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Chair

Mr. Bernard Patry

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Standing Committee on Foreign Affairs and International Trade

Tuesday, November 15, 2005

• (1105)

[Translation]

The Chair (Mr. Bernard Patry (Pierrefonds—Dollard, Lib.)): Good morning, everyone. Welcome to this hearing of the Standing Committee on Foreign Affairs and International Trade.

[English]

It's meeting number 72. Pursuant to Standing Order 108(2), this is a review of issues related to the subject matter of Bill C-357, the Taiwan Relations Act.

As a witness and as an individual this morning, we have Professor George W. Alexandrowicz, Faculty of Law, Queen's University.

Welcome, Monsieur Alexandrowicz. You have an opening statement. The floor is yours.

Mr. George Alexandrowicz (Professor, Faculty of Law, Queens University, As an Individual): Thank you very much, Mr. Chairman, members of the committee.

I'm basically here to address the legislation from a perspective that's somewhat different from the perspective from which it has been addressed so far in the committee deliberations.

I am mainly concerned about the impact the legislation or lack thereof has on Canadians and the Canadian government. In particular, I think it is a very important and timely piece of legislation to achieve very important domestic objectives. It also has the subsidiary objective of assisting Taiwan in integrating international legal and institutional processes commensurate with its status and the needs of the committee to have participation.

At the outset, I think I should make a point before I launch into my presentation.

I think there has been an undue concern about the fact that the legislation implies recognition of Taiwan as a state. I've seen the transcripts of the debates. In my opinion, I think it's quite clear that the legislation actually achieves a somewhat different objective.

I think the status quo is enshrined in the legislation. The preamble quite clearly solidifies the status quo in the relations among Canada, the People's Republic of China, and Taiwan. I think it's very important to underline that the status quo is indeed the foundation of the legislation and that it now has a legal and statutory basis.

Coming back to my first point, one of the academic exercises that I undertook on reading the legislation for the first time was to look at the operation of clause 4, which includes Taiwan in the ambit of the definition of state. I looked at the revised statutes of Canada and tried

to imagine what impact it would have, and it was very substantial. Something like 30 or 40 pieces of legislation would be affected by this legislation, all of them to the benefit of Canadians and the Canadian government and administration.

To give you an example, I operated alphabetically and went through the revised statute. For example, the first time the word "state" occurs is in the Access to Information Act. The hypothetical situation I would like you to consider, and I considered it myself, is that if the Canadian government has received sensitive information from Taiwan on matters of interest to Canada, such as terrorism, drug dealing, or money laundering, in the absence of the legislation, this information would be available on a court application. The Access to Information Act renders the information privileged only if it was received in confidence from the government of a foreign state or institution thereof. Consequently, it is one example where the inclusion of Taiwan would protect information given to the Government of Canada in confidence.

I could multiply the examples. As I said, I have 30 or 40 of them, with respect to the Criminal Code, with respect to DNA information, and with respect to information regarding sexual offenders. All of those really put the government at risk when receiving information, sharing information, or dealing with Taiwan without the protection of the domestic statute.

I see this legislation as primarily being an opportunity for the Canadian public and the Canadian government to take advantage of the infrastructure of the legislative web of protection that it has been given.

• (1110)

The second point of concern is the fact that there has been an ad hoc arrangement on the exchange of missions between the two countries. It's very worrying for me, as I think it should be for the government and for you as legislators, that no protection, no immunity provisions, apply to our representatives in Taipei and, reciprocally, the people who represent Taiwan in Ottawa.

Mr. Lipman said, in his presentation to the committee, that a mission staff of 65 is engaged in trade, immigration, consular activities, education, cultural relations, etc., in the Taipei office. Nowhere else around the world do we send our representatives without some kind of arrangements for the usual range of immunities that are available to Canadian representatives.

Reciprocally, we know that Taiwan is a member of APEC, and we know that Taiwan is a member of the WTO. As you know, there was a very famous APEC meeting in Vancouver some years back. Similarly, there are meetings of the WTO to which Taiwan is entitled to send its representatives. There is no arrangement for bringing them within the ambit of the Canadian state immunity and foreign missions legislation, and I think this act achieves that. Basically, the reciprocity provisions within this act also will ensure that we have protection for our people over there.

