



**HOUSE OF COMMONS
CHAMBRE DES COMMUNES
OTTAWA, CANADA**

38th Parliament, 1st Session

38^e Législature, 1^{re} Session

The Standing Committee on Canadian Heritage has the honour to present its

Le Comité permanent du patrimoine canadien a l'honneur de présenter son

FIFTEENTH REPORT

QUINZIÈME RAPPORT

In accordance with its Order of Reference of Monday, April 18, 2005, your Committee has considered Bill C-333, An Act to recognize the injustices done to Chinese immigrants by head taxes and exclusion legislation, to provide for recognition of the extraordinary contribution they made to Canada, to provide for redress and to promote education on Chinese Canadian history and racial harmony, and agreed on Thursday, November 3, 2005, to report it with the following amendments:

Conformément à son Ordre de renvoi du lundi 18 avril 2005, votre Comité a étudié le projet de loi C-333, Loi visant à reconnaître les injustices commises à l'égard des immigrants chinois par suite de l'imposition d'une taxe d'entrée et de l'adoption de lois d'exclusion, à souligner la contribution remarquable de ces immigrants au Canada, à prévoir des mesures réparatoires et à promouvoir l'enseignement de l'histoire des Canadiens d'origine chinoise et l'harmonie raciale, et a convenu le mardi 3 novembre 2005, d'en faire rapport avec les amendements suivants :

Title

Titre

That Bill C-333 be amended by replacing the long title with the following:

Que le projet de loi C-333 soit modifié par substitution au titre intégral de ce qui suit :

“An Act to acknowledge that immigrants of Chinese origin were subject to head taxes and other exclusionary measures and to provide for recognition of these actions”

«Loi visant à reconnaître que des immigrants d'origine chinoise se sont vu imposer une taxe d'entrée et d'autres mesures d'exclusion et à en rappeler le souvenir»

Preamble

Préambule

That Bill C-333, in the preamble, be amended by replacing lines 3 to 16 on page 1 with the following:

“Canada, particularly in the construction of the railways during which many workers of Chinese origin died;

WHEREAS, despite this contribution, a head tax was imposed on immigrants of Chinese origin from 1885 to 1923;

WHEREAS *The Chinese Immigration Act, 1923* imposed other exclusionary measures with respect to immigrants of Chinese origin until 1947;

WHEREAS Parliament wishes to express its deep sorrow for those events;

AND WHEREAS Parliament acknowledges that those events are deserving of recognition through public education and the promotion of the shared values of multiculturalism, inclusion and mutual respect;”

Short Title

That Bill C-333, in Clause 1, be amended by replacing lines 21 and 22 on page 1 with the following:

“1. This Act may be cited as the *Immigrants of Chinese Origin Exclusionary Measures Recognition Act*.”

New Clause 1.1

That Bill C-333 be amended by adding after line 22 on page 1 the following new clause:

“1.1 The Government of Canada shall undertake negotiations with the National Congress of Chinese Canadians towards an

Que le projet de loi C-333, au préambule, soit modifié par substitution, aux lignes 5 à 20, page 1, de ce qui suit :

«construction de ses chemins de fer où bon nombre d’entre eux ont laissé leur vie;

que les immigrants d’origine chinoise se sont néanmoins vu imposer une taxe d’entrée de 1885 à 1923;

que, jusqu’en 1947, la *Loi de l’immigration chinoise, 1923* a imposé d’autres mesures d’exclusion à leur égard;

que le Parlement déplore ces événements;

qu’il reconnaît que le souvenir de ces événements mérite d’être rappelé au moyen de mesures destinées à éduquer le public et à promouvoir le multiculturalisme, l’intégration et le respect mutuel en tant que valeurs communes,»

Titre abrégé

Que le projet de loi C-333, à l'article 1, soit modifié par substitution, aux lignes 24 et 25, page 1, de ce qui suit :

«1. Titre abrégé : *Loi portant reconnaissance des mesures d’exclusion imposées aux immigrants d’origine*»

Nouvel Article 1.1

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 26, page 1, du nouvel article suivant :

«1.1 Il incombe au gouvernement fédéral d’entamer des négociations avec le National Congress of Chinese Canadians en vue d’en

agreement concerning measures that may be taken to recognize the imposition of exclusionary measures on immigrants of Chinese origin from 1885 to 1947.”

arriver à une entente concernant les mesures qui peuvent être prises pour reconnaître le fait que des immigrants d’origine chinoise ont fait l’objet de mesures d’exclusion de 1885 à 1947.»

Clause 2 is deleted.

L'article 2 est abrogé.

New Clause 2.1

Nouvel Article 2.1

That Bill C-333 be amended by adding after line 4 on page 2 the following new clause:

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 5, page 2, du nouvel article suivant :

“2.1 The measures shall have as their objective a better public understanding of

«2.1 Les mesures ont pour objectif de mieux faire comprendre au public :

(a) the consequences of ethnic, religious or racial intolerance and discrimination; and

a) les conséquences de l’intolérance et de la discrimination d’ordre ethnique, racial ou religieux;

(b) the important role of the *Canadian Charter of Rights and Freedoms* in the respect and promotion of the values it reflects and the rights and freedoms it guarantees.”

b) le rôle important que joue la *Charte canadienne des droits et libertés* dans la promotion et le respect des droits et libertés qu’elle garantit et des valeurs qui la sous-tendent.»

Clause 3 is deleted.

L'article 3 est abrogé.

New Clause 3.1

Nouvel Article 3.1

That Bill C-333 be amended by adding after line 12 on page 2 the following new clause:

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 14, page 2, du nouvel article suivant :

“3.1 The measures may include the installation of commemorative plaques at certain places where exclusionary measures were enforced.”

«3.1 Elles peuvent comprendre l’installation de plaques commémoratives dans des lieux où des mesures d’exclusion ont été appliquées.»

Clause 4

Article 4

That Bill C-333 be amended by replacing lines 13 to 30 on page 2 with the following:

“4. The measures may also include the following public education measures:

(a) the exhibition of information concerning immigrants of Chinese origin and their contribution to the development of Canada; and

(b) the preparation of related educational materials.”

New Clause 5

That Bill C-333 be amended by adding after line 30 on page 2 the following new clause:

“5. The Government of Canada and the National Congress of Chinese Canadians may request the Canada Post Corporation to issue a commemorative stamp or set of stamps.”

New Clause 6

That Bill C-333 be amended by adding after line 30 on page 2 the following new clause:

“6. The Government of Canada and the National Congress of Chinese Canadians may consider any other measure that promotes the objective described in section 2.1.”

New Clause 7

That Bill C-333 be amended by adding after line 30 on page 2 the following new clause:

Que le projet de loi C-333, à l'article 4, soit modifié par substitution, aux lignes 15 à 33, page 2, de ce qui suit:

«4. Les mesures peuvent également viser l'éducation du public par :

a) la présentation d'information portant sur les immigrants d'origine chinoise et sur leur contribution au développement du Canada;

b) la conception de matériels didactiques afférents.»

Nouvel Article 5

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 33, page 2, du nouvel article suivant :

«5. Le gouvernement fédéral et le National Congress of Chinese Canadians peuvent aussi demander à la Société canadienne des postes d'émettre un timbre-poste ou un jeu de timbres-poste commémoratifs.»

Nouvel Article 6

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 33, page 2, du nouvel article suivant :

«6. En outre, ils peuvent envisager toute autre mesure qu'ils estiment indiquée pour atteindre l'objectif visé à l'article 2.1.»

Nouvel Article 7

Que le projet de loi C-333 soit modifié par adjonction, après la ligne 33, page 2, du nouvel article suivant :

“7. Negotiations undertaken pursuant to section 1.1 shall not be interpreted as constituting an admission by Her Majesty in right of Canada of the existence of any legal obligation of Her Majesty in right of Canada to any person.”

«7. Les négociations entamées en application de l'article 1.1 ne peuvent d'aucune façon être considérées comme une reconnaissance par Sa Majesté du chef du Canada de l'existence de quelque obligation juridique que ce soit de sa part envers quiconque.»

Your Committee has ordered a reprint of Bill C-333, as amended, as a working copy for the use of the House of Commons at the report stage.

Votre Comité a ordonné la réimpression du projet de loi C-333, tel que modifié, pour servir de document de travail à la Chambre des communes à l'étape du rapport.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 57, 58, 60 and 61](#)) is tabled.

Un exemplaire des *Procès-verbaux* pertinents ([réunions nos 57, 58, 60 et 61](#)) est déposé.

Respectfully submitted,

Respectueusement soumis,

La présidente,

MARLENE CATTERALL
Chair

38th PARLIAMENT, 1st SESSION
Standing Committee on Canadian Heritage

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CANADA

Standing Committee on Canadian Heritage

NUMBER 058

• 1st SESSION •

38th PARLIAMENT

EVIDENCE

Tuesday, October 25, 2005

[Recorded by Electronic Apparatus]

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🕒 (1110)

[English]

The Chair (Ms. Marlene Catterall (Ottawa West—Nepean, Lib.)): I hereby call to order this meeting of the Standing Committee on Canadian Heritage.

Ladies and gentlemen, we're a little delayed getting started because of a previous committee, which was so enthusiastic about its work. But as you know, we are here to consider two closely linked private members' bills.

I would like to invite those organizations that want to speak to us on Bill C-331, Mr. Mark's bill, the Ukrainian Canadian Restitution Act. My apologies for keeping you waiting.

Just to let you know, we heard last week from the minister and Mr. Mark on behalf of both of the bills, in the absence of Ms. Oda. I'm pleased to see that Mr. Mark signed in today as a member of the committee.

I will now turn the floor over to you for whatever comments you may wish to make to the committee. Who is going to be leading off?

Martin Villemure, the floor is yours, sir.

[Translation]

Mr. Martin Villemure (President, Corporation du Camp Spirit Lake): Thank you. Madam Chair, Committee Members, invited guests, our example will perhaps serve to set the table for the bill, given that we are talking about a detention camp that existed in the Abitibi region between 1915 and 1917.

It is with great pleasure that the Camp Spirit Lake Corporation submits to you a brief in connection with Bill C-331, the Ukrainian Canadian Restitution Act. The Camp Spirit Lake Corporation's mission is to preserve, protect and interpret an historical site, a First World War internment camp, Spirit Lake, 1915-1917.

The Camp Spirit Lake Corporation also has a mandate to promote the cultural, historic and natural heritage of La Ferme. Spirit Lake was the second largest internment camp in Canada. Almost 1,200 prisoners, 200 soldiers and some fifty civilians lived there between 1915 and 1917. The majority of the camp's prisoners were Ukrainian, Galician and Ruthenian; they represented almost 90 percent of the people held there. However, a small number of Germans, roughly a hundred, and 20 or so Bulgarians and Turks lived in the barbed-wire enclosure of the camp in Abitibi.

The Canadian government also permitted families to accompany the prisoners. Some sixty wives, with children--slightly over a hundred--availed themselves of this right at Spirit Lake. These families settled 1.6 kilometres from the internment camp in a village built by the soldiers. The Ukrainian families named the village "Lilienville" in honour of the Canadian National ticket agent who had helped them during this ordeal.

