this whole issue, and I have every confidence that they will take any action they deem necessary.

Senator Fraser: That is very reassuring to hear, and I am sure all honourable senators would agree with that.

It seems at least possible, on the basis of what has been made public and what has been alleged, that the appropriate areas for investigation may go beyond the simple purview of the Department of Foreign Affairs, which is why I asked whether the government would undertake such an inquiry. Clearly, an inquiry by the Department of Foreign Affairs is the starting point as well as a major element of such an inquiry, and I am glad to have the leader's assurance that is being done.

I ask again if we could have the assurance that the inquiry will be as broad as necessary and that, when the work is concluded, Parliament will be informed of whether there were any breaches or changes needed in the system. In other words, that Parliament and the people of Canada through Parliament may have confidence as they go forward that if something happened, it will be fixed; and if something needs to be changed, it will be.

Senator LeBreton: The operative word here is "if." The documents have been returned to the Department of Foreign Affairs. I have every faith that the department will review this matter completely. I would dare suggest that if we were to give direction or tell the Department of Foreign Affairs how to conduct a review, that direction would not be well-received. We have no intention of doing that.

The department has said they will thoroughly review the situation. I do not think we need to be reminded here that they have a sterling record, and I have every confidence that when they do review this matter and report, the government will take the appropriate action.

Hon. James S. Cowan: Honourable senators, I believe my colleague, Senator Fraser, was asking for an assurance that the government — not just the department — assure the Canadian people that it is conducting as thorough an investigation as is required to get to the bottom of this.

We are not casting aspersions on the quality of work being done by the department. Simply, if the investigation disclosed the need to go further and involve other departments, this government would assure the Canadian people that it would do what was necessary to ensure there was a complete and thorough investigation.

I do not think the Leader of the Government in the Senate addressed that part of Senator Fraser's question.

Senator LeBreton: Actually, that is a question that is almost impossible to answer. Obviously, if the Department of Foreign Affairs, after they have conducted their review, brings matters to the attention of the government, the government will obviously take the appropriate action.

However, I do not think at this time that we should be speculating on the small but large word of "if" — such that "if" the Foreign Affairs Department finds something, does this mean that so-and-so will then take other actions? Once the Department of Foreign Affairs has conducted its thorough review, the government will respond. Let us wait and see what Foreign Affairs finds out through their thorough review before I or anyone starts running off saying: "If such-and-such a case happens, we will do X, Y and Z." That will not serve anyone's purpose.

• (1435)

Obviously, as the Prime Minister has said, this was a very disappointing turn of events for the government. The minister resigned because of the improper handling of government documents.

As Senator Fraser quite rightly pointed out — and I do not think any of us in this chamber needs to point it out — private lives of ministers are no one else's business. Here we are dealing strictly with the breach of duties of a member of cabinet in the handling of government documents.

Insofar as the response of our NATO allies, as of this morning we have not had any concerns expressed to us. Again, let us wait and see what the Department of Foreign Affairs reports after they have done their thorough review of the matter.

Hon. Percy E. Downe: Honourable senators, the leader indicated that there has been no concern expressed by our NATO allies. That would imply that there is international intelligence or communications in those documents. Could she tell us what those documents were that were left?

Senator LeBreton: Actually, Senator Downe, I do not know what the documents contained. I have no information on that point. I am just saying that, as a result of media stories that have surrounded this resignation, we have had no concern expressed by our NATO allies.

Senator Downe: The Minister of Foreign Affairs has access to tonnes of intelligence information filed by our allies around the world. This security breach would be of great concern, and far more than disappointing.

I am intrigued by the minister's report that Foreign Affairs is conducting the reviews. Are cabinet documents not the responsibility of the Privy Council Office?

Senator LeBreton: I do not know what documents we are talking about here. I have not seen them and I have no personal knowledge of them. I do not even know if they were cabinet documents. They could very well have been documents provided by the department. Media reports seem to suggest that.

As Senator Downe well knows, cabinet documents are controlled and handled by the Privy Council Office. All of us are responsible for those cabinet documents, and for their safe handling and return.

In this case, I do not know what the documents are. From the reports, they appear to be documents provided by the Department of Foreign Affairs. Like all honourable senators, I am basing my knowledge of the documents on what I have read in the newspapers.

Senator Downe: The leader must have a bit more knowledge because she indicated that our NATO allies have not contacted us. Notwithstanding the lack of information on what is in the document, is it the government's intention to inform our allies of what was left at the apartment of the alleged girlfriend?

Senator LeBreton: I will explain to Senator Downe again that, as of this morning, our NATO allies have not expressed concern as a result of the news reports. We have had no direct expression of concern as a result of the news stories. I do not know what is in the documents. Foreign Affairs is conducting a review, and it is important that the government wait until that review has been fully conducted and we know exactly what the documents are and what is in them.

• (1440)

Hon. Marilyn Trenholme Counsell: Honourable senators, I have been listening carefully, and I am very concerned that a cabinet minister in the Government of Canada is relying on the media for her information. I would have thought that in the time since this matter erupted the cabinet would have been well-briefed. The government knows what the document is, as it was returned to them on Sunday, I believe. It alarms me that an esteemed cabinet minister would say that all she knows is what she has read in the media.

Has the cabinet, which is responsible to the citizens of this country, been kept up to date on this crisis?

Senator LeBreton: Honourable senators, I referred to the media only with regard to the fact that NATO countries have not yet expressed any concern in response to media reports.

I was very clear in my answer to Senator Fraser. These were obviously classified documents, and Senator Trenholme Counsell is incorrect to assume that this information would be distributed to all cabinet ministers. Proper procedures were followed.

Once the Prime Minister learned of the mishandling of classified documents by the former minister, action was taken immediately. The minister handed in his resignation, as one would expect him to do. I am not, nor should anyone be, in a position to discuss what the classified documents might contain. As it was the Minister of Foreign Affairs who had these documents, the Department of Foreign Affairs is quite rightly looking into the matter.

I have no information on what the documents contained. My only reference to the media was that, so far, although this could change, no concerns have been expressed by our NATO allies.

It is obvious that when such an incident occurs it is not in the interest of the government, Parliament or the country to have people spreading more information. This is something between the then Minister of Foreign Affairs and the Prime Minister. It was handled judiciously and the minister did the appropriate thing.

Let us wait and see what the Department of Foreign Affairs reports after conducting a thorough review of what these documents contain, how they were handled and their degree of sensitivity. No one has this information. It is dangerous to speculate rather than await the results of a thorough investigation by the Department of Foreign Affairs.

Hon. Grant Mitchell: Honourable senators, contrary to the leader's assertion that the Prime Minister acted immediately, the Prime Minister did not act immediately. He had notice of a potential security breach two weeks ago when this issue first arose.

• (1445)

Had the Prime Minister shown leadership two weeks ago, jumped on that issue and investigated it right away rather than try to spin people on it for two weeks, perhaps there would have been far less potential damage done to Canada on a security basis. However, he was busy trying to limit the political damage to himself and his political future.

Senator LeBreton: The honourable senator is flat-out wrong. There was absolutely no evidence whatsoever of any security matters. I am glad to see members of the opposition and members of the other parties in the House of Commons also acknowledging that this has nothing to do with the private lives of individuals who are married to, or are boyfriends or girlfriends of, cabinet ministers. That was not the issue.

The issue, insofar as the government was concerned with respect to people's private lives, was that, as a former Prime Minister said, "The government has no business in the bedrooms of the nation."

The fact is that the information came to the Prime Minister yesterday afternoon, late in the day, when he was advised by the then Minister of Foreign Affairs that he had mishandled documents, a serious breach of his cabinet responsibilities, which then caused the Minister of Foreign Affairs to tender his resignation, which was the proper thing to do. The Prime Minister and the former Minister of Foreign Affairs took appropriate action as soon as the information became available to the Prime Minister, and that is all that can be said about it at the moment.

THE ENVIRONMENT

CLIMATE CHANGE—GREENHOUSE GAS EMISSIONS

Hon. Grant Mitchell: Honourable senators, there appears to be a big split in the Alberta Conservative ranks. On the one hand, the provincial Conservatives are saying that they will allow CO₂ emissions to increase by 20 per cent, up to the year 2020. On the other hand, the Harperite Conservatives, who are based in Alberta, are saying that they will be requiring a 20 per cent reduction in overall emissions in Canada.

Perhaps the Leader of the Government in the Senate could tell us how Canada can possibly meet even Mr. Harper's pathetically inadequate CO₂ reduction targets while allowing Alberta to increase its emissions by 20 per cent over the same period of time?

Hon. Marjory LeBreton (Leader of the Government and Secretary of State (Seniors)): As one of my colleagues has said, at least our party in Alberta is big enough to have a split, which is more than can be said for the party of the honourable senator.

In any event, the federal government has obligations to the country and to the world. The various provincial governments take positions that of course they are absolutely entitled to take in the interest of their own provinces.

As we speak, the Prime Minister is in Europe, where he is meeting with Canada's G8 partners on issues of global concern, including climate change. He is in France today. While he is in Europe, he will continue to promote and speak out on Canada's priorities, including the need for global greenhouse gas reduction targets that must include developed and developing nations.

As the honourable senator knows, and as I have said in this place many times, our government's climate change plan is to first provide concrete emission reduction targets. We are committed to taking action, something that was not done in the past, to reduce our greenhouse gas emissions by an absolute 20 per cent by the year 2020, with our Turning the Corner plan, and we are putting in place a system of regulations to require the big emitters to reduce their emissions; not by increasing the tax burden on consumers' pockets, which is the proposal of the opposition.

Senator Mitchell: I note that the leader comes from a Conservative era where they had a terrible time doing the math and balancing budgets.

• (1450)

Can she tell us how one region can go up 20 per cent and still achieve an overall 20 per cent reduction in the country? What region will the Prime Minister penalize so that Alberta can increase its emissions by 20 per cent and still meet his albeit

inadequate objective of a 20-per-cent reduction overall in Canada? What region will be penalized and be required to reduce extra amounts of CO₂?

Senator LeBreton: Honourable senators, no region will be penalized, unlike the proposals of the honourable senator's leader, who would penalize seniors, low-income workers and hard-working middle-class Canadians. They will be penalized across the board.

The Minister of the Environment, I believe, has a good rapport with the various provincial ministers of environment. Because Alberta is where a large part of the industry is, I am sure industry is impressed with the honourable senator's fight against it. The fact is, we must govern for the whole country, taking into consideration all the provinces and their needs, and it is not our intention to penalize one group at the expense of another. We have always said that our regulations would penalize the big emitters, and nothing has changed from that plan.

[*Translation*]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table eight responses to oral questions raised by Senator Dawson on April 8, 2008, concerning the restoration of the Quebec City armoury and maintaining military operations; by Senator Prud'homme on April 8, 2008, concerning the purchase of helicopters; by Senator Kenny on April 10, 2008, concerning the function of unmanned aerial vehicles; by Senator Mercer on April 15, 2008, concerning marketing of hogs, the subsidy for culling hog stocks and distribution of meat; by Senator Hubley on April 16 and May 14, 2008, concerning the international treaty to ban the use, production and trade of cluster munitions; by Senator Mercer on May 14, 2008, concerning Fisheries and Oceans, the deployment of the *Cap Percé*; by Senator Cowan on May 14, 2008, concerning Fisheries and Oceans, transfer of a training vessel; and by Senator Cordy on May 14, 2008, concerning Fisheries and Oceans, Canadian Coast Guard College.

NATIONAL DEFENCE

RESTORATION OF QUEBEC CITY ARMOURY— MAINTAINING MILITARY OPERATIONS

(*Response to question raised by Hon. Dennis Dawson on April 8, 2008*)

The federal government has already announced that the Quebec City Armoury will be rebuilt. The Department will work with the city and the province to ensure that it is restored as quickly as possible in a way that is respectful of both the building's heritage and original design.

Departmental experts are still assessing the damage and it is too soon to discuss the circumstances surrounding the fire or the cost to restore or rebuild the armoury.

As for the ownership of the Armoury, it belongs to the federal government and the Department of National Defence is the custodian. We expect that to continue as

there remains a need to accommodate Canadian Forces units in the Quebec City area, including those units that were displaced by the fire.

The Department will ensure that the Voltigeurs and the 35^e Régiment de Genie de Combat are able to resume their activities and continue to play an important role in Canadian Forces operations.

PUBLIC WORKS AND GOVERNMENT SERVICES

PURCHASE OF HELICOPTERS

(Response to question raised by Hon. Marcel Prud'homme on April 8, 2008)

The Department of National Defence has already announced its intention to acquire Chinook helicopters for domestic and overseas operations. This acquisition is part of the Government's commitment to rebuild the Canadian Forces.