The next point I want to make is that, again, Mr. Lipman pointed out that there's a web of memoranda of understanding in various other relationships with Taiwan, and documentation. There is no indication in Canadian legislation at the present time as to what the status of those agreements are. Are they private contracts? Are they basically subject to international law? What is the status? The Taiwan Affairs Act clarifies that.

Mr. Lipman seems to suggest that we should leave well enough alone in the sense that we have these arrangements with no legal backing to it. The point is that even with our closest friends—the British, the European Community, the Americans, the broader American community on the continent—we have treaties and we do in fact regulate our relationship. We have 200 treaties with the Americans, although obviously we have a lot of informal arrangements as well. So if we need a legal framework for our relations, surely we need one with Taiwan.

The next point I'll try to make is that there are other countries in this world that are in fact utilizing the ability to enter into arrangements—some very up front, such as the United States, which has just negotiated a legal assistance agreement with Taiwan, but some through the back door. Through the absence of a framework, we are not able to take advantage.

For example, I find it very interesting that the Australians have signed a double taxation treaty with Taiwan. Obviously this raised a number of academic comments within Australia—namely, how can you have a treaty with an entity that is not a state? The Australians went through a lot of very interesting and very creative legal manoeuvring to in fact achieve the ultimate benefits of a double taxation treaty.

If we had the framework that's made available through the Taiwan Affairs Act, we would be able to negotiate up front and get the advantages of double taxation treaties, legal assistance treaties, investment protection treaties—the whole slew. Canada's interests would be protected in its extensive relations with Taiwan.

●(1115)

The benefits of the legislation to Canadians are I think indisputable.

The question is whether there are there any downsides. As I pointed out, it enshrines the status quo in its preamble. I think the government will not be able to change the position on a whim, because the position that's existed since 1970 will finally be enshrined and confirmed in official Canadian legislation.

The act should not be seen as being to the detriment of China; I think China does get the benefit of the relationship being enshrined. The Chinese have in fact been able to survive with the American

Taiwan Relations Act for over 25 years with absolutely no diminution in those aspects of it that are replicated in the Canadian legislation.

The thread running through the comments of people before the committee—people like Larry Herman—is that this somehow Americanizes Canadian law. I don't understand their concept.

The concept has either one or two meanings. One is that it Americanizes it because we're copying American legislation. Let me just comment on that. I think there were exciting times in 1970, when Pierre Trudeau decided to break stride and recognize China. These were times when we weren't thinking about fine tuning. We just basically went with it and continued with an ad hoc relationship. The Americans, roughly ten years later, took the same step, but they had ten years, their finest lawyers, and people who were trained and skilled in this area of the law to devise a system that would deal with the kinds of problems that I adverted to at the beginning.

They came out with something very, very creative—that is, the Taiwan Relations Act. I think that to basically copy their model is no great shame. There are a lot of pieces of Canadian legislation, I think. One that's used tens of thousands of times on any given day is the Personal Property Security Act, an Ontario piece of legislation, which is a direct copy of an American law that works and is a good piece of legislation. It was good American creative legal talent, and I see no shame in basing ourselves on it.

In addition, we have 25 years of experience. We know the Chinese reaction to the legislation over 25 years; we know how the courts have reacted; we have had the opportunity to see it in action. My assistant, Ms. Binns, has gone through the litigation with respect to the Taiwan Relations Act, and it works very, very smoothly. Last year was the 25th anniversary, and again, you saw no protest by China with respect to the workings of the Taiwan Relations Act.

The second aspect of Americanization that's of concern is the legislative oversight, the involvement of this committee and of Parliament, and the conduct of international relations. If I may just comment on that, 50 or 60 pieces of legislation in the Canadian revised statutes deal with foreign relations, and obviously each one of those ties the hands of the executive. The North American free trade legislation obviously tells the government what to do. I don't see any problem with respect to that.

