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Introduction, Awards, and Keynote Address

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INTRODUCTION, AWARDS, AND KEYNOTE ADDRESS

Mr. STEPHEN PETRAS: Alright, everyone, please. Please keep eating, we are going to start our program now. But can you hear me ok? How's that? Better? Ok. Thanks everyone for your attention, those of you please keep eating, enjoy your dinner, enjoy your dessert, and we're going to start our program tonight. The first item I want to do is I want to start out with an announcement. Back in 2014 at our annual conference, we announced the formation of the Council of the Great Lakes Region, which is now a vibrant, binational organization whose mission is sustainability and economic development of the Great Lakes - which is, of course, a binational resource between Canada and the United States - and I wanted to announce to all of you that the Great Lakes Economic Forum will take place in Chicago on June 26th to June 28th, and it's a fabulous conference. It's going to talk about the Great Lakes and its importance. This is the 7th conference of the Council of the Great Lakes Region, and I encourage all of you to attend. There are flyers here and as a founding member - CUSLI is a founding member of the Council of the Great Lakes Region - we support its mission and hope that you can attend.

So, we're going to start tonight's program. The first thing I would like to do is to introduce to you the Consul General of Canada in Detroit, Joe Comartin, who is going to basically kick us off with some welcoming remarks from Canada. And I wanted to give you a little bit of a background about Joe Comartin, because he has a very interesting history. Before reaching his prestigious position that he holds today, he had a very interesting and impressive career. He was a trial lawyer in civil litigation, and he practiced in Ontario, focusing on family law, criminal law, and personal injury law, and he was involved in the creation of the Canadian Auto Workers Legal Services Plan and he served as its managing director in the Windsor-Essex region. Then he decided to enter Canadian politics, and he served as a member of parliament since 2000, for 15 years and he was recognized as Canada's most knowledgeable Parliamentarian. He arose to the position of Opposition House Leader and Deputy Speaker of the House of Commons. Upon leaving elected office, he became a distinguished professor at the University of Windsor where he taught ethics, reform in Canadian Parliament and constitutional law. As Consul General in Detroit, he is responsible for Michigan, Ohio, Kentucky and Indiana. He has been a longtime friend of the Canada - US Law Institute, and it's an honor to have him formally introduce us to this year's conference. Joe?

Mr. JOE COMARTIN: Thank you for that Steve, I really do appreciate those warm words of greeting. You know, when I first came to the consulate back in the late fall of 2018, my staff were extolling the virtues of this conference, and I said to them: 'I've been at a lot of conferences, you can imagine with that kind of a background over the years. There's none that are that good.' And they said 'yup';

they pushed it really hard. And I said: okay, so we've been supporting this for all these years. Are we continuing to do that? Of course, the answer was yes, and then, in 2019 I got to come to the first one. And everything, of course, that they had told me was accurate. That year the theme was about the Arctic, about the environment. Some of the speakers were just, I mean they were world class thinkers, and experts in those areas, and I said: 'we've got to continue to support this.' And so, this evening I will confirm that on an ongoing basis-I have authority to be saying this-that we will be supporting this conference on an ongoing basis. Having said that, I'm also taking the opportunities when I am speaking at a number of these events over the four states that I am responsible for, that I have been announcing that my term is over as of July 31st, but again, I've made it very clear to my staff and passed it on to both Washington and Ottawa that this is one of the events that we have to be supporting on an ongoing basis because it does benefit us so much.

One of the things that struck me that first day that I was here and then in the subsequent hour was, I guess, the camaraderie. Martha, remember that first night you guys got my wife and I into a corner and really convinced us of just how important it was? And the relationships that have been built up over the years - it was quite amazing to watch this. These are high, high level, very experienced, hardworking, experts in a number of different fields. But it was like a family gathering that we had. And that wasn't because of the amount of alcohol that we consumed in Washington. It started before the alcohol started pouring. But I was left with that, and again, I don't know how many conferences I have been to over the years from the time I was in university onwards. But that was the first time I had really seen that, I guess, close intimate contact and people being very proud of their involvement. For those of you that may be new to this, keep coming, it's well worth it. I don't think there's any doubt Steve that your organization, the board, will continue to attract the kind of highly talented, thoughtful, even wise, people coming to these and presenting, all of which we can benefit from. So, I'm looking forward to the conversations tomorrow as you can imagine in terms of the work we do as a consulate in a country that has such high trading relationships with the United States that the supply chains are on the top of our agenda on every given day. And so, I am really looking forward to the presentations that we are going to have tomorrow. Along with that, I was really happy with the theme this year because it is one that we are certainly working on; and I say that not just our consulate here for the four states, but all our consulates across the United States and Mexico, because of the trade agreements that we have with the United States and Mexico. So, very much looking forward to that and again, quite impressed by the people that you have been able to attract to come here.

Just a couple more things then. We've had two additional people join our consulate in the last six months, I guess seven months. So first, Steve Neves. Steve, do you want to stand up for a second? Steve was posted to us in September and comes out of Ottawa. He was a great catch because his background while in Ottawa-and he's also spent some time in the United Nations on this-but he was in our treaty law section. So I probably shouldn't say this but one of the important things that he did was to analyze the treaty that we have between Canada and the United States on pipelines between our two countries, which has been a bit of a

friction point in some areas, so he's been a great addition to the office, and again, Steve is one of those people who will carry on the tradition of making sure that we continue to support CUSLI.