This project has been approved by Cabinet and it is anticipated that a contract will be awarded this year.

Meanwhile, we are working to deliver a helicopter capability as quickly as possible in order to meet the safety and security requirements of our troops in Afghanistan. We are confident that this capability will be delivered in Afghanistan by February 2009, a key requirement of the motion passed by the House to extend the Canadian mission in Afghanistan.

We are currently negotiating with the U.S. Government in order to acquire six Chinook helicopters that are already configured for U.S. Army operations in Afghanistan. The Minister of National Defence is expected to make an announcement on this issue soon.

We are also exploring leasing options with industry and are looking at our existing fleets to determine what might be possible.

Leasing civilian helicopters is common practice in Afghanistan. Private companies are already providing this service to the UN, the Afghan government, and some of our NATO allies for operations in lower risk areas.

We appreciate our allies' efforts to assist with our need for additional helicopters, including Poland's announcement that it will deploy additional helicopters to Afghanistan.

NATIONAL DEFENCE

FUNCTION OF UNMANNED AERIAL VEHICLES

(Response to question raised by Hon. Colin Kenny on April 10, 2008)

We are currently working with our colleagues at Public Works and Government Services Canada on a number of options to provide our troops with high performance UAVs as soon as possible.

In fact, we have a project aimed at leasing high performance, long endurance UAVs capable of intelligence gathering throughout the Canadian Forces' area of operations in Afghanistan. At this time, there is no intention to arm these UAVs.

We are also working on the purchase of long-range UAV systems for domestic and international operations, including maritime and Arctic surveillance.

AGRICULTURE AND AGRI-FOOD

MARKETING OF HOGS—SUBSIDY FOR CULLING HOG STOCKS—DISTRIBUTION OF MEAT

(Response to question raised by Hon. Terry M. Mercer on April 15, 2008)

MARKETING OF HOGS

Market Access/Market Development:

In 2007, Canadian pork producers exported \$2.4 billion in pork products to over 80 countries. The Government of Canada has a number of market access and market development activities underway to further expand these exports.

Canadian government representatives are engaged in the World Trade Organization negotiations; negotiating free trade agreements in key pork markets such as Korea; and working to resolve market access issues in support of the sector's export market development strategy.

The Government of Canada actively supports the market development of activities of the Canadian hog and pork industry. Since 1991, Agriculture and Agri-Food Canada has contributed more than \$19 million to Canada Pork International (CPI) in support of its export market development efforts. The Department is reviewing CPI's 2008-09 market development plan and the associated request for \$4.4 million in federal funding.

Liquidity:

The Government of Canada has been working closely with producers since October 2007 to help address the situation caused by low hog prices.

Federal Provincial and Territorial governments have introduced a new suite of Business Risk Management programs. This new suite contains a number of enhancements that were requested by hog producers. Payments of nearly \$1.5 billion are expected to flow to livestock producers. In addition, changes to the Agricultural Marketing Programs Act and its regulations will make it easier for producers to access up to \$3.3 billion in loans through the Advance Payments Program.

Cull Breeding Swine Program:

To enable hog producers to downsize their operations, the Government has introduced a \$50 million Cull Breeding Swine Program (CSBP). Producers are eligible for a \$225 head payment and funding to offset slaughter and disposal costs.

The program is administered by the Canadian Pork Council. The Council is working closely with its provincial members and the Canadian Association of Food Banks to identify ways to maximize the amount of cull pork that is made available to food banks.

The Canadian Association of Food Banks has indicated their storage and distribution systems could take approximately 25% of the projected volume of pork expected to be generated from the animals processed under the cull program. Furthermore, all meat going to the food banks must be slaughtered under federal or provincial inspection, of which capacity for larger breeding animals is limited in Canada. Finally, the meat from these older breeding animals is most suitable for processed meats products such as sausages or hot dogs. Access to further processing capacity, as well as funding to pay for this processing (which is not covered by the cull animal program), will limit the total tonnes of available pork.

On April 18, 2008 the Government of Saskatchewan announced \$440,000 in funding to process animals culled through the CBSP. The Alberta and Quebec provincial governments have also pledged funding and other provinces continue to explore ways in which they might contribute to addressing these challenges.

Competitiveness:

An industry-government task team, established in the fall of 2007, continues to work to identify short-term measures to assist industry. This group is seeking to identify shorter-term changes that would improve the producers' competitive position.

In the longer-term, the pork value chain roundtable, comprising both industry and government representatives, is engaged in designing and implementing strategies to address the industry's competitive position.

FOREIGN AFFAIRS**INTERNATIONAL TREATY TO BAN USE, PRODUCTION AND TRADE OF CLUSTER MUNITIONS**

(Response to questions raised by Hon. Elizabeth Hubley on April 16 and May 14, 2008)

The Canadian Forces have never used cluster munitions in operations.

The Canadian Forces recently destroyed their entire stockpile of MK20 "Rockeye" air delivered cluster munitions. The Canadian Forces currently hold 155-millimetre Dual Purpose Improved Conventional

Munitions, which are ground delivered cluster munitions. These munitions have been removed from operational stocks, and the Department of National Defence is working with Public Works and Government Services Canada on awarding a contract to destroy them in a safe and environmentally responsible manner.

To date, the Canadian Forces have not faced operational situations where cluster munitions were required. If the Canadian Forces were to identify an operational requirement to do so, the Department of National Defence would insist that the weapon systems possess a high reliability and accuracy rate.

The use of any weapon by the Canadian Forces, including cluster munitions, would be subject to prior reviews to ensure full respect of international humanitarian law.

Canada currently regards cluster munitions as lawful weapons if they are used in accordance with international humanitarian law, which prohibits the targeting of civilians and civilian infrastructure. At the same time, Canada has expressed concern about the impact unreliable and inaccurate cluster munitions have on civilians.

Canada is participating in the Oslo Process and supporting similar efforts in the Convention on Certain Conventional Weapons (CCW). Both of these initiatives seek to address the humanitarian and development impact of cluster munitions on civilians.

The CCW is an important conventional arms forum. Within it, many countries, including Canada, support negotiation of a new legally binding protocol addressing cluster munitions as a matter of urgency.

Norway initiated the Oslo Process "to outline the objectives and develop an action plan for a process leading to a new international instrument of international humanitarian law" on cluster munitions. Canada also fully supports these efforts to address the impact of unreliable and inaccurate cluster munitions on civilians and has participated in all meetings of this process.

Work within the CCW is ongoing and formal negotiations within the Oslo Process will be held in Dublin from the 19th to the 31st of May. With regards to declaring a moratorium during the period of the negotiations, Canada does not foresee the need for such a measure as we have decided to destroy our remaining stocks.

The Government is considering the results of all work to date in order to determine the best strategy to protect innocent civilians from inaccurate and unreliable cluster munitions, while ensuring that the Canadian Forces can continue to operate effectively in combined military operations with key allies who may not be party to any new legal instrument addressing cluster munitions.

THE CABINET

POLICIES REGARDING ATLANTIC PROVINCES

(Response to question raised by Hon. Terry M. Mercer on May 14, 2008)

The deployment of the Canadian Coast Guard (CCG) vessel Cap Percé will enhance the existing maritime Search and Rescue (SAR) system along the lower north shore of Québec by increasing search and rescue capabilities. The decision to enhance capabilities in this particular area was made in an effort to take immediate action to address identified risks to mariners.

Deployment of this vessel to manage risk represents both effective and efficient use of valuable CCG assets. The Cap Percé has thus far been used as a training vessel and will now be used to support the existing SAR system, made up of vessels of opportunity, volunteer response units, Department of National Defence aeronautical resources, and CCG vessels. The deployment of this vessel into active service will have no impact on the Canadian Coast Guard College (CCGC). Practical training will continue to be provided to CCGC Officer Cadets using the more than 30 training vessels currently on site, and the over 100 large ships currently in the CCG fleet.

The deployment of the Cap Percé demonstrates action on the part of the CCG to enhance the overall Canadian maritime SAR system; increasing capabilities in one area of Canada without negatively affecting those of another.

Effective deployment of Canadian resources supports the overall SAR system and provides for the safety and security of all those who earn their living on Canadian waters.

FISHERIES AND OCEANS

CAPE BRETON COAST GUARD COLLEGE— TRANSFER OF TRAINING VESSEL

(Response to question raised by Hon. James S. Cowan on May 14, 2008)

The Canadian Search and Rescue (SAR) system is comprised of Canadian Coast Guard (CCG) maritime units, Department of National Defence aeronautical resources, volunteer response units, and vessels of opportunity. The provision of SAR services in Canadian waters is made possible through a cooperative effort by federal, provincial, and municipal governments.

In support of the maritime SAR system, the CCG provides primary maritime SAR response vessels, multi-tasked and secondary SAR response vessels, and maritime personnel. It also oversees the activities of the volunteer Canadian Coast Guard Auxiliary (CCGA). The CCG ensures the SAR program operates at maximum efficiency, and within its financial limitations, through effective program monitoring and management.

One aspect of effective program monitoring and management involves acknowledging areas of risk to mariners and making decisions concerning the short- and

long-term strategic placement of SAR assets. Deployment of vessels to meet identified need represents effective and efficient use of valuable assets in areas of risk.

The decision to deploy the Cap Percé was made in an effort to take immediate action to address risks to mariners identified in the Lower North Shore area. Where, at the Canadian Coast Guard College (CCGC), the Cap Percé (amongst other vessels) was used mainly for training purposes, it will now be used to save lives. The Cap Percé deployment to the Lower North Shore will be an enhancement to the Canadian maritime SAR system.

The need for 'hands-on' training for CCGC Officer Cadets was only one of the considerations taken into account during these discussions. With the more than 30 vessels already on site at the CCGC, and through practical sea training aboard CCG vessels across the country, the CCGC will continue to provide critical marine safety training.

(Response to question raised by Hon. Jane Cordy on May 14, 2008)

The Canadian Coast Guard College will still be able to provide hands-on training using the remaining 30 boats at its location in Sydney, Nova Scotia. In addition, Canadian Coast Guard (CCG) Officer Cadets attending the College will continue to have the opportunity to sail aboard working CCG ships (of varying sizes and capabilities) during their sea-training phases, to allow them to understand the practical side of their training in actual CCG operations.

[English]

REQUEST FOR ANSWERS

Hon. Grant Mitchell: I would like to make a comment under Delayed Answers. I asked a couple of questions. Not only are these answers delayed, but I am becoming old waiting for them. I refer the Deputy Leader of the Government to my written question number 20, asking whether the Honourable Gary Lunn intended to fill in some of the gaps that he, in his enthusiasm, left in his presentation some months ago to the Standing Senate Committee on Energy, the Environment and Natural Resources, during which he said the government is developing all kinds of technologies supporting coal-fired electricity generation.

Will we ever have an answer as to what those technologies might be? I asked the questions on December 12, 2007: What carbon sequestration technologies did Minister Lunn say the government is investing in? Which departments was he referring to as those that are developing those technologies? What specific statistics will the government impose on which industries to reduce their greenhouse gas emissions? When will the new carbon capture task force make its report?

Minister Lunn talked about real action related to greenhouse gas environmental policy. I wanted to know if he could list those real actions. I asked that question on December 12, 2007, and I wrote to him specifically. I have not received an answer.

On February 7, 2008, I asked the leader, Senator LeBreton, whether she could confirm when carbon emissions trading markets will be established and whether they will include agriculturally based carbon trading credits as part of that market. She said that she would take the question as notice and report back to me. I am wondering if I might encourage her to do that.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Far be it from me to mention that it gave an opportunity for Senator Mitchell to use the time of the Senate to re-ask his questions. I think there was one written and one oral question. We will look into the progress on these items.

ORDERS OF THE DAY

SPECIFIC CLAIMS TRIBUNAL BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Cochrane, for the second reading of Bill C-30, An Act to establish the Specific Claims Tribunal and to make consequential amendments to other Acts.

Hon. Nick G. Sibbeston: Honourable senators, I am pleased to speak today to Bill C-30, the Specific Claims Tribunal Act. Our colleague, Senator St. Germain, did an excellent job describing the general provisions of the bill, so I will not speak at great length today. I hope we can move this bill into committee and deal with it in an expeditious manner.

Bill C-30 is an example of what can be accomplished when people work together in a spirit of cooperation and goodwill, and such is the nature of the Standing Senate Committee on Aboriginal Peoples. We work for the betterment of Aboriginal people without any due regard, generally, for partisanship.