Another of the interment camp's unusual features is that infrastructures were built for a federal government experimental farm. The government wanted to see if it was practical to farm that far north.

These preliminary remarks explain the special character of Spirit Lake and serve to stress our desire to see Bill C-331, the Ukrainian Canadian Restitution Act, adopted, while including in the commemoration program the installation of a Spirit Lake interpretative centre, given the site's pan-Canadian importance. A lively interpretive centre, parallel to that in Banff, Alberta, with an active board of directors, will create a significant embodiment of the camp's memory and plays an even larger role in educating the public, particularly the public in Quebec and Eastern Canada, about Spirit Lake, given its geographic location.

Since 1997, numerous volunteers have worked in turn to establish the elements necessary to an historic interpretation site to commemorate this unique Canadian internment camp. They always felt that it was imperative to tell this little-known story in an appropriate way, to recall and recognize the injustice suffered by civilians in war, and to education the public by informing them on how the camps operated and promoting tolerance. These themes are also the foundation of the interpretive concept for the museum exhibit.

Following upon an initial project from 1999 to 2004, we tabled a new feasibility study that would put the Spirit Lake internment camp project in the Saint-Viateur de La Ferme parish church. An opportunity presented itself to the Corporation when the Saint-Viateur de La Ferme church council invited the Corporation to put the project in the church. This would be a one-of-a-kind construction project. It would harmonize two activities in one building. This proposal is the ideal way to provide the Corporation with room while at the same time sharing the building's operating costs. Even the Bishop of the Diocese of Amos was in favour of having the Spirit Lake, camp de détention en Abitibi/1915-1917 historical interpretive centre set up inside the church.

Not only does this save the cost of putting up a new building, but the parish church is a location that commands the respect and contemplation befitting the commemoration of such events and is a testament to the partnership with the local community.

In order to calm your concerns, it is in the Corporation's own interest that the Spirit Lake, camp de détention en Abitibi/1915-1917 historical interpretive centre, be economically profitable and provide spin-offs in the community.

The Camp Spirit Lake Corporation wants its funding activities to be innovative, not only for this project's economic viability, but also for the development of future projects.

We do not wish to be vulnerable and dependent on government agencies for our activities. However, the Camp Spirit Lake Corporation will have to call on the provincial and federal governments, and on local financial partners, for the project's initial phase, which is the construction of a mezzanine inside the church to house a museum exhibit and an elevator to provide universal access to these sites.

We are prepared to provide the Committee with a copy of the feasibility study that was used to develop the interpretive concept and the project's financial analysis.

We are here before the Committee in part because of the cooperation that we have always received from the Ukrainian community. Since 1999, the Corporation and the representatives of the Ukrainian community present in this room have

been working on a common project, namely the commemoration of the internment of civilians of Ukrainian origin at the Spirit Lake Internment Camp between 1915 and 1917.

As a matter of fact, a trilingual commemorative plaque indicating the location of the camp and a statue commemorating the presence of women and children at the camp have also been installed next to the La Ferme parish church.

Therefore, in view of the importance of supporting commemoration and awareness initiatives in order that the concentration camp episode never arise in Canada again; in view of the importance of Camp Spirit Lake nationally; in view of the work already done by the Camp Spirit Lake Corporation, which has a feasibility study and local partnerships and is counting on the implementation of the project as soon as the required budget is granted; in view of the support demonstrated by the Ukrainian community; in view of the ad hoc assistance requested, we sincerely hope that Bill C-331 will be adopted, and that it be so in a form acceptable to the government of Canada and the Ukrainian community of Canada, while considering the possibility of including our project for a Spirit Lake-camp de détention en Abitibi/1915-1917 historical interpretive centre.

🕒 (1115)

The Chair: Thank you very much.

Before hearing our other witnesses, I must point out that only those documents that are available in both official languages can be distributed to Committee members.

I would therefore ask those who have distributed copies of documents here to please gather up the unilingual documents. Thank you very much.

Mr. Martin Villemure: Thank you.

The Chair: If I make such a request it is to avoid having Mr. Clavet bring up the matter.

We will begin by Mr. Clavet, followed by Mr. Mark.

[*English*]

Perhaps members of the committee would like to hear from everybody first before we do questions or comments, okay?

Mr. Hladyshevsky.

Mr. Andrew Hladyshevsky (President, Ukrainian Canadian Foundation of Taras Shevchenko): That was almost perfect, Madam Chair.

Thank you very much, honourable members of the committee.

This is truly a day of historic importance to over one million Canadians who have Ukrainian Canadian heritage. It is an astounding day for us. It's the kind of day when you watch what's happening with your throat because you're not sure exactly what the emotions will do to you by being here. Thank you for allowing us to present to you.

My name is Andrew Hladyshevsky and I am the president of the Ukrainian Canadian Foundation of Taras Shevchenko. I will immediately shorten that to the Shevchenko Foundation for future reference.

Today on behalf of our community I'd like to introduce Dr. Lubomyr Luciuk, a noted scholar and a community expert on the issue of Canada's first national internment operations during the period 1914 to 1920. Dr. Luciuk is a professor at the Royal Military College located in Kingston, Ontario, and will be speaking on the historical context of Bill C-331, on why it is of such significance to Canadians, specifically to the Ukrainian Canadian community.

Also speaking will be the first vice-president of the Ukrainian Canadian Congress, Mr. Paul Grod, who among other things is chairman of an important justice committee on behalf of our community. Of note, he headed the UCC delegation to Ukraine in last year's contested elections, and he is a leading legal advocate presenting often on behalf of the Ukrainian Canadian community.

I want to specifically thank Monsieur Villemure for his excellent presentation, and also for the Spirit Lake Corporation's involvement--through very difficult times--with our community and their sensitivities to this issue.

At this point, I'd like to turn the floor over to Dr. Luciuk.

🕒 (1120)

Mr. Lubomyr Luciuk (Director of Research, Ukrainian Canadian Civil Liberties Association): Thank you, Andrew, Madam Chair, members of the committee.

A few months ago I stood on a hill, Hill 70, just beyond Vimy Ridge, and I looked down into the French town of Lens, where 88 years ago, on August 22, 1917, the valour in battle of a Canadian soldier, Corporal Filip Konowal, was recognized with the highest military decoration of the British empire, the Victoria Cross. You all have a trilingual booklet in front of you that describes his activities.

Yet even as Konowal and thousands of other Ukrainian Canadians fought in the ranks of the Canadian expeditionary force, many thousands of their fellow Ukrainian Canadians and other Europeans, people who had been lured to Canada with promises of freedom and nearly free land, were being branded as enemy aliens and herded into Canadian concentration camps.

There they were forced to do heavy labour for the profit of their jailers. What little wealth some of them had was confiscated, and a portion of it still remains in the federal treasury to this very day. They suffered restrictions on their freedom of movement, association, and free speech, and in 1917, even disenfranchisement.

Everything that was done to them took place not because of anything they had done but only because of who they were, where they had come from. No wonder, then, that Ukrainian Canadians were reported to still be "in fear of the barbed-wire fence" decades afterwards.

One of the innocents apprehended during Canada's first national internment operations was Mary Manko, a six-year-old Montreal-born girl, who would be transported north by railway car to the Spirit Lake internment camp in Quebec's Abitibi region along with the rest of her family. There she would watch her two-and-a-half-year-old Canadian-born sister Nellie perish needlessly.

Mary is 97 years old now. She's the last known survivor of Canada's first national internment operations. While old age and health keep her from being with us today, we must remember that it was Mary Manko Haskett who charged us, when she was still able, to never forget what was done to her and all of the other internees. Significantly, she did not ask for an apology or any compensation; she asked only that we secure their memory.

Before I left Europe I also stood at Essex Farm, where John McCrae penned *In Flanders Fields*. You remember the stanza,

...be yours to hold it high.
If ye break faith with us who die

We shall not sleep

Our community did not break faith. A score of years ago we began to recover the memory of what men, women, and children just like Mary had endured, what was termed a “national humiliation” by an editorial writer describing our disenfranchisement in Canada's oldest newspaper, Kingston's *Daily British Whig*--a national humiliation that sooner or later would have to be atoned for.

The first step toward reaching just such a reconciliation was taken in Regina on August 24, 2005, with a signing of the agreement in principle between the Government of Canada and the Ukrainian Canadian community.

Today, two months later, we have come here to demonstrate our community's collective support for Inky Mark's Bill C-331, the Ukrainian Canadian Restitution Act.

Thank you, Mr. Mark.

Its passage will help secure an official recognition and acknowledgement of an historic injustice, something that we have long sought. Its passage will also help spur forward our ongoing negotiations with the Government of Canada.

So today we place before you a document within which you will find proposals for how to ensure that what remains a little-known episode in Canadian history is remembered.

The Chair: Mr. Luciuk, I'm sorry to interrupt you again, but documents cannot be distributed to the committee if they're not in both official languages, so I would please ask that the person who distributed them to pick them up. I really apologize for that, but it is our policy that this committee, and all committees, function in both official languages. All members of Parliament have to have materials in the language of their choice, and right now that's not the case.

🕒 (1125)

Mr. Lubomyr Luciuk: Thank you, Madam Chair. We will pick them up. I apologize for that. We had a week's notice to prepare. When all of these original documents were submitted, they were submitted in English. I believe there is some French-language content, but it's very modest.

At any rate, we have before Parliament--before the Minister of Canadian Heritage--proposals on how to ensure that what remains a little-known episode in Canadian history is remembered and that the lessons it can teach us are learned. By recovering this story, we may just help to ensure that no other Canadian ethnic, religious, or racial minority ever has to endure what Ukrainians did during our country's first national internment operation.

Finally, our being here also signals that forevermore, we will never again allow ourselves to be in fear of the barbed wire fence.

Merci. Thank you.

The Chair: Thank you.

Next is Mr. Grod.

Mr. Paul Grod (First Vice-President, Ukrainian Canadian Congress): Thank you.

Good morning, Madam Chair and members of the committee.

My name is Paul Grod, and I represent the Ukrainian Canadian Congress, which is a national umbrella organization for the Ukrainian Canadian community. I, together with my colleagues Dr. Lubomyr Luciuk, representing the Ukrainian

Canadian Civil Liberties Association, and Mr. Andrew Hladyshevsky, representing the Ukrainian Canadian Foundation of Taras Shevchenko, am here today to present to you the common and united position of the Ukrainian Canadian community as it relates to Bill C-331, the Ukrainian Canadian Restitution Act, and a related agreement with the Government of Canada.

We thank you for your time in allowing us to make representations to this committee.

Allow me to begin by thanking the members of Parliament for passing Bill C-331 in the House with unanimous consent.

Also on behalf of the united Ukrainian Canadian community, I would like to thank the Prime Minister of Canada, the Right Honourable Paul Martin, in doing what no other Canadian prime minister has done since the end of Canada's first national internment operations 85 years ago. The Prime Minister acknowledged this dark period in Canada's history and pledged to ensure that the appropriate commemoration and educational initiatives are established.

Thanks to Mr. Inky Mark for the fortitude and perseverance in introducing and fathering this bill over the past eight years.

