
January 2005

Discussion following the Speech of the Hon. Marlene Jennings

Discussion

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Recommended Citation

Discussion, *Discussion following the Speech of the Hon. Marlene Jennings*, 31 Can.-U.S. L.J. 397 (2005)
Available at: <https://scholarlycommons.law.case.edu/cuslj/vol31/iss/53>

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DISCUSSION FOLLOWING THE SPEECH OF THE HON.
MARLENE JENNINGS

DR. KING: Well, I will exercise the Chair's prerogative and take the first – I will shoot you the first question. I guess what I'm concerned about is that the Canadian approach is multilateral. Canada joins the world in different areas. I speak of Kyoto, the Lawasia Convention, land mines, and the International Criminal Court. The U.S. approach is unilateral. I think that – and I am not so sure that Washington gives Canada the attention it deserves – I think what Canada is doing is remarkable in getting the people to support this relationship. But, do you have any comment on these different approaches and how you can reconcile them? Do they interfere with the Canada-U.S. relationship – that the U.S. is unilateral and Canada is multilateral?

HON. MARLENE JENNINGS: First, my Canadian colleagues are going to disagree with this. I reject the premise of your question. No, I'm just kidding.

(Laughter.)

DR. KING: All right. Okay.

HON. MARLENE JENNINGS: That's Herb Gray. That's always what we used to hear in the House of Commons during the question period. No, I don't think – I disagree that the United States is solely unilateral. We see the United States create bilateral and multilateral coalitions, agreements, and partnerships. I think that the United States and its Administration deems – which is the approach that it feels is the appropriate one given the circumstances. Canada on the other hand – I mean, let's face it, we are in a little bit of a different situation. We are what is at best called a "middle power," and it is a middle power that does not have military might or economic might to advance its views. Therefore, we as a country, we like to talk a lot. It was really hard for me to shut it off, believe me.

DR. KING: You are a good talker, too.

HON. MARLENE JENNINGS: I could have continued for quite a while. We tend to use the spoken word as the means and tool of persuasion, and for us – in order for us to punch above our weight, we require multilateral partnerships, but we don't exclude bilateral. I mean the Free Trade Agreement with the United States is the best example of that. That then became the stepping stone for the North America Free Trade Agreement, which is three countries. So we do not exclude bilateral. We do, in fact, build on bilateral relationships, and not just trade relationships.

DR. KING: That's a good answer.

HON. MARLENE JENNINGS: Do I get an "A?"

(Laughter.)

DR. KING: You got an "A+." Okay. Other questions. You don't want to have me do all the questioning. Jim McLandress of the Canadian Wheat Board.

HON. MARLENE JENNINGS: You are going to hit me with a hard one.

DR. KING: This is the voice of Winnipeg.

HON. MARLENE JENNINGS: I know. If I tell you that my mom was born in Manitoba –

MR. McLANDRESS: That helps.

I am curious more on how you see the relationship between Canada and the U.S. as obviously of fundamental importance to both countries, I think more so to us. But I'm wondering, where is the Canadian Government at in terms of exploration of other bilateral agreements with the E.U., and elsewhere? As a Canadian I'd say we are – it is a lot of eggs in one basket is the concern I have, and I am curious about your thoughts on that.

HON. MARLENE JENNINGS: Well, the issue of diversifying our export markets has come up on the radar screen, and we have recently announced an emerging market strategy. In fact, the subcommittee – the House of Commons Subcommittee on International Trade Disputes – and I always forget the full name because it used to just be called "International Trade," and everything else was just wound up into it – we are actually conducting a study and review on the issue of the emerging markets. And, Canada has identified China, India, and Brazil, as the three emerging markets, if one can call it that, that we wish to put focus on, and resources and priority on. So we are hearing from the business sector. We are hearing from representatives from the various sectors what Canada needs to do in order to beef up and have a larger presence in the markets of those countries. So it is a very good question, and we are working on it.

DR. KING: Jim Phillips.