As honourable senators know, specific claims arise as a result of government's failure to act honourably and to fulfil promises made to Aboriginal people. In some cases, government officials acted fraudulently to deprive First Nations of lands or other resources that were owed to them. Many of these claims date back decades or even centuries.

Failure to settle specific claims has led to hardship and frustration on the part of First Nations people, and has thwarted their efforts to improve their lives. Settlement of claims has been shown to be an incredible boost to First Nations capacity and to their economic development.

The current system is slow and cumbersome and, in the view of many, biased in favour of government. Claims can take easily 20 years to wend through the process, and often the end result is highly unsatisfactory. Government decides which claims are valid, and determines the process by which they will be settled.

First Nations must undertake a lengthy and cumbersome process, and they must initiate this process by conducting research. The federal government also conducts research. The research formally goes to the government, and then the Department of Justice becomes involved in reviewing the research and the case that the First Nations makes to see whether it is acceptable to the federal government.

Eventually, the research goes to the federal Minister of Indian Affairs and Northern Development, and it is in the minister's discretion to accept or reject it. There is no time limit, so often the submission or the claim becomes lost in the system and is there for a long time.

There has been much frustration in the present specific claims process, and thus the need for this bill. The bill provides a new approach and a new opportunity for the federal government to deal with specific claims in a satisfactory way.

First Nations have few avenues of appeal if the federal government rejects their specific claims. They can go to the Indian Claims Commission, which can only make recommendations to the minister, or they can go to court. Even if the claim is ruled to be valid, negotiations can take many years. In the end, if a settlement is reached, it is often heavily biased in favour of government.

First Nations reach a point of taking a bad deal rather than no deal at all. Many recent confrontations with Aboriginal people in Canada, such as Oka in Quebec, Gustafson Lake in B.C. and Ipperwash in Ontario, originated from unsettled specific claims.

• (1500)

The problem with specific claims has been studied many times. Many proposals have been made to improve the system, but until now there has been no progress.

Last year, the Standing Senate Committee on Aboriginal Peoples released its report, *Negotiations or Confrontation: It's Canada's Choice*. This report examined specific claims in great detail, and we came to a number of conclusions and recommendations as to what must be done. I am pleased and proud to say that Bill C-30 reflects the work done by our committee and the recommendations that we made. As a senator, it is nice to see our hard work come to positive fruition, such as is the case with this bill.

The most significant part of this bill is the establishment of an independent tribunal. This is something that all Aboriginal people in our country have been wanting. Every time they have spoken about specific claims and the problems with the delays, they have always said that there should be an independent body, apart from the Department of Indian Affairs and Northern Development and government, that can deal with these claims. Such is the main part of this bill.

It is a big step, a big development and a big decision for the federal government to finally come through with the establishment of an independent body. From here on, once the independent body is set up, surely things will go well; surely all the claims will be dealt with in a judicious and proper manner.

Although the focus will continue to be on reaching negotiated settlements, there will now be recourse for First Nations. That alone will ensure that the government will act more quickly and effectively in addressing these legitimate claims.

I must give credit to Minister Jim Prentice. When he became minister, he appeared before our committee. As he had spent 10 years in this area of claims commissions when he was a private citizen in Calgary, he knew the process. It was nice to have a minister of the government who understood the problems and who was compassionate in terms of the problems of specific claims.

I believe that we were fortunate to have someone like Mr. Prentice as the Minister of Indian Affairs at the time, who readily agreed and finally made decisions to proceed with the recommendations that our committee brought forth to resolve this issue. He did collaborate with the Assembly of First Nations. I am pleased that Minister Strahl has continued that work and has brought the matter, in the form of a bill, to Parliament.

This bill will not solve every issue with regard to specific claims, honourable senators. There remains considerable work to be done on historical treaties and on claims in excess of \$150 million. The specific claims provisions place a limit of claims up to \$150 million. That is a significant amount, but there are claims that exceed that figure. This bill will not be able to provide for that, but there is still a negotiations process that, ultimately, we hope will resolve those larger claims.

Honourable senators, it is important to know that, in addition to working with the AFN on Bill C-30, the government also reached an agreement to collaborate on resolving all outstanding issues. I know that Senator St. Germain mentioned that there are still approximately 800 claims that still need to be dealt with. This bill will go a long way toward settling and dealing with these claims.

Bill C-30 will also go a long way toward moving forward the hundreds of outstanding claims in a way that is fair and impartial. The legislation will provide First Nations with the assurance that their grievances will be heard and resolved in a transparent and timely manner.

This is clearly a case where we should not let the quest for perfection stand in the way of achieving good. I know that despite some concerns raised about a few issues, the other place passed this bill unanimously.

Bill C-30 will make a tremendous difference in the lives of Aboriginal people across the country. The measure will also be a tremendous benefit to Canada as well, both in terms of reducing confrontation and disruptions and by unleashing the economic and social potential of Aboriginal communities. I urge the wholehearted support of all honourable senators and recommend quick passage of this bill.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Aboriginal Peoples.

ASSEMBLY OF THE ABORIGINAL PEOPLES OF CANADA BILL

SECOND READING—POINT OF ORDER—
SPEAKER'S RULING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Gill, seconded by the Honourable Senator Watt, for the second reading of Bill S-234, An Act to establish an assembly of the Aboriginal peoples of Canada and an executive council.—(*Speaker's ruling*)

The Hon. the Speaker: Honourable senators, on May 8, 2008, Senator Comeau rose on a point of order concerning Bill S-234, An Act to establish an assembly of the Aboriginal peoples of Canada and an executive council. He asserted that the bill infringes the financial prerogatives of the Crown, as embodied in provisions of the Constitution Act, 1867, and in Senate Rule 81. In support of this argument, Senator Comeau cited various clauses of the bill dealing with specific details of the proposed Aboriginal peoples' assembly and the executive council. He particularly quoted clause 25, which would appropriate funds to pay the salaries of members. During his intervention, Senator Comeau made reference to Beauchesne's, Bourinot, Erskine May, and a Senate Speaker's Ruling of October 23, 1991.

Senator Fraser expressed the contrary opinion. She emphasized that almost any legislative measure will involve some expenditure of public money. She suggested that, if "the principal purpose of that bill is to achieve a matter of public policy and the expenditure of public money is ancillary to that, it is in order for the Senate to study such a bill." Senator Ringette made a similar point, also noting that many initiatives can have financial consequences.

[*Translation*]

Finally, Senator Baker remarked upon the considerable recent changes in financial procedures in Parliament. He focused on clause 52(2) of Bill S-234, to which Senator Comeau had also made reference. This clause establishes that no part of the bill, except one clause that does not involve direct expenditures, can be brought into force, "unless the appropriation of moneys for the purposes of this Act has been recommended by the Governor General and such moneys have been appropriated by Parliament." This clause was linked, by both Senators Baker and Comeau, to citation 611 of the sixth edition of Beauchesne's. That citation states that, "A bill from the Senate, certain clauses of which would necessitate some public expenditure, is in order if it is provided by a clause of the said bill that no such expenditure shall be made unless previously sanctioned by Parliament."

I thank all honourable senators for their helpful interventions on this complex and challenging matter.

• (1510)

[English]

Let me begin by remarking that Bill S-234 is a wide-ranging measure. If it continues before the Senate, numerous issues may have to be examined in detail. These could include points such as its potential effects on the fiduciary relationship between Her Majesty and the Aboriginal peoples of Canada; on Parliament's power under section 91 of the Constitution Act, 1867, to legislate on matters relating to Aboriginal peoples and the lands reserved for their use; on the way Canadians are represented in Parliament; and on how citizens have input into legislative and policy-making processes. The clauses of the bill cover specific matters such as the role of the Aboriginal peoples assembly and the executive council, suffrage, committees, privilege, gender balance, first ministers' conferences, conflict of interest and languages. These are all very important issues.

The current point of order is focussed on the narrow but critical matter of whether Bill S-234 infringes the financial prerogatives of the Crown. As noted at page 709 of Marleau and Montpetit, the financial prerogative means that:

Under the Canadian system of government, the Crown alone initiates all public expenditure and Parliament may only authorize spending which has been recommended by the Governor General.

An examination of Bill S-234 could suggest indeed that it does involve spending. Salaries, benefits, officers, the appropriation of funds, staffing and preparation of estimates are all covered in the bill. Any of these matters individually could make it fall into the class of bills covered by the earlier citation from Marleau and Montpetit.

[Translation]

The key to this issue is, of course, clause 52(2). Under this clause, most of the bill cannot come into force until funds have been recommended by the Governor General and appropriated by Parliament for the purposes of the bill. No expenditure whatsoever would thus be incurred by the mere passage of Bill S-234, other than the drafting of the legislation required in clause 51, which should be viewed as a part of the normal operations of government. In particular, this means that clauses such as clause 25 can have no effect until the requisite funding to set up the assembly has been separately appropriated.

In considering the issue of the financial initiative of the Crown as applied in the Senate, rule 81 is of central importance. This rule prohibits consideration of "a bill appropriating public money that has not within the knowledge of the Senate been recommended by the Queen's representative." This Recommendation can only be given in the House of Commons.

[English]

When the term "appropriation" is used, it is often used quite loosely. However, it does have a narrower meaning. An appropriation is a sum of money allocated by Parliament for a specific purpose. As seen with supply bills, appropriations quite often fund entities whose legal framework has been separately established.

Therefore, one must consider whether Bill S-234 actually appropriates money within this meaning. As already discussed, funds for the purposes of Bill S-234 will have to be appropriated separately or voted by Parliament, on the Governor General's recommendation, before the bill can enter into force.

[Translation]

What Bill S-234 would actually do is set up a legal framework for subsequent action. Nothing can begin to happen to make this framework effective without a subsequent Royal Recommendation and appropriation by Parliament. The bill, itself, does not actually authorize the appropriation of any funds. While the passage of the bill would express a will on the part of Parliament to establish an Aboriginal peoples' assembly and an executive council, the Crown would not actually be obliged to give the necessary Recommendation, so its initiative would not be impaired. If the Governor General did recommend the necessary funds, and Parliament appropriated them, that would have the known effect of allowing the bill to be brought into force, with the resulting consequences.

[English]

Bill S-234 thus appears to respect fully the financial initiative of the Crown since no funds are being or must be appropriated. As such, this bill differs from Bill S-5, considered during the Third Session of the Thirty-fourth Parliament, which was ruled out of order in 1991 and to which reference was made in debate on this point of order. Bill S-5 sought to "redress the imbalance . . . in terms of the benefits accorded by law to Canada's war-time merchant seamen compared with those provided by law to veterans of the Canada's armed forces." That bill, contrary to Bill S-234, would have entered into force upon receiving Royal Assent. As a consequence, it would have probably immediately required new appropriations to fund the expanded access to the benefit that it created. Because of these differences, the ruling of October 23, 1991, is not entirely relevant to the present case.

The point of order raised special concerns about clause 24, which would authorize the preparation of estimates for the assembly. Reference was made to Erskine May on this point. The measure in clause 24 seems to fall far short of the class of bills to which Erskine May refers. To repeat, most of Bill S-234 will not enter into force until an order to that effect is made. This cannot happen until the necessary funds have been appropriated from the Consolidated Revenue Fund, which in turn requires a Royal Recommendation. As already noted, passage of the bill would express Parliament's desire for an Aboriginal peoples assembly and an executive council, but the Crown would not actually be obliged to give the necessary Royal Recommendation, so its initiative would not be impaired.

[Translation]

Honourable senators, citation 611 of Beauséne's indicates that there are circumstances in which a Senate bill can deal with matters that might appear to have financial consequences if the bill is carefully drafted to deal with the real restrictions that apply. Bill S-234 respects the financial initiative of the Crown, while allowing Parliament the opportunity to consider a new proposal. The bill in no way incurs actual expenditures; it merely sets the

stage for such expenditures to be incurred, if the Crown chooses to recommend them, and if Parliament chooses to appropriate these funds.

[English]

While recognizing the complexities of the issue, there are persuasive reasons for allowing debate on this bill to continue. We must be vigilant at all times to ensure respect for the financial initiative of the Crown and for the role of the other place in spending and taxation. As I noted earlier, this is a challenging matter, and this point of order has been helpful in allowing a detailed consideration of these issues. In this specific case there is no obligation to appropriate new money imposed upon Her Majesty. Nothing can happen if funds are not properly appropriated following a Royal Recommendation. Preferring to err on the side of allowing senators the largest opportunity possible to consider proposals, debate on this item can proceed.

On motion of Senator Comeau, debate adjourned.

