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Canada-United States Relationship: An Example of and an Innovation for the World

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SPEAKER

*Colin Robertson**

Well, thank you, Henry. I can tell you that the one truth in advertising, that last night as I was working on my remarks and I said to my 14 year-old son, I said, "Connor, do you want to listen to some of this?" So Connor listened for about 90 seconds and said, "Dad, I am going to watch 'My Name is Earl.'" So you are warned.

As I look across, I see my friend Mark Romat and so many others, and I encourage you all perhaps to have another drink because probably the worst position one can have is speaking on a Saturday night. However, as they say, we have heard the best now, Henry, and I will try now to do what I can do. I am reminded as I was coming here, as we passed a number of churches, thinking of people would be going in there, I am reminded – you know, there is nothing like technology. This is why at the end of the day North America is going to succeed because not only have we have it, but we have people that know how to apply it. On the 6th day, God turned to the Arc Angel of Gabriel and said, "Today I am going to create a land called Canada. It will be a land of outstanding beauty. It shall have tall majestic mountains, beautiful sparkling lakes bountiful with trout, forests" – that means lumber, code word – "with beaver, bear" – it is a subtle way in which you will – "bear and moose, rivers stocked with salmon." God continued "I shall make the land rich in oil and gas, fertile for wheat and cattle. We eat beef. The people will prosper. They will be fair of voice, tanned, fleet on foot, especially on skates. I shall call these people Canadians, kind and gentle.

MR. CRANE: Did he mention the metric system?

MR. ROBERTSON: Some of us still think of feet and inches. But that leads me to the other attribute: "But, yes, fierce when roused. They shall be known as the friendliest people on earth, a lighthouse to the world. "But, Lord," said Gabriel, "don't you think you are being too generous to these

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Canadians?" "Not really," said God. "Just you wait and see the neighbors I am going to give them.

My next assignment may well be Africa. Living next to the Americans can be daunting. As the American national anthem proudly proclaims, God shed his light on thee.¹ Americans are nothing if not self-confident. Living next to the greatest and most powerful nation in the world requires Canadians to be nimble, determined, and to display daily our ability to skate on thin ice. Pierre Trudeau compared the relationship to that of the mouse and the elephant. I prefer the economists' characterization of this as the cool moose. But moose or mouse, we share with Americans a privileged position in the world. This evening I am going to talk about the Canadian-American relationship because that's what Henry asked me to do, and Henry, on behalf of Canadians, let me thank you for what you have done for so many years through the Canada-United States Law Institute to contribute to the intellectual underpinnings of the Canadian-American relationship through conferences like this.

I have a lot of friends who said some day you are going to meet Henry, and tonight I have, and it has been a great honor. What you have done over the many years is not only through the intellectual ferment that has come from conferences like this, it has led to the practical application in Canada to what has come out of what you have achieved. So I thank you. Tonight I am going to talk about values and interests. I am going to talk about how we defend those values at home and around the world and places like Afghanistan. I will talk about our trade interests. This is a conference where trade has always figured prominently. I will speak to two abiding Canadian concerns: Lumber and our concern over the border and American legislation that would cramp the people-to-people flow that sustains and underlies the relationship that continues to be the model for the world, and that makes conferences like this possible.

A couple weeks ago I sat down with Frank Graves of EKOS. Frank is really good at what he does. His most recent conclusion will come as a surprise to some. Canada and the United States aren't fire nice to use the clever phrasing of a survey of Canada-United States relations; rather, as Frank puts it, we are the most similar societies in the world, and we are getting closer rather than farther apart. Of course, there are differences, mostly reflecting our different Governmental structures and regional diversity, which is something that we both also share. Both countries Graves observed are going through a period of change and turbulence. Yet, said Graves, Canadians are feeling remarkably self-confident abroad through reporting on our troops in

¹ *Contra* USINFO.State.gov, U.S. National Anthem, http://usinfo.state.gov/esp/home/topics/us_society_values/national_symbols/anthem_english.html (last visited Nov. 3, 2006) (showing that the U.S. National Anthem does not contain this line or a similar phrase. America the Beautiful, however, contains the similar line "God shed his grace on thee").

places like Afghanistan,² through the achievements of our athletes in the Olympics,³ to the success of our artists and authors in the world market.⁴ And through our continuing prosperity at home, we are increasingly defining ourselves by what we are rather than what we are not, eh?