I also wish to recognize the Speaker of the House, Mr. Peter Milliken, for his hard work over the past two decades in seeking to secure recognition of Canada's first national internment operations.

Special thanks go to members of Parliament Mr. Walt Lastewka and Mr. Borys Wrzesnewskyj for their continued efforts to secure government support for this bill, for helping to achieve an acknowledgement by the Prime Minister this past summer, and for an agreement in principle that secured \$2.5 million in initial funding for the first phase of a series of commemorative and educational initiatives that will be managed by the Ukrainian Canadian community.

Also, thanks are due to the Minister of State for Multiculturalism, Raymond Chan; the Minister of Canadian Heritage, Liza Frulla; and a regional executive director for Canadian Heritage, Mr. Bill Balan, for skilfully negotiating the preliminary agreement in a very short period of time with the Ukrainian Canadian community.

Thank you, Madam Chair and members of this committee, for ensuring this important bill is heard.

The reason we are here today, and the reason your time on this bill is so important today, is that this bill is part of the healing process. It is part of the acknowledgement and recognition that is so important to more than a million Ukrainian Canadians, and to the tens of millions of Canadians who know little to nothing about one of the greatest tragedies in Canadian history.

After the acknowledgement of Canada's first national internment operations by the Prime Minister of Canada, the Right Honourable Paul Martin, in Regina on August 24 of this year, I was surprised to learn very few Canadians knew of this tragic event.

Canada's first national internment operations, as my colleague Dr. Luciuk spoke of earlier, was a period in history that must be acknowledged, commemorated, and never forgotten. Our fellow citizens must learn about this dark period in Canada's history to reflect on the suffering that a group of people lived through during a time of international conflict and, most importantly, to ensure that this kind of suffering does not repeat itself.

Despite the Prime Minister's acknowledgement this past summer in a community hall in Regina, Saskatchewan, Bill C-331 is a fundamental part of the acknowledgement, as it forms a permanent part of the government record and a permanent part of the public record.

There are three major parts to the settlement being requested by the Ukrainian Canadian community. It would be important for the committee to appreciate them.

First is Bill C-331, the Ukrainian Canadian Restitution Act.

The second part is a final agreement negotiated with the Government of Canada, providing an additional \$10 million in funding as an endowment that will be managed and administered by the Ukrainian Canadian community to properly commemorate, acknowledge, and educate about Canada's first national internment operation.

Third is a proclamation in Parliament by the government, and support by all its members, to acknowledge this tragic part in Canada's history.

Canadians have expressed their overwhelming support for the announcements by the Government of Canada, and will be expecting all the parties of the House of Commons to unanimously support the passage of Bill C-331 as one part of the recognition, education, and commemoration of Canada's first national internment operation.

One critically important aspect of this commemoration will be the ability of the Ukrainian Canadian community to leverage Canada's vibrant volunteer community, which includes academics, professionals, craftspeople, artists, and others, to make the most of available commemorative and educational funding.

🕒 (1130)

As a community, we believe any commemorative and educational funding provided by the Government of Canada must be endowed to the Ukrainian Canadian community to provide for the delivery of these initiatives. My colleague Mr. Andrew Hladyshevsky, from the Ukrainian Canadian Foundation of Taras Shevchenko, will discuss this approach further.

Bill C-331 was developed by Inky Mark in consultation with the Ukrainian Canadian community. The community supports this bill, but would recommend the following changes to the bill.

First off, we recommend that any reference to this period in history be referenced as Canada's first national internment operations, from 1914 to 1920, to indicate that this was more than just a wartime measures act, because it continued two years past the end of the First World War.

Secondly, if the name of the act is considered to be changed, our recommendation is that if the word "restitution" is to be amended. It should be "reconciliation", as this is more than just a commemorative bill.

Thirdly, this bill should stipulate that any negotiated funds should be endowed to the Ukrainian Canadian Foundation of Taras Shevchenko, which will coordinate, in consultation with the Ukrainian Canadian Congress and the Ukrainian Canadian Civil Liberties Association, the implementation of a wide range of commemorative and educational projects.

These are the submissions of the Ukrainian Canadian Congress, together with its partner organizations, the Ukrainian Canadian Civil Liberties Association and the Ukrainian Canadian Foundation of Taras Shevchenko.

Thank you for your time, and we look forward to your questions and comments.

The Chair: Thank you very much.

Mr. Mark, you're first.

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Thank you, Madam Chair.

I want to thank all our witnesses for being here today.

Mr. Andrew Hladyshevsky: I have a few comments on the third-party delivery. If the honourable member will permit me, I'll be brief.

I've been asked to make some closing comments on the role of the Shevchenko Foundation in the implementation of Bill C-331. In actuality, this has taken about four or five decades of something that many parliamentarians, just a few feet away, initiated. I am actually here because of your predecessors, because the foundation was actually thought of in 1956 at

the fifth Ukrainian Canadian Congress, held in Winnipeg, that it should create some sort of foundation on behalf of the Ukrainian Canadian community. It was decided that, in the name of the poet laureate of Ukraine, Taras Shevchenko, moneys would be raised for that purpose.

In 1961, a statue was unveiled by the then prime minister, the Right Honourable John Diefenbaker, on the grounds of the Manitoba legislature. Shortly after that, Senator John Hnatyshyn, father of the late Governor General Ramon Hnatyshyn, and Nicholas Mandziuk, member of Parliament for Marquette, introduced legislation to Parliament, an act to incorporate the Ukrainian Canadian Foundation of Taras Shevchenko, which came to Parliament for its first readings in 1962. With the fall of the government, the bill died on the order paper and was reintroduced with the new Parliament in 1963.

On July 22, 1963, the Shevchenko Foundation was created by your predecessors, and a completely new and visionary organization was born. The Shevchenko Foundation, since that time, over the last 42 years, has overseen the successful completion of hundreds of projects, raised with moneys 100% from the Ukrainian Canadian community, from some several thousand donors, many of whom are no longer with us.

It was dedication to the preservation of culture and history of Canadians of Ukrainian heritage, and it has a Canadian focus. Over the past 42 years, this foundation has served as a beacon of integrity, transparency, and financial excellence by combining a vast array of volunteers and the use of professional services, including major investment advisory firms, to assist in its stewardship of its financial resources. It is a foundation that is beloved by the Ukrainian Canadian community, and I have the privilege of being the volunteer president of this foundation and have been on its board for ten years. It is a torch passed to me that I value greatly and have every intention of passing to several generations who will come after me, who will fill the cultural vision of the community and that as well of the federal Parliament that saw its vision in its creation.

As has been stated, the objective of the community with Bill C-331 is to be involved in negotiations with the federal government to develop a community-specific package of compensatory, commemorative, and educational proposals--commemoration and education are why we're here--which ultimately will result in the signing of a final agreement with the Ukrainian community.

The critical element of this is third-party delivery. The community has chosen the Shevchenko Foundation to provide this third-party delivery and has been very consistent. It's extremely concerned that if a generic program was to be administered by Canadian heritage officials, in the opinion of our community, with respect, this approach would be unnecessarily complicated, bureaucratic, costly, and would ultimately result in Canadian heritage officials delivering an unresponsive program to our community's needs. It wouldn't satisfy the Ukrainian Canadian community, and it would not likely result in any final settlement on this issue.

To be precise, we will negotiate this agreement with the federal government. Is it possible to resolve the community's goals within the concept of the broad program that was announced with the federal budget? The answer is yes. The community will prepare this comprehensive package to ensure that this heritage and the integrity of purpose is memorialized for future generations.

Does the Government of Canada acknowledge third-party delivery in other mechanisms? We're specifically aware of many instances where the government does in fact offer third-party delivery through other programs. For instance, under the Official Languages Act, there are a number of entities that do third-party delivery in the implementation of that statute. The writer's involvement with the Canadian Race Relations Foundation brought me in contact with third-party delivery with respect to aboriginal friendship centres based on delivery by the National Association of Friendship Centres.

🕒 (1135)

My past involvement as chair of the Edmonton Symphony Orchestra has also brought me in touch with many federal government programs under the rubric of Heritage Canada by which endowment funds are turned over to third-party cultural organizations. They determine the actual delivery, but also provide accountability, transparency, and to some extent the complete package to the federal government. We have consistently worked openly with all the interested parties to secure acknowledgement and redress, and third-party delivery must be mentioned in the bill and must be part of the bill.

The Shevchenko Foundation is an organization that still has several thousand donors in it, that has several hundred volunteers who participate in it, and my colleagues and I are here today and we can't emphasize enough the view of the community on this issue. It's a view that's we've also communicated to many of the other people seeking redress and reconciliation with the federal government as the route to go.

In closing, my colleagues and I hallow the memory of our internees. There is a western Canadian song—I'm from Edmonton—that is popular in our community. I'll translate it:

Go to the gravesides, my son, where the crosses have been toppled. Our names may have been washed out with the rains, but our memory still remains.

Dr. Luciuk, Mr. Grod, and I have not forgotten the men, women, and children who died in these camps and the tens of thousands of people who were disenfranchised by a government they trusted, a country they loved, and a country they gave their lives to. It is in their name that we are here today, and it is in the name of the divine that we seek this final—final—element of justice. And may God rest their souls.

Thank you very much for your attention.

🕒 (1140)

The Chair: Thank you very much, all of you.

Mr. Mark, now it's your turn.

Mr. Inky Mark: Thank you, Madam Chair.

Again, thank you to our witnesses for being here.

There's no doubt that the Ukrainian community has waited a long, long time. I don't know if they ever envisaged that it would get to this stage in the House of Commons.

Let me first say that circumstance probably created this, because as I said in my deliberations, we're in a minority government situation. There is a consensus that this is long overdue, that it needs to be done. Let me publicly thank the Prime Minister for doing what he did this summer in recognizing the ills of the past of the Ukrainian community. That's very significant.

I say that because I took the time to meet with the former prime minister, Prime Minister Chrétien, and asked him the same question. Would he deal with the Ukrainian internment as well as the Chinese head-tax issue? And I didn't get any response from him on that at all. So Prime Minister Martin deserves credit for having the courage to do what he did. That's the first step.

My concern, at this point, is that of a legislator. As you know, I've been negotiating the last week with the government in terms of how we get this bill through. I guess that's really the big question. How do we get this bill through from this committee into Parliament and have it debated, voted on, and sent to the Senate for approval? Because what's working against us is time. We all know that there's a possible spring election just around the corner.

So to be pointed, you studied the proposals that were negotiated with the government and me, and I publicly have said that you'd agree with them. I guess that's the first question. Do you agree in principle with the amendments to the bill you have seen ?

Mr. Lubomyr Luciuk: Madam Chair, members of the committee, we have been in touch with Inky Mark over the years, and recently as well, and have looked at the amendments that he and members of this committee and members of the government have discussed. We've made a few recommendations to those points, none of which we think change the tenor of the deliberations that Inky has had with the government. We would prefer the kinds of formulations we've announced here today, but if we can't have these, then we're agreeable to the amendments that Inky has negotiated.

Mr. Inky Mark: Thank you very much.