• (1520)

CANADIAN WHEAT BOARD ACT

BILL TO AMEND—SECOND READING—
VOTE DEFERRED

On the Order:

Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Hubley, for the second reading of Bill S-228, An Act to amend the Canadian Wheat Board Act (board of directors).—(*Honourable Senator Fraser*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Claudette Tardif (Deputy Leader of the Opposition): Question!

The Hon. the Speaker: It was moved by the Honourable Senator Mitchell, seconded by the Honourable Senator Hubley, that Bill S-228 be read a second time.

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

Some Hon. Senators: Agreed.

Some Hon. Senators: No.

The Hon. the Speaker: All those in favour of the motion will please say “yea.”

Some Hon. Senators: Yea.

The Hon. the Speaker: All those contrary to the motion please say “nay.”

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the “yeas” have it.

[The Hon. the Speaker]

And two honourable senators having risen:

The Hon. the Speaker: Please call in the senators. Is there an agreement between the whips as to how long the bells will ring?

Hon. Consiglio Di Nino: Honourable senators, I would ask your indulgence that, under the rules, we postpone the vote until 3:30 tomorrow.

The Hon. the Speaker: It is proposed that the vote be held tomorrow afternoon at 3:30 p.m. Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Therefore, the vote will be deferred until tomorrow, Wednesday, May 28, at 3:30 p.m. The bells will ring at 3:15 p.m.

LIBRARY AND ARCHIVES OF CANADA ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Corbin, for the second reading of Bill S-233, An Act to amend the Library and Archives of Canada Act (National Portrait Gallery).—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I rise to oppose Senator Grafstein’s motion because I very much oppose Bill S-233.

What is the Portrait Gallery of Canada? Is it a building? Is it faces, photographs and paintings? Is it history? Is it people? The portrait gallery is all these things, but it is also a great deal more.

The Portrait Gallery of Canada is a showcase. It celebrates Canadians who have built and shaped our nation, and who continue to do so. The gallery brings us face to face with this history in a way that is accessible to all. People are drawn to faces. When one stands in front of a portrait one can immediately feel the presence and the power of the story. When we learn about the people behind the faces — women and men, celebrities and unknowns, heroes and more humble folk, ordinary and extraordinary Canadians — we learn about our country, our communities and ourselves.

Library and Archives Canada has been collecting portraits since 1872. It has developed a collection of rare portraits that span the period from the earliest contacts with our Aboriginal nations to 20th century photography, making it the second-oldest national portrait collection in the entire world. Library and Archives Canada holds in this priceless collection over 20,000 paintings, drawings and prints; 4 million photographs and several thousand caricatures; as well as more than 10,000 medals and philatelic items.

The portrait gallery staff members play a focused role within the wider mandates of Library and Archives Canada. Library and Archives Canada preserves and manages our documentary

heritage, including this vital collection. It is responsible for the overall care and protection of these works on behalf of all Canadians. With its world-class curatorial and management expertise, Library and Archives Canada plays a vital role in caring for and preserving our portrait collections for generations to come.

While the portrait gallery has been busy building its organization and programming, a great deal of work has also been under way over the past year to find a host community and a permanent exhibition space for this vibrant institution.

Honourable senators, with respect to the proposition contained in the bill before us — namely that Ottawa and only Ottawa be the location of this portrait gallery — let me share two or three reflections which members who are not from Ottawa may find of interest.

In terms of area, Canada is the second largest country on the planet next to Russia. It occupies most of the northern portion of North America and covers 41 per cent of our continent. It spans an immense territory between the Pacific and Atlantic Oceans. It covers 9,984,670 square kilometres or 3,855,103 square miles. I provide this brief geographic overview in order to point out with great respect that, regardless of how we may view the many splendours of Ottawa, this city is not the centre of the Canadian universe.

As Canada's capital, it is the country's "centre of power" and, as such, boasts many beautiful museums, galleries and attractions. This outstanding chamber and everyone within it is among them. However, many Canadians — and I would guess a majority of Canadians — may never travel to Ottawa during their lifetimes. For most, a trip to Ottawa would be much the same as a vacation to Europe — completely out of reach financially and logistically.

Senator Grafstein, in his cogent, sincere and forceful speech on this subject, both on the motion and on Bill S-233, made reference to the government "pitting one city against the others" by accepting and seeking applications from other Canadian communities as a location for this gallery. In my view, the presentation made by my good friend, Senator Grafstein, seems to suggest that he might prefer a tension that would be linked to other Canadian cities throwing up their hands in despair and realizing that, once again, Ottawa wins out without so much as a discussion with respect to this particular cultural treasure.

I recognize the fact that, as Senator Grafstein has pointed out, such a gallery in other countries is normally located in that nation's capital. Senator Grafstein recounted his visit to the National Portrait Gallery in London, England. I agree, having visited that gallery, that it is a very impressive sight with an impressive collection relative to the magnificent history of the United Kingdom.

However, while once the most formidable power on the planet, the United Kingdom is actually a very small country geographically. Its entire mass would fit into just a small portion of the province of Ontario. One could fit all of Great Britain into Nova Scotia. I do not know what that would do for property values, Senator Comeau, but one could do it if one had to. From virtually every corner of Britain, the capital can be reached by car or by rail. Honourable senators, Ottawa is not so geographically accessible for millions of Canadians.

In a country the size of Canada, the Government of Canada owes its allegiance to the people of Canada — all the people, from coast to coast. The perception already exists amongst many that Ottawa lives in a vacuum, out of touch with those thousands of miles away — and perhaps only a few dozen miles, according to some — in any direction. Canadian identity and heritage are not confined to the National Capital Region.

I suggest that this enterprise might be our opportunity to let our Canadian brothers and sisters know that not all things "national," not all things "historical" and not all things relating to "Canadian identity" must be situated only in the National Capital Region.

A national portrait gallery situated in another Canadian community would be no less valid, no less important and no less "national." Ottawa does not hold a monopoly on valid national institutions. I would hate to assume that, if we took the Ottawa *uber alles* approach, someone might suggest we move the Plains of Abraham or the Citadel in Québec City to the beautiful parklands surrounding the capital or, God forbid, that sacred site, Fort Henry, from Kingston and rebuilt somewhere in the Ottawa area because it is the national capital. This would be done in the name of national historical relevance.

Why is it anathema to consider other great communities in this country — Winnipeg, Calgary, Edmonton, St. John's, Halifax, Vancouver, et cetera — as a home to a national institution?

Senator Di Nino: What about Toronto or Kingston?

• (1530)

Senator Segal: I will talk about Kingston. Kingston was the capital of the United Province of Canada. The only mistake Queen Victoria made during her remarkable reign was to approve the recommendation to move the capital from Kingston to Montreal and then ultimately to Ottawa, from which we have barely recovered. However, we must accept it. We must make do with reality as we find it, but we do not need to compound the mistake time and time again.

The Museums Act of 1990 established four separate museums governed by independent Crown corporations to replace the all-encompassing control of the National Museums of Canada, which at the time, the government of the day claimed hampered the decentralization and democratization of Canadian national museums as recommended by the National Museum Policy. The National Museum Policy had been announced in 1972 by Secretary of State Gérard Pelletier and proposed the "increased movement of objects, collections and exhibits throughout Canada for the benefit of more people."

This statement was from one of the three original wise men who came from Quebec to save Canada. He called for that democratization, which this government's policy is trying to advance and to sustain.

However, the 1990 act also mandated the boards of directors to seek a "partnership" with the private sector — fundraising — which meant that the location of the museums, then restricted entirely to the Ottawa region, was effectively a handicap as these boards pointed out in the early 1990s to various governments.

This discussion, this motion and the debate surrounding it, had the unwitting effect of making it appear that national institutions, museums and galleries, are primarily about serving the interests of the city of Ottawa itself.

Canada's pride is not relegated to one city, one province or one attitude. Our national family is large indeed, geographically and historically. It took 100 years for explorers to this great nation to find the western side of the continent. For us to insist that any national institution should be relegated only to one place permanently and terminally is, in my opinion, baffling Ottawa-centred arrogance. I do not ascribe this arrogance to any member of this place or the other. I respect completely the patriotism and sincerity of my colleagues on this matter. I recognize that their arguments are well-meaning and genuine. However, I profoundly disagree. I believe that perhaps the time has come to permit this particular national institution to be placed in another, no less national Canadian city.

The government's view, which I share, is that national cultural institutions can be located outside the National Capital Region. In April 2007, the Prime Minister announced this committee's commitment to the Canadian Museum of Human Rights in Winnipeg, making it the first national museum to be located outside the National Capital Region. I think it can be fair to say that that was done with support from all sides of this chamber. There has been significant support for this project across the country, across the world and, of course, in that great keystone city of Winnipeg itself.

Last fall, after careful consideration, the government announced an innovative call for proposals to locate the Portrait Gallery of Canada in one of nine Canadian cities: Halifax, Quebec, Montreal, Ottawa-Gatineau, Toronto, Winnipeg, Edmonton, Calgary or Vancouver. The request for proposals, RFP, is well underway with a deadline for submission of May 16, 2008, only a few days ago.

The RFP invited qualified developers to come forward with prominent and easily accessible sites in those communities for the development of a permanent exhibition space for the Portrait Gallery of Canada.

This approach is a first for a national cultural institution in Canada and it is consistent with the government's desire to ensure access to our cultural heritage for all Canadians. The government asks developers to come forward with proposals that demonstrate both private sector and community support for this project. There is the understanding that a community that actively works to bring the portrait gallery to its doorstep will set the stage for a long-term, sustainable and viable community and national relationship.

The Portrait Gallery of Canada is already, as part of Library and Archives Canada, serving Canadians even as we sit here today. It tells Canadian stories every day by reaching out to teachers and offering free tutorials. It shares our history with audiences around the world through projects like the recent Yousuf Karsh exhibition in Nice and Paris and the *Between Worlds* exhibition of the Four Indian Kings portraits held in the National Portrait Gallery in London, England.

The Portrait Gallery is developing innovative partnerships with other institutions. Last fall, they collaborated with the Art Gallery of Ontario to bring 17,000 individual portraits, created by Ontario residents for the AGO, to Ottawa for exhibition. This exhibition, *In Your Face*, was made freely available to school groups and launched the Portrait Gallery's educational programming.

The Portrait Gallery continues to bring new projects to the public with the upcoming Frederik Varley exhibit in collaboration with the Varley Art Gallery of Markham, Ontario and the Canadian Museum of Nature, and with the 2009 opening of *Karsh the Storyteller*, another compelling exhibit of Canada's portrait history.

Honourable senators, current and future programming activities are all possible under the new mandate: travelling, on-line and permanent exhibits; teaching tools; research; interviews and thought-provoking documentaries; and, of course, the development of the permanent exhibition space for the gallery itself.

The Portrait Gallery of Canada will be best placed in the host city that demonstrates the most effective and creative proposals for its placement and long-term health. That may well be in the nation's capital, which is invited to bid and the city that already houses so many wonderful institutions. However, we also believe that other cities with sufficient infrastructure and population base should also have an opportunity to seek the benefits to be gained from a major national cultural institution. Canada is looking for the right combination of a developer and a community with the passion and vision to create an extraordinary portrait gallery for this country.

I suggest that we should think carefully in this chamber before undertaking any action that would impede the good work that many of the nine qualified communities have already invested in this publicly advertised and wide open RFP process.

I ask the honourable senator, rhetorically, how he wishes to convey to those other eight cities that they are not worthy of consideration — which is what his bill would in fact do — and that their cities do not deserve this opportunity. I can tell you that the Government of Canada is looking forward to reviewing the proposals and to exploring the potential of any of these great Canadian cities as a home for the Portrait Gallery of Canada.

Mr. Speaker, we have an active and healthy organization. Within Library and Archives Canada, the gallery undertakes a wide and successful range of domestic and international programming, and we have a fair, open and transparent process in place to find a welcoming host community for the permanent exhibition space. The program is in good shape and the process to choose a permanent home is well under way.

All this was done under the current legislation, legislation that gives Library and Archives Canada the mandate to preserve documentary heritage, to make it known and accessible to all, to contribute to the cultural, social and economic advancement of Canada and to facilitate cooperation among communities with shared interests.

Honourable senators, national treasures belong to the country and not only to the capital city.

Hon. Joan Fraser: Will the honourable senator accept a question?

Senator Segal: Yes.

Senator Fraser: I have two questions which I shall pose as one intervention. Is Senator Segal interested in apologizing to Her Honour for calling her “Mr. Speaker”?

• (1540)

Senator Di Nino: Right on!