The values and interests that Canadians and Americans share are closer than ever, and as co-tenants for the top half of North America, we have much to be proud, the world's longest undefended border,⁵ the world's largest commercial relationship⁶ and extraordinarily openness to people and ideas that have made us the envy of the world and which you talked about in this conference, and we all hope we will continue and sustain these accomplishments through our joint commitment to the rule of law and respect for human rights and the cement of family ties and shared values.

Living in Washington makes one acutely aware that the United States is at war. Americans need to know what Canada is doing to support our mutual security in the global war against terrorism and the protection of what we call North America. NORAD, headquartered out of Colorado Springs⁷ and Winnipeg⁸, is the cornerstone of our intense relationship. It will celebrate a half-century of bi-national cooperation in 2007.⁹

A Canadian serves as deputy commander, Canadian left-handed General Rick Findley,¹⁰ unscrambled NORAD jets on 9/11.¹¹ As you know, when President Bush closed American borders, there were 233 American airliners in the air.¹² They landed their 33,000 passengers¹³ in Canada, places like

² Christopher Mason, *Canadian Seeks to Defend Losses in Afghanistan*, N.Y. TIMES, Sept. 28, 2006, A15.

³ 10 Reasons to Applaud Team Canada, http://www.cbc.ca/olympics/stories/headlines.shtml?/story/olympics/national/2006/02/28/Sports/teamcanada_rights060228.html (last visited Nov. 3, 2006).

⁴ See Well Known Canadian Authors, <http://particle.physics.ucdavis.edu/Canadians/authors.html> (last visited Nov. 6, 2006) (listing many well known Canadian authors).

⁵ U.S. Commercial Service, Canadian Marketing Regions, <http://www.buyusa.gov/canada/en/canadianregionalprofiles.html> (last visited Nov. 3, 2006).

⁶ U.S. Commercial Service, Canada-US Trade Relationship, http://www.buyusa.gov/harrisburg/can_ustrade.html (last visited Nov. 3, 2006).

⁷ NORAD: About Us, http://www.norad.mil/about_us.htm (last visited Nov. 3, 2006).

⁸ *Id.*

⁹ NORAD: Our History, http://www.norad.mil/about_us/history.htm (last visited Nov. 3, 2006).

¹⁰ NORAD: Leadership, <http://www.norad.mil/Leadership.htm> (last visited Nov. 3, 2006).

¹¹ See George Kampouris, 'We knew we had a deliberate action', THE OTTAWA CITIZEN, Sept. 11, 2002, available at <http://s3.amazonaws.com/911timeline/2002/ottawacitizen091102.html> (stating that Gen. Findley recalled the jets because of their limited fuel supply).

¹² See Bush thanks Canada for 9/11 aid, <http://news.bbc.co.uk/2/hi/americas/4058323.stm> (last visited Nov. 6, 2006) (stating that over 200 aircraft were diverted to Canada following the 9/11 attacks).

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Halifax¹⁴ and Gander.¹⁵ In Gander, they celebrated Thanksgiving quite early. The population doubled overnight, from 4,000 to almost 10,000.¹⁶

The late Stephen J. Gould, who found himself in Halifax for a week, described it as an example of extraordinary human decency.¹⁷ We did it because that's what neighbors do. NORAD's objective, the protection of North America, is ever green.¹⁸ We want you to expand the NORAD model of one team, two nations for an even stronger joint defense. The recent creation of a Canada Command¹⁹ is the biggest increase to our defense budgets since the Second World War.²⁰ [Canada wants to] re-enforce NORAD and the security of our North American homeland.²¹

Like it or not, we live in an era of fragile and failed states. In the last 15 years, Canadian forces have served in 146 missions.²² In the Balkans arena, we rotated up to 40,000 troops.²³ "Interoperability," this is a term used for

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See NAV CANADA and the 9/11 Crisis, <http://www.navcanada.ca/NavCanada.asp?Language=en&Content=ContentDefinitionFiles%5CNewsroom%5CBackgrounders%5C911crisis.xml> (last visited Nov. 22, 2006).