The reason I asked that question is that it's so easy to have the bill defeated, even if it passes here at the committee stage, because already from the second reading debate it was brought up that it possibly could be deemed a money bill, and according to rules of the House the Speaker could rule against this bill at third reading. He still has that option. So let's make sure this is not a money bill and that we get it through this committee.

That's all I need to say. Thank you.

The Chair: Thank you, Mr. Mark.

I think, with the consensus that's obviously developing around this bill, that if there were elements that made it a money bill, we could count on the government to bring in a royal recommendation that would put it in order and not risk the Speaker's wrath.

Monsieur Clavet.

[*Translation*]

Mr. Roger Clavet (Louis-Hébert): Thank you, Madam Chair.

I would like to remind participants that the Bloc québécois supports this Bill in principle because it is in our view abnormal that an injustice committed years ago--90 years in this case--remain unpunished. The situation must be corrected and my Vice-Chair and all of the members of the Bloc québécois support the general principle of the Bill. I simply wanted to underscore that fact.

We heard your comments--and I was very moved by what Mr. Luciuk said about Mary, who is still alive today.

[*English*]

“She didn't ask for an apology.”

[*Translation*]

She did not ask for an apology.

She asked that we keep her memory alive and that we never forget, because she represents all of those who endured this horrible injustice.

My question is for all of the members of the Ukrainian delegation. Are you unanimous? Is everyone in agreement, whether it be the Ukrainian Canadian Congress —

[*English*]

or the Ukrainian Canadian Foundation of Taras Shevchenko,

[*Translation*]

with regard to this Bill? Is there a consensus?

I would like to hear what you have to say in this regard.

🕒 (1145)

[English]

Mr. Lubomyr Luciuk: Thank you, Mr. Clavet.

Perhaps I'll answer on behalf of my colleagues. We recognize and have long recognized the very positive support the Bloc Québécois has given to this entire issue, as well as to this specific bill, and we're very grateful to your party and to the New Democratic Party and to the Conservative Party, as well as to many members of the Liberal Party of Canada, who have rallied behind us. So let's make sure we thank everyone.

Yes, the answer is simple. Mary Marko Haskett, when she was still able, made it very clear that she felt an apology was inappropriate. She asked for memory, not money. She never asked for compensation; she didn't see it as being a remedy. That has been the consistent position of our community for nearly the last 20 years.

Unfortunately, the document we've presented to the committee can't be accepted in its current form. We apologize for the short amount of time we had to put it together. But you'll see, if you can look at it off the record, that the position we've always asked for is acknowledgement, not apology, and some kind of restitution rather than compensation.

In following Mary's lead on this, I think we've taken the appropriate position morally. This is not about community enrichment; it is not about the enrichment of individuals or any group within the community. Over the last several years, a great consensus has built on that. There are no dissidents in our community on that issue.

Thank you.

Mr. Paul Grod: Let me briefly add to that. In fact the position of our community has been articulated in the agreement in principle signed this past summer in Regina, Saskatchewan. That agreement in principle, which was signed by the three organizations and the three parties in front of you, states very clearly that:

The Government of Canada and the Ukrainian Canadian Community have developed this Agreement-in-Principle, premised on the principles of 'no compensation' and 'no apology', as a first step in articulating their shared vision for the acknowledgement, commemoration and education of Canadians on the historic experience of Ukrainians in Canada during Canada's first national internment operations and to highlight the contributions that the Ukrainian Canadian Community has made to building Canada.

This text I have read from the agreement that was signed, titled "Acknowledging Our Past to Build Our Future: Agreement-in-Principle between the Government of Canada and the Ukrainian Canadian Community".

So to answer your question, yes, that is the consensus position of the community.

[Translation]

Mr. Roger Clavet: To pursue this a little further in the same vein, it is not because we apply the principles of the Official Languages Act for the translation of reports that we necessarily have a bilingual heart. Justice is universal and you can be assured that the message, be it expressed in Ukrainian, in English or in French, will be heard by us.

Mr. Villemure, Spirit Lake is an extraordinary experience. There is this feasibility study you mentioned, but there have also been archeological digs. Has anyone discovered things that we did not know about? What can you tell us about the importance of the Spirit Lake camp in all of this? Are there things you would like to share with the members of the Committee?

Mr. Martin Villemure: Digs were carried out in 1998 and 1999 in the camp portion and in the village portion of the camp. Spirit Lake was one of only two such camps in Canada, I believe, where the family could live close to the camp.

Various objects were uncovered during the digs, objects that tell us stories about the hospitals in the camps and about the daily lives of internees. These objects will be shown in a future exhibit to tell the story of the operation of the camps and day-to-day living there.

Mr. Roger Clavet: How much money are you asking the federal government for at this time? Give us an idea of the funding that would come from the federal government, the provincial government and the private sector?

🕒 (1150)

Mr. Martin Villemure: According to our feasibility study, the completion of our project would cost approximately \$511,000. The contribution of the proponents of the project, in other words us, today totals \$65,000 through community outreach and we would be prepared to go to \$100,000. But a one third-one third-one third split between the federal government, the provincial government and the private sector would be much appreciated. This added visibility would enhance the project's feasibility.

Mr. Roger Clavet: How do people react when they visit the camp and discover that less than 100 years ago such things were taking place in Canada on Quebec's territory? What is the usual reaction? Do people say that it is a fine period in our history? Am I correct in believing that that is not the case?

Mr. Martin Villemure: When people realize what happened, it certainly is a shock. But there is at present no such widespread realization. The plaque speaks for itself, and the same can be said for the statue. However, very little is being done to commemorate this and educate the public. Public education is a more difficult aspect. An interpretation centre would enhance our ability to reach out to the public and to move people.

The Spirit Lake camp is also included in the document entitled *L'Abitibi-Témiscamingue, les lieux de la mémoire*, a guide to the heritage of our region. There are also all sorts of activities that the board of directors can undertake. The headline of our local weekly talks about Spirit Lake. I have the paper here if you want to look at it. It is however through the activities of our board of directors that we will be able to heighten the public's awareness. This is our hope with this commemorative project: to touch as many people as possible.

Mr. Roger Clavet: Thank you.

The Chair: Thank you very much, Mr. Clavet.

Ms. Davies, you have the floor.

[English]

Ms. Libby Davies (Vancouver East, NDP): Thank you very much, Madam Chair.

First of all, thank you very much to the witnesses for coming here today.

As you pointed out, the members of the NDP did support this bill, and we support it very strongly. I think what you said is very symbolic and very important: that your community did not break faith. Over so many decades, I think that's truly a remarkable thing. It's very important that we not break faith either and that we see this through to the final approval. We're at a very critical point.

I have three questions. Really, the first two are just to make sure I understand what's going on, because I'm not a regular member of this committee. I'm not aware of the amendments Mr. Mark spoke about and whether they are available at this point.

The Chair: Ms. Davies, they've been provided to the clerk, and we will have them distributed to members.

Ms. Libby Davies: Okay, so there are amendments from Mr. Mark. You've also put forward three amendments, and I just wondered if they are also incorporated into Mr. Mark's amendments, so we can just make sure they are covered off.

Secondly, in terms of what's gone forward to the minister, are all of the proposals that you speak about within what this bill is describing? I just want to be assured that we aren't on different tracks here, and that your proposal is really the same proposal that's spoken about in the bill, because I think that's very important. Does that also include Spirit Lake? It wasn't quite clear to me. Could somebody answer that?

My more substantive question is that if you look at subsection 3(2) in Mr. Mark's bill, it talks about the restitution payment and the development of educational materials

with the objective of widening understanding of the harm of ethnic, religious or racial intolerance and discrimination, and the importance of the Canadian Charter of Rights and Freedoms in protecting all Canadians from such injustice in the future.

I really want to focus on that because what we're doing here, in providing restitution and acknowledgement, is so important in terms of the history of what's happened.

What is equally as important is what happens in the future. I know that one of the concerns that we have in the NDP, because we're in this super-heightened security era, is the increase in racial profiling and targeting of various communities. So I'd be very interested to know your observations. I thank Mr. Mark for his work on this, because this is a very important aspect in terms of education, not just in terms of the past, but also in terms of what we are living today and what's taking place today. How do you see yourselves as part of that, in terms of the debate that takes place, or as it may pertain to educational materials?

I know that's a big question, but I just think it's so relevant to what's happening today.

🕒 (1155)

Mr. Andrew Hladyshevsky: Let me answer. You had three parts to that. Mr. Grod can perhaps answer the issues with respect to some of the specific amendments, and Dr. Luciuk will perhaps deal with the Spirit Lake issue, but let me just deal with your last point on the issue of the Charter of Rights.

Every great country that has signed up for or has a Charter of Rights believes in the dignity of the individual and that the individual has rights above those of the state, rights that cannot be transgressed and that should never be altered—even though we have a notwithstanding clause in our constitution. The blood that was shed by these people, these men, women, and children, is actually a tragic Canadian story. And that's important; it's not a Ukrainian story, but a Canadian story. What they, and other communities—some of whom will be presenting today—paid for with the blood they shed was to lay the paving stones leading up to the Charter of Rights. That's extremely important, given what you hear in what I would say is the common press on radio and TV and given the perception of Canadians that the charter is somewhat of a hindrance in those circumstances where minorities have a greater say than majorities.

The story of the Ukrainian Canadian experience is fundamental as a teaching tool or case history of how a great nation abused its people by so-called legal mechanisms—being legal doesn't necessarily mean you're right—and the people were unable to defend themselves, as the country had not developed its own code of conduct in a charter that would protect those people. So it becomes a teaching example to be put in the modern context of how we celebrate the Charter of Rights today.

It's also a way of connecting students today. Last week, with the department of education in Alberta, I presented to students. One point they made to me was that this would be a lot easier if somebody at least acknowledged that this thing had happened. Their point was that we keep asking them to change their curriculum and sound like a community that is very much involved, but that no government had officially acknowledged this as a fact. This is an issue where justice delayed is justice denied, in terms of repatriating our Canadian history.

On that particular point—and then I'll turn it over to my two colleagues—the Charter of Rights is an important element that comes out of this in the educational process. This isn't just about, if you will, ceding to one of the communities, given

Canada's needs for healing. This community served this country in World War I and World War II. Moreover, Professor Walter Tarnopolsky is sometimes referred to as the father of the Canadian Charter of Rights, and he's of Ukrainian heritage.

So this community's focus will be that this tragic event is a learning experience that celebrates what a great nation must do, which is to pass a charter of rights and then walk the walk and talk the talk with that charter of rights, so that any newcomers from foreign lands who arrive in this country now are not treated the same way.

We are an accepting society, and we are asking once again for people from around the world to come here and be Canadians. If we can't walk the walk and talk the talk, then all of that suffering experienced by the Ukrainian community and other communities will go for naught.



The Chair: I would ask your colleagues to perhaps keep their comments.... We do have limited time. We have another full delegation to hear, as you know.

Perhaps Mr. Silva would like a question or comment, and you might incorporate yours in responding to him.

Thanks.



Mr. Mario Silva (Davenport, Lib.): Thank you, Madam Chair.

First of all, I want to thank the witnesses who are here before our committee. This is indeed a very important first step forward in trying to redress a very sad chapter in the history of Canada.

