

### *Government Orders*

This exercise did not result in any concrete measures at the Tokyo Round, in particular because the major part of the cultural product was often considered within the OECD as falling under trade in services instead of trade in goods, which automatically excluded it from the scope of the GATT agreement.

Starting in 1986, at the insistent request of the United States, three new subjects were to be covered in the new round of trade negotiations: intellectual property, investments and services, culture being assimilated to a service. It then became increasingly difficult to exclude cultural products from the market logic peculiar to GATT.

In 1990, in the context of these negotiations, a special committee was set up to look into the liberalization of trade in the specific area of audiovisual. Two opposite sets of views were represented in this committee, with the United States insisting that no restriction be put on the movement of goods and services, while the European Community was asking that, where the cultural identity of a state were involved, the State in question not be forced to make concessions that could put its cultural identity at risk. This committee was eventually dissolved, it being absolutely impossible for its members to come to an agreement.

At the same time, Canada was negotiating a free trade agreement with the United States. And again, culture and cultural sovereignty were at the centre of the debate. All the lobbies directly or indirectly associated with cultural industries set out to convince negotiators and the public that cultural products had to be excluded from this agreement. The Conservative government changed its mind on this issue depending on which way the wind was blowing: one day, culture was on the table; the next day, cross my heart and hope to die, it was not.

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Completely contradictory statements made it impossible to get at the truth. The government claimed that the question of cultural sovereignty was not negotiable, but in fact did not demand the exclusion of the cultural industries for fear of jeopardizing the success of the negotiations. Furthermore, during the negotiations, the government scrapped a film bill designed, among other things, to guarantee better control over the distribution of foreign films within Canada.

In other words, even while the North American Free Trade Agreement was being hammered out, the Canadian government was backing away from one of its fundamental responsibilities intended to support cultural development. Knowing that Americans produce 97 per cent of the films we see, we cannot help but be concerned by the lack of vision of the Canadian government of the day.

The withdrawal of this bill is a threat to our cultural future. In fact, according to the experts, the cultural protection obtained

by Canada in the Free Trade Agreement and renewed in NAFTA remains ambiguous and could be challenged. This ambiguity is summed up in article 2005 of NAFTA. Paragraph 1 provides that cultural industries are exempt from the provisions of the agreement, and paragraph 2 allows the Americans to take reprisals in other areas of activity if they feel that Canadian cultural policy goes against their interests. So much for Canada's ability to undertake any legislative measures necessary to further its cultural development. Such measures could be ill viewed by the Americans, who would take retaliatory action by virtue of the powers given them under paragraph 2 of article 2005.

Now we understand why the Canadian government withdrew its bill limiting distribution of foreign films within its jurisdiction and why the present government is dragging its feet on amendments to the Copyright Act.

In the last round of GATT negotiations, we are told, culture had a narrow escape. The Americans' push for unanimous agreement that culture is a product like any other and should be exempt from national and international regulation failed because of the forceful intervention of France, supported by the European Economic Community.

In this last-ditch attempt to save cultural expression and the democracy of ideas, Canada played a minor role, overshadowed by our cousins from France. The current government, need I remind you, belatedly supported the agreement after a period of guilty silence. This attitude reveals Canada's position on the whole issue of culture.

The Ginn Publishing affair reveals just as much about Canada's position on protecting our cultural development. Under the Free Trade Agreement and NAFTA, the Canadian government can take measures to protect its publishing and book industry. This provision was designed to allow the Canadian government to maintain its policy on foreign investment in publishing.

Why did the Minister of Heritage agree to sell Ginn Publishing? By enacting a law on foreign investment, the Canadian government had given itself a tool to protect the Canadian publishing industry. Yet, the Minister of Heritage ratified the americanization of one of our publishing houses with a smile and his proverbial naivety. This minister submitted to our neighbour's blows by willingly abandoning what nothing was forcing him to relinquish.

Do you really believe that, in the current circumstances, we can trust this minister to protect our country's culture in the next round of multilateral negotiations?

Cases like that of Ginn Publishing make us wonder about what many call the "secret clauses" of the Free Trade Agreement. Is it normal that, in a democratic country, our government makes its decisions not by consulting Parliament and the people in accordance with its own laws, but under pressure from other countries?