Senator Fraser: Early in his impassioned remarks, Senator Segal spoke of numbers of tourists. Are there comparative statistics or did I miss them on the number of tourists, particularly young tourists, schoolchildren and so on — let us leave out the navel of the universe for the moment — who visit the other cities that were mentioned?

Senator Segal: First, let me accept the opportunity to apologize to Her Honour. I had launched before seeing that the presence in the chair had, in fact, changed, so I abjectly offer my apology and prostrate myself in front of her in this context.

I did not mention tourists. I mentioned land mass; I mentioned space; I mentioned territory; and I mentioned whether it was easy to come to Ottawa from all parts of the country. I did not give a number for tourists, but that question from my colleague is a good one. I will look at the numbers and see if I can provide some detail, but let us not assume because we wander around this city and see buses full of students coming, which is a good thing to be welcomed and encouraged, that it is easy for all students from all regions to make that pilgrimage on an ongoing and regular basis. Let us not assume that the geographic and financial issues implicit in that pilgrimage are easily sustained across the vast regions of the country.

From my perspective, young students who go to places like Calgary, Vancouver or Quebec do this country as much credit and learn as much about our history and our future as they would by coming only to the city of Ottawa.

[*Translation*]

Hon. Marcel Prud'homme: I would like to tell Senator Segal that I am always impressed by his speeches. I hope he will not agree to become Minister of Foreign Affairs, because rumours are running rampant and we want to keep him in the Senate.

Having studied the pros and cons of Bill S-233, I share the honourable senator's opinion that museums should be spread across Canada.

However, I find it strange that I did not hear any protests from the people who ardently defend Ottawa's exclusive right to national museums when the decision was made to build the Museum for Human Rights in Winnipeg, a museum that will cost a great deal of money both to construct and to maintain.

I did not hear any protests from the great champions of having museums exclusively in Ottawa. I wonder whether their statements are just for show.

Honourable senators, when I rise to speak to this issue, I will echo Senator Segal's opinion. I think the time has come for the whole country to share our federal institutions.

Senator Segal: I wholeheartedly agree with Senator Prud'homme when he says that the whole country must share Canada's cultural treasures. I do not take issue with what motivates those who would prefer to have the National Portrait Museum in the national capital. I take issue with their attitude, but I do not take issue with their commitment to a national capital that has all the instruments of national identity.

However, Canada is not England or France. Canada has large regions and large provincial capitals that are part of our essential heritage. In my opinion, the current government is quite clear in its approach. In a way, Senator Grafstein's words take away from our great national heritage, and that is why, with all due respect, I oppose this bill on behalf of our party.

[*English*]

Hon. Francis William Mahovlich: Honourable senators, I rise today to discuss an issue in which I feel the federal government has made an error in judgment, and that must be remedied immediately.

[*Translation*]

Bill S-233 would correct the error of selling the National Portrait Gallery of Canada to the highest bidder and would place the gallery where it belongs, here in the National Capital Region.

[*English*]

Many voices and opinions have been shared on this topic by people from across the nation. Some are in favour of it being in the nation's capital while others believe that Ottawa should share the cultural wealth and locate the gallery's home in another city or province. I do not want to take away from any of the cities who wish to have this institution as part of their city. I have been to every province in this great country and realize the beauty and culture they each have to offer. In my opinion, the individuality of each province makes Canada a truly great nation.

That said, however, I cannot help but feel that it is wrong for the National Portrait Gallery of Canada to be anywhere but the nation's capital. In many countries around the world we see examples of national portrait galleries found in their nation's capital: Canberra in Australia, London in Great Britain, Washington in the United States, and I can go on and on. Clearly, I am not the only one who believes that the National Capital Region should be the home of the National Portrait Gallery here in Canada.

When people come to Ottawa, they usually come to see the natural beauty of the city and to learn about Canada's culture and history. They come to visit the Parliament of Canada, to learn about our government and how the country is run. They come to visit the National Gallery of Canada to see works of some of the most talented Canadian artists. They come to visit the numerous museums that are found across the city that educate about Canada's history, its flora and fauna, its technological advances and its military achievements.

While visitors from both Canada and abroad learn about all these great Canadian things, however, they learn little about the people who made this country what it is today. Of course, if they take a tour of Parliament Hill, the experienced and well-educated parliamentary tour guides will speak to them about the pictures of the former kings and queens, prime ministers and speakers that grace the walls here, but where will they learn about the many other Canadians, both well-known and little known, that are meant to fill the National Portrait Gallery? Will they hop on a plane for a four-hour ride to Alberta to learn this information? I hope not.

In Senator Grafstein's speech a few weeks ago, the honourable senator suggested the idea of travelling exhibits that would cross the country for all Canadians to enjoy. I think this idea is a fantastic one, as it would keep the gallery in the National Capital Region but would also bring knowledge of important Canadians to cities across the country.

I do not think anyone should feel left out of learning about Canadian history, but I also strongly believe that the national institutions, such as this one, should stay in the nation's capital.

Honourable senators, I also do not think that the manner in which the federal government is finding the new home of the National Portrait Gallery is a good one at all. They called for the submissions from nine different Canadian cities; however, by the deadline for submissions last week, only three cities had put in offers: Edmonton, Calgary and Ottawa. According to the *Ottawa Citizen*, Edmonton has a developer with land, design and cash, including a \$40-million gift for Library and Archives Canada; Calgary has a site and promises a big splash if the city wins; and Ottawa has a developer offering a home in the base of a condo six blocks from Parliament Hill.

• (1550)

What happens next? An anonymous selection committee evaluates the proposals and chooses the winner without knowing what the final building will look like or how it is organized. To me, this approach sounds like trouble and an all-around bad idea. If we had stuck with the original intention of having the National Portrait Gallery in the building that was the former American Embassy across the street from Parliament Hill, the gallery might be open already to visitors, not to mention the millions of dollars that would have been saved. As Senator Grafstein mentioned in his speech, over \$20 million had already been spent on renovating the building and preparing it as the home of the gallery. That money is now lost, thanks to the current federal government.

Not only do these changed plans mean that we would lose this investment but it would also cost at least \$2.5 million less per year to have the gallery in the nation's capital. This is due to the increased shipping costs that would be required if the gallery's home were in Calgary or Edmonton. Most of the collection that would be used for the gallery is kept at a Gatineau preservation centre, and having to constantly ship portraits back and forth when exhibits change would certainly drive costs up. You only have to think of the insurance costs. Not only that, but shipping such precious items across the country would certainly increase the risk of damage to these valuable pieces.

[Senator Mahovlich]

[*Translation*]

Furthermore, if Calgary or Edmonton is chosen as the new site for the gallery, the construction costs will be cushioned by the oil boom in Alberta.

[*English*]

While many argue that since the government is looking to the private sector to help fund this project and there is therefore less need to focus on such issues, I feel that leads to another dilemma that this project forces upon us, which is privatizing Canadian cultural institutions. As a national establishment, I feel that the National Portrait Gallery should answer only to the federal government via the Library and Archives Canada, and not to the private organizations with the deepest pockets. To do so, it seems to me, cheapens the Canadian government and thus our Canadian heritage.

[*Translation*]

Honourable senators, I am very pleased to have the opportunity to speak to this bill. I congratulate Senator Grafstein, Senator Joyal and all the other senators for their hard work on this very important issue.

[*English*]

While we await the passage of this bill, let us continue to strive to reach our goal for the benefit of all those interested in Canadian culture.

Hon. Consiglio Di Nino: As I said before, and I apologize to Senator Mahovlich for interrupting him, I was asked by Senator Stratton to take adjournment of the debate in his name.

On motion of Senator Di Nino, for Senator Stratton, debate adjourned.

[*Translation*]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Comeau, seconded by the Honourable Senator Di Nino, for the second reading of Bill C-299, An Act to amend the Criminal Code (identification information obtained by fraud or false pretence)—(*Honourable Senator Tardif*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, Bill C-299 has been before the Senate for several weeks now. I recommend that it be read the second time and sent to committee for thorough examination.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

CONTROLLED DRUGS AND SUBSTANCES ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Johnson, seconded by the Honourable Senator Segal, for the second reading of Bill C-428, An Act to amend the Controlled Drugs and Substances Act (methamphetamine).—(*Honourable Senator Tardif*)

Hon. Claudette Tardif (Deputy Leader of the Opposition): Honourable senators, this bill has been before the Senate for several weeks. I ask that it be read the second time and referred to committee.

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

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

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

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

[*English*]

STUDY ON FEDERAL GOVERNMENT RESPONSIBILITIES AND MATTERS GENERALLY RELATING TO ABORIGINAL PEOPLES

INTERIM REPORT OF ABORIGINAL PEOPLES COMMITTEE ADOPTED

The Senate proceeded to consideration of the fifth report (interim) of the Standing Senate Committee on Aboriginal Peoples entitled: *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, tabled in the Senate on May 15, 2008.—(*Honourable Senator St. Germain, P.C.*)

Hon. Gerry St. Germain moved the adoption of the report.

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

Motion agreed to and report adopted.

THE SENATE**MOTION URGING GOVERNMENT TO NEGOTIATE WITH THE UNITED STATES FOR THE IMMEDIATE REPATRIATION OF OMAR KHADR—
DEBATE CONTINUED**

On the Order:

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

That the Senate call on the Government of Canada to negotiate with the Government of the United States of America the immediate repatriation to Canada of Canadian citizen and former child soldier Omar Khadr from the Guantánamo Bay detention facility;

That the Senate urge the Government of Canada to undertake all necessary measures to promote his rehabilitation, in accordance with this country's international obligations on child rights in armed conflicts, namely the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict; and

That a message be sent to the House of Commons to acquaint that House with the above.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino: Honourable senators, I rise to participate in this debate with mixed emotions. Fundamentally, I do not disagree with Senator Dallaire's position on the treatment of child soldiers. Instances where children are subjugated to perpetrate or participate in murder, rape and other criminal activities by their adult masters are abhorrent. It is easy to see why he has taken up this pressing international issue.

However, Senator Dallaire's presentation of the Omar Khadr case lacks balance. This is not a case of the typical child soldier we too often hear about, particularly in African conflicts.

In his remarks in the Chamber, Senator Dallaire presented his case in support of Mr. Khadr's return to Canada. It is not my intention to debate that particular point. Let the lawyers do that. I shall simply quote the Supreme Court decision of May 23 which at paragraph 35 says:

The ultimate process against Mr. Khadr may be beyond Canada's jurisdiction and control.

I do wish, however, to address certain aspects of this tragic story that, so far, have been left out of the debate, and which I believe are important in presenting a fair, full and more balanced picture.

A key area that needs to be part of the debate is the role and responsibility of the Khadr family.

• (1600)

Honourable senators, in reviewing the facts surrounding this case, let us remind ourselves where most of the blame lies. It lies in abundance at the feet of the Khadr family, and especially the father, who instilled a culture of hatred, extremism and violence into his family and infected them with his warped sense of justice and thirst for revenge.

Canada has been generous to the Khadr family. Despite their embrace of violent Islamic extremism, disdain for Canada and our freedoms and tolerance, they have leaned on the generous resources that our country provides. The family returned to Canada to obtain medical treatment for Abdul Karim, who was paralyzed in a shootout with Pakistani forces and — as we have all read — social assistance has allowed them to live not uncomfortably in a Toronto apartment.

All the while, they have heaped scorn upon Canada. Ms. Elsannah praised al Qaeda and suicide bombers on camera for the CBC. She said that Americans had got what they deserved on 9/11. I assume that also means Canadians, and all the other people who perished from all other parts of the world. She also said that the terror camps in Afghanistan were preferable to the school system here, where they risk exposure to our values. Imagine that!

Omar's sister said they all wished for martyrdom. I would like to say something there, but I had better not. Her views were no doubt shared by her husband, himself an al Qaeda terrorist.

Another Khadr son, Abdullah, awaits the outcome of deportation proceedings that could result in extradition to the U.S. He was a reputed arms purchaser for al Qaeda in Afghanistan, buying AK-47s, mortar rounds and rocket launchers. Like his brothers, Abdul Karim, Omar and Abdurahman, who was also held in Guantanamo as a suspected terrorist, Abdullah too trained at an al Qaeda camp.

Rounding out this group is the now deceased father, Ahmed Said Khadr, a friend of Osama Bin Laden and alleged financier for his terror organization. Though he moved to Canada in 1977, he supported terrorism abroad by funnelling money through a Canadian front organization. He was arrested in 1995 in Pakistan for his suspected role in a bombing that killed 17 people. A year later, no less than former Prime Minister Jean Chrétien interceded on his behalf to appeal to the Pakistanis for his release.