It's a Canadian story, you're absolutely right. It is very much part of the fabric of what this country went through during a very dark period. The only way we can move forward, of course, is by acknowledging it and by doing whatever we can to make sure that something like this never happens again. We can only do that through education.

To that end, I'd like to congratulate you for your efforts. I want to move forward with this as quickly as we can. You have made some suggestions of what things we can do in terms of education.

I always feel that how one goes about promoting history is a great challenge in this country. I think it's a country that is a shining example to the world, yet it knows very little about itself, its people, and its history. Part of it may be the fact that we live in a federation where we don't have a national ministry of education and we have no national standards in education. Maybe it's the fact that we don't fully use our institutions, whether it be the CBC or the National Film Board, to explain our history and to get people to understand these Canadian stories. What happened to Canadians of Ukrainian descent, to Canadians of Chinese descent and Italian descent was a sad chapter.

There's a private member's bill that will also be coming forward some time later to redress what happened with the Italian Canadians. All this is very important and needs to be done. It has taken so long for us to move forward on this issue.

I just want to get your views on how we can better educate our people and especially our youth.





Mr. Lubomyr Luciuk: If I can answer, then, quickly, to the several questions that have been raised by Mr. Silva, Ms. Davies, and Mr. Clavet, I think one of the critical issues is in fact education and commemoration.

I'll remind everyone here that the War Measures Act was used in 1914 against Ukrainians and other Europeans, then again in the Second World War against our fellow Japanese Canadians, and again in 1970 against the Québécois. So it's not only a national issue, but a multicultural issue in that sense. Reminding people of that unfortunate episode in Canadian history during the First World War period also raises those other issues, and it raises the need to remain vigilant in times of domestic and international crisis against those who would in any way restrict our civil liberties and human rights.

I thank Ms. Davies for raising that point.

So remembering the past is really also about learning the lessons and ensuring the security of our collective future.

The amendments we have made reference to today are essentially consistent with what Mr. Mark has negotiated in the last several days. I don't think you'll see that there are any significant clashes between what we've asked for and what he has discussed with the government, but as we say, if it comes down to getting the bill through or having our say, we defer to Mr. Mark's judgment on this.

Our proposal is in that package. We'll try to have it translated and circulated later, but if you look at it, the proposal is essentially consistent with what Mr. Mark has put forward.

Finally, I'd like to perhaps underscore that we have worked very positively with the Franco-Canadian community in Abitibi around Amos and Spirit Lake over the last several years. References were made to the statue and the plaque that we put there. We see the passage of this act and the negotiation of our final settlement with the Government of Canada as an opportunity to in fact provide funding to our partners in Quebec. So we see this as a nation-building initiative as well.

Thank you.



Mr. Paul Grod: And if I can specifically answer the question as to how we would go about this commemorative and educational initiative, our communities thought long and hard about this. They have been doing this for a number of years on a voluntary basis with community funds.

The reason there was not a list of things that we are going to do.... I think it's impossible to identify each and every single one in an act, or in a proposal, for that matter. What we are looking for is that endowment, which will allow us over the years.... And just to put it into perspective, there are many Spirit Lakes out there. There are 24 camps. We have been in touch with a number of local community-based organizations, such as, a number of weeks ago, in Fernie, British Columbia, where a local historic society is looking to reconsecrate the cemetery and to do commemorative and educational initiatives. Those are the kinds of things that our community is very much in touch with.

On a national basis, we can identify the ways we can properly commemorate and educate and work with local communities and with provincial governments in order to go forward with a number of these educational and commemorative initiatives.

  (1205)



The Chair: Thank you very much.

With the indulgence of committee members, I'm going to suggest that we move on to our next delegation of witnesses.

I thank you very much for coming this morning. I know it's been a long, hard struggle. I think we're all very aware that we're taking part in an historical moment, and the cooperation and goodwill from everybody, including the officials in the department, has really been quite an example of how we'd like this place to work more often.

In terms of reassurance about the bill, I think your biggest problem, Mr. Mark, in getting this through quickly--we all know the importance of that, and we don't want this delayed into another Parliament--is that everybody will now want to speak on it. You have to work with all of us to make sure that we don't do that to such an extent that this bill doesn't get through. As you're talking to people you might say that you appreciate their support but ask them please not to take the time of the House to speak on the bill. I pass on that message as well to our next delegation. The will of Parliament and all parties is clearly there to make sure this does go through now.

Thank you very much, and thank you for all your hard work over the decades.

We'll take a couple of minutes to get a fresh cup of coffee or whatever while our next panel of witnesses take their places.

  (1205)

  (1210)



The Chair: I ask people to take their seats, so we can continue. We're already a little short of time.

I am pleased to welcome our second panel of witnesses. This is on Bill C-333, the Chinese Canadian Recognition and Redress Act. I think that title may be changed by consensus.

Who will be speaking first?

Mr. Tan.



Mr. Sid Chow Tan (President, Association of Chinese Canadians for Equality and Solidarity): Madam Chairperson, I'd like to defer to Avvy Yao-Yao Go. We have a speaking schedule.



The Chair: Thank you very much.



Ms. Avvy Yao-Yao Go (Director, Metro Toronto Chinese and Southeast Asian Legal Clinic): Thank you.

As the only woman appearing before this committee today, I thank you for the indulgence of hearing from me first.

My name is Avvy Go, and I'm the clinic director of the Metro Toronto Chinese and Southeast Asian Legal Clinic. I'm here with my colleagues, Mr. Yew Lee, from the Chinese Canadian National Council, as well as Mr. Sid Tan, from the Association of Chinese Canadians for Equality and Solidarity.

I would like to thank the Standing Committee on Canadian Heritage for the opportunity to comment on Bill C-333, and thank particularly Mr. Inky Mark for introducing this bill.

As you know, Chinese were brought to Canada to build the Canadian Pacific Railroad. Between 1881 and 1885, over 10,000 Chinese labourers were brought directly to Canada from China, and over half of them worked on the building of the railroad. November 7, 1885, was the day that the CPR was completed and this country was united from coast to coast.

This year marks the 120th anniversary of that historical landmark. But as soon as the last spike was driven, the Canadian government deemed Chinese as undesirable, and imposed a head tax of \$50 on all Chinese immigrants who came to Canada. That was increased to \$100 in 1900, and \$500 in 1903. That was in effect until 1923. Over \$23 million in total was collected from the Chinese Canadian community.

The head tax was replaced with an even more racist exclusionary measure, the so-called Chinese exclusion act in 1923, which banned all but a few Chinese immigrants from coming to Canada. The act was not repealed until 1947, and over that 24-year period fewer than 50 Chinese were allowed to come to Canada. No other racial group was subject to these racist measures.

We commend the standing committee for its consideration of an issue that is of profound importance to Canadians of Chinese descent. Bill C-333 represents a significant first step toward the reconciliation of the Canadian government with the Chinese Canadian community for the injustices our community was made to suffer for over six decades.

The bill as it is now worded, however, does not in fact provide redress for those who are directly affected by 62 years of legislative racism. There is no question that the head tax and the exclusion act resulted in a devastating impact on the Chinese Canadian community as a whole. For that reason, redress in the form of recognition of the community contribution is important.

However, the most devastating impact of the head tax and the exclusion act was on the individual families who were directly affected by these racist measures. They suffered years of family separation, economic hardship, and discrimination as second-class non-citizens, all because the Canadian government did not want people of Chinese descent in this country. The Chinese Canadian pioneers who came here to build our nation were forced to live the lives of married bachelors, and their wives and children were left behind in China, forced to fend for themselves in times of war and famine.

That the surviving head tax payers and their families want to seek individual redress is made clear by the years of struggle for justice, with the assistance of groups such as the Chinese Canadian National Council. Their search for justice culminated in a class-action law suit that our clinic filed on their behalf in December 2000. While the judge presiding over the case found there was no legal ground to continue the class action, he nonetheless said in his judgment that Parliament should provide redress for Chinese Canadians who paid the head tax or were adversely affected by the various Chinese immigration acts.

In light of the Canadian government's failure to even engage in a dialogue about this issue, the United Nations special rapporteur on racism, Mr. Doudou Diène, raised this important question with the Canadian government during his visit to Canada in September 2003. In his concluding report, he specifically recommended that the Canadian government start consultations with members of the Chinese community in Canada, in order to consider the possibility of compensating the

descendants of persons who paid the head tax, or members of their families who were affected by that measure. To date, the Canadian government has not even responded to the specific recommendations of the UN special rapporteur.



Bill C-333 as proposed falls short of achieving the desired goal of redress for two reasons. First, it calls on the Minister of Canadian Heritage to negotiate a reconciliation package with an organization that has a history of opposing redress for individual head-tax payers and their families. The selection of this organization instead of groups representing the head-tax payers and families themselves, as well as those who support the quest for justice, is a slap in the face of those who this bill is intended to honour and recognize.

As such, we recommend that the committee amend clause 4 of the bill to read as follows:

4(1) The Minister of Canadian Heritage, in cooperation with the Minister of Finance, shall negotiate with Head Tax payers, their families and their designated representatives, a suitable payment in restitution for the collection of money from Chinese immigrants as head tax, to be proposed to Parliament for its approval

Second, the bill equates the creation of educational foundations and other educational projects with restitution. While educational initiatives that serve to promote general awareness around the history of Chinese Canadians and their contribution to this country are laudable and should be funded, these projects do not redress the decades of suffering that the head-tax payers and their families had to endure. Indeed, it is an insult to these individuals to at once acknowledge their contributions and suffering, and at the same time deny the right to justice in the form of restitution.

We therefore urge the committee to amend subclause 4(2) by adding:

(c) compensation for individual head tax payers, their families and direct descendants for the decades of pain and suffering that they were made to endure as a result of the Head Tax and Chinese Immigration Act, 1923.

As long as the Government of Canada continues to fail to redress the Chinese head tax and exclusion act issue, our society will continue to bear the consequence of the legacy of our racist past. We cannot move forward as a truly just and equitable society until our government has the courage to face up to its obligation by repaying its historical debt of racism.

I'll now turn it over to Mr. Yew Lee.



Mr. Yew Lee (Member, Redress Committee, Chinese Canadian National Council): Madam Chair, committee members, my name is Yew Lee. I'm here on behalf of the Chinese Canadian National Council. We are the council.

I'd like to begin by thanking Inky Mark and Bev Oda for introducing this bill. I think it's about building the Canadian family, and this is very important. I'd like to acknowledge Libby Davies and her party leader and Roger Clavet for their ongoing support in our specific position. You've been very sensitive and supportive.

Before I begin, I just want to mention something about building the Canadian family. When Andrew Hladyshevsky left, he used the word "abused", which may at the beginning sound very strong. I frame it as abuse in the Canadian family: you have a government that systematically abused members of its family, and it's a messy situation. There's a move on by the government to have a blanket apology; father would like to come to the dinner table and get forgiven by each child in that family all at once. Well, good for him. I'm sure it would be more comfortable if he did it that way, but life is a little messier. Those of us who have families know that it's not that easy. No, if something has been done wrong, if the father has gone on some kind of drunken spree, he just can't come to the table and have it all forgiven all at the same time.

So there are different views. There's not always consensus on how things should be resolved, and I hope the committee accepts that's how life goes.

