

Canada-U.S. Free Trade Agreement

Mr. McDermid: Nor does it exempt Americans from Canadian trade remedy laws.

Mr. Gray (Windsor West): In fact, what the deal does, now that we realize that grandfathered by it is the American omnibus trade legislation that just passed the Congress, now that we see the way the Americans intend to apply and interpret the trade deal from their side, is actually to expose us even more than we were before the trade deal was negotiated to harassment by American trade remedy legislation. They have added to what was already on the books a new form of investigation by the American Government in response to the slightest pressure of concern from American business.

There has to be a new, immediate type of investigation. There is no discretion, as I understand it, on the part of the U.S. Government to reject the investigation. Therefore, right away, under the American omnibus trade legislation, right away under the legislation the Americans have adopted or are on the verge of adopting to implement the trade deal in their country, Canadian business will have to take time, make effort and spend money to begin responding to additional forms of trade harassment by investigation which did not exist before the current Conservative Government began to negotiate its trade deal with the U.S.

The Government will boast about the dispute settlement mechanism provided for in its trade deal with the U.S., but let's make something very clear: that mechanism does not exempt us in any way, shape or form from American trade remedy legislation. All it does is enable a panel to say whether or not that American legislation was properly applied according to its own language. This panel cannot be called upon at the beginning of an effort to apply American trade remedy legislation. It comes in at the end of the existing process. It just adds another level of bureaucracy to what exists already.

One of the claims by the current Conservative Government in support of a trade deal with the U.S. is that what was going on under the American law took too long. They said that the length of time taken in applying the American trade remedy legislation was itself a form of harassment. Yet the deal the Government negotiated with the U.S. did not cut by one day the length of time that process was taking. Instead, it has made it even longer by adding at the end of that process this new dispute settlement mechanism set out in the Government's deal with the U.S. We do not find that Canadian exporters will spend less time than before dealing with American trade remedy legislation. On top of that, we do not find any exemption whatsoever from the current American trade remedy law. Instead, there is a panel which will do nothing more than confirm whether or not American law has been properly applied according to its language.

This is a far worse situation than was available to Canadian exporters and the Canadian Government under the dispute settlement approach made available through GATT. Under that approach, the panels that were set up could rule whether the American law as such was proper or whether it should be

overturned and not applied. The GATT dispute settlement mechanism did not look only at the language of the American law to see whether the decision was consistent with the language. Instead under the GATT the panel set up to look into disputes about the proper application of American law or other member countries' laws could say whether those laws were proper in light of the General Agreement on Tariffs and Trade itself. If the panel said they were not, then those laws could not be applied.

This treaty takes away the right of the Canadian Government to go to GATT on behalf of Canadian exporters to the United States. This deal, instead of helping Canadian supporters get greater access, without harassment, to the American market, exposes them to more harassment and takes away rights that Canadians had under GATT.

We certainly should look at the points being made by these amendments, but the real point linked with the amendments we are now discussing is that the dispute settlement mechanism set up under the Government's trade deal with the U.S. does not help and will not help Canadian exporters. This is still another reason why this deal should be defeated in this House and in the country during the next election.

Mr. Vic Althouse (Humboldt—Lake Centre): Mr. Speaker, I would like to address the group of motions we have before us at the moment. It consists of some nine motions proposed to be debated together because they all have a number of things in common. Most of them seek to some extent to limit the power of Cabinet to make far-ranging decisions with regard to many areas of the agreement. This is, I think, in keeping with the concept of open government which the Party now in power has been espousing for many years but dropped on coming in to power.

These amendments are not perfect. They do not portray with very much accuracy the kind of agreement we would have preferred to have seen with regard to our relations with another country. What we are left with is the kind of dilemma that building contractors are left with when they are asked to repair a faulty building. All we can do as opposition Members is to propose amendments, short fixes, that would try to make it more usable with some repairs, although it will still be a faulty building. We find the procedure cumbersome, certainly less than ideal, and it will not result in the kind of structure that Canadians ought to have had in the first place, although it will be somewhat better than it is now.

For example, Motion No. 38 requires that the Canadian Import Tribunal make its report to a Commons committee as well as to Cabinet. That is in the interests of more openness. It is not going to necessarily result in more work for members of committees. It will perhaps make their work more efficient because they will be as informed as members of Cabinet. I have great difficulty believing the proposition that a few members of Cabinet, albeit the biggest Cabinet the country has ever had, will be able to find time to handle this workload while the 240 or 250 remaining of us are too busy doing other