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# Multiple Issues, Multiple Actors - The Players in Canada-U.S. Relations: An Overview Proceedings of the Canada-United States Law Institute Conference on Multiple Actors in Canada-U.S. Relations: Multiple Issues, Multiple Actors - The Players in Canada-U.S

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## MULTIPLE ISSUES, MULTIPLE ACTORS – THE PLAYERS IN CANADA-U.S. RELATIONS: AN OVERVIEW

*The Hon. Robert K. Rae*<sup>†</sup>  
Canadian Speaker

Thank you very much, Henry. It is great to be here again and to have a chance to share some moments with this group; and I very much appreciated the chance to talk to Gordon yesterday evening. We had a bit of a chat after dinner last night. We both agreed that we would try to keep our remarks short. That is how everyone always starts his or her remarks.

However, I do want to try to do that, respect your time and ours, and try to have a bit of a dialogue with Gordon and then try to answer some questions.

The complication is not located in one country. I guess I disagree with Gordon's point.

I really quite fundamentally disagree with the notion that one country or the other makes it more complicated.

What is complicated about the relationship is that it is so multi-faceted and so intense, that it takes place between two, in the world context, pro-

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foundly Democratic countries. It takes place in the context of public opinion, which exists on both sides of the border.

The other factor of complication, which Gordon referred to, is that it is not entirely reciprocal.

In other words, the United States is much more important to Canada than Canada appears to be to the United States, and from an economic point of view, we can show it very clearly. As Gordon has described, Canada has become more dependent on exports over the last 30 years.<sup>1</sup> We export far more of our GDP than the U.S. does.<sup>2</sup> The U.S. exports a relatively small share compared to a whole lot of other countries, so the United States' so-called isolationism is not an accident.<sup>3</sup> The United States is inward looking because that is how it runs. It is a market into itself.<sup>4</sup> Of course, it is present in the world in very profound ways. It is the most powerful country in the world, and Canada is not the most powerful country in the world.<sup>5</sup> We are a country of 30 million.<sup>6</sup> You are a country of 300 million.<sup>7</sup>

Your GDP is more than ten times as much as ours is.<sup>8</sup> We are as a country, obviously going to be looking in a magnifying glass as Gordon has described. That is true, that is what the situation is. It is not a matter of blaming one country or the other or saying that one country is better than another is. It is a simple fact the United States has become the most powerful country in the world. It not only has the most powerful economy, but it also has the most powerful military.<sup>9</sup>

Since the collapse of the Berlin wall, the United States has become an imperial power and my friend, Mike Ignatieff, refers to the United States as "Empire Lite,"<sup>10</sup> not in a derogatory way, just saying that is the nature of

<sup>1</sup> JOHN WM. REIFENBERG, JR., BARRIERS TO UNITED STATES-CANADA TRADE: PROBLEMS AND SOLUTIONS, American Society of International Law Proceedings, April 9-12, 1986.

<sup>2</sup> *Id.*

<sup>3</sup> John V. Brain, *Perspective: American Isolationism*, BALTIMORE CHRONICLE, March 2, 2002.

<sup>4</sup> *Id.*

<sup>5</sup> Sherle R Schwenninger, *Revamping American grand strategy*, WORLD POL'Y J. 25, Oct. 1, 2003, 2003 WL 56329858.

<sup>6</sup> Barry Brown, *Census Illustrates Canada's Diversity*, BUFFALO NEWS, Jan 23, 2003, at A5, 2003 WL 6435583.

<sup>7</sup> *U.S. population to hit 300 million within four years*, CHICAGO SUN-TIMES, Dec 19, 2003, at 58, 2003 WL 9580374.

<sup>8</sup> The World Bank, *GDP Comparison 2003*, available at: <http://www.worldbank.org/data/databytopic/GDP.pdf>. (U.S. \$10.8 trillion compared to Canada \$834 billion) (last visited Nov. 5, 2004).

<sup>9</sup> Victoria Sutton, *Bioterrorism: Bioterrorism Preparation and Response Legislation--The Struggle to Protect States' Sovereignty While Preserving National Security*, 6 GEO. PUBLIC POL'Y REV. 93 (2001).

<sup>10</sup> Robert Schmuhl, *World views America as 'Empire in Denial'*, CHICAGO SUN-TIMES, Feb. 8, 2004, at 38.

what has happened in the world. I think if I can make a point about the U.S. the way Gordon did about Canada, I think Americans are enormously ambivalent about that role and about its implications.

I think a good deal of the discussion and debate about Canada and the United States at the policy level has to do with a difference, like differing views about the implications of that role and what it means.

As for the notion let's hope something really clear emerges from our election, well, let me return the favor. Let something clear emerge from the United States in its election about what America's role should be and how it conducts itself. These are not easy questions.