Senator Segal: Shame!

Senator Di Nino: When eventually freed, as reported, he moved his family to Taliban-ruled Afghanistan, sharing a compound with Osama Bin Laden. In 2003, Mr. Khadr was killed in a shootout with Pakistani forces. Honourable senators, this is the environment in which Omar Khadr grew up.

Senator Dallaire, in his appearance before the Subcommittee on International Human Rights in the other place on May 13, compared Canada as well as the U.S. with al Qaeda. He said that the Americans "... are no better than the other gang. ..." The "other gang," of course, refers to al Qaeda. As well, in reply to a

question, Senator Dallaire equates Canada to al Qaeda for not making, in his opinion, extraordinary efforts on behalf of Mr. Khadr.

Honourable senators, I am very disturbed by these comments equating Canadians and Americans with that odious terrorist organization.

In his attempt to clarify his position the next day Senator Dallaire said:

... we cannot avoid the point that if we violate international law in our pursuit of war on terror, we risk reducing ourselves, collectively, to the same level of those we oppose.

Frankly, I believe Senator Dallaire further inflamed the situation with those comments.

Honourable senators, the rule of law must be respected, but such a broad, sweeping indictment not only tarnishes our governments but also reflects on our politicians, officials, soldiers and citizens. This, to me, is unacceptable.

For the record, to the best of my knowledge, the Government of Canada has consistently acknowledged that Mr. Khadr was a minor at the time in question, and demanded that U.S. authorities account for this fact in his detention, treatment and prosecution. Canadian observers have been sent to the proceedings, and the government facilitated the appointment of Canadian lawyers.

In contrast, "those we oppose," to quote Senator Dallaire, have vowed death and destruction to those who do not share their fundamentalist views. They have broadcast beheadings, detonated bombs in crowded markets, and flown airplanes into buildings. They have shown no mercy or compassion, and made no distinction between soldier or civilian, nor between man, woman or child.

Senator Segal: Shame!

Senator Di Nino: I am sure, honourable senators, you are as disturbed as I am at hearing about a 10-year-old child strapped with explosives and detonated in an attempt to kill Canadian soldiers in Kandahar. This happened last week. Certainly, Senator Dallaire is not comparing Americans and Canadians to those who would blow up their kids for their ungodly quest. Honourable senators, I have no doubt that unless these heartless and cruel thugs are stopped, they will continue to wreak havoc among those who disagree with them, including members of their own communities, all in the name of their ideology.

My honourable colleague suggested that Omar Khadr is being treated differently than other child soldiers, "because he allegedly killed an American soldier." I cannot speak to that assertion, but to answer a slightly different question: Is he being treated differently than other detainees at Guantanamo? The answer is yes.

Of all the hundreds of people originally held at Guantanamo, only 14 have so far been charged. Omar Khadr is one of them. He was captured by U.S. forces in 2002 at the age of 15. It is alleged that he threw a grenade at a U.S. soldier in Afghanistan, killing

[Senator Di Nino]

Sgt. Christopher Speers. While neither I nor anyone in this chamber can pronounce on the guilt or innocence of Omar Khadr, the allegations are of the utmost seriousness.

In my mind, doubt is cast on Senator Dallaire's statement that, by mere virtue of his age:

Omar Khadr is a victim, not a terrorist or a perpetrator.

Mr. Khadr was not an adult at the time when the acts were allegedly committed. While age must be taken into account to assess the culpability, age alone cannot wipe away accountability or the finding of guilt. We all know that under certain circumstance, even in Canada, we try young criminals who have committed heinous crimes in adult courts.

Honourable senators, I think we can all understand why Canadians' sympathies lie not with the Khadr but with the victims who have succumbed directly or indirectly from the actions of a group of persons dedicated to the butchering of men, women and children and the destruction of those who aspire to democratic rights, freedoms and values, including those in the Muslim world.

There is no doubt that Omar Khadr was a minor when he committed the alleged acts, but this is not the child soldier of Sierra Leone abducted from his family and forced at gunpoint to commit atrocities. This was a young man who likely shared a cultural hatred instilled by a family dedicated to a violent, uncompromising ideology.

Unfortunately, Senator Dallaire's opinions have clouded my position on this issue. His inappropriate comments are an affront to Prime Minister Chrétien and his government, Prime Minister Martin and his government, and Prime Minister Harper and his government. His comments also offend all Canadians.

Honourable senators, I understand that in debating emotional and passion-filled issues such as this, and in the heat of the moment, all of us can, at times, make inappropriate comments. It comes with our jobs. When that happens, an apology will usually be accepted. As far as I know, Senator Dallaire has issued no such apology.

It troubles and saddens me that Senator Dallaire has reduced his stature on this matter by his aggressive and unreasonably critical stance.

Honourable senators, although I strongly support the appropriate treatment and rehabilitation of child soldiers, because of the issues that I have raised, I will not be supporting this motion.

• (1610)

Hon. Roméo Antonius Dallaire: Honourable senators, I have a question, but I should first like to thank the honourable senator for responding so soon to the motion. I am most appreciative of this, particularly because of the volume of work that he is holding, as Senator Comeau has indicated.

I am not particularly surprised by the angle to the scenario or the motion that the honourable senator has taken. He did, I suppose, what I did. He has shown his side or perspective of the case, as he indicated that I showed my side of the case.

I have the following question. I believe — and I believe I am correct in saying that the honourable senator also supports this position — that when we sign international treaties and protocols that become rules of international law, we are then, as the Supreme Court of Canada indicated in the same reference, bound to apply them. If there are frictions with our human rights, then we must also acknowledge that and respond to that.

I am asking the honourable senator, in the end, whether Omar Khadr is, in his mind, a child soldier. If so, then why does the international optional protocol on the protection of child soldiers not apply to him? It does not specify who recruits them, how they are recruited or any other circumstances. It specifies that they are being used in conflict and being armed and trained to do so.

Senator Di Nino: I am sure the honourable senator did not mean to use the word "angle" in the way I understood it. What I said is not an angle; it is a strongly held personal view. I assure you that I have no idea whether my colleagues on this side or on the other side would approve, applaud or condemn me for these comments. I want to make that clear.

On the issue of Omar Khadr, as I said to the honourable senator last week when he asked a question, after I read his comments, I waited for an apology. I am not asking him for one. It is his prerogative to deal with this issue how he wishes. However, I was offended. As I said before, at times, when I have opened my mouth, I have then said to myself, "You idiot, what did you say?" I am not suggesting that the honourable senator is an idiot or that he said something inappropriate from his standpoint.

The Hon. the Speaker pro tempore: Honourable Senator Di Nino, your time has expired. Are you asking for more time?

Senator Di Nino: Yes, I am.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Five minutes.

The Hon. the Speaker pro tempore: You may continue.

Senator Di Nino: I actually started writing my speech and preparing it on Sunday afternoon. I do not have the same ability to put words together that my distinguished and honourable friend Senator Segal has. Whether Omar Khadr is a child soldier or not is not for me to decide. Three different governments of this country, under Mr. Chrétien, under Mr. Martin and under Mr. Harper, have been dealing with this issue to the best of their ability. I do not think they have abandoned anyone. At least, I do not believe so. It is for someone else to decide whether he is a child soldier, not for me.

I do say to the honourable senator — and I hope that I reflected this in my comments — that with the great deal of respect that I have for him and what he stands for, I was disappointed that he would point a finger at me and at my family and at the soldiers who are fighting every day to save the lives of people while other people in their own country are trying to snuff them out. I found that to be offensive. That is the issue that I am trying to raise. He

has clouded my whole viewpoint on this, because if Senator Dallaire really believes what he has said, then I think he is wrong in his entire position.

Senator Dallaire: I recognize why the Honourable Senator Di Nino would mention the argument that I may have potentially insulted him and others with regard to equating this country to al Qaeda. Just as the interlocutor at that place asked me a particularly dumb and set-up question, I responded in the same fashion. I should have known better than to fall into that trap of actually diffusing the whole exercise by that statement.

In the end, the question remains, and it is not for others. We in this country who believe in human rights and international law, and who have fought to actually apply it and who have seen the impacts of impunity and who have seen countries stand back and let things happen, should actually change the exercise with energy and verve.

I return to the point: The honourable senator may have described the circumstances of the family, and he may hate their guts and not like their politics and everything else. That changes nothing. It does not give us the right to let some Canadians continue to function in an illegal process, a process that abuses human rights by permitting torture and permitting individuals who are minors and used as child soldiers in a combat operation to be treated differently because we do not necessarily like the tone or the perspectives of them, or of how they were recruited, and so on.

Is Khadr a child soldier? Yes or no? Does Canada still apply the international conventions and rules that say that child soldiers are not to be tried or held in jail for six years? If previous governments were no smarter, then that is certainly not a reference that you want to use either for letting that happen and not trying to bring justice to that Canadian.

An Hon. Senator: Hear, hear!

Senator Di Nino: I am not sure how to take the question. There is no doubt in my mind that Canada is one of the foremost countries in the world in respecting the rule of law and all of the agreements that it signs. In my opinion, Canada is doing all it can, all it must and all it is obligated to do, and probably more, not only generally but also in this case. The honourable senator may disagree with that. That is fair enough, and I do not have a problem with that. However, he is doing the same thing at this point by suggesting that Canada is not respecting the rights of people that they have agreed to protect. Obviously, three governments felt that they were doing so. I am not as smart as all of the people that are working over there. All I can say is that I agree that we should sign these agreements under the UN auspices, and so on, and I believe that Canada is respecting its obligations.

The Hon. the Speaker *pro tempore*: The time has expired.

Hon. Yoine Goldstein: Honourable senators, human rights are indivisible. They are available to all people. I will talk about that and will suggest, with great respect, that you may wish to reconsider your positions when this debate resumes.

On motion of Senator Goldstein, debate adjourned.

[Senator Di Nino]

• (1620)

OSLO PROCESS ON BANNING CLUSTER MUNITIONS

INQUIRY—DEBATE CONCLUDED

Hon. Elizabeth Hubley rose pursuant to notice of April 29, 2008:

That she will call the attention of the Senate to the Oslo Process and efforts to ban the use, production and trade of cluster munitions.

She said: Honourable senators, it has been just over 10 years since Canada took the lead in an historic event. In December 1997, Canada invited the world to Ottawa to sign a treaty to ban anti-personnel land mines.

It was important to ban landmines because these tools of war not only target opposing military forces, they continue to kill years and decades after hostilities have ended, targeting mainly civilians and dashing any hopes for war-torn areas to rebuild their economies and return to normalcy.

While work continues to clear land mines from affected areas, the attention of the world community has turned to cluster munitions. Cluster munitions are bombs that separate in the air over a target and disperse into hundreds or thousands of smaller bombs. This type of munitions shares a number of attributes with land mines; they are generally untargeted, and because once they separate they spread over a very large area, they kill civilians who are unlucky enough to be in the vicinity of a military encounter.

However, cluster munitions also leave a legacy. There are always a significant number of these bombs that do not explode on impact. Remnants are left behind and infect the area long after the hostilities are over. In effect, they become land mines, just waiting for some child or farmer to activate the explosive in years to come.

Cluster bombs are problematic and those problems endure. The 2006 hostilities between Israel and Hezbollah in southern Lebanon are an example of the ongoing impact of cluster bombs.

The United Nations Mine Action Service in Lebanon has estimated that anywhere from 2,000 to 6,000 rounds of heavy ammunition were fired by Israel each day during the conflict. Included in that number was a large number of cluster bombs. Although each cluster bomb counts as a single round of ammunition, in actuality it disperses hundreds of thousands of individual bomblets. More importantly for the long-term vitality of the area, it is also estimated that up to 40 per cent of these bombs failed to explode. In 2006, it is estimated that up to 1 million bombs were left unexploded in southern Lebanon.

As a result of the use of this weapon, some areas of southern Lebanon have been turned into large minefields, preventing civilians from returning to their homes and lives. It is bad enough that these people were displaced by armed conflict, but they should not have to suffer long after the armies have returned home.

The international community is coming close to banning cluster munitions, as it did with land mines. More than 80 countries have signed the Oslo Process, which would lead to such a ban. Formal negotiations are taking place in Dublin, from May 19 to 31, which will be followed by a signing of the treaty in Oslo in October.

The world has copied the template that Canada set 10 years ago and is marching toward the banning of yet another inhumane weapon. However, the one noticeable difference from 10 years ago is the leadership shown by Canada.