¹⁶ Operation Yellow Ribbon, <http://www.answers.com/topic/operation-yellow-ribbon> (last visited Nov. 3, 2006) (stating that "NAV CANADA recovered 239 aircraft destined for the U.S. and Canada, and all landed safely in Canada without incident. Of these, 38 went to Gander, 1 to Deer Lake, 21 to St. John's, 8 to Stephenville, 7 to Goose Bay, 47 to Halifax, 10 to Moncton, 10 to Mirabel, 7 to Dorval, 14 to Toronto, 4 to Hamilton, 15 to Winnipeg, 6 to Edmonton, 13 to Calgary, 1 to Yellowknife, 3 to Whitehorse and 34 to Vancouver. Gander received 6,600 diverted passengers; Vancouver received about 8,500. The last aircraft to land was from the Pacific. By about 6:00 PM EDT, all planes had landed.").

¹⁷ Stephen Jay Gould, *Good People of Halifax*, SEPTEMBER 11 200: HISTORY MAGAZINE, Sept. 20, 2001, http://www.sept112001.org/library_sjg_article1.jsp.

¹⁸ See The Avalon Project: Statement of General Ralph E. Eberhart, USAF Commander in Chief North American Aerospace Defense Command, http://www.yale.edu/law-web/avalon/sept_11/eberhart_001.htm (last visited Nov. 3, 2006) (stating that "NORAD remains committed to protect our homeland.").

¹⁹ See Canada Command, http://www.forces.gc.ca/site/newsroom/view_news_e.asp?id=1692 (last visited Nov. 3, 2006) (stating "Canada Command will take command of ... operations in Canada as early as Spring 2006.").

²⁰ See generally National Defence and the Canadian Forces, http://www.forces.gc.ca/site/focus/canada-us/pentagon1_e.asp (last visited Nov. 3, 2006) (describing differences in Canada's defense spending between WWII and 2006).

²¹ See Backgrounder: NORAD, http://www.forces.gc.ca/site/Newsroom/view_news_e.asp?id=1922 (last visited Nov. 3, 2006) (stating that "Negotiations between Canada and the U.S. to renew the NORAD Agreement highlighted the genuine interest of both sides in making meaningful enhancements to NORAD and the Canada-U.S. defence relationship.").

²² Get the Facts: Defense and Foreign Affairs <http://www.connect2canada.com/defenceandforeignaffairs/> (last visited Nov. 3, 2006).

²³ Facts Which May Surprise You, <http://www.canadianembassy.org/ca/facts-mil-en.asp> (last visited Nov. 3 2006).

Canadian-American relations.²⁴ Afghanistan was our first theater of action after 9/11. Since then, neither sixteen Canadians have done active service there on land, on the high seas, and in the air.

Last month, Prime Minister Stephen Harper in his first trip abroad spent three nights with the 2,300 Canadian troops stationed in Afghanistan.²⁵ Most of them are based in Kandahar,²⁶ where we are directing the provincial reconstruction team.²⁷ Arriving in February, they relieved American troops from task force GUN devil.²⁸ At the transition ceremony, the American commander described the handover this way: "The change today is similar to a line change in hockey. It is still the same team going down the ice rink to score; just a different capability out there."²⁹ Canada is in Kandahar because, as Prime Minister Harper put it, "what happens in places like Afghanistan threatens and affects all of us back home in our own country, and we are making progress."³⁰

As the Prime Minister observed, reconstruction is reducing poverty.³¹ Millions of people are now going to go to vote.³² Women are enjoying greater rights and economic opportunities,³³ and Afghani children are now in a school studying the same thing Canadian kids learn back home.³⁴

There is a cost. A dozen of our soldiers have been killed in fighting.³⁵ In January, one of my colleagues, who was a class ahead of me, was killed by

²⁴ See generally Backgrounder: Canada – United States Defence Relations, http://www.forces.gc.ca/site/Newsroom/view_news_e.asp?id=836 (last visited Nov. 3, 2006) (employing the term 'interoperability' to describe seamless defense cooperation between Canada and the U.S.).

²⁵ See Tom Perry, *The hush-hush details of Harper's Afghan visit*, CBC NEWS, March 15, 2006, <http://www.cbc.ca/news/reportsfromabroad/parry/20060315.html> (detailing Stephen Harper's three-day visit with the troops in Afghanistan).

²⁶ See Doug Struck, *U.S. Planes Mistakenly Hit Canadians In Afghanistan*, WASH. POST, Sept. 5, 2006, at A14 (stating that, of the "300 troops in the country.... Most are stationed near Kandahar in southern Afghanistan...").

²⁷ See Canada's Provincial Reconstruction Team (PRT) in Kandahar Province, http://www.canada-afghanistan.gc.ca/prov_reconstruction-en.asp (last visited Nov. 3, 2006) (stating that "Canada assumed command of the Kandahar Province Provincial Reconstruction Team in August 2005.").

