

Government Orders

Mr. Solomon: As my colleague from The Battlefords—Meadowlake has said, let us do the right thing for producers, business people, farmers and the working people of Canada.

In summary, the American legislation protects its industries and its jobs. All we are asking in the amendment to Bill C-57 that we have put before the House is for the government to do the same; no more or no less but just to do the same so we can stand proudly as parliamentarians and say that we are aware of the challenges facing our producers, our workers and our industries and we are prepared to stand four-square behind them in making sure they are not at a disadvantage in the international marketplace.

Mr. Mac Harb (Parliamentary Secretary to Minister for International Trade, Lib.): Mr. Speaker, I do not understand why my colleagues are so anti-American in their approach to the legislation. We are talking about the World Trade Organization implementing legislation in terms of Canada and Canada's obligation to the international community. Since they mentioned section 102(a)(1) of the American implementing legislation I should like to suggest to my colleague that this action only reflects a congressional view that necessary changes in federal statutes should be specifically enacted rather than provided for in blanket pre-emption of the federal statute by the agreement.

Canada's legal regime is similar in that respect. Actually under our Canadian domestic law Canadian legislators have precedence over our international obligation in case of conflict unless specifically provided otherwise in the legislation. This is as a result of basic Canadian constitutional law.

The section which was quoted, section 102(a)(1), does not reflect U.S. intentions to apply domestic law in contravention to its World Trade Organization obligations or have recourse to its domestic legislation to unilaterally enforce World Trade Organization obligations against other countries.

Irrespective of this section the U.S. will be bound by its World Trade Organization obligations under international law. Those obligations could be enforced under the dispute settlement mechanism if need be. This provision of the U.S. implementing legislation does not represent any threat to Canada.

We are recommending rejection of the motion as proposed. Subparagraph 8.2, depending upon its interpretation, could have important constitutional implications. The bill does not intend in any way to introduce legislation which would impact on provincial legislation. The paragraph could be seen as an intrusion by Parliament into provincial jurisdiction. In subparagraphs 8.3 and 8.6 there is no need for these proposals.

• (1250)

Under Canadian constitutional law our international obligations become part of Canadian law only to the extent of their

implementation by Parliament. No international agreement can prevail over Canadian law unless Parliament specifically legislates to that effect. There is nothing in the bill that gives precedence to the agreement. Therefore our basic constitutional law will continue to apply.

Subparagraph 8.4 is contrary to our international obligations. The sole purpose of the bill is to approve the World Trade Organization agreement and to implement obligations under the agreement. It is necessary to amend and modify existing Canadian statutes to implement those obligations and to allow Canada to become a full member of the World Trade Organization.

Subparagraph 8.5 proposes to introduce a federal-provincial consultative mechanism for the purpose of implementing the agreement. This mechanism is already in place and is very efficient. Therefore we see no need to legislate on the matter.

[*Translation*]

Mr. Stéphane Bergeron (Verchères, BQ): Mr. Speaker, I also would like to speak on motion No. 3 and point out that the Bloc Québécois will vote against the motion presented by our colleague from the New Democratic Party, not because we are opposed to its subject matter, on the contrary. A number of principles contained in the motion are quite laudable and we are in total agreement with them.

Obviously, it goes without saying that we support the protection of human or animal life, the protection of the environment and worker safety.

We are also in total agreement with clause 8(2) which deals with the application of the agreement to the laws of the provinces and territories in Canada.

We are opposed to this proposed amendment, and regrettably so, because we in the Bloc Québécois have also been faced with having a similar amendment rejected by the government. During the clause by clause study of the bill, we attempted to present two amendment proposals to the Standing Committee on Foreign Affairs and International Trade, but we eventually withdrew them. With our proposed amendments, we wanted to make the implementation of the agreement conditional on a number of points. There were a few problems, consequently we withdrew our proposals and worded the amendments differently so as not to make the approval of the agreement conditional.

The amendment presented by the New Democratic Party makes the approval of the agreement conditional on a number of things. Obviously, for our part, we would see no problem in making it conditional on the protection of human or animal life, the protection of the environment or worker safety.