

takes the view that it has the right to extend its jurisdiction into other countries. While there may be certain instances when that is legitimate, generally the Canadian position has been to oppose vigorously that ideology of the United States, even though there may be concrete proposals here and there to tidy up difficult situations. What is so offensive to Canadians is the continued persistence of the United States in asserting extraterritorial jurisdiction over not only Canadians but over nationals of other countries.

What I am really asking the Leader of the Opposition—

Senator Flynn: Are you asking it of yourself?

Senator MacEachen: I thank Senator Flynn for his coaching.

My question to the Leader of the Government is: Will the Prime Minister be suggesting to the President of the United States that there is more required than attention to particular cases, and that what is required is an abandonment by the United States of its concept of extraterritorial jurisdiction?

Senator Roblin: Honourable senators, I shall start by saying, "What's in a name? A rose by any other name would smell as sweet." I do not mind if my friend misnames me because I have done the same thing from time to time. Perhaps I will call him the Leader of the Government some day if I do not watch out.

Hon. Royce Frith (Deputy Leader of the Opposition): Soon you may not have to apologize.

Senator Flynn: Soon?

Senator Roblin: In the words of a famous Canadian, "The universe is unfolding as it should" in that respect.

Honourable senators, I want to deal with my friend's question because it is an important one. I know he knows something about these matters because, for more years than one, he was in the position of having to resist the claims of extraterritoriality on the part of the United States when applied to Canada. He also knows just as well as I do the difficulties in dealing with that problem.

Without wishing to be pejorative, I would point out that we have had some successes in computing that argument.

I want to tell my honourable friend that we will do our best to deal with those matters in as constructive a way as he did, because we do not agree with extraterritoriality in regard to our relationships with the United States any more than he did.

Although I admit this is a limited area, what we are trying to do is deal with one aspect of the problem. If we can solve that satisfactorily, I will be well pleased. I am sure the government will be open to other suggestions as to how we can deal with other aspects of the problem, because it is a matter we do not intend to ignore.

Senator Frith: What is the one aspect?

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Senator MacEachen: Honourable senators, the Leader of the Government has dealt with a certain aspect of my question. I do not think there is a difference between us on the

importance of this question and the fact that solutions can be found to particular segments of it.

While the United States is ready to explore a solution to particular problems between our two countries such as legal enforcement, it has not been willing to accept the principle that we are advocating—namely, that there ought to be an abandonment of its assertion of extraterritorial jurisdiction, except in very limited circumstances.

While I understand the difficulties, I think it is important that Canada continue to assert to the United States its disagreement with the overall concept accepted by that country. That is why I ask again whether the Prime Minister will make that point, a point that has been made in the past and one which must continue to be made. Otherwise, we will not achieve our objectives in the long term.

Senator Roblin: Of course, the old bromide is "Rome wasn't built in a day."

We have taken concrete steps in dealing with this problem. In fact, as I have just been reminded, no later than December 13 of last year the House of Commons passed Bill C-14, a bill to authorize the making of orders relating to the production of records and the giving of information for the purposes of proceedings in foreign tribunals, relating to measures of foreign states or foreign tribunals affecting international trade or commerce and in respect of the recognition and enforcement in Canada of certain foreign judgments obtained in anti-trust proceedings. That bill was eventually passed by the Senate and was passed into law as the Foreign Extraterritorial Measures Act.

Again, while that act does not provide a solution to all of the problems of extraterritoriality, it does represent a concrete measure taken by this government toward that end. I assure my honourable friend that as the opportunity presents itself, we will take other concrete steps in this respect.

I express my thanks to the Honourable Senator Flynn for having brought the matter of Bill C-14 to my attention.

Senator Flynn: It is something that the Leader of the Opposition in the Senate had forgotten.

Senator MacEachen: It is not something I had forgotten. It was a bill prepared by the former government and one which I debated in this chamber.

Senator Flynn: But you had forgotten. A short memory.

Senator Frith: He debated it in this chamber when you were away.

Senator MacEachen: Honourable senators, the bill to which the Leader of the Government has referred relates to the ability of Canada to frustrate, in Canada, actions taken by the United States government. It is a help, but it does nothing in the way of removing the constant assertion by the United States of extraterritorial jurisdiction in principle. The Foreign Extraterritorial Measures Act is a way of protecting Canada. It is useful. But it does not solve the main problem.

Senator Flynn: It indicates to the U.S. authorities what we think.