²⁸ Capt. Mark Peebles, *Patricias Take Charge of Kandahar Province*, LAND FORCE WESTERN AREA, Feb. 27, 2006, http://www.army.forces.gc.ca/lfwa/feature_patricias_kandahar.htm.

²⁹ *Id.*

³⁰ CBC News Indepth: Text of Prime Minister Stephen Harper's address Monday to Canadian soldiers in Afghanistan, <http://www.cbc.ca/news/background/afghanistan/pmspeech.html> (last visited Nov. 3, 2006).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ CBC News, *Canadian, American Killed in Afghanistan Firefight*, (March 29, 2006)

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an [Improvised Explosive Device]. But as Prime Minister Harper said, we don't make a commitment and then run the first sign of trouble.³⁶ Cutting and running is not the Canadian way.

We are working with America not just in Afghanistan but other places around the world. We are in other trouble spots closer to home like Haiti.³⁷ One of my team left for Sudan to help multinational efforts, to resolve the tragic situation created by the Civil War.³⁸ Elections in Canada led the international teams that helped organize the elections in Iraq, and they are sharing with Iraq our experience in administering a federation.³⁹

The RCMP is running the police academy in Jordan.⁴⁰ Good policing is essential to the rule of law. The RCMP is not just our national police force, but the police force for eight of our provinces⁴¹ and many of our smaller municipalities and cities,⁴² and it works arm in arm with the FBI and American law enforcement agencies to keep North America safe.⁴³

Look, if you will, at the work of our integrated border enforcement teams. Their approach mirrors that of our Armed Forces. Here is a quote right from their rules of operation: "Shared credit for shared work."⁴⁴ This philosophy does not single out individuals such as RC and PC sees this and U.S. border patrol sees that. The true effect is what the team sees, period, end quote. Actually, I think it should be an exclamation mark.

In the war against terrorism, a campaign to keep North America safe, we are partners, and we are allies. We are allies, because the attack on America

<http://www.cbc.ca/world/story/2006/03/28/kandahar060328.html>.

³⁶ Stephen Harper, Prime Minister of Canada, Address to the Canadian Armed Forces in Afghanistan (March 13, 2006), available at <http://www.pm.gc.ca/eng/media.asp?id=1056>.

³⁷ Allison Buchan-Terrell, *Canada Must Take Responsibility for Haiti*, THE GAZETTE, Feb. 9, 2006, available at <http://www.gazette.uwo.ca/article.cfm?section=Opinions&articleID=806&month=2&day=9&year=2006>.

³⁸ See generally Canada: Active in Sudan, <http://www.dfait-maeci.gc.ca/canadasudan/background-contributions-en.asp> (last visited Nov. 2, 2006) (discussing Canada's humanitarian efforts in Sudan).

³⁹ See generally International Mission for Iraqi Elections, <http://www.imie.ca/> (last visited Nov. 2, 2006) (stating that Elections Canada is election mission Secretariat).

⁴⁰ Press Release, Royal Canadian Mounted Police, Canadian Police Officers Head to Jordan to Train Iraqi Police (Jan. 8, 2004), available at http://www.rcmp-grc.gc.ca/news/n_0401_e.htm.

⁴¹ About the RCMP, http://www.rcmp-grc.gc.ca/about/index_e.htm (last visited Nov. 1, 2006).

⁴² *Id.*

⁴³ See generally Smart Border Declaration and Action Plan, <http://www.canadianembassy.org/border/crime-en.asp?format=print> (last visited Nov. 1, 2006) (discussing Canada/U.S. border security).

⁴⁴ Royal Canadian Mounted Police Best Practices-Integrated Border Enforcement Team, <http://www.rcmp-learning.org/bestdocs/english/fsd/customs/border.htm> (last visited Nov. 1, 2006).

like the attacks in London, the attacks in Spain, [and the attacks on] tourists in Asia, is an attack on all of us. We are partners because that's the way business is done between Canada and the United States together.