I see the chairman has indicated that my time is up. The point I'm trying to make is that if you go through the Taiwan Relations Act section by section, you will see none of it is aimed at China; none of it is aimed at, basically, Taiwan. It's fundamentally to look after our own interests—as the Americans have done and as we should do.

●(1120)

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

We'll start with Mr. Goldring, please. It's five minutes for questions and answers.

Mr. Peter Goldring (Edmonton East, CPC): Thank you very much, Mr. Chairman, and thank you for your presentation. In reviewing your credentials here, I see you obviously have a lot of experience to be able to put to this matter.

Can you define, in short terms and words, any area of this bill that would be particularly problematic to the proceeding? In what way could it be helped by some minor modifications?

Mr. George Alexandrowicz: I think the prime concern of this committee, as I've seen from the transcript, is that the status quo be preserved. I think the preamble might in some way make this clearer, because obviously that's what the main concern is. I don't think there can be any substantive concerns.

The other concern was that the use of the words "representative office" was going to cause some problems for some people, and this was an upgrading of the relationship. Again I took a few moments to see what happens in other countries. We are the only country in the G-8 that does not use the words "representative office". I can give citations. Only smaller countries like the Czech Republic, Austria, and people like that use a different term.

Mr. Peter Goldring: You mentioned the G-8 countries. Are there other countries in the G-8 participating in this type of interaction with Taiwan that we're seeking to address with this bill?

Mr. George Alexandrowicz: No. There's a lot going on in terms of agreements and memorandums of understanding on an informal basis. But as I pointed out to you, there are a lot of countries that are now breaking stride. I noticed that Thailand, which isn't a G-8 country, has signed "treaties". Australia seems to have signed something akin to a treaty and then given it *ex post facto* legislative blessing. I'm just saying it is a situation of flux, and everybody recognizes the problem. The Americans are the only ones who have looked at the problem explicitly, and I suggest it's not a bad idea for us to do it.

Mr. Peter Goldring: Looking at the concern that this may be upsetting to China and some of our relations with China, there's a feeling that certainly would be counterbalanced by increased trade and involvement with Taiwan.

One of the issues we are actively engaged in with China is that we have CIDA foreign aid money going to China under the auspices of helping with their democratic reforms and other institutions, whereas because of our ongoing relationship with Taiwan at present there is no involvement by CIDA within Taiwan. Would this not, in your mind, be an effective reason for looking at this type of a bill and a relationship to not only improve trade and cooperation with Taiwan, but also participate in their internals in any way we can to help with democratic reform?

• (1125)

Mr. George Alexandrowicz: I think Taiwan does have a lot of potential for relations with Canada. All I'm saying is that this may be realized more fully if Canada can interact with Taiwan on a secure, legal basis. With a lot of uncertainty, government departments don't know what they ought to be doing. They don't know what the applicable law to the agreement is or what the applicable law in relationships is. All I'm saying is let's put this on a sound, legal footing and then let the relationships take their normal course of development. I'm not saying this will prefer it or do it; I'm saying that for our protection, for the sake of doing naturally what we're doing, we ought to have a legal foundation.

Mr. Peter Goldring: Are there other parallels internationally where this type of bill or approach would be beneficially precedent-

setting by putting it on paper and on record? You made some comments that other countries are dealing internationally, trade and otherwise, without formalized agreements. Of course, that would be unfair competitive-wise for countries like Canada that may want to have a formalized arrangement.

Mr. George Alexandrowicz: The story of international law since 1945 is that participation in the international legal process has opened up. If you looked at international relations, it was restricted to states. That was clear. Then international organizations came in. They were clearly not states, but we had to have treaties with them. We had to have the laws that usually applied to states. For example, one of the representatives at the UN was killed, and the UN wanted to bring an action against a state for not protecting that person. So we created a new bunch of laws with respect to that. Now there's almost a co-equality between international organizations and states. That's what I'm saying. Then we went on to NGOs and multinational corporations.

This act will in fact create a unique situation in the international legal process for another participant that is not a state, but with which people can interact in confidence.

The Chair: Thank you, Mr. Goldring.