MR. PHILLIPS: Ms. Jennings, I would pose, despite the perceptions that are around, I find that our State Department and your Internal Affairs Department don't talk to each other very much because of people-to-people – and every agency I can think of working directly with one another. Frankly, my personal opinion is that relations have never been better at the working level. And I just wondered if you might comment on that subject.

HON. MARLENE JENNINGS: Well, I think you are right, and I think one of the reasons is it began, I believe, with the Free Trade Agreement, and then with NAFTA. Our economies have become entwined, and then 9/11 has forced us to recognize just how interrelated we are on a whole slew of issues. And you know people always say, "How does it feel sleeping next to the elephant?" Seriously, in Canada, a lot of our newspapers, that's how they will describe the United States, and then Canada is the little mouse. And when you just mentioned that most Americans – we are not important to them, and they don't know it, well, then, I liken it to the princess and the pea.

The princess went to sleep on twenty mattresses. All it took was one little pea to make her sleep uncomfortable, and she kept waking up in the night.

(Laughter.)

HON. MARLENE JENNINGS: But seriously, when Canada is the United States' largest trading partner, when we are the number one export destination for thirty-seven of the fifty states, I think that we are the little pea, and I think that what happens in Canada is important to the United States, and that when bad things happen in Canada, it bounces into the United States. In the same way, when bad things happen in the United States, it has an impact on Canada. And that's why things have never been better. As you said, in the sense that our officials are actually talking face-to-face and are trying to find solutions that respect each other's sovereignty, but at the same time facilitate things and ensuring security, ensuring that we continue to enhance quality of life, and that we continue to prosper.

MR. PHILLIPS: Very well said.

DR. KING: Marty Gelfand. Marty is with Congressman Kucinich.

MR. GELFAND: Hi, Ms. Jennings. It is good to see you.

In your – in one of your slides, you had a couple of bullet points of what Canada has done recently to beef up U.S.-Canada relations, and one of them was to establish a secretary of –

HON. MARLENE JENNINGS: U.S. – Washington –

MR. GELFAND: U.S.-Canada relations, and that's you, because I got your business card, and I am looking at the program. So you didn't say it when you showed the slide, but could you say a little bit more?

HON. MARLENE JENNINGS: Pardon me.

MR. GELFAND: That's okay. You didn't want to be too braggadocious, I guess, but could you say more about how you envision that job, how you will be working with, say, the foreign minister and the secretary of state?

HON. MARLENE JENNINGS: Sure.

MR. GELFAND: And is there going to be a twenty-third mission in Cleveland?

HON. MARLENE JENNINGS: We are still studying on that one.

(Laughter.)

HON. MARLENE JENNINGS: Okay. When I actually – when I first was appointed, there has only been one other person in this particular position before me, and that was Scott Brice who is now our Minister of Public Works and Government Services, and so – and he was only there for a very short time. In 2004, we went into an election almost immediately, and after the election, he was promoted and brought into cabinet. So when I actually came in, there was no template for this job. There was no template at all. I had a meeting with the Prime Minister, and I basically said, "What is it that you want me to do? What do you envision this job being?" And he made the mistake of saying, "Whatever you want to do. It is yours. Write your own job

description.” I’m serious. And I said, “Oh, boy, you obviously don’t know me very well.” And I spent a couple of months consulting with my fellow parliamentarians. I consulted with our foreign affairs experts. I consulted with our embassy staff in the United States, in Washington, D.C., and I consulted with the Privy Council’s Canada-U.S. secretariat. I basically consulted with everyone, saying, “What do you think I should be doing? What do you think this job should be?”

And what basically came out of that consultation was that parliamentarians wanted a conduit because we value our independence very much, and so we don’t want to have bureaucrats telling us what to do. So they wanted a conduit that can bring their views, needs, and aspirations, to cabinet, one, but also facilitate them moving through our machinery of government in order to make their links into the United States.

