In April in New York City, the Prime Minister (Mr. Mulroney) said that the U.S. trade remedy laws cannot apply to Canada, period. That made sense, but that is not what we have achieved. Gordon Ritchie, the deputy trade negotiator, admitted to the House of Commons committee that no secure access had been gained. He admitted to the committee that U.S. laws would still apply. The agreement itself at Article 1902: 1 says that the United States "reserves the right to apply its antidumping law and countervailing duty law to goods imported from the territory of the other Party"—Canada. We have not changed the laws which hit us on potash, steel, and softwood lumber.

[*Translation*]

We are not exempted from the 1930 U.S. Trade Act or the 1974 Trade Act. We are not exempted from the Omnibus Bill now before the U.S. Senate and the House of Representatives, although the Minister for International Trade would like to pretend the Omnibus Bill doesn't exist.

And what kind of tribunal will there be? How will this tribunal ensure our exports will have access to the U.S. market? It won't.

First of all, no one may go before the tribunal until the U.S. International Trade Commission has heard the case and handed down its decision—and not just a preliminary but a final decision. This takes about one year. One then has the option of either going to GATT, the international tribunal, or to this new tribunal. That process would take another year. Subsequently, if the decision is still unsatisfactory, there is now a new avenue for appealing a case, not included in the October 5 version but in the final version, and I am referring to the Extraordinary Challenge Procedure.

Mr. Speaker, we do not know how long these appeals will take or what kind of decisions can be made at this level, because the rules for this procedure are still being negotiated.

In other words, we would now be involved in a very lengthy process—three or four years—and a very costly one. In the softwood lumber case, legal fees have already cost the industry between $3 and $5 million. To do what? Not to change U.S. protectionist legislation but to make sure the legislation was correctly enforced.

• (1320)

[*English*]

One does not have to take my word for it, but we can read what it says in the document.

This is how the agreement defines the role of the tribunal. Article 1904:2 states that the review panel can review a trade decision of the United States Government only:

> . . . to determine whether such determination was in accordance with the antidumping or countervailing duty law of the importing Party.

That is to say, the law of the United States. It goes on:

> For this purpose, the antidumping or countervailing duty law consists of the relevant statutes, legislative history, regulations, administrative practice, and judicial precedents to the extent that a court of the importing Party would rely on such materials in reviewing a final determination of the competent investigating authority. Solely for the purposes of the panel review provided for in this Article, the antidumping and countervailing duty statutes of the Parties, as those statutes may be amended from time to time, are incorporated into this Agreement.

Nothing could be clearer. American law continues to apply unfettered. The only jurisdiction of the tribunal is to decide whether that law has been fairly applied. It is not only present and past law of the United States, but any future law, which of course brings into play the omnibus Bill currently before the Congress.

Some members of the business community seem to think that they have to support the deal because, as they have said to me and perhaps other Members of the House, this deal is better than no deal. I have read the text. No deal would have been better than this deal.

Some Hon. Members: Hear, hear!

Mr. Turner (Vancouver Quadra): I listened to the Prime Minister this morning. It was not a speech, it was citation after citation of endorsement, citation after citation of editorial boards. It did not deal with the substance and did not deal with the text, except for one peripheral quote from the preamble of the agreement.

Incidentally, the business community is not monolithic. We can put forward citations as well, but it will not advance the cause.

Some leading businessmen are concerned, particularly in the big leagues, about the peer pressure that is being applied. The Chairman of the Bank of Nova Scotia wrote the Chairman of the Business Council on National Issues to say we should not, as businessmen, "allow ourselves to be stampeded into a deal" in which we may be "sacrificing a vital component of sovereignty".

The Prime Minister spent three-quarters of his speech dragging up the endorsements. I say to him that this debate will not be won in the boardrooms, will not be won in the editorial boards, it will be won by a final tally of the votes of Canadians from one end of this country to the other.

Those endorsements do not change the facts.

[*Translation*]

Mr. Speaker, we have to get rid of the myth that we have a free trade agreement. Even the document itself is labelled "Free Trade Agreement". It is not true. We don't need a philosophical discussion about whether we are for or against free trade, because this document does not constitute a free trade agreement. It is a selective trade agreement, not an agreement that covers all sectors of the economy.

Like any other contract, this agreement must be analysed and thoroughly examined. We must consider what was gained and what was lost or given away, and we must do this from the