Madame Lalonde, s'il vous plaît.

[Translation]

Ms. Francine Lalonde (La Pointe-de-l'Île, BQ): Thank you, Mr. Chairman.

Thank you, Mr. Alexandrowicz.

I am going back to section 4. It can be interpreted as a recognition of Taiwan, even if we say that that is not so. Let me quote you section 4:

Whenever the laws of Canada refer to or relate in general terms to foreign countries, nations, states and their governments or governmental entities, such laws are deemed to refer or relate also to Taiwan and its government and governmental entities.

As I read section 4, I understand that it is a kind of recognition. Please give me your response to this.

Mr. George Alexandrowicz: With your permission, I think I could give you a more accurate answer in English.

Ms. Francine Lalonde: Yes, of course, as long as you let me put my questions in my language, because we have simultaneous interpretation.

Mr. George Alexandrowicz: All right.

[English]

We have a precedent with respect to the United States. For 25 years this has been a very clear piece of American legislation. It's also very clear that the Americans don't recognize Taiwan, that they recognize a one-China policy. There has not been any protest; there has not been any suggestion by China that this is something they find offensive in the very least.

I think I would recommend to members of the committee a statement by the American government on the 25th anniversary of the Taiwan Relations Act, in which they said, "We wish to reaffirm clearly to Taiwan and to the People's Republic of China that there has never been a change of policy, it's clear, and that Taiwan is not recognized by us."

The beauty of using the American language is to say it's clear, accepted by the three parties and by the international community at large; that this is a very clear position of the Americans and one that China has in fact accepted. So we have that precedent. I find it difficult to understand why it's acceptable in the relationship between China and the United States but somehow it becomes unacceptable in the relationship between Canada and China. Why is there a double standard?

• (1130)

[Translation]

Ms. Francine Lalonde: I understand, but at the same time, I wonder whether the United States would have gone about it in the same way, if they had passed such legislation this year?

[English]

Mr. George Alexandrowicz: I think the United States makes it clear. We have diplomats and we have politicians, such as yourself, whose purpose is to explain what the purpose of the legislation is. The Chinese are very sophisticated; they're very pragmatic. They basically understand what is going on in terms of the need for Canada, at this particular point, to protect its diplomats by extending the formal relationships in agreements with Taiwan.

We know that in the future, I think it's quite clear from the American statement, nanotechnology, optical computing, and biotechnology are going to be areas where Taiwan is going to excel. We are, in some way, going to have to interact with patents, with investment, with all kinds of interactions, if we are to get into that particular boat leading to the future. We have to make sure this is not a wink-wink, nudge-nudge kind of relationship. The question is, if we have a very concentrated legal relationship with the Americans, with the Europeans, why not have that kind of legal relationship with Taiwan?

[Translation]

Ms. Francine Lalonde: You gave two or three examples. Can you spell out the advantages for Quebec and Canada in having what you call solid, legal relations?

[English]

Mr. George Alexandrowicz: As I said earlier, I went through 30 statutes. The statutes basically go through the whole range: Access to Information, the Criminal Code, the Aeronautics Act, the CSIS Act, basically foreign immunities, refugee protection, indeed, the Canadian Multiculturalism Act, which all mandate the government and protect the government in its relations with other states. That whole range of interactions is foreclosed by the fact that there's nothing in the legislation that says, "and also include Taiwan".

I'll give you the multiculturalism example. They said the government can enter into agreement to foster multiculturalism, but those agreements can only be entered into, according to our domestic Canadian legislation, with other states. Therefore, the

minister cannot enter into an agreement with Taiwan because he'd be breaching the very clear Canadian legislation and the mandate it has.

[Translation]

Ms. Francine Lalonde: I have one last question. Recently I read that Ms. Lu, the vice-president, made an official statement asking Japan to adopt legislation similar to that of the United States.

Do you know whether this has gone any further?

[English]

Mr. George Alexandrowicz: I'm sorry. I haven't been following that.

The Chair: Mr. McTeague.

• (1135)

Hon. Dan McTeague (Pickering—Scarborough East, Lib.): Thank you very much for being here today.

