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INTRODUCTION: STATE AND PROVINCIAL REGULATIONS WITH CROSS- BORDER IMPACT

Katharine Braid^{*}

I am delighted to be here today. We have gone through some of the conceptual and topical issues related to the effect of federalism on cross-border issues and we are going to move into three disputes; two disputes concerning fish and one dispute concerning wood.

We are going to start with a very special dispute, and it is special in a number of ways. It is special because the place on the border where it arose in is very special. This dispute arose in Lake of the Woods. This is one of the U.S. and Canada's most beautiful shared places.

The dispute was special because it involved a very small number, maybe two hundred or so of fishing lodge businesses. The total income involved on an annual basis would not have been huge. Also, the fact that the North American Free Trade Agreement (NAFTA) dispute resolution mechanism actually ended up with a resolution and with a resolution within a year is in itself special.

We are fortunate to have two speakers with significant personal knowledge of the dispute. Mr. Southwick acted for the northwest angle lodge owners and the other lodge owners along that border on the Minnesota side. He practices with a Dorsey and Whitney firm in Minneapolis and has very impressive credentials to speak on any matter involving U.S./Canada trade dispute. He was assistant general counsel at the United States Trade Representative (U.S.T.R.) between 1993 and 1996, representing the U.S. in both the NAFTA dispute brought by Canada against the U.S. and a World Trade Organization (WTO) dispute brought by the U.S. against Canada.

Ms. McGuire is Director of the Trade and International Policy Branch of the Ontario Ministry of Economic Development and Trade. The very fact there is such a branch supports the point that has been made by several of our speakers about the decentralization of Canadian federalism and the significant role of the provinces in international trade. The Ontario Trade in International Policy Branch represents the Ontario government's participation in

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international trade negotiations, trade disputes and ongoing trade agreement negotiations.