I was part of the team that negotiated the original Free Trade Agreement⁴⁵ as well as NAFTA.⁴⁶ We both draw huge benefits from access to each other's market. The free trade process has turned Canada from a trading nation to a nation of traders. We prospered. From 1997 to 2005, [NAFTA] led to real GDP growth per capita and employment.⁴⁷ In February, our unemployment rate reached its lowest level in over 30 years.⁴⁸ Through monetary discipline, the Bank of Canada is sustaining low target inflation rates between 1 and 3 percent through sustained fiscal discipline.⁴⁹ Government debt as a percent of GDP is down to 26 percent,⁵⁰ the lowest in the G-7.⁵¹ Mindful of demographics, we have taken the tough steps necessary to assure an actuarially sound public pension system for the next 75 years.⁵² I know. I was in treasury board at that time. We have had eight consecutive budget surpluses.⁵³ Two weeks ago KPMG named Canada for the sixth year running the G-7 country, which has the lowest cost with which to do business.⁵⁴

This economic success is giving our Government's federal and provincial space to make tangible improvements to our schools⁵⁵ and hospitals.⁵⁶ We do this because we think and we know that a healthy, well-educated work force

⁴⁵ UCLA School of Public Policy and Social Research, http://www.spspr.ucla.edu/faculty/snr_fell/pages/sfdisplay.cfm?id=154 (last visited Nov. 1, 2006).

⁴⁶ *Id.*

⁴⁷ Statistics on Washington Exports to Canada, <http://www.cted.wa.gov/site/163/default.aspx> (last visited Nov. 1, 2006).

⁴⁸ Statistics Canada, Labour Force Survey, <http://www.statcan.ca/Daily/English/060407/d060407a.htm> (last visited Nov. 6, 2006).

⁴⁹ Monetary Policy, <http://www.bankofcanada.ca/en/inflation/index.html> (last visited Nov. 1, 2006).

⁵⁰ Financial Performance in an International Context, <http://www.fin.gc.ca/budget06/bp/bpa1e.htm> (last visited Nov. 1, 2006).

⁵¹ Canada's Fiscal Progress, <http://www.fin.gc.ca/ec2005/ec/ecc3e.html> (last visited Nov. 1, 2006).

⁵² Canada's Demographic Challenge, <http://www.fin.gc.ca/budget05/bp/bpa3e.htm#return4> (last Nov. 1, 2006).

⁵³ In Depth: Budget 2005, <http://www.cbc.ca/news/background/budget2005/> (last visited Nov. 1, 2006).

⁵⁴ Media Release, KPMG in Canada, Canadian business costs lowest among G7 countries, Reports KPMG (Mar. 21, 2006), available at <http://www.kpmg.ca/en/news/pr20060321.html>.

⁵⁵ See Council of Ministers of Education, Canada, <http://www.cmec.ca/publications/rec98/prov.en.htm> (last visited Nov. 6, 2006) (outlining the steps implemented by the individual provinces to improve education).

⁵⁶ See News Release, Ontario Office of the Premier, McGuinty Government Tackling Nursing Shortage (Mar. 4, 2004), available at <http://www.premier.gov.on.ca/news/Product.asp?ProductID=433> (stating that the Ontario government invested \$50 million in Ontario hospitals to improve patient care).

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leavened by immigration of those with skills are the ingredients to achieving competitiveness, and it also allows us to pull our weight when it comes to international peace and security.

It also makes us a stronger partner as we collaborate in sustaining our shared goal in North American competitiveness in a global market place. Today, over 96 percent of our commerce back and forth is without duty or tariff.⁵⁷ Most of it is on trucks that crisscross our borders every 45 seconds.⁵⁸ A quarter of America's exports are destined for Canada.⁵⁹ We are a larger market for the United States than the combined 25 countries of the European Union.⁶⁰ Let me put it another way: Canada is the number one market for 38 American states,⁶¹ and that trade supports over 5 million American jobs.⁶² Trade between the Buckeye State and Canada generated \$30 billion dollars last year.⁶³ Ohio sold as much to Canada as to all its other export markets combined.⁶⁴ Trade with Canada supports over 212,000 jobs here in Ohio,⁶⁵ 30,000 right here in the Cleveland area.⁶⁶ We hear a lot from Lou Dobbs about exporting American jobs, but he only tells half the story. Last year Canadians were the biggest single investors in America.⁶⁷ That means jobs, over 1,300 here in Ohio,⁶⁸ companies like CGI, Nevelis, CSI, and Nortel as

⁵⁷ See BLAYNE HAGGART, GOVERNMENT OF CANADA, CANADA AND THE UNITED STATES: TRADE, INVESTMENT, INTEGRATION, AND THE FUTURE (Apr. 2, 2001), available at [http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb013-e.htm#TRADE\(txt\)](http://dsp-psd.pwgsc.gc.ca/Collection-R/LoPBdP/BP/prb013-e.htm#TRADE(txt)) (stating that most tariffs between the United States and Canada were phased out before January 1, 1998).