The Chinese Canadian National Council is a national non-profit organization working to promote social justice, equality, and civic participation for all Canadians. We were formed in 1980. We have 27 chapters across Canada. The CCNC was mandated by over 4,000 head-tax payers in the early 1980s to seek redress from the federal government.

Our work primarily revolves around social justice issues. We have nothing to do with international issues. We focus on domestic issues. We don't focus on trade with China.

I won't delve into the background too much more, because Avvy has covered a lot of it, and you'll get that in her brief. We also support the amendments the Metro Toronto Chinese and Southeast Asian Legal Clinic have put forth on Bill C-333.

It's important for the government to talk to the victims and those affected by the family. So far they seem to be left out of the equation. That's important. Since 1984 we've heard unanimously from the people, from the 4,000 families we represent, that compensation, individual compensation and compensation to the families, is what they want. We've always honestly and frankly presented that on their behalf, and that represents a longstanding view the CCNC has held over the years.

The failure of Bill C-333: well, it's well intentioned but it's fundamentally flawed. For one thing the bill designates only one organization, the National Congress of Chinese Canadians, to negotiate an agreement for redress. It ignores our organization. This is very perplexing. I've only joined this movement in the last half-decade or so; I knew very little about the history of different associations and their politics.



I refer you to a Jan Wong article in *The Globe and Mail* about feeling the long arm of China; it's from August 6, 2005. I found that quite enlightening, especially when we're trying to discuss an internal affair, a domestic affair, an affair that relates to family members of Canada. It's not an issue that has to do with trade or anything internationally.

Avvy Go has covered precedents and comments by Justice Cumming. It's very rare that an Ontario Supreme Court judge, in writing up his summary, says to Parliament that you should consider providing redress for Chinese Canadians who paid the head tax or were adversely affected by the various Chinese immigration acts. In short, he's saying this isn't a question for the legal system; it's a question for the people to work out themselves; it's a question for the family; it's a question for parliamentarians to work out. I believe the Liberals have avoided this question.

You have direction from Doudou Diène at the United Nations, who recommended granting financial compensation and dealing with the issue of dislocation of blacks from Africville in Nova Scotia.

Then we have a small country like New Zealand that apologized. The Prime Minister apologized on Chinese New Year of 2002. They went through a thorough consultation. They talked to the victim families. They involved umbrella organizations, but they went to the people who were affected.

I travelled around Ontario with the film *In the Shadow of Gold Mountain*. Please see it if you want to learn about Chinese history. This is a National Film Board film. It's a real eye-opener.

Old folks were coming up to me saying, what's happening on the Chinese head tax issue? Well, the problem is that the government has probably been talking to umbrella organizations. It's got to reach the people who were affected, people who are dying off, people like my mother. She was a young mother; she's 94 now. She was the young wife of a head-tax payer, my father.

By the way, my grandfather lived and worked in Ottawa in the late 1800s. He helped to translate for government in this building, and he died here in Ottawa in 1916. I say that because I have a sense of ownership not only for the country but for this city.

Our organization, the council--not to be confused with the congress--had the opportunity to meet with Mr. Paul Martin on March 25, 2003. It's very interesting; he was just so knowledgeable about this topic. He understood that this issue was relevant to a clearly defined group of people.

It's not about the whole Chinese community; it's about some particular victims. There have been waves and waves of Chinese people coming to Canada, but this had to do with those who paid the head tax. If a train has dumped toxic fuel in a particular neighbourhood, you talk to the people in that neighbourhood. You don't canvass the whole city.

We were quite moved by his knowledge of this issue and his interest in wanting to bring resolve to the issue. In fact, he talked about his father, Paul Martin Senior, bringing in the first Citizenship Act. My father, my mother, and I became citizens under that act, and he framed the resolution of the Chinese head tax issue as an important step in nation building.

The resolution of this issue is very personal to me and to the families we represent. It's about building in the Canadian family. It's about respect between family members. It's not about trade ties with another country, and it would be shameful if it was.

The few remaining head-tax payers and spouses are approaching their 100th birthday. They are in seniors homes; they are like my mother, who is 94 and requires a caregiver every day.

 (1225)

I want to underline that these builders of Canada have a very valuable power. They have a gift they can offer Canada. They hold the power of forgiveness. Because of their age, the window of time is very small in which the Government of Canada has the opportunity to apologize, bring resolution, and bring redress to the few, the handful, of remaining survivors. This is an opportunity that will soon pass, and when that time passes, history will write about who was in power then and what was done.

It's time for the Government of Canada to act decisively and respectfully to bring an overdue resolution to this issue and pay its debt to this group of Chinese Canadian pioneers and finally bring Chinese Canadians into the Canadian family.

Thank you.

I'll pass it over to my colleague, Sid Tan.

 (1230)



The Chair: Mr. Tan.



Mr. Sid Chow Tan: The Association of Chinese Canadians for Equality and Solidarity Society acknowledges the Anishinabe Ottawa First Nation and their traditional territory, where we hold this meeting.

ACCESS is a not-for-profit human rights and social justice society and community television corporation. We are the successor group to the Vancouver Association of Chinese Canadians, organized to combat racism and discrimination, to advance the rights of citizens and migrants in Canada, and to redress the Chinese head tax and the exclusion act. We collected over 1,300 signatures, which Yew Lee referred to.

Madam Chair and members of the Standing Committee on Canadian Heritage, we thank the standing committee for this opportunity to comment on private member's Bill C-333, the poorly named Chinese Canadian Recognition and Redress Act. It's poorly named because it is not an acceptable redress for many Lo Wah Kiu--old overseas Chinese--head-tax payers, spouses, and descendants. However, Bill C-333 may be a beginning to a just and honourable redress. It should either be renamed or provide direct individual recognition and restitution, where possible, to surviving head-tax payers, spouses, and their estates.

All Canadians can be inspired by the heroic Lo Wah Kiu struggle for citizenship rights while oppressed for 62 years by racist legislation. For the parliamentary record, I will read a statement by 98-year-old head-tax payer Quan Song Now, also known as Charlie Quan. To my knowledge, he is one of four surviving head-tax payers, and I have worked on this issue for over two decades. Charlie Quan's handwritten statement and voice recording was made shortly after my confirmed attendance at this meeting. He asked me to read his statement to you. He is a true champion and one of the mightiest of the Lo Wah Kiu. His statement is addressed to Prime Minister Paul Martin, to whom I have mailed a copy.

Greetings Prime Minister Paul Martin. My name is Quan Song Now. I came to Canada in 1923. At that time, I paid the \$500 head tax. This \$500 head tax is unjust. As it was not applied to people from other parts of the world, it is discriminatory. I hope the government will refund the head tax in a fair way to all head-tax payers or their families. This is my sincere quest. I hope you accept my proposal.
Quan Song Now, also known as Charlie Quan, October 20, 2005, Vancouver, British Columbia.

For the parliamentary record, I want to acknowledge 83-year-old Gim Wong for his recent cross-Canada motorcycle Ride for Redress. He began in Victoria, B.C., on June 3, 2005. A pensioner, a Royal Canadian Air Force World War II veteran, and a resident of Burnaby, British Columbia, he arrived in Ottawa with his son Jeffrey on July 1, 2005, Canada Day. Gim and Jeffrey Wong are descendants of mighty Lo Wah Kiu. Gim's father and mother paid the head tax. He made his ride to call attention to what any Canadian would want—an apology and a refund of an unjust tax at the current fair value.

Fifteen years ago I told Chow Wong Nooy, my grandmother on my father's side, about my involvement in the Chinese redress campaign. Her initial reaction was to tell me not to oppose the government. She feared the government authorities would come to our home, tie me up, take me away, and throw me in the river. I bring this up because her fear of the Canadian government and its laws has truly hurt our family. The Chinese exclusion law separated her from Chow Gim--Norman--Tan, her husband and my grandfather, who paid the head tax. They were separated for over a quarter of a century. Wong Mun Sang, my grandfather on my mother's side, also paid the head tax and experienced the same separation. The cry for justice spans many generations of Lo Wah Kiu.

We humans are a species of ideas and language. We are judged by our families and neighbours and by history. I say Bill C-333, in its present form, as named, is a perversion of language and a travesty of justice. Without any attempt at direct individual recognition and restitution, this so-called redress legislation is just another humiliation for the surviving head-tax payers such as 98-year-old Charlie Quan of Vancouver and 93-year-old James Wing of Montreal.

  (1235)

As a Canadian who wishes to contribute to this country, where the freedoms of speech and ideas are charter rights, I fear this legislation will be referred to as the Chinese Canadian Humiliation Act.

For the Lo Wah Kiu, July 1, 1923, then Dominion Day and now Canada Day, was referred to as Humiliation Day, because that was the day Chinese exclusion became law.

ACCESS is very concerned that Bill C-333 specifies that the Canadian government negotiate the so-called agreement for redress with the National Congress of Chinese Canadians. Chinese head-tax and exclusion redress is an issue of human rights and social justice, but the National Congress of Chinese Canadians was formed to be an apologist for the People's Republic of China's appalling human rights record, particularly after the Tiananmen massacre of June 4, 1989.

We stand before history. In 1992, the Honourable Raymond Chan, current Minister of Multiculturalism and then a human rights activist, often ridiculed the leadership and actions of the National Congress of Chinese Canadians. I ask the

members of the standing committee to examine the suitability of the National Congress of Chinese Canadians to negotiate a human rights agreement.

A just and honourable redress will lose much of its meaning if there are no surviving head-tax payers to accept it. Redress will lose all of its meaning if surviving head-tax payers, spouses, and second-generation descendants do not receive direct individual recognition and restitution. Individuals and families paid the tax and suffered the hardships of separation. Where possible, they must be the focus of any just and honourable redress.

I want to thank those who encouraged me to be at this hearing, particularly Victor Wong, of the Chinese Canadian National Council, and the members of the national redress committee. I also thank Avvy Go, of the Metro Toronto Chinese and Southeast Asian Legal Clinic, for her counsel.

ACCESS supports the amendments to Bill C-333 as proposed by the Metro Toronto Chinese and Southeast Asian Legal Clinic. ACCESS and the B.C. Coalition of Head Taxpayers, Spouses and Descendants, which I coordinate, support the position statement of the Ontario Coalition of Head Tax Payers and Families. They demand an apology from the Canadian government for the injustice perpetrated on Chinese Canadians under the head tax and the Chinese exclusion act; direct redress for the head-tax payers, widows, and their families, to be negotiated between the Canadian government and those directly affected by the racist laws; and community redress in the form of education funds and other social programs to be developed in consultation with the broader Chinese Canadian community.

My grandfather, who left home at the age of ten because they were going to sell his sister because of poverty, came to Canada. He left home at the age of ten to look after a rich man's cows. He never got to go to school, but he has taught me many things and he has taught me about rights. He lived more than half his life in this country without rights.

He said that redress has three major components and must satisfy the mind, the heart, and the soul. We cannot get a legal ruling on this, so our mind will not be at ease. We are asking you for a political resolution so our hearts can be full. More importantly, we are asking for a just and honourable redress to soothe the souls of all those, our forebears, who built this great nation and helped make a distinguished thread in the national fabric.