They also wanted better – a better response to being able to advocate in the United States on files that were of importance to them. So, for instance, my colleagues whose constituencies border on the Great Lakes, they want to be able to come into the United States. They want to be able to meet with their American counterparts and lobby and advocate that, no, don’t divert water with the Devil’s Lake, or be able to say, “We need a new border crossing in order to smooth that backup and reduce the number of delays at the customs.” They want to be able to do that. And they want to use me as, one, a sounding board, but two, as someone who will be their voice and argue on their behalf at the Canada-U.S. Cabinet Committee.

They also wanted to have someone who would work directly with our Washington secretariat, and I have been able to do that really well. We have a fantastic group of people there. And basically, the Prime Minister wants to have an ear on the ground, someone who can tell him that there are issues on the Canadian side that are starting to bubble up, and that’s basically what I do. And it is a perfect job for me because I love being in everybody’s business. No, it is true.

(Laughter.)

DR. KING: That’s a very important job, though.

Frank Hartman.

MR. HARTMAN: You mentioned the Partnership for Common Security and Prosperity.

HON. MARLENE JENNINGS: Yes.

MR. HARTMAN: And we had a speaker yesterday give us a description of it, and I am curious from the Canadian side, where is the institutional framework for this? It sounds wonderful in terms of its goals, but how is it going to be implemented? I mean, what’s the process? Where are the institutions that are going to make all this wonderful stuff happen?

HON. MARLENE JENNINGS: Well, each country has appointed three individuals. In our case, it is three ministers. On the American side, it is three

secretaries who are responsible, and the Mexican counterparts have done the same thing. So, for instance, if we are looking at the prosperity side, then we are talking about trade, for instance. We are talking about the movement of people and goods across the borders. It touches on national security, obviously, but it is also the issue of goods going across different regulatory systems.

So the Smart regulations, for instance, not only are our ministerial counterparts working together with their officials, but they are to report back in June with what are the areas, or the specific, for instance, regulations that we know we can adopt or modify in a very short time in order to remove one obstacle or one backlog. So it is not going to be a big bang. It is going to be, for instance, we will take one regulation, which acts as a barrier for a particular sector of goods, for instance, and say, "Well, can we work on that?" "Yes, we can." And then all three of us come together, and we work on it, and we come to an agreement in a very short period of time. There will be other issues where we will say, "No, it is too complex. There are too many competing interests. We will have to put that over on a longer term." So it is really a step-by-step approach, and if I can say – I don't know the United States well enough to be able to make this statement, but I sure as heck do know Canada well enough – that's typically Canadian. We do work step by step. It is not the big splash; it is not the big bang. It is you get to the end of the road, and you have achieved – you made your accomplishments. You've achieved what you set out to do, and you hardly even realize it because you have just become so accustomed to the step-by-step improvement, and hopefully, that is what is going to happen with this partnership.

DR. KING: David Levey.

MR. LEVEY: From your perch – we just had a segment on pharmaceutical sales, and that certainly has gotten a lot of news relative to the size of trade taking place. According to your step-by-step approach, where do you see that going? And a more local question: What do you see happening on a step-by-step basis in terms of the development of a ferry service between Port Stanley and Cleveland, or this area, if that's not too granular?

Thanks.

HON. MARLENE JENNINGS: On the pharmaceuticals, yes, I was here for the session, and I saw the issue of internet pharmacies. Our Minister of Health has made it very clear that Canada's price control regime on pharmaceuticals will not be put into danger, and that Canadians' health will not be put into danger by any threat of potential drug shortages. So I do know that the ministers with stakeholders are looking actively at what measures Canada can make in order to, one, protect our price control regime and drug supplies for Canadians, and I am hopeful that in a short while we will be announcing measures. At the same time, the Royal Colleges of Physicians are also taking action a little bit more proactively, as Jennifer Orange explained.

Now, on the port between Cleveland –

DR. KING: Yeah, Port Stanley.

HON. MARLENE JENNINGS: That's right, and Port Stanley. Is that the ferry issue?

DR. KING: Yeah, right.

HON. MARLENE JENNINGS: Okay. Canada is in the process of privatizing control of the ports, and so there is at this point a movement – and there will be a private port authority. It will be not for profit to handle the Canadian side. Hopefully, that is going to work through quickly enough so that then the Canadians can begin looking at this whole issue of a ferry. We are talking about, I think, a year and a half maximum for the port authority to actually be up and running.