⁵⁸ *Contra* IAN F. FERGUSON, UNITED STATES-CANADA TRADE AND ECONOMIC RELATIONSHIP: PROSPECTS AND CHALLENGES, CRS REPORT FOR CONGRESS 18 (Mar. 29, 2006), available at <http://www.nationalaglawcenter.org/assets/crs/RL33087.pdf> (stating that processing times for cross-border trade between the U.S. and Canada have increased from forty-five seconds in 2001 to over two minutes in 2004).

⁵⁹ See *id.* at 3 (stating that Canada purchased 23.4% of U.S. exports in 2005).

⁶⁰ The Canada-U.S. Trade and Investment Partnership, http://geo.international.gc.ca/can-am/washington/trade_and_investment/trade_partnership-en.asp (last visited Nov. 1, 2006).

⁶¹ Connect2Canada, <http://www.connect2canada.com/getthefactstrade/> (last visited Nov. 1, 2006).

⁶² Speaking Notes for Michael Wilson, Canada and the United States: Common Values, Uncommon Partnership (May 15, 2006), <http://geo.international.gc.ca/can-am/washington/ambassador/20060515-en.asp> (last visited Nov. 1, 2006).

⁶³ Robert Sberna, *Partners in Progress*, THE PLAIN DEALER, Apr. 18, 2006.

⁶⁴ *Id.*

⁶⁵ See *id.* (stating that trade between the U.S. and Canada supports about 220,000 jobs in Ohio).

⁶⁶ See generally CANADIAN STUDIES CENTER, BOWLING GREEN U., CANADA-OHIO CROSS-BORDER BUSINESS DIRECTORY (2005), available at http://www.cba.bgsu.edu/cast/documents/Cross-Border_Directory_05.pdf (listing the number of employees in Ohio employed by Canadian businesses).

⁶⁷ *Contra* The Canada-U.S. Trade and Investment Partnership, *supra* note 61 (stating that Canada is the 7th largest investor in the U.S.).

⁶⁸ Fact Sheet: Ohio, <http://www.infoexport.gc.ca/ie-en/DisplayDocument.jsp?did=6375> (last visited Nov. 6, 2006).

well as those with local names like the Empire Plow Company whose parent, in fact, is a Saskatchewan. And in this county that we are in tonight, there are 87 Canadian-owned businesses directly employing 1,600 people.⁶⁹ Take that, Lou Dobbs.

Last year our leaders launched a process in Texas that aims to enhance our prosperity through economic cooperation, while ensuring North America's security.⁷⁰ Ten days ago in Cancun, Presidents Bush and Fox and Prime Minister Harper took stock of this initiative and recommitted our countries to working towards our goal of North American competitiveness.⁷¹ We also looked to things like regulatory cooperation,⁷² emergency management,⁷³ energy security,⁷⁴ and smart, secure borders.⁷⁵ This process won't succeed without the active involvement of business. But the results are worth the effort. The free trade process took care of the tariffs, leveled the playing field, and gave us a fair impartial means to settle disputes that work – most of the time. I'd say most of the time.

No speech from a Canadian official is complete without a reference to the softwood lumber dispute. Drink up your wine now. This is where it gets heavy. As my boss, Ambassador Michael Wilson, said earlier this week when he spoke to the American Chamber of Commerce in Washington, this is a quote: "A blight on what is by any measure an outstanding relationship."⁷⁶

Resolution is our top priority, not only because of the hardship it is causing to many Canadians, but mostly because it is becoming the barometer by which many Canadians view state of our relations.

And look at David and his paper is a good example. I was up talking with his publisher, his editor not too long ago, and pointed out, that this is now becoming how Canadians view the Canada-United States relationship, par-

⁶⁹ See CANADIAN STUDIES CENTER, *supra* note 66 (listing the number of employees in Ohio employed by Canadian businesses).

⁷⁰ Trilateral Meeting – U.S.-Canada-Mexico on March 23, 2005, <http://fpc.state.gov/fpc/43714.htm> (last visited Nov. 6, 2006).

⁷¹ Ginger Thompson and David Sange, *Bush and Fox Repeat Vows on Immigration*, N.Y. TIMES, Apr. 1, 2006, at A7.

