

Genocide

government should consider the matter very carefully and bring forward and take responsibility for any measure that it deems wise in order to meet the present situation.

I am not sure that a private member's bill such as this, with regard to which the intention is to refer it to a committee, is necessarily the best way of dealing with this matter. I think the external affairs committee could, without a bill being before it, discuss the convention on the prevention and punishment of the crime of genocide which was before that committee 12 years ago, and could quite reasonably ask the government what it is going to do about it, if anything. But here we are now, being rushed into a position of referring to the external affairs committee a bill ostensibly dealing with genocide and actually dealing with a different subject.

I would like to have the full 40 minutes, of course, to deal with this subject, but in the private members' hour we have only 20 minutes and we have to restrict our remarks very, very seriously. Anybody interested in this subject should refer to the proceedings of the standing committee on external affairs which met in May, 1952, when this subject was discussed at some length. They should refer to *Hansard* of May 21, 1952, when there was a very good debate in the House of Commons on the subject of genocide. Having made that preparation I think people would be in a better position to deal with the bill as put before us. There is a third reference which perhaps should not be overlooked, and that is a debate in the house of commons at Westminster on July 23, 1962 dealing with the genocide convention which at that time had not been ratified by the United Kingdom.

I draw attention, Mr. Speaker, to these matters in order that members of the House of Commons may be able to consider this matter perhaps a little more fully than was suggested to us a few moments ago. I would hope that some device could be arrived at to bring this subject before us again on private members hour, or alternatively it could be raised separately from the bill in the external affairs committee. Third, the real subject matter of this bill could be divorced from genocide, with which it is not actually concerned, although the sponsor of the bill in his statement—and I use his own words as reported at page 5357 of *Hansard*, said:

—I maintain that group libel is the seed of genocide.

I did not discover that in the reading which I did several years ago of the debate which occurred in the committee of the

United Nations when they were drafting the convention, but I do not say that that is not necessarily the case and perhaps it is from group libel that eventually you get to the actual physical destruction of a race.

Before I give an opportunity to somebody else to speak, Mr. Speaker, may I point out that in the bill there are errors other than the ones which have been drawn to our attention. It is not written into the convention that genocide is restricted to a member of a group. The convention uses the plural always, and where this bill says "a member of a group" it is not in conformity with the convention itself, which speaks of "members of a group". So you are not dealing with the killing of one person. You are not dealing with doing mental harm to one person. It is killing or doing mental harm to more than one person.

On the question of mental harm the present Prime Minister (Mr. Pearson), who was secretary of state for external affairs in 1952, in the House of Commons on May 21 of that year, as reported at page 2442 of *Hansard*, set out what the government and the House of Commons generally considered to be the meaning of the words "mental harm". This came about through our discussions in the committee on external affairs, and I would quote his words in just a short paragraph on page 2442:

I therefore suggest to the house that the use of the words "mental harm" would and should be interpreted, as a measure of both our domestic and our international responsibility, as meaning "physical injury to the mental faculties".

I think that has to be kept in mind as well as some of the other matters which will be coming before us.

That, Mr. Speaker, very briefly, is part of the submission I should like to make in regard to this particular bill.

Mr. MacNaught: Mr. Speaker, I think it is the desire of all hon. members that this bill be debated further. I would therefore move, seconded by the Minister of Justice (Mr. Favreau):

That it be an order of the house that this bill be placed at the head of the list of public bills so that it can be debated next Friday.

Mr. Knowles: Do you not need unanimous consent?

Mr. MacNaught: Yes, of course. I thought we had unanimous consent for this.

The Acting Speaker (Mr. Batten): Is it the pleasure of the house to adopt the motion?