Over 10 years ago, Canada announced a moratorium on the use, production, trade and export of anti-personnel land mines. This was almost two years before the treaty was even signed. Canada had the vision and the compassion to recognize that even if the world had not quite come around, these were inhumane weapons and we, as a country, would have nothing to do with them.

In response to a question I posed in the Senate, I have received the government's answer today. I wish to share a couple of excerpts from that response.

The Canadian Forces have never used cluster munitions in operations.

Later, the response of the government continues:

Canada currently regards cluster munitions as lawful weapons if they are used in accordance with international humanitarian law, which prohibits the targeting of civilians and civilian infrastructure. At the same time, Canada has expressed concern about the impact unreliable and inaccurate cluster munitions have on civilians.

I do give credit to the government in that they have announced their intention to remove the entire remaining stockpile of cluster munitions from the arsenal of the Canadian Forces. However, to the best of my knowledge, the contract to destroy the 155-millimetre, dual-purpose, improved conventional munitions has not yet been awarded and no date has been set for when this will be completed. A new treaty is just around the corner and it appears that we have decided to wait.

Although Canada has declined to take a leadership role, we have been participating in the process. As I mentioned, Canada has undertaken to destroy its remaining stockpile of cluster munitions and has participated in all the meetings and conferences leading up to the signing that will take place later this year. However, unlike 10 years ago, it is somewhat unclear as to what the Canadian position will be at these meetings.

There are proposals on the table that would create a number of exceptions and delays in this treaty. Some suggestions would exempt munitions with self-destructive devices or include a potentially lengthy transition period before the prohibitions take effect. It is unclear what stance Canada will take on these and other issues.

Another concern that I have is the commitment of the Canadian government to the Oslo Process as opposed to the Convention on Certain Conventional Weapons, or CCW. As background, the CCW was agreed to in 1980, and included a section restricting the type and usage of anti-personnel land mines. However, even this watered-down approach failed to gain general acceptance and did not go nearly far enough for most nations. That is why the Ottawa process was initiated; it accomplished in a couple of years what the CCW failed to do in decades.

The CCW is now looking at cluster munitions. However, based on past history, it may take decades to arrive at a consensus, if it ever does at all. In the meantime, similar to the Ottawa process, like-minded nations have gathered together to ban cluster munitions — again, taking an important and historic stand against an inhumane weapon — but it is unclear where Canada stands.

Does our government want to take the decades-long approach of the CCW, waiting for a statement full of conditions, exemptions and stipulations, or does it want to stand up, once again, as it did 10 years ago, and clearly and unequivocally state that the world would be a much better place if these weapons were all destroyed, never to be used again?

It is my hope that the Canadian delegation will approach these final meetings with the attitude that cluster munitions are essentially land mines that are dropped from the sky. This country gained the respect and admiration of the world by taking a strong stand on land mines. We lead the world in recognizing that weapons that target civilians long after a conflict has ended are inhumane and should not be used under any circumstances. Ten years later, we are being asked to reaffirm that position.

The world community is moving toward the same recognition of cluster munitions, and it is about to declare the inhumanity of these devices. Honourable senators, Canada should again be in the forefront, reiterating its commitment to human security and making the treaty to ban cluster munitions as strong as possible.

The Hon. the Speaker *pro tempore*: If no other honourable senator wishes to speak, this item will be considered debated.

The Senate adjourned until Wednesday, May 28, 2008, at 1:30 p.m.

APPENDIX

Address
of
His Excellency Victor Yushchenko
President of Ukraine
to both Houses of Parliament
in the House of Commons Chamber, Ottawa
on
Monday, May 26, 2008

His Excellency Victor Yushchenko was welcomed by the Right Honourable Stephen Harper, Prime Minister of Canada, by the Honourable Noël Kinsella, Speaker of the Senate, and by the Honourable Peter Milliken, Speaker of the House of Commons.

Hon. Peter Milliken (Speaker of the House of Commons): Order. I call upon the Right Honourable Prime Minister to address the joint session.

[*Translation*]

Right Hon. Stephen Harper (Prime Minister): Mr. Speaker of the Senate, Mr. Speaker of the House, colleagues from both Houses of Parliament, honoured guests, ladies and gentlemen, we have the immense privilege today to welcome the President of Ukraine, Viktor Yushchenko, to this joint session of our Parliament.

[*English*]

Mr. President, on behalf of my fellow parliamentarians and all Canadians, thank you for accepting our invitation to speak to us here in this great symbol of our democracy, and welcome to Canada.

This may be an historic day, but it has been a long time coming.

Many Ukrainians have preceded you here. Roughly 100 years ago, there began the mass migration of tens of thousands of your countrymen and countrywomen to Canada. "The men in sheepskin coats", they were called.

They were hardy, hard-working and hopeful people, who saw in our young and largely untouched country a land of great opportunity. Many were attracted to the vast open grasslands of the Canadian Prairies, which, while unsheltered from the harsher elements, reminded them of the steppes back home.

We often now forget how difficult those pioneering days really were. Many of these settlers endured terrible hardships, but they prevailed and built the farms, families and fraternities that were vital to the social and economic development of rural western Canada.

[*Translation*]

Today, more than a million people of Ukrainian origin call Canada home.

[*English*]

They include: Ed Stelmach, premier of my home province of Alberta; our former Governor General Ray Hnatyshyn; a great number of my parliamentary colleagues from both chambers and all parties, many of whom of course are here today; famed

Canadian astronaut Roberta Bondar; the great painter, William Kurelek; the late Supreme Court Justice John Sopinka; and more great NHL hockey players than I could possibly name.

[*Translation*]

In fact, Canadians of Ukrainian origin have made a name for themselves in all the regions of Canada and in every field of activity. Our country is indeed fortunate that so many of them have chosen to settle in Canada.

[*English*]

Yet, Mr. President, for all that Ukrainians had achieved in this country, when I was a boy there remained a certain sadness in the Ukrainian Canadian community. Because, despite sharing with us the opportunity and prosperity that freedom and democracy had brought them here, Ukrainian Canadians understood that the bondage and repression of their ancestral land remained as strong as ever before.

Indeed, I think some doubted whether that would ever change, but change it did.

In 1991 when it finally broke free of Soviet tyranny, it was Prime Minister Mulroney and the Government of Canada that stood first among the great democracies of the west to recognize the independence of Ukraine.

[*Translation*]

We celebrated Ukraine's hard-won freedom. Since then, we have supported its efforts to establish democracy, human rights and the rule of law, and we uphold those values to this day.

[*English*]

As you know, Mr. President, when those who would turn back the clock in Ukraine tried to stop the Orange Revolution, all the parties of both houses of this Parliament and all the people of this nation joined with your country and with your courageous leadership to say, "Never again will Ukraine lose her freedom".

[*Translation*]

After decades of Soviet oppression, it takes time to develop democratic institutions and the spirit of a free people. However, progress is being made, and the world is taking notice.

Mr. President, I want to congratulate you on Ukraine's official accession to the World Trade Organization earlier this month. There have been challenges to face and there will be others, but it is clear that Ukraine is on the way to a better future for its people.

[*English*]

That is why, as you know, Mr. President, the Government of Canada strongly supported Ukraine's request to join NATO's membership action plan at the Bucharest summit this year. This is, we understand, part of your design to see Ukraine embrace the transatlantic community and our shared democratic and free market values.

[*Translation*]

Moreover, Ukraine has always demonstrated its commitment to our NATO allies.

[*English*]

Your country is also part of the UN mission in Kosovo and is supporting a provincial reconstruction team in Afghanistan. In fact, Ukraine is the only non-NATO country supporting every NATO mission in some way or other.

It is for these and many other reasons that Canada called upon our partners to endorse Ukraine's eventual membership in NATO and, perhaps even more importantly, to understand that the decision to seek alliance with others is a decision for, and only for, the sovereign nation of Ukraine itself.

If any further reason were needed to justify Ukraine's welcome into the western security partnership, it can be found in the darkest chapter of the country's history.

[*Translation*]

Of course, this year marks the 75th anniversary of the Holodomor.

[*English*]

A law advanced by my colleague from Selkirk—Interlake, James Bezan, and now being debated in this Parliament, would provide legal recognition to what happened in Ukraine under the brutal communist dictatorship of Joseph Stalin.

That is why, in communities all across Canada, events are taking place to commemorate the 75th anniversary of the Holodomor. That is why Canada co-sponsored the Government of Ukraine's motion at UNESCO honouring the millions who perished in the terrible famine orchestrated by Stalin in the pursuit of his evil ideology.

[*Translation*]

In Canada, we are not afraid of history or the truth. That is why our government has acknowledged the injustice done to the Ukrainians interned during the first world war.

This month, we announced a grant to the Ukrainian Canadian Foundation of Taras Shevchenko, to create a fund to promote the historic recognition of this sad chapter in Canada's history.

[*English*]

If we know our history, we will not repeat its mistakes.

Nor will we forget its bonds: the shared values and aspirations between our two countries, built and embodied most clearly by Ukrainian Canadians themselves.

And on these we will continue to build our friendship and solidarity long into the future.

[*Translation*]

It now gives me great pleasure to introduce a man who embodies not only that friendship, but also our shared values of freedom and democracy.

[*English*]

Ladies and gentlemen, the President of free Ukraine, Victor Yushchenko.

His Excellency Victor Yushchenko (President of Ukraine):

[*President Yushchenko spoke in Ukrainian, interpreted as follows:*]

Your Excellency Mr. Prime Minister, Your Excellency Madam Chief Justice, honourable senators, honourable members of the House of Commons, dear guests, ladies and gentlemen, I would like to thank you for your kind invitation to speak today at this honorary meeting.

It is a great honour for me to speak today at the Parliament of Canada. Right now I am filled with very tender feelings for your country, for this land. For me, as for millions of Ukrainians, this country, this land, is sacred. This is due to many reasons, which I will be speaking about.

I have come here to express words of gratitude to the land of Canada, for it became a motherland for millions of Ukrainians and many generations of my native people who at different times came to seek their destiny in Canada.

We are very grateful for the support that our country has always had from Canada. First, it was of great importance that Canada was the first country out of all the countries of the west to recognize Ukraine's independence. Every Ukrainian will always remember that.

This decision was the first step in our close partnership in the modern age. We highly appreciate our modern relations, which have exceptional ties, the ties of brotherhood.

In my speech I would like to introduce today's Ukraine and our vision of its future, as well as share our opinions regarding the progress of and the prospects for our relations.

First, and probably most important, Ukraine is a country of full democracy. The leading international organizations recognize Ukraine as a free democratic state. This conclusion includes such key aspects as election processes, freedom of speech, freedom of the press, and human rights and freedoms.

That was a time when our old dreams were about strengthening our statehood. That was the reason for immense changes. The breaking point for this was the Orange Revolution in 2004. It witnessed the maturity of the Ukrainian nation, which in critical times stood up for its independence and for fundamental human rights and freedoms.

The Orange Revolution awoke our society and made irreversible and positive changes in human minds. Ukrainians believed in their own strengths and in their ability to stand up for their rights and for their own destiny. We are very grateful to the international community for its impartial attitude to those important days for Ukraine.

I would like to express the most gratitude to Canada, which sent the largest number of international observers in the course of the dramatic election of 2004. The pace of that development, which required centuries for many countries to do, was covered in several years by us. We were facing many challenges and, of course, certain obstacles.

However, the recent years have shown that the most complicated problems and challenges, including the social problems have been resolved in a very democratic and civilized way. We are speaking frankly about our problems.

We need to improve the public administration in our country to settle all the disparities in the system of relations between the three fundamental power institutions. We have to determine their responsibilities and authorities and that is what we are working on. This is our key target and content of the constitutional reform that we are working on now. That way we will provide long lasting political stability essential for the future progress of the country.

As the president and head of state, I have initiated different measures to combat corruption. Of course, this is a big problem for my country, but I would like to say that this problem is not a problem of last year or the last three years. This problem was not brought in by the Orange Revolution.

Unfortunately, this is a very heavy heritage that we inherited from the previous system. That is why the president today introduced six draft laws on fighting corruption and they are now in parliament. Last year they already passed first reading and I am sure that in the near future we will finalize the enhancement of Ukraine's legislation on fighting corruption.

We also plan to reform the entire system and sector of national security. Very important changes will happen to the system of justice. These are the tasks that I have put as priorities in front of the government and I would like to say that you should not have any doubts that could put our democratic course under threat. I will do everything possible for no political ambition to stop our democratic pace.

My words are clear and affirming. Our movement will obviously give very productive results and this will be a very important message to all the democratic forces in Ukraine. This is the goal of every step in everything I do.