Redress now. It's only fair.

Thank you.

  (1240)



The Chair: Thank you, Mr. Tan.

We will move to the other Mr. Tan.



Mr. Ping Tan (Executive Co-Chair, National Congress of Chinese Canadians): Thank you, Madam Chair and members of the committee. I'm very pleased to appear before you today.

Before I begin, with your indulgence, I'd like to introduce my co-directors from the National Congress of Chinese Canadians, who are together with me here today to support the bill. They are from Montreal, Toronto, and Ottawa. Among them is our co-chair from the Quebec region, Mr. Jack Lee, who is an Order of Canada recipient and well respected in the Montreal Chinese community; Ms. Debbie Lin, who is the secretary general of our congress; and members of the national board. Some of them are also the descendants of the head-tax payers we're talking about today.

Madam Chair, my name is Ping Tan. I am the executive co-chair of the National Congress of Chinese Canadians. I appear before you today on behalf of the National Congress of Chinese Canadians to give our support to Bill C-333, the Chinese Canadian Recognition and Redress Act, which was introduced by our good friend Mr. Inky Mark, member of Parliament for Dauphin—Swan River—Marquette, in Manitoba, and which was subsequently tabled in the House by Madam Bev Oda, member of Parliament for Durham.

Today indeed is an historical moment in our long pursuit of a fair and reasonable resolution of the head tax and the Chinese exclusion act. It is a day that will go down in history for Chinese Canadian people as the beginning of the redress for the injustices imposed on Chinese Canadians.

First of all, I would like to extend our sincere thanks to Mr. Mark for his dedication and great efforts over many years in trying to seek a resolution through Parliament and for working with our communities across the nation for this purpose.

You have heard our previous witnesses talk about the National Congress of Chinese Canadians, and I'm very pleased to give you some very important background information. The National Congress of Chinese Canadians is supported by the majority of the Chinese Canadian associations across Canada, including some very old and established associations that have more than a hundred years of history in this country. They include the Chinese Freemasons of Canada and the Chinese Benevolent Association of Victoria and Vancouver, which are both older than a hundred years. We are supported by the World War II Chinese veterans who fought for Canada during the war, when they had no right to vote. We are supported by the Confederation of the Toronto Chinese Canadian Organizations, which has more than sixty association members; and by many other well-established associations in Victoria, Vancouver, Edmonton, Calgary, Winnipeg, Montreal, Toronto, and Halifax. Many of their members are the descendants of the head-tax payers.

I speak with great emotion and feeling about the head tax and the Chinese exclusion act, which together discriminated against the Chinese people for more than sixty years as a legislated type of discrimination. The injustice and wounds cut deep into the hearts of those affected and left a lasting impact on the whole Chinese Canadian community for a long time. Even today, for many people, the issue still hurts.

 (1245)

The Chinese Canadian communities across Canada have agonized for a long time over the proper way to resolve these obvious issues. Therefore in 1991, about 15 years ago, recognizing that it was necessary to call a special meeting for this purpose, the National Conference of Chinese Canadians was held in Toronto in May of that year to discuss, among other things, the one fundamental issue of how we were going to seek redress from the federal government. More than 500 delegates, representing more than 280 or so associations from coast to coast, came to that meeting and attended the conference. It was the largest and most representative congress ever held in the history of Chinese Canadians in this country.

After two days of open and public debate, the delegates resolved to reject individual compensation. That was not without reason. Many of the delegates were the descendants of the head-tax payers themselves. They included members of the veterans. They told us at a meeting we should never seek individual compensation from the government. Therefore, the delegates at the meeting adopted a resolution package that includes, first, an acknowledgement of the past wrong by the government, and second, a foundation to be set up with a reasonable endowment to promote racial harmony through education and recognition of the contribution of Chinese Canadians to Canadian society.

That was, Madam Chair and members of the committee, in 1991, about 15 years ago. The delegates at the meeting also resolved to establish the National Congress of Chinese Canadians as a national body mandated to seek a reasonable resolution of these two issues. As a result, the congress was formally inaugurated in Vancouver in 1992 to represent and to speak for Chinese Canadians across the country.

For the past 15 years, the National Congress of Chinese Canadians has been vigorously pursuing the federal government for such a resolution, but, I regret to say, without any success until today. It was therefore extremely important for Mr. Inky Mark to introduce his private member's bill to bring about this healing process. We note that the bill was passed with the support of all parties in the House, and here we are today.

Madam Chair and members of the committee, we support the bill because it's based on the principles that are the consensus of the vast majority of Chinese Canadians throughout Canada. That is over one million people. It was not taken lightly. It was taken after long periods of debate among ourselves over a long period of time, and that position, adopted in 1991, has been reconfirmed during our annual AGMs ever since 1991.

We strongly believe that the resolution of this historical injustice and wrong must be fair and reasonable; above all, it must be constructive and forward-looking. We also believe that the federal government has the duty and the role to assist the Chinese Canadian community to enhance its capacity for building a strong and united community.

  (1250)

In keeping with the consensus reached in 1991, the National Congress of Chinese Canadians welcomed in principle the plan put forward by the federal government in its February 2005 budget to allocate \$20 million for the program of restitution by acknowledgement, commemoration, and education, or what we call the ACE program. I wish to advise members of the committee that we have been in negotiations with the federal government under the ACE program, and we are so far making good progress towards an agreement.

I'd like to take this opportunity to thank the Honourable Mr. Raymond Chan, Minister of State for Multiculturalism, for initiating this healing process.

We are planning to hold a national conference in Vancouver in November. We are going to invite representative delegates who support the principle of the ACE program, from across the nation, to come and discuss the next step that should be taken for the endowment of a foundation and the criteria of the educational program that will be appropriate for the community to conduct and initiate.

Madam Chair and members of the committee, I wish to thank Mr. Mark and Madam Oda for their contribution to bringing about a fair and reasonable resolution of these issues. I also wish to thank all the members for supporting the bill.

I urge Parliament to give speedy approval of the bill. By doing so collectively, Parliament will have shown wisdom and foresight that will make Canada the envy of the world, as the model of a truly multicultural society, where people of all ethnic origins live together in equality and with dignity.

Thank you very much.

I'll be pleased to answer questions.

Thank you.



The Chair: Thank you very much.

I would point out to the committee that our meeting is scheduled to end in six minutes. Is the committee agreeable to extending a little beyond that, to perhaps 1:15?

Some hon. members: Agreed.

The Chair: Okay. I will try to keep everybody to a very short period of time, if you don't mind, with maybe a little less than our normal time for questions and comments.

Merci.

Mr. Mark.



Mr. Inky Mark: Thank you, Madam Chair.

Thank you again to our witnesses for being here today.

There's no doubt that we know it was one of the bleak moments in Canadian history. What was legal certainly didn't make it right, and that's why we're here to right this injustice.

The committee members heard two points of view today.

Let me first also say that I am the grandson of a grandfather who paid the head tax and worked on the railroad. My father came here in 1922 and also paid the head tax, for your information.

As many of you know, I've been working on Bill C-333 for many years. I also need to tell you that at one time, about four years ago, both the council and the congress worked together on this bill. In fact, if you check back through Hansard, the first tabling of the bill actually included the national council.

But again, as you know, disagreements occur, and the two points of disagreement were again on individual compensation and an apology. As it turned out, those were not sellable positions. It would not happen. It didn't matter who you asked, it would not happen. It may be the right thing—I'm not arguing about what's right or wrong—but the facts that you need to separate are on the legal process and on Parliament and how it works. It isn't going to happen.

Therefore, the national council was removed. There was a second team, with a bill by Bev, and a single reference was to the national congress. Over the last number of years, the sole negotiator has been the national congress, which, as Ping Tan indicated, has always represented the Chinese community in this country, for many years, going back to its inception.

I only have one question. As Mr. Tan knows, I have negotiated with the government over the last week to try to smooth things out and get this bill in a passable form. My question to him is this. Does he support in principle these amendments that he has studied?

 (1255)



Mr. Ping Tan: Thank you, Mr. Mark.

Yes, we do support the bill, as amended. One comment: I would have a preference if the term “deep sorrow” could be changed to “deep regrets”. That would be my preference. With “deep sorrow” and “deep regrets”, I think there's a degree of refracting the historic effect of the injustice we're talking about. “Deep regrets” is the preferred term, in my view, and, on behalf of the National Congress, is the preferred wording for that.



Mr. Inky Mark: Thank you.

[Translation]



The Chair: Mr. Clavet



Mr. Roger Clavet: Thank you, Madam Chair.

This is an extremely sensitive and difficult issue, but one that is very close to my heart, just like it is for all of the people here.

What saddens me most in this whole business, is that although everyone supports the principle, we, as parliamentarians, are somewhat divided. But it is the same in the Chinese community where there is no agreement or unanimity either.

So we are dealing here with people who die one after the other, who will not be here anymore. There are 96 year old people who cross the country on a motorbike to refresh our memory and remind us of the injustice committed. And here we are with these divisions amongst ourselves, just as the Chinese, the Canadians and Quebeckers are divided. There is not even unanimity among your associations over the minimum that is to be provided, which is an apology.

We are faced with amendments which greatly water down the scope of the Bill because it seems that nowadays, in politics, an apology seems out of the question. Let us try to put ourselves in the shoes of those men and women I have seen in films such as Cold Mountain, the Shadow of Cold Mountain or Gold Indifference, Are We There? It is unbelievable!

I would like to hear the representatives of the Chinese community speak straight from the heart, with their love.

How come we cannot even agree on the principle of an apology? “Apology“ seems to have legal implications so maybe we could play around with words and talk about deep sorrow, deep regrets. But the bottom line is that there are people who have been victims.

I would like to hear our witnesses express themselves individually on this issue and talk from the heart, not with their head but from the heart.

Thank you.

[*English*]



The Chair: Very short, please.



Mr. Ping Tan: Yes, a good point. We'll be seeking the government to make a proclamation in the House acknowledging this injustice, making it public in the House. That would go a long way to healing the hurt feelings.

There is no doubt, as I said in my earlier presentation, that the hurt is being felt. But we have to look forward; we cannot keep.... As much as it's a sad thing, we have to look forward and turn the page, and work together based on human

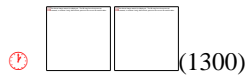
rights, our Charter of Rights. Let's do it truly, equally, and have everybody here in Canada live here with dignity and equality. That's what we are looking for.



Ms. Avvy Yao-Yao Go: I wish to remind the committee that when the head tax and the exclusion was passed, it was totally legal in Canada. It was a completely lawful thing to do in Canada. Certainly we know now that while it was legal, it was a morally wrong thing to do. I would say that the same thing is happening again.

Being a lawyer myself, I understand that the lawyers are very concerned, thinking that if we apologize then we have to pay up a lot of money; it's going to set precedent for other cases. Again, what is legal and what is moral are not the same thing. But the fact is that the Chinese Canadian redress issue is probably about the only issue where you see survivors. As you mentioned, there are head-tax payers who are alive today. They have waited 50 or 60 years to see justice done. The problem with our government is not just because.... Legally, they feel obligated not to say sorry, but I think, as a Canadian, it is because our government is not in fact willing to acknowledge or take responsibility fully for the mistakes it has made in the past. They think that by glossing it over we can then move forward, which is not going to be the case.