I was reading some of the commentary over the...we've had several very interesting exchanges. By no means do I intend to draw any conclusions on the fact that it's a very interesting bill. I do, of course, understand your point about other bills within the context of Canadian legislatures and parliaments drawing from different language.

I'm wondering if you would agree with me that the purpose for which the Taiwan Relations Act was written was for entirely different purposes, trade and cultural, which is Canada's position vis-à-vis Taiwan. Would you agree that there is in fact a very different reason for the Taiwan Relations Act versus what has been standing policy—

Mr. George Alexandrowicz: I'm sorry, I don't understand the thrust of your question.

Hon. Dan McTeague: Clauses 3 and 4 are drawn directly from the U.S. legislation. You would agree with that. Of course, the drawing on those clauses has to do with very different reasons. In other words, the American relationship with Taiwan was primarily for defence purposes and to continue, of course, as has been suggested, to enter into treaties with Taiwan for military or defence purposes. This is opposed to the differentiation with Canada, which of course is interested in trade and cultural promotion. Would you agree with that?

Mr. George Alexandrowicz: Mr. McTeague, on reading the Taiwan Relations Act, they were facing exactly the same problem we were. There were extensive relations between the United States and Taiwan. They were not limited only to military. I agree that there's a military component, but the act as phrased in this particular fashion, because the U.S. code is voluminous—and to basically bring to bear on the relationship a legal web of relationships that's expressed in the U.S. code—needed the equivalent of clause 4.

If you go down, the trade relationship, the cultural relationship, patents, bilateral investment, the whole range of issues is needed to be covered. Some clever American lawyer said the best way to frame a relationship with a country with whom we have an extensive relationship is to create a quasi-international relation.

Hon. Dan McTeague: The concern I have, Professor, is that adopting the U.S. legal framework in the Taiwan Relations Act, as is done here, could therefore signal a shift in our current practice toward Taiwan and affect the way it manages relations with both Taiwan and the People's Republic.

Since you and I will probably agree to disagree on that, in the brief time that's given to me here, I wonder if I could discuss a clause.

Madam Lalonde had touched on clause 4, which was one of my questions.

I'll go to clause 6. Although it doesn't say State Immunity Act, in subclause, 6(1) it states:

Taiwan has the capacity to sue and be sued in a court in Canada in accordance with the laws of Canada, in particular the laws respecting the status of states, relations between states and immunity entitlements granted to states.

The clause appears to be designed to put Taiwan under the cover of the State Immunity Act.

Let me finish this, sir, as I want to get this on the record.

Though it does not refer to the act by name, subclause 6(2), if I could go on to this, states that Taiwan has the capacity of a state as set out in subclause 6(1).

I know you know that only the minister of foreign affairs can issue a certificate indicating whether or not an entity is to be considered a state under Canadian law. So my question is, do you therefore see the provision in this bill constraining the power of the government, present or down the road, to make any determination on Taiwan's status since it would already be proscribed by the legislation? Are there any precedents for this in Canada?

Mr. George Alexandrowicz: Let me address the problem the section is designed to address. One of the prime disabilities of an entity that is not a state that is recognized *de jure* is that it cannot commence or prosecute actions in the Canadian courts and cannot be a defendant in the Canadian courts. The situation needs to be regularized, because these things are already happening.

I don't know whether you're familiar with the Parent case, in which there was an attempt to sue the Government of Taiwan in the Quebec courts over negligence that resulted in the death of several people in the crash of Singapore Airlines. The problem there was that Taiwan was sought to be sued. Under classic rules of international law it can't be sued; it's not an entity recognized under Canadian law.

We all wanted—or I think as Canadians we would want—countries or entities to be accountable where they should be accountable and not take advantage of this kind of deficiency at general international law. I'm saying the courts had to resolve that problem, and I think the court held Taiwan to have immunity, because on the definition of the Montevideo convention of what a state is, the judge found that Taiwan was safe in title to immunity.