I think it is very important to come back to this point of a public opinion. As a recovering politician, I am very conscious of public opinion. Public opinion is like clouds, they go through the sky, it comes and it goes. That is why I am able to be here on a Friday morning.

However, it is very important to remember that everybody works in this context. All the actors are working in this context, not just governments, not just federal governments and provincial governments, not just companies and NGO's, but everybody, every conceivable group is competing for public opinion on both sides of the border.

What is fascinating, for example, if I can just take one example, which, Gordon knows I have been interested in for some time, is the softwood lumber dispute, which is the last thing I spoke about when I spoke to this group.

What is interesting is the way in which that has become in both countries a public political debate in which everyone one is trying to engage a range of public opinions, consumers, producers, environmentalists, native groups, everyone else is sort of engaged in the discussion.

These disputes and these issues that we have between us are not disputes that can simply be discussed privately between governments without any sort of old-world public diplomacy in which the two federal governments simply sit down, the State Department and Foreign Affairs, and resolve these things at the Ambassador level. That is not the world in which we live.

Public diplomacy means that essentially all the publics are engaged and involved; and it makes life extremely complicated, sometimes difficult, and always interesting.<sup>11</sup>

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<sup>11</sup> The U.S. Advisory Commission on Public Diplomacy has defined the term as follows: "Public diplomacy is basically a continuous communications process. It seeks to inform, to make international understanding more probable, and to influence the worldwide context in which U.S. foreign policy is conducted." 1980 Report, The United States Advisory Commission on Public Diplomacy I. See generally Kenneth L. Adelman, *Speaking of America: Public Diplomacy in Our Time*, 59 FOREIGN AFF. 913 (1981) (discussing modern role of international information programs); Charles F. Gormly, *The United States Information Agency Domestic Dissemination Ban: Arguments For Repeal*, ADMIN. L. J. AM. U. (Spr. 1995).

Having said that, there are some differences, if you would like, in tone and perspective from where I am coming and where Gordon is coming, I agree with much of what he said. I think it is good.

I do think Canadians are inevitably ambivalent about this relationship. Nevertheless, I guess my point would be that I think it is wrong to look at Canadians as sort of a lump, and then look at the United States' opinion as a lump and say that is where it is. That is not the way it works. What we have discovered is that there are very significant alliances and similarities between groups of Canadians and groups of Americans on all sorts of issues.

In addition, we should not see this as sort of a one-off. We are finding, for example, when we deal with the Congress, that there is a whole range of opinions within the Congress about an issue.

That is not simply what the administration's position is; it is what the whole range of opinions that are unfolding in the Congress on an issue is. For us as Canadians, it is difficult because we have to decide not simply how do we feel about the relationship, but how involved do we want to get? How much do we really want to begin to play all the elements in order to make progress?

Let me give you one example, as a country, we made a very clear decision on the question of acid rain that we would actively engage as a country with those groups in the United States, like bass fishermen from Georgia and others who are also worried about the impact of emissions on water quality.<sup>12</sup>

I suspect as Canadians, we kind of cross all sorts of borders and all sorts of alliances. I do not know when all the facts will come out, but Canada had all sorts of sponsorship things going on in the United States in the 1980s. We were there funding and encouraging all sorts of organizations to come alive.<sup>13</sup> Moreover, we were getting very active in the middle of the American political process because it is such an open process.<sup>14</sup> It is such a democratic process because it is such a market process. It is like a huge bazaar, in which we as Canadians I think feel, well, to what extent should we be involved? To what extent should we be engaged? To what extent should our diplomacy really transform and become directly involved in it?

My own view is we have no choice. By the nature of the integrated nature of this relationship, which has become economically even more integrated than it was when I was Premier, the numbers have shown this consis-

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<sup>12</sup> Fredric C. Menz, *Transborder Emissions Trading Between Canada And The United States*, 35 NAT. RESOURCES J. 803, 808, citing ACID RAIN AND FRIENDLY NEIGHBORS, THE POLICY DISPUTE BETWEEN CANADA AND THE UNITED STATES 146-148 (Jurgen Schmandt et al. eds., 1988).

<sup>13</sup> See Bennett A. Caplan, *Article And Comment: The Applicability Of Clean Air Act Section 115 To Canada's Transboundary Acid Precipitation Problem*, 11 B.C. ENVTL. AFF. L. REV. 539 (1984).

<sup>14</sup> See *id.*

tently, this trend.<sup>15</sup> In the case of Ontario, over 65 percent of Ontario's GDP depends on access of the U.S. market, and over 94 percent of our exports go to the United States.<sup>16</sup> That is an extrapolation beyond way where we were, even in 1990.<sup>17</sup> So the assumptions we had back then are even less applicable today and they will be even less applicable deeper into the 21st century.