DR. KING: Okay. That's very encouraging. Chris Rassi.

MR. RASSI: Thank you. It is very nice to meet you today.

HON. MARLENE JENNINGS: Nice to meet you as well. He actually studied in my constituency.

MR. RASSI: I didn't attend last year's conference, but two years ago, my last conference, Minister Grahams spoke less than one month after the invasion of Iraq, and I would just ask you a question: In the past two years, what exactly has changed? We have seen – you mentioned in your presentation about the interaction between Canada-United States – some great initiatives that have taken place, but two years ago, who would have thought that all these initiatives would actually be furthered in the past two years? Probably the Canada-U.S. relationship was probably at a low two years ago, and I think your position is that a lot has changed. What do we do? How do we address our fundamental differences that still exist – fundamental as a rule of law, and I think that that's something that hasn't been addressed?

HON. MARLENE JENNINGS: Well, I think that we are two democratic societies that do, in fact, live by the rule of law. Does that mean that we are perfect? No, it does not. Does it mean that we are always in agreement? No, it does not. I mean, I have seven siblings, and it is pretty difficult to put us all in the same room and get us all to agree all at the same time on the same issue. At the same time, as siblings, we have common values that have been instilled in us by our parents and families, and that is exactly the same thing between the United States – with the United States and Canada. Canadians and Americans share fundamental values, one of which is democracy. But no two democracies are identical. That's the first thing. We have common threads that make us a democracy, fundamental principles, and yet, we are still flawed. And you know what, I personally like it that way because it means that we improve. It means that we learn. It means that we grow. It means that we enhance. We continue to evolve. If we had a perfect democracy, I think we would be in the same place that the ancient Greeks and the ancient Romans ended up.

DR. KING: That's a high note to London. One more question. Michael Robinson.

MR. ROBINSON: Thank you, Ms. Jennings.

I just had a couple of comments that might be useful for our audience. One, on that third option question Ms. Jennings didn't mention, but she certainly will be aware, that we have a very proactive minister now in Jim Peterson, who is literally going around the world trying to conclude what we call "FIPPA," Foreign Investment Promotion and Protection Agreements. And he is in the process of negotiating one in China right now, and in India, and is working on upgrading the Russian one, which is not very good. We had previous ministers who used to pay lip service to this, which is part of the third option, getting us more involved in the rest of the world, not just the U.S. relationship, McClaren, Eagleton, and Martin, all talked about it, and nobody did a damn thing. As soon as Pearson got elected, he got off the ball and did things.

He is also seriously considering – partly because a bunch of us lawyers who did this international investment stuff in Toronto, and elsewhere, have been bellyaching for years resolving the problem of the absence of Canada's membership in the ICSID, International Center for the Settlement of Investment Disputes, which we, being a holdout – 140 other civilized and less civilized nations have signed up, but we haven't, and of course, it is the usual provincial problem with Alberta – Do we have the Alberta representative here still?

DR. KING: He is still here.

MR. ROBINSON: – being the holdout, but there is a federal-state clause in the Exit Convention, and we are trying to get Jim to say, "The hell with the provinces. Fine. We are just all going to go in and just exempt you, so you don't get the benefit of exit if you don't cooperate." And that's a real proactive effort to get us into the sort of third option kind of thing. Prime Minister Trudeau has risen from the grave to talk about the third option again.

The last comment is one that Ms. Jennings and I were talking about at dinner, and she knows very well, and that is – this is a partial answer to the question about her new job. Boy, does she have a good helper, one of our best friends of this Institute, Jon Fried, who is in the – in this new secretariat at the Prime Minister's Office for U.S.-Canada Relations, and if there is anybody who knows how to work the Hill and help Ms. Jennings to do that, it is Jon, so that will be one fantastic tag team, and hopefully, Ms. Jennings, that will keep you involved in the U.S.-Canada Law Institute.

(Session concluded.)