Do we want the courts to be making that decision? It's quite contrary to the thrust of opinion in this committee and the thrust of the Taiwan Affairs Act, which says Taiwan is not a state, for our courts in those situations for purposes of a judicial proceeding to have said Taiwan is a state. Why not clarify the situation and basically ensure that we know what kind of status we want?

Secondly, in the *Maersk Dubai* situation, in which you'll recall there was a prosecution of a Taiwanese crew who had thrown some Romanians overboard, Taiwan sought again intervenor status when Romania wanted to extradite the command to Romania. Again the court had to decide whether Taiwan was a state.

Burying our heads in the sand and saying we don't address this in a precise and systematic function in this particular legislation doesn't mean the problem is going to go away. It's going to be decided by the courts in any event, and maybe in a way that we don't want.

• (1140)

Hon. Dan McTeague: Professor, just as one last point, could you address the question on the subject of constraining the power of the government—the royal prerogative—which this bill appears to do on the surface?

Mr. George Alexandrowicz: British constitutional history, from which Canadian constitutional history draws its inspiration, is to constrain the royal prerogative. The King could conduct international relations however he chose. Henry VIII didn't look to Parliament. But surely we're in a more civilized time and place where Parliament does have a role in determining what our public policy is. We do it every time—

Hon. Dan McTeague: That's understood, Professor, with responsible government. That's why ministers sit in the House of Commons.

Mr. George Alexandrowicz: You asked me how this constrains, and I said if it's constrained, it's in conjunction with well understood principles. I'm saying every time legislation is brought in to implement an international treaty, it in fact constrains the royal prerogative in dealings in those areas, because the executive is then bound by the laws. I'm saying this law is like the North American free trade legislation, which does in fact constrain the executive in its conduct of foreign relations: they have to act in accordance with the law.

Hon. Dan McTeague: That's between two states—

The Chair: That's it.

We'll go to Ms. McDonough.

Ms. Alexa McDonough (Halifax, NDP): Thank you very much, Mr. Chair.

I apologize for my voice, but I want to thank you very much, Professor Alexandrowicz, for sharing what clearly is the benefit of your experience and expertise from a 40-year scholarly legal career. It is quite refreshing, because some of the previous witnesses—not all, to be fair, but some—have made presentations that ranged from fearmongering to outright hysteria. Those of us who don't have legal expertise are trying to look at the substance of the bill and put it in a legal and historical context, and you have done that in a very helpful way.

My question to you may get over into the political, though I don't mean to drag you into the political debate going on. As committee members, we're all trying to make sense out of the hysteria. Without being very explicit, the implication is that if China doesn't like our having a slightly different legal relationship with Taiwan from what we have now, as a result of passing this bill, they will punish us in terms of curbing or withdrawing much of the commercial benefit from increased trade. This seems to be a very big issue for Canada. I don't say that in a pejorative way. It is an issue.

My two-part question would be whether you feel this slightly changed legal relationship changes in any substantive way the existing relationship we have with Taiwan; and second, either for reasons related to that or other reasons, are there any portions of this bill in substantive terms that you feel would be improved by any particular amendments to remove the concerns people have, or is it your feeling that the bill in its present form is as good as it needs to be and we shouldn't be overly concerned about a hysterical reaction from China?

● (1145)

Mr. George Alexandrowicz: The first point I would like to make is that you have to make it clear to the Chinese that you're not changing anything. In other words, and I think all I'm saying is, the relationship that has been ongoing since 1970 continues, but it's necessary for us in future to advance our own interests in the health field, in the patent field, in the investment field, in various other fields. We have to be able to have a secure legal relationship with Taiwan, because otherwise it's not in the government's interests—I don't think it's in the Canadian citizens' interests—to have, as I said, wink-wink, nudge-nudge, and hope nothing goes wrong.

There's nothing to say that the government in Taiwan isn't going to change or the government in Ottawa isn't going to change and that people cannot rely on particular politicians' viewpoints today. You really need treaties. That's why we have treaties with the United States. We have treaties with our best friends in Europe. We have treaties with everybody. We have to have a secure relationship.

