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Canada-United States Law Institute Proceedings--Introduction

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CANADA-UNITED STATES LAW INSTITUTE PROCEEDINGS

Introduction

by Rosemary A. McCarney

I would like to welcome you all to this year's Conference of the Canada-United States Law Institute and speak for a moment, before I introduce our keynote speaker, about some of the issues that I hope to see raised here today.

J.J. Bremler, an American, in a historical treatment of Northern America in the 1930's, wrote that, perhaps the most striking thing about Canada is that it is not a part of the United States. Mr. Bremler was looking at those historical events in North America, two invasions, decades of border filibustering, and American dreams of manifest destiny that had almost cemented the political union of the continent.

Today we are going to be looking at North America in another context, because there is much more than simply a common boundary that we share in North America. We fish each other's fish, we drink each other's water, and we breathe each other's air. These things do not acknowledge international boundaries. But, that is not all that we exchange across the Canadian-American border. The transboundary exchange of pollution is one of those unwelcome fallouts of sharing a common border that has in recent years, become a major focus of concern in the Canada-American relationship.

One aspect of transboundary pollution is acid precipitation. At a time when the public is still reeling from stories of mercury poisoning, Three Mile Island, and Love Canal, a new environmental horror is being thrust upon them, and this one is seemingly more complex than those that preceded it.

If we were dealing simply in the domestic context, acid precipitation would be difficult enough. It encompasses the studies of environmentalists, engineers, chemists, doctors, farmers, and of course, lawyers. However, because of its international character, we must also deal with diplomats and politicians operating under very difficult legislative and judicial structures. The difficulties inherent in trying to achieve an international solution are clear to even the casual observer.

While there are those who would argue for slow, painstaking diplomacy until all the facts are in on acid precipitation, there are others who would suggest that to wait for perfect scientific proof is to wait too long.

Today we have assembled all of these interests for you. We have the key politicians, scientists, economists, industrialists, doctors, and lawyers from both sides of the border who are active in this area. I hope and expect that they will today take a comprehensive look at this problem of acid precipitation in not only the domestic but also in this transnational sense.