The head-tax payers, even after they are gone, there will be their children and their widows who will continue to ask the same question over and over: "Why is it that our government never apologized to us?"



The Chair: Ms. Davies.



Ms. Libby Davies: Thank you very much.

I'm will focus my comments on where we're at now, because I think there have been some very strong words and strong positions today. I actually think that's okay. I think to recognize that there are different positions within the Chinese Canadian community is all right. I don't think we should expect that somehow there has to be unanimity. I think the question is, what do we do now?

Mr. Lee, you talked about respect for the Canadian family and respect for individuals. I think we also have to have respect for the process. So I want to say I am very concerned about what appears to be a sort of rush to get this through, that we are now really cutting the process.

We heard from the associations of Ukrainian Canadians that they agree with the amendments, that they've come to a consensus. That is obviously not the case here, and I hate to see this as one part of the community pitted against another part of the community. It comes down to the lowest common denominator. So I will try to put forward some amendments at the appropriate time to try to broaden this again, so that people don't feel like they're being cut out, because I think that's really regrettable.

Our ideal here is to reach a resolution that is fair and just, that is acceptable and reflective of what people can live with. I'm simply curious to know whether or not you have been involved in any of the processes around these amendments. Are you aware of them? There are six amendments that basically bring us to where the other bill is, which is really narrowing it down. Were you part of that process at all?



Ms. Avvy Yao-Yao Go: We have not been a part of any of the process, so we're not aware of what amendments have been made to the bill. In fact, I feel that we are coming here and are allowed to speak on this issue, but at the same time we are continually left out. It almost makes the committee process farcical, I'm sorry to say.



The Chair: Thank you, Ms. Davies.

Ms. Ratansi.



Ms. Yasmin Ratansi (Don Valley East, Lib.): Thank you.

Thank you for being here. I can appreciate that when war comes, war really creates a problem for humankind. We human beings have not learned from history. So the War Measures Act that was brought about by Prime Minister Borden has had its impact and we keep on hearing about it. We hear about the security measures act that has come about, the security certificate that happens to people here currently.

I like your approach that, yes, mistakes were made, but let's move forward and here is what we would like to see. I'm trying to take a balanced approach to what it is you require. You're seeking an apology and you're seeking education, and you're seeking people historically remembering what incidents took place and how we should avoid those mistakes.

Bill C-333, as I look at it, covers most of it, except that it is not a money bill. We are concerned that if it turns out to be a money bill, it will be shot down. Therefore, my question to all of you is: Would you not like to see this bill go through? If you don't, why not? And if you do, how will you be satisfied? Those are my first questions.

Second, I've seen a lot of anxiety about the fact that the National Congress of Chinese Canadians has been attacked by all three organizations here. It seems to represent a huge diverse group from coast to coast. So what is it that you have against that organization, and how representative are you?



Ms. Avvy Yao-Yao Go: First, I want to say that the Chinese exclusion act and the head tax were introduced during peacetime. It was not a result of any War Measures Act. We introduced this bill specifically to exclude Chinese from coming to Canada during peacetime. Canada was not under any threat from China at that particular moment.

Secondly, I have already proposed certain amendments to the bill. You can refer to my written submission with the specific amendments: one with respect to who is going to negotiate with the government; second, what kind of restitution should be included in the bill. Those are the positions that we adopt, and our clinic actually represented head-tax-payers' widows and descendants in a class action lawsuit. So that's who we are representing.

 (1305)



Ms. Yasmin Ratansi: Is there anybody else who's going to answer? You are metro-organized, and this is coast to coast to coast. The head tax did come about under the War Measures Act, anyway.

A voice: It did not.

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Ms. Yasmin Ratansi: Sorry, I stand corrected. Sorry.

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Mr. Yew Lee: The Chinese Canadian National Council is a national organization. We have chapters right across Canada. We predate other umbrella organizations—we have been established since 1980—and we have a constituency of 4,000 head-tax payers and their families who say the only thing that's going to do it is a refund, a symbolic refund of this money, because it caused so much hardship. Five hundred dollars at that time bought two houses in Montreal. It's not just about.... Someone like my mother would use that money to pay caregivers.

The constituency we have is not rich. I myself work in the area of human rights; I work in community consultation. If you don't trust the leaders, talk to the people. I've worked for the RCMP. The leaders in Nunavut said they wanted their own policing. When we talked to the people, they said not yet. In the process of consulting, I trust people to tell the truth. Talk to the families. Reach them. Use ethnic papers. I think that's the key, and you'll find that this will be the answer. They will tell you the truth.

I must say I'm perplexed that the government is negotiating funds with the congress, which has very questionable and perplexing views on Tibet, the Falun Gong, and human rights in China. Google it yourself. You will find out.

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The Chair: Ms. Oda, you may have one quick question. and then Mr. Simms.

I'm sorry, but—

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Ms. Yasmin Ratansi: No responses?

No, I don't want to ask. I just was hoping Mr. Tan could respond.

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The Chair: Perhaps he can in responding to Ms. Oda.

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Ms. Bev Oda (Durham, CPC): In fact, it would be the case.

I understand, as you understand, that Mr. Mark has worked many years on this. I've used the opportunity, having been drawn as the first person to be able to put forward a private member's bill to support this, etc.

It's been decades we've been working on this, and Mr. Lee pointed out that the Liberals have avoided addressing this issue. But I put it to you that this is an opportunity. Are you willing to have this opportunity pass by, if you don't feel that enough consultation has gone on, to have more consultation, to have more discussion, to take the time to see whether you can come up with one position as a community?

I would say to you that this is a private member's bill. This is an individual.... Mr. Mark has done many years, as have I. It's a private member's bill; it is not a government bill. I just point out to you this is an opportunity. I'd like to hear from you. What would you instruct us who have put this forward—Mr. Mark, who has worked many years, and I—to do at this point? We have an opportunity here.

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Mr. Yew Lee: What you might do is begin to be more inclusive. Rather than work through one organization, begin to involve others. The other part is pretty key. You mentioned consulting more. You can't go wrong; that's what this is about—democracy. Talk to the people. Talk to the families who are affected. Don't just let a bunch of leaders ram this thing through.

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Ms. Bev Oda: Mr. Lee, I want to point out, we have an opportunity. We don't know whether we're going to be here as this group of people a month from now or two months or three months from now. We have an opportunity. That's why I'm saying, if you would like more consultation, let us know.

Thank you.

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The Chair: Thank you very much.

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Mr. Ping Tan: Madam Chair, can I add a couple of comments in response to the questions?

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The Chair: Let me allow Mr. Simms to ask his question, because I know members are now late for other meetings. If Mr. Simms can ask his question, then perhaps you can make your final comments.

Before that happens, Mr. Simms, in case people really urgently have to leave, let me remind you we hope to start clause-by-clause on both bills on Tuesday. You'll get the amendments that have been submitted so far.

I would ask Ms. Davies and anybody else who has proposed amendments to get them to the legal drafter as soon as possible so that members can—

   (1310)

Mr. Roger Clavet: What is the deadline for the amendments?

The Chair: As far as I'm concerned, if members have a valid amendment, we'll take it on Tuesday morning when we're doing clause-by-clause, but it's obviously to your advantage to give people a chance. If you can get them to the legal drafter so that members can have them over the weekend, that's very helpful. But personally I'm not going to bring down the guillotine.

I would just say, also—I presume there are some officials here—would you please consider the comments that have been put forward by both delegations today and provide us, if the government can't support amendments that have been suggested, with reasons why not?

Thank you.

Mr. Mario Silva: Madam Chair, just to add one further note before the meeting ends, I know we have a question, but I just want to make sure that for the next meeting, on Thursday, on the CBC, we have to have Mr. Smith, who is the vice-president of human resources, present at the committee. That was a special request from this committee. I would ask that you would adhere to it and make sure that he is requested to the next committee meeting on Thursday.

The Chair: Are committee members agreeable to that? This is our three-hour session on the CBC. It does seem to me that the vice-president of human resources is rather essential to a discussion about some labour issues.

Okay.

Mr. Simms.

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Thank you, Madam Chair. I just have a very quick point of clarification.

To Mr. Tan from the National Congress of Chinese Canadians, you mentioned, and correct me if I'm wrong.... This question is not directed to you, but you can retort, and I'll just be there in a second. You'd said that in your deliberations with the congress and other groups, a vast majority had said no to redress the head tax, correct?

Mr. Ping Tan: It was no to individual compensation.

Mr. Scott Simms: Yes, my apologies, that was for individual compensation. And within that context you received from the Chinese community, from what you felt was a very overwhelming majority, a no, we don't want to seek individual compensation. I just want a short answer.

Mr. Ping Tan: Absolutely.

Mr. Scott Simms: Okay.

To Mr. Tan from ACCESS, I'll assume that you don't agree with that. Can you tell us in your words why the congress here does not have the overwhelming majority opinion?

Mr. Sid Chow Tan: They may have the overwhelming majority, but I would say that issues of justice are not those of popularity. I think that for issues of justice, you must deal with the people who suffered the injustice. I think if we were dealing with popularity, there's a good chance that the Chinese in Canada still wouldn't have the vote.

Ms. Avvy Yao-Yao Go: We have never conducted a poll in the Chinese Canadian community. There may be an overwhelming majority of the members of the congress who do not support individual redress. There's no way we can sit here and say what the one million Chinese Canadians think about this issue.

But I can tell you that this issue has been around for 20 years. Every day you read about it in the Chinese newspapers. The fact that it's been looked at and discussed and broadcast in the Chinese media year after year after year is because this is a fundamental issue to the Chinese Canadian community--but there is no consensus.

Mr. Scott Simms: I appreciate what you're saying about a polling. It's not really what I was getting, the simple majority.

Ms. Avvy Yao-Yao Go: No one can claim to have the position. I'm not here to speak on behalf of the entire community, and I don't think anyone can, actually.



Mr. Scott Simms: Mr. Tan, could you comment?



Mr. Ping Tan: Yes.





The Chair: And this will be the last word, I'm afraid.



Mr. Ping Tan: Mr. Simms, in 1994 Professor David Lai, who is a professor at the University of Victoria in B.C., conducted a survey in B.C. supported by the university as to whether the head-tax payers themselves and their descendants were in support of individual compensation, and the majority said no. The survey is available, conducted by Professor David Lai at the University of Victoria in 1994. That's my comment.

I want to respond to Madam Ratansi. There were more than 80,000 people who paid the tax in 1885. That's over a hundred years ago. The whole group, a particular group, was targeted. It's therefore only natural for the community, the group, to respond to this one, to talk about this issue. I'm sensitive to individual people who become victims, but we are talking about a group. That's why we are addressing the issues here: a group was targeted. I think we have to do it on that basis. So, overwhelmingly, yes, it was no to individual compensation.

  (1315)



Mr. Scott Simms: Thank you.



The Chair: Thank you very much.

I thank our witnesses on behalf of the committee for all the time and attention you've given to this over many decades. Thank you.

The meeting is adjourned.