⁷² See President Bush, President Fox, Prime Minister Harper News Conference, <http://www.washingtonpost.com/wp-dyn/content/article/2006/03/31/AR2006033100932.html> (last visited Nov. 6, 2006) (stating that the three leaders discussed environmental policy, health care policy and other regulatory issues).

⁷³ See President Bush meets with President Fox in Cancun, Mexico, <http://www.whitehouse.gov/news/releases/2006/03/20060330-7.html> (last visited Nov. 6, 2006) (stating that the three leaders discussed homeland security).

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ Michael Wilson, Address at the United States Chamber of Commerce (April 5, 2006), available at <http://geo.international.gc.ca/can-am/washington/ambassador/20060405-en.asp>.

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ticularly in Toronto. The paradox of the United States-Canada relationship is, the steadier it is, the more attention is given to any difference that may arise between us. Put another way: The softwood lumber dispute is the exception that proves the rule, that relations between our countries are, as my boss put it last week, very, very good, and our bilateral trade for the most part is very, very smooth because – and I believe this – because the dispute settlement mechanism actually has worked very, very well.

Yet, Canadians react viscerally to the softwood dispute because after winning so many NAFTA⁷⁷ and WTO rulings,⁷⁸ we see it as an issue of fairness and respect for the rule of law, and so do others in the international community.⁷⁹ Pick your point of departure, the world's first written constitution completing the way to a rules based system of international peace and security through the UN, free and fair trade through first the GATT and then the WTO; even go into the war crimes where you played such a big role, Henry. Americans have set for themselves the highest moral and legal standards to live by and pride themselves as being a nation of laws. But in the softwood lumber dispute, Canadians' expectations have been disappointing. This is just viewed as ebb and flow for over 25 years, for as long as I have been in foreign service. In this latest stage, Canadian companies have paid over \$5 billion dollars in duties.⁸⁰

Yet, successive NAFTA panels have ruled in Canada's favor.⁸¹ Yesterday the U.S. Court of International Law ruled U.S. Customs violated NAFTA in its application of the third amendment.⁸² No, I haven't read the hundred pages; just read the news reports. But still the dispute continues. The fact is that when it comes to timber Canada has a competitive advantage. North of 52 – and we are mostly forest – and that timber is ideal for framing the homes that Americans want to live in.⁸³ I realize that many American lumber producers have a different view. The fact is that in an increasingly integrated

⁷⁷ See generally In Depth: Softwood Lumber Dispute, http://www.cbc.ca/news/background/softwood_lumber/ (last visited Nov. 1, 2006) (discussing the softwood lumber dispute).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ See U.S. Department of Commerce, International Trade Administration, *Softwood Lumber Agreement Signed with Canada*, INTERNATIONAL TRADE UPDATE, May 2006, http://www.ita.doc.gov/press/publications/newsletters/ita_0506/lumber_0506.asp (discussing the background to an April 27, 2006 lumber agreement between Canada and the U.S.).

⁸¹ See generally In Depth: Softwood Lumber Dispute, *supra* note 77.

⁸² Canadian Lumber Trade Alliance v. United States, No. 06-48, slip op. (Ct. Int'l Trade Apr. 7, 2006), available at http://www.cit.uscourts.gov/slip_op/Slip_op06/06-48.pdf.

⁸³ See generally Canadian Softwood Species, http://www.cwc.ca/products/lumber/visually_graded/species.php (last visited Nov. 1, 2006) (discussing the types and uses of various Canadian lumber products).

economy, including in the lumber sector, this festering dispute hurts both our interests.

While we are in litigation, third country imports have grown by an astounding 780 percent over the past ten years competing for market share in Canadian and American producers alike.⁸⁴ As Ambassador Wilson observed, a negotiated solution will be neither quick nor easy to find, but find one we must.⁸⁵ With an ascending China and India and an expanding European union, this quarrel distracts us from what should be our main shared objective, sustained North American competitiveness. Prime Minister Harper and President Bush are committed to ending the lumber dispute.⁸⁶ We must resolve it and do so on a lasting basis because shutting the doors to trade is not the answer.