The second part of your question is about perception. That is why we have politicians and that's why we have diplomats, to make the particular point. Unfortunately, from what I can perceive, some portion of that particular establishment, if I may call it that, has not taken a positive approach. It would make it so much easier and so much clearer to tell the Chinese we speak with a united voice; that this is something we need for the benefit of Canada, to pursue our own relationship in a very nebulous and troublesome future where we want to participate with an entity that's very important.

The last part of your question is what can you do to improve it. My personal reaction to that is to strengthen the preamble and say this continues the existing relationship that has been going on to the satisfaction of all parties—something of that sort, and that gives something to the People's Republic of China so they know this is now enshrined in Canadian legislation, not the whim of the current government.

Ms. Alexa McDonough: Thank you very much. That's very helpful.

The Chair: Any other questions?

Mr. Sorenson.

Mr. Kevin Sorenson (Crowfoot, CPC): Basically, as I understood it, what you were mainly making reference to in the Quebec decision...where in fact that decision gave de facto recognition to Taiwan as a state.... Are there other countries, other than the United States, where the court systems have gone outside of what may be legislated, or any type of statutory recognition, and where those courts have recognized Taiwan? Are there other cases where perhaps the courts have looked at it and have denied...?

Mr. George Alexandrowicz: Sorry, I haven't done a voluminous search, because you would have to go through the courts, all of those, and basically this area is not an area of particular interest to me, in general.

The point is, the courts have been going through this. They found situations similar to that in the United States with respect to Angola, other situations. If you look at the jurisprudence, you had this problem with East Germany for a while; you had the problem with other kinds of entities.

The best I can do is this. My two-minute summary of that area of the law is: we don't know; the courts are going to do what they're going to do. You can't predict with any amount of certainty. For example, with the Parent case, although it came out with giving immunity to Taiwan, I don't think on the law that was a correct decision. Therefore, I think the importance of this legislation is that we think of this problem before it comes up, and we don't have a judge in a particular province or territory, in an odd situation, coming out with the decision that's not in the interests of Canada or Canadians.

● (1150)

Mr. Kevin Sorenson: If this bill was to come before the House and was to be voted on, and if the bill was defeated, do you believe there would be any high price to pay? Is this the kind of bill where we have lots to lose if it's defeated, or a lot to gain if it's passed?

Mr. George Alexandrowicz: What you're asking me to do is to peer into the future and to see about opportunities missed. All I can say is, when you look at the place of Taiwan and the place it has basically in that part of the world, it's a big player. It's a big player in the technology area. It's a big player because there are relations among those of Taiwanese origin in Canada. There are obviously a lot of possibilities that we could pursue.

I'm saying all of those possibilities would be so much further advanced and so much more possible if this were in place, because the government, the people, the investors, the financial interests would know that there is a legal framework in place.

The Chair: Thank you.

Mr. Abbott, the last question.

Mr. Jim Abbott (Kootenay—Columbia, CPC): Thank you for your courtesy, Mr. Chair.

I think it might be beneficial, Professor, with the approval of the chair and the committee, if you were to provide for us your exhaustive list of the 30 or 40 statutes that you were referring to.

I have a copy of that list myself, and it's in English, so it will have to be translated, of course, but I think it would be of exceptionally high value.

That's really my only comment.

The Chair: That's fine. Okay. I will ask Mr. Alexandrowicz to—

Mr. George Alexandrowicz: I will communicate with Ms. Crandall.

The Chair: Fine. Thank you.

Mr. Bevilacqua, do you have a question?

Mr. Maurizio Bevilacqua (Vaughan, Lib.): No, that's fine.

The Chair: Ms. McDonough.

Ms. Alexa McDonough: I believe the professor referred to a 25th anniversary statement by the U.S. on the occasion of celebrating their agreement.

Could you make available to us a copy of that statement for circulation to the whole committee?

Mr. George Alexandrowicz: Sure. I'll send that on.

Ms. Alexa McDonough: Thank you very much.

The Chair: Thank you very much.

Thank you, Professor. It was very interesting to hear you this morning.

We're going to recess for one minute and then we'll go to future business with the committee.

[Proceedings continue in camera]

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