So I guess my conclusion would be from all this, I come from a diplomatic family and my father was the Minister at the Embassy in Washington for six years.<sup>18</sup> We have chatted over the years, and we talked a lot about the Canada-U.S. relationship, which he felt enormously strongly about. In his own personal life, he spent a lot of time in the states as a student and he was very actively committed to building that relationship. He said the hardest and the first task of Canadian diplomacy and the last task of Canadian diplomacy is to get their attention.

Now, he added an adjective in there, which I will not repeat, but it has to get their attention, because I agree with Gordon that we have to get over the frustration that we Canadians feel. We have to move to a more mature relationship, that if Gordon makes a speech in Ottawa or Mr. Cellucci, which he does from time to time, it is front-page news.<sup>19</sup> It is big news. It is a big deal. If he says something about our tax system, or says something about our defense spending, or he says something about softwood lumber, etc. it is a major issue. The next day immediately becomes a question period. It is fuel. All the Ministers are asked to comment, "What did you think about the Ambassador's comments? Do you think it is interfering with our internal affairs?"

If Michael Kergin gives speeches in Washington about Canada's views on multilateralism and Iraq, or softwood lumber, do you think anybody is watching, listening, or paying any attention? Does it become an issue inside the Congress? No, and this is not a criticism of Michael Kergin. It is just a simple statement of fact; the hardest thing is to get their attention. Having said that, there are clearly different views about how you do it, and how you play it.

Prime Minister Tony Blair has apparently reached the conclusion that the only way to influence the United States, the only way to have an impact on

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<sup>15</sup> *Ontario Trucking Association: Trucking Industry Celebrates National Trucking Week*, CANADIAN CORPORATE NEWSWIRE, Sept. 10, 2004.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> Barbara Kingson, *Embassy Makes an Impression*, THE TORONTO SUN, July 10, 1994, at S8.

<sup>19</sup> *I.e.* Paul Samyn, *U.S. Never Felt 'Double-Crossed'*, WINNIPEG FREE PRESS, Oct. 2, 2003, at A1; Gloria Galloway, *U.S. Rebukes Canada*, THE GLOBE AND MAIL, Mar. 26, 2003, at A1; Vanessa Lu, *Ambassador Criticizes Chretien for Staying Out of War Americans 'Disappointed, Upset' by Decision, Envoy Says*, TORONTO STAR, Mar. 26, 2003, at A01.

the United States; the only way to affect their diplomacy is to be right there all the way.<sup>20</sup> Having meetings, being seen as getting the big picture - speaking and responding to that, and in fact, leading in terms of those issues. Simultaneously, I am quite sure having some very strong words about how are we going to do certain things, and how do certain things need to be done and how are we going to engage. Even today, one suspects that is exactly what is happening.

I think for Canadians it is a question we have to ask ourselves, "Can we afford not to play a role similar to that, or can we afford to continue to play the role that we have put ourselves into over the last little while from a broad diplomatic standpoint?"

Economic integration will happen, but the difficult questions extend beyond simple economic integration. The difficult questions still require political leadership. Let me give you a few examples, "how are we going to move the NAFTA relationship to another stage?" or "how are we going to deal with the number of really difficult disputes that we are still facing that are not being effectively resolved, which softwood lumber is the most famous?" However, you talk about the longest, undefended border; this is the biggest trade dispute between two democratic partners in economic history. It is an enormous dispute in terms of its cost and impact over a long period. We simply have not created the mechanism to deal with this dispute quickly and effectively.

Second question is dealing with security, immigration, and the border. These issues are not going to be resolved by themselves. If you are traveling back and forth between Canada and the United States, it is a nuisance. You would not know it is a seamless border if you are waiting for two hours to get through a customs line. Then, when you get to the customs line, you have all sorts of questions that you have to answer and all sorts of issues, and depending what day it is or who is in a good mood, you may have a longer wait than you think. Therefore, there are real issues. How do we even make it more seamless, how do we make it less obstructive without compromising our territorial integrity and without compromising our ability to have our own policies?

My own view, and this is not Canadian conventional wisdom, is that we should be more self-confident as Canadians in knowing that we can do very well in the world. We can have an enormous impact in the world and we can maintain our own identity while simultaneously becoming accepting as an integral part of an entity called North America; and that North America has a vitality and a meaning and a reality that is not going to go away. That does not preclude us from having our own opinions and our own views on all sorts

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<sup>20</sup> See *Bridging the Gap*, THE TIMES, July 18, 2003, at 23.

of subjects, just as there are many people in the United States who do not necessarily agree with George Bush.

I find it amazing that Canadians assume George Bush speaks for all Americans when he says X, Y or Z. He does not. All you have to do is watch the television debate to recognize this is a very vital democracy with lots of opinions and views.

As Canadians, we should be much more confident about our own position and our own views, recognizing that a well managed and well-focused process of integration is better than an integration that is not accompanied by a necessary degree of political leadership.

So, let's leave it at that and maybe we can have some questions.