Closing doors brings me to our other big issues issue: Homeland Security legislation, that after January 1st, 2008, would oblige Canadians to show a passport to enter the United States and will require Americans to have a passport when they reenter the United States from Canada.⁸⁷ Business on both sides of the border say shutting the door to our people-flow will significantly cut back on our trade and commerce,⁸⁸ as well as tourism.⁸⁹ That's serious and flies in the face of progress in making our shared border both safe and business friendly through our smart borders initiative. Doubtless some of you from Canada have driven to get here today. As a boy, I used to go to Mina, Fargo, Grand Forks, and Minneapolis for scouting jamborees. Requiring a passport for these kinds of events will cause them to wither. It was hard enough for my mom to remember to pack socks and underwear, let alone a passport. Given what we have been able to achieve in North America and around the world, surely we can find a way around having to show a passport at the border.

Robert Thompson, a Canadian member of parliament observed that Canada is American's best friend.⁹⁰ Derrick Bernie, for whom I worked and

⁸⁴ Colin Robertson, Remarks to the Canada-US Law Institute, at the Canadian Embassy in Washington, D.C. (April 8, 2006), available at <http://geo.international.gc.ca/can-am/washington/secretariat/20060408-en.asp>.

⁸⁵ See Michael Wilson, *supra* note 76.

⁸⁶ See Bush praises Harper's 'Steely Resolve' on Softwood, <http://www.cbc.ca/world/story/2006/03/30/newsummit-cancun060330.html> (last visited Nov. 6, 2006) (recounting President Bush and Prime Minister Harper's discussions regarding the lumber dispute).

⁸⁷ See New Requirements for Travelers: Under the Western Hemisphere Travel Initiative (WHTI), http://travel.state.gov/travel/cbpmc/cbpmc_2223.html. (last visited Nov. 1, 2006) (announcing the WHTI).

⁸⁸ News Release, 2006 Western Premiers' Conference, Western Hemisphere Travel Initiative (WHTI) (May 31, 2006), available at http://www.scics.gc.ca/cinfo06/850106008_e.html.

⁸⁹ *Id.*

⁹⁰ J.L. Granastein, *Canada and the United States*, THE CANADIAN ENCYCLOPEDIA, HISTORICA FOUNDATION OF CANADA (2006), available at <http://www.thecanadianencyclope>

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served as ambassador to Washington, added like it or not, Americans are Canadians' best friends.⁹¹ I will conclude with this radio conversation recorded off the coast of Newfoundland between some Canadians and the American Navy. "Canadians: Please divert your course 15 degrees to the south to avoid a collision." Americans: "Recommend you divert your course 15 degrees to the north to avoid a collision." Canadians: "Negative. You will have to divert your course 15 degrees to the south to avoid a collision." Americans: "This is the captain of a United States Navy ship. I say, again, divert your course." Canadians: "Negative. I say again, you will have to divert your course." Americans: "This is the Aircraft Carrier USS Lincoln, the second largest ship in the United States Atlantic Fleet. We are accompanied by three destroyers, three cruisers and numerous support vessels. I demand that you change your course 15 degrees north. I say again, that's 15 degrees north, or counter measures will be undertaken to ensure the safety of this ship." Canadians: "We are a lighthouse." Your call, eh? Ladies and gentlemen, God bless Canada, God bless America, God bless North America!

DR. KING: Stay here.

MR. ROBERTSON: And God bless Henry King.

DISCUSSION FOLLOWING THE REMARKS OF COLIN ROBERTSON

DR. KING: Oh, boy. That's a great speech, and we will throw it up to questions. I will have a few questions if nobody else does. But you know historically, Canada has not had the attention [in Washington] that Washington does [in Ottawa], and you are on the frontiers of that. Do you think you are getting anywhere in terms of the activity, the lobbying activity and all that? What's your assessment? What's your assessment in Canada?

MR. ROBERTSON: Well, I hope so. My bonus is coming up. Yeah, I think we are doing what has to be done. What I am doing now is a process that really began in the late '70s. As you know, traditional diplomacy, you deal with the Administration. It is executive to executive. The classic embassy would deal with the State Department, and there it would stop. But in the late '70s, we had an important issue. Fish has always been – fish and lumber go back to before our confederation – really it goes back – the first lumber dispute goes back to the first Administration of George Washington when then the State of Massachusetts because it included Maine, took action to curb the timber imports in New Brunswick.

dia.com/index.cfm?PgNm=TCE&Params=A1ARTA0001220.

⁹¹ See D.H. Burney, *Canada-U.S. Relations: Weeds in the Garden* Address at the Canadian Institute of International Affairs, Toronto Branch Reception (Sept. 20, 2005), available at <http://www.carleton.ca/ctpl/publications/documents/FINALDISTRIBUTION-CIIA-September202005.pdf>.