

SUPPLEMENTARY OPINION OF THE NEW DEMOCRATIC PARTY OF CANADA

CANADIANS DESERVE MORE SAY OVER HOW WE TRADE:

SOME REFLECTIONS ON THE PROCESS AND A CALL TO ACTION

Over the last thirty years or so, trade agreements have moved well beyond dictating tariff rates at the border for certain goods and services. They have become quasi-constitutional documents that put constraints on the legitimate powers of democratically elected governments.

The democratization of trade negotiation processes has not kept pace with the expanding scope and powers of these agreements. This is wrong. People who care about the state of Canadian democracy should be concerned about this trend.

One of the ways that we can democratize the trade negotiation process is for Parliament to take on a bigger role. Unfortunately, the trend has been toward less, rather than more, Parliamentary involvement.

That was in evidence earlier this year during the ratification process of the Canada – United States – Mexico Agreement (CUSMA). Parliamentarians had short notice of the text of the agreement, the enabling legislation and the economic impact analysis.

To prevent that from happening again, and to assert a larger role for Parliament in the trade negotiation process in the future, the NDP successfully negotiated changes to the government's *Policy on Tabling Treaties in Parliament* (PTTP), which came into effect on November 17, 2020.

In the case of the Canada – United Kingdom Trade Continuity Agreement (TCA), the government has committed to tabling the text of the agreement and enabling legislation only in the last few sitting days before the existing trade framework expires. The agreement may effectively be implemented by Order in Council, or some other executive device, before Parliament pronounces on it.

New Democrats recognize that the Brexit process has been riddled with uncertainty, but we do not see this as an excuse for failing to have engaged parliamentarians and stakeholders sooner and in greater depth than the government in fact did.

We commend the committee for recognizing that the TCA is a permanent agreement and that, without any kind of sunset clause, it could define the trading relationship between Canada and the United Kingdom for generations to come, if a successor agreement is not concluded. This adds to the outrage that there was not far wider consultation with civil society and Parliament.

New Democrats want to see a process whereby Canadians and parliamentarians see the text of agreements *before* they are signed. It is only this way that they can have the opportunity to weigh in on various aspects of proposed agreements in time to hope to change them.

The TCA negotiation process sets a bad precedent for how to include Parliament in the determination of important trade relationships. New Democrats call on the government to honour the recent changes to the PTP and dedicate themselves to an exemplary process for negotiations toward a TCA successor agreement.