Dear friends, I would like to now speak about several aspects that characterize practical accomplishments and prospects for our country. For several years now we are marking out the stable

economic evolution and development of our country. For the last three years the GDP growth has been estimated at 7.8% annually. Only last year, GDP grew at 6.7% and this is the high evolution level that we are keeping up every year. Incomes for the population are growing as well.

Every single year, after the Orange Revolution, the incomes of the population grew 30% every year. Foreign direct investment has increased immensely. The investment that came to the Ukrainian economy in the last three years constituted 80% of the total investment that Ukraine managed to acquire in the course of its independence.

When I was the chief of the central bank, I had only one dream and that was that investment in Ukraine could reach the level of that in Poland. Poland, at that time, received around \$4.5 billion to \$5 billion annually. Beginning in 2005, the Ukrainian economy has received from \$7.5 billion to \$8 billion of foreign direct investment.

I am sure this is a manifestation that the Ukrainian government has managed to find the right formula in the dialogue, which is very important. I am referring to the dialogue with businesses since a lot has been done to create fruitful and favourable conditions which would be attractive for businesses.

Taking advantage of this opportunity, I would like to invite all Canadian investors to be more active in the Ukrainian market. We have a number of big and even international occasions. One of them is hosting the Euro 2012 football championship final in Ukraine. Only within this project, with this event, we plan to invest in sport, tourism and infrastructure, including roads and hotels. The total cost of the project will be \$25 billion U.S.

The investment in roads will be \$10 billion. This is a big challenge for us. It is the first time in European football history, that is respected all over the world, that the cup final will be hosted in eastern Europe. I am sure that this is a big responsibility for the executive committee of UEFA and a colossal honour for my own country. It is a great examination and I clearly understand that the cup final would have been a lot easier to have been hosted by Spain, Italy or some other country because they have ready-made infrastructures, but I am sure that this is a genuine policy to the east where we have to get out of the traditional framework and traditional system of coordinates.

I was present at that very important decision, and I am very grateful to all the friends from UEFA who took this positive decision for Ukraine.

Once again I want to remind everybody, and I am speaking to Canadian investors now, that I want them to more actively come to our potential because our potential is very promising and strong. It triggers positive changes in different spheres of our lives.

On May 16, Ukraine became a valid member of the WTO and therefore today the Ukrainian system is equal within planetary economic competition. This will open new prospects to enhance our foreign economic activities and broad integration of our economy into the global state.

The second thing, which is also very important, Ukraine has firmly chosen its course for full integration into European and Euro-Atlantic structures. This pact has been approved by our national legislation and all the defining laws have also been approved. We worked out the logic of the internal reforms and attained the values that the Ukrainian society wants to address.

Ukraine's accession to the European Union is our main target and the reason is written in the middle term reform. This is the foundation of our strategy. We want to approach this membership through political association and economic integration. Today we are working on fixing that formula in the new, enhanced agreement between Ukraine and the European Union.

On February 17, we started official negotiations with the European Union on establishing a free trade area between the Ukraine and the European Union.

In the future, we expect to create such free trade areas with our key partners and with our remarkable partners, and primarily Canada. We have already spoken about this with your Prime Minister, and we spent a considerable amount of time on that very matter.

I also expect that one of the main constituents of the integration process will be in energy, which will make us closer to Europe.

I would like to say that Ukraine already signed a memorandum on harmonization of the Ukrainian energy system with the European energy system. This and other steps are considered to be a direct integration of the Ukrainian economy to that of the European economy.

Together with Lithuania, Poland, Azerbaijan and Georgia, Ukraine initiated the Baltic-Black Sea-Caspian Energy Transit Commonwealth, founded on clear and transparent rules for everyone.

Our main target is to introduce Ukraine's capabilities, especially energy transiting capabilities. Ukraine possesses one of the biggest chains of oil and natural gas transportation routes. Our goal is to integrate these routes, along with the entire transiting potential of Ukraine into the common European energy market.

This is a brilliant initiative that has been put down in the declaration of the Kiev Energy Summit on May 23 and the initiative goes in line with the common European energy strategy. This is our contribution to building the common European market.

We also appreciate the results of the recent summit in Bucharest, which affirmed Ukraine's prospect for membership in NATO. We hope that in December of this year, we will join the membership action plan for NATO.

When speaking to European aspirations in Ukraine, I want to point out that this policy is not aimed at forming any plans against anybody. A single challenge that would not be comfortable for anyone regarding Ukraine's accession to NATO is not appropriate.

We are only governed by the national interest of the state. In order to understand why Ukraine's position is so insistent on EU and NATO membership, it is worth recalling our history, at least of the 20th century. Just pay attention to the fact that for the last 90 years, Ukraine has declared its independence six times, starting with Hetman Skoropadsky in 1918.

Hetman only managed to keep the country's sovereignty for a little more than six months. The same thing happened to the independence of the Ukrainian People's Republic and the Western Ukrainian People's Republic.

I do not want this range of historic tragedies to be repeated in today's history of Ukraine. The only non-alternative decision and solution to making Ukraine eternal is Ukraine's accession to the system of collective security. This, apparently, will be the first time in our history that Ukraine sovereignty will be approved by almost 30 countries in the world. Therefore, when we are speaking to Ukraine's NATO membership, we are speaking about genuine Ukrainian sovereignty.

That is the reason such a strong and insistent policy is being carried out by the Ukrainian government. In this very context, Mr. Prime Minister, I would like to thank you very much for the position you expressed during the Bucharest summit. It was a proven, clear opinion of a country that fully supports this very place of my country. In my opinion, this is one of the examples of how very firm approvals of our partnership between our two countries is manifested.

Of course, a very important supporting pillar for this cooperation is about one million Ukrainian Canadians who have become an integral part of Canadian society. I am very grateful to Canada for its support of our Ukrainian community and its spiritual and cultural needs. As a very good indication of our friendship, we are grateful that Canada commemorates about 10 million innocent victims of the great famine in Ukraine in 1932-33.

I would like to express my biggest gratitude to the Canadian Senate for approving a resolution that calls on the Canadian government to recognize the Holodomor in Ukraine as an act of genocide against the Ukrainian nation caused by Stalin's regime. That happened in 2003.

I am confident, ladies and gentlemen, that this address will be supported by the House of Commons of the Canadian Parliament.

In taking advantage of this opportunity, I would like to thank Latvia and its chairman, who is present today in this room, for their recognition at the beginning of 2008 of the Holodomor in Ukraine as an act of genocide against the Ukrainian nation.

The partnership between Ukraine and Canada has considerable advantages and its impetus is felt in many ways. We are united by a clear political position on many challenges of international life. We have felt the efficiency of our partnership in recovering from the Chernobyl catastrophe. Ukraine will always remember the invaluable support provided by Canada to recover after the Chernobyl tragedy.

We are soldier partners in promoting democracy in the world and actively cooperating in international missions, supporting peace and stability throughout the world.

Invariably, a very important part of our partnership is the cooperation between the parliamentarians of our countries. I welcome the activities by the Ukrainian and Canadian interparliamentary group. I am sure it will make many further contributions to cementing relations between our countries.

Your Excellencies, the key target of my visit to Canada is to give more impetus to our cooperation. We are ready to act very efficiently and in a systematic way. I call upon our Canadian friends and partners to accomplish this cooperation with new ideas throughout the whole spectrum, starting from nuclear energy to the participation in projects related to Euro 2012 Cup that will be hosted by Ukraine.

Dear friends, we highly appreciate our friendship and we believe in it. I thank Canada for its support. I thank your nation and your people for all the warm and dear feelings addressed to the Ukrainian hearts. From the heart of Ukraine to the heart of Canada, I want to state words of gratitude and respect. We are going forward and we want to go forward together as true, frank and dear friends.

Thank you for your attention. God bless Ukraine and God bless Canada.

Applause

Hon. Noël A. Kinsella (Speaker of the Senate): Mr. Speaker, Your Excellency, President Yushchenko, Prime Minister, Chief Justice, hon. senators and members of the House of Commons, ladies and gentlemen.

[Translation]

On behalf of all parliamentarians and all of us gathered here today, I have the honour, Your Excellency, to thank you for being here and for addressing this joint session of the Parliament of Canada. Your clear and elegant address stresses that you are among friends.

[English]

President Yushchenko, all those present at today's joint session of the House of Commons and Senate of Canada have listened carefully to your important address and we thank you for sharing your analysis with us.

We have taken note of your insight on today's Ukraine, including the reform process, which you have underlined and have underway, the economic development, significant new investment and the building of the infrastructure, including that associated with the hosting of the World Cup. We take note of your insight associated with your work on the Euro-Atlantic Integration, together with the single energy system and, of course, NATO.

Mr. President, your assessment of the special relations existing between the people of Ukraine and Canada is especially appreciated. As you have indicated, the bonds that unite our peoples are deep and distinct. You have reminded us that we share the values of democracy, human rights, the rule of law and the growth of peace throughout the world.

[Victor Yushchenko]

Indeed, our people to people relation is a part of a very special common heritage, to which you, Your Excellency, have alluded.

St. Andrew the Apostle, Patron Saint of the Ukraine, prophesied in the year 55 A.D. that a great people would build a successful civilization along the banks of the Dnipro River. He might well have predicted the contributions of these same people who settled along the banks of the Saskatchewan River and in other places of Canada.

So it is, Mr. President, that the people of Ukraine and Canada share in the patronage of the great apostle whose distinctive diagonal cross is particularly well-known in the province of Nova Scotia. I might also add that your patron St. Andrew is situated in high relief above the Speaker's chair in the Senate chamber.

[Translation]

Once again, Mr. President, thank you for your address.

[English]

Thank you for being with us in Parliament today and for your thoughtful and excellent address. As you continue your leadership and stewardship of the Ukraine, we wish you Godspeed.

Hon. Peter Milliken (Speaker of the House of Commons): President Yushchenko, Mr. Prime Minister, Madam Chief Justice, Mr. Speaker, hon. senators, hon. members, mesdames et messieurs.

[Translation]

Mr. President, on behalf of all the members and all of us here in the House of Commons, I would like to welcome you and thank you for addressing us today.

[The Speaker spoke in Ukrainian.]

[English]

Over the last three years, Canadians have watched with hope and admiration as your nation has, under your stewardship, taken its destiny into its own hands with impressive results. You yourself have called Ukraine's independence the nation's greatest creation and affirmed that freedom is the Alpha and Omega of democracy. I believe all Canadians would share that view.

Indeed, you have always had an ambitious vision for Ukraine and since your election as President in December 2004, you have worked diligently to make that vision a reality, to create new jobs, encourage economic growth, make quality education and medical care accessible and secure the rights of your people, to name only a few of your initiatives.

Coming from a family of teachers, it is not surprising that you have made learning and advancement the main priorities for Ukraine and its people.

It is also not surprising that the former president of Poland, Alexander Kwasniewski, once said of you, "he also strengthened people's faith in the power of civil society both in his own country and around the world".

[*Translation*]

Clearly, Ukraine is becoming a success story, a country of many and varied achievements. Your country has a rapidly growing economy and has just become a full member of the World Trade Organization.

[*English*]

As well, in the last 15 years, it has become an active participant in scientific space exploration and remote sensing missions, as well as continuing to design spacecraft.

But Ukraine is not merely looking inward. It is an active and concerned member of the international community, playing an increasingly larger role in peacekeeping operations throughout the world. I congratulate you on the World Cup event as well, another major international event.

Mr. President, I trust you know that you are among friends here and, indeed, I hope you consider Canada your home away from home, given that our country has more than 1.2 million persons of Ukrainian descent, the world's third largest Ukrainian population behind Ukraine and Russia. Many of them settled in western Canada and brought with them their language

and culture, which continues to thrive here. I am not sure why it is so, perhaps it is the influence of the wide open spaces in the west, but you will find the world's largest pysanka, or painted Easter egg, perogy and kielbasa all in the province of Alberta.

Perhaps you might some day return to Canada for a holiday. I understand you are an avid mountain climber, even scaling the heights of Ukraine's highest mountain not once or twice, but once every year. Therefore, we can certainly offer you some mountaineering challenges. For those quieter times, you can put your well-known painting skills to good use by capturing some of Canada's natural attractions on a board.

Mr. President, on behalf of all of us here and, indeed, on behalf of all Canadians, I thank you for honouring us with your visit today, and I invite you to return to see us soon. I wish you a pleasant stay in Canada and a safe journey back to your other home.

Applause

[*Translation*]

Hon. Peter Milliken (Speaker of the House of Commons):
I declare the joint session adjourned.

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