And then the second one I wanted you, well wait a minute, Earl. Do you want to stand up? Earl Provost is the representative for the province of Ontario, and he is not based in this area, he's over in Illinois, that's the state over there. And Earl always says that I forget to announce that he's here and recognize him. So, Earl, you can't say that about me anymore. Seriously, we have worked extremely well together over these last twelve months, I guess, since he has been posted, and it's a relationship that's benefitted the consulates here both in Illinois and here in Ontario.

And the next person I want to introduce - and I know that this isn't going to be necessary because I think the vast majority of you know him - but something you may not know is the last Honorary Consul that we had in Ohio, was Henry King, and he had played that role for Canada for a very large number of years. I tried to find out how many, but it was a long time. And obviously he did an excellent job, as he did in so many other endeavors that he was involved in. Henry was a mentor, a pretty significant mentor, to Dan. Dan, why don't you stand up and be acknowledged? So, Dan, like Steve, was official as of September as of last year. For those of you who don't know him. He is a superlative - and I mean that in just about every sense of the word - a trade and transfer lawyer in terms of the work he has done. I must say that I am envious of the amount of publicity that he has been able to garner as we went through the negotiations around NAFTA and eventually evolved that into the USMCA, or CUSMA if you're on the Canadian side of the border. I don't think there was any major TV radio program - most newspapers at one time or another that did not have an interview with him or him making comments that they had drawn. All of them reflecting the background that he's got and just how much of an expert he is, so he's a great catch for us obviously. Obviously, this law school is proud of him. He's a graduate - he's an alumnus of this school and he's been back and taught here on a periodic basis as well. So, we're looking forward to the ongoing relationship. Now, the only thing I have to say negative about Dan - and this happened again just this week - prior to the pandemic, he and I were doing a number of panels together in advance of the treaty coming into effect, and negotiations and resolving that. And of course, he was the expert and I was just bringing a few facts. And he would do most of the talking, and I mean that. He did most of the talking; you know, if he was allotted twenty minutes you had to expect he was going to take an hour. If you cut him down to ten, he still took an hour. And he did that again this week. The three of us do a lot of these panels around the trading relationship between our two countries. So, Dan, as much as I've got all those other superlatives I could say about you, you've got to work toward the schedule. As Steve said, I was the Deputy Speaker of the House, and one of the roles that the speaker plays in our Parliament and House of Commons is to keep the political people to their schedule, you know ten minutes for this, twenty minutes for this, two minutes for this, one minute for that. I think we should start enforcing those rules, Dan, against you on an ongoing basis.

Let me finish on a more serious note. As Consul General for Canada in Detroit for those four states, it has been one of those experiences that you just cannot imagine when you're coming out of university, that you're ever going to have the chance to do. But the best part of it is the relationships that we've formed, between our two countries, that is so common - we're not just a trading relationship; we're not just a relationship based on defense or security. In many respects, it's much more, as this group is, like a family relationship. My father was an American, my oldest sister and my youngest brother lived on the U.S. side and the other six of us are still on the Canadian side. We have a large family - French-Catholic, Irish-Catholic mother - so lots of children. I'm looking forward to retirement, but I am going to miss you, those of you who I have gotten to know better in particular, so keep up the good work. Push hard for that relationship to continue the way it has for so long. Thank you.

Mr. PETRAS: Thank you very much Joe. Work well done. We're going to miss you, but we want you back here. The next item on our agenda is the presentation of the Henry King Award. Which is named in honor of Professor Henry T. King Junior, here at Case Law School, who was the U.S. National Director of the Canada-U.S. Law Institute for many years and a former Nuremberg prosecutor, former International Counsel at the Department of Labor, former International Counsel of TRW, former partner at Squire, Sanders, Dempsey and then he came to this law school as a professor in international law. And here to present this year's Henry T. King award, is another outstanding, well noted international trade lawyer, Larry Herman, a former Canadian Diplomat, trade negotiator and a member of our executive committee. Larry?

Mr. LARRY HERMAN: Our honoree tonight, David Shribman, represents the ideals reflected in the mandate of this Institute and the background. He's been a columnist for leading newspapers in the United States - *The New York Times*, *The Wall Street Journal*, among others. He is a Pulitzer Prize winner. We have for many years enjoyed his writings, his comments in our newspapers and I just want to say how pleased we are at the Institute to honor David with the Henry King Award. So that being said, David, we ask you to give us a few comments.

Mr. DAVID SHRIBMAN: Okay, well I hope you can hear me, I can't see you or have any indication you can hear me. Okay, well I guess I'm supposed to say something. I can't tell whether you're all listening, but I am delighted and privileged really to be the recipient of an award named for Henry King, a remarkable character, a graduate of Yale and Yale law school. Apparently, he was unable to get into Dartmouth. But a distinguished member of the bar and a member of the American Bar Association's task force for war crimes in Yugoslavia. We could use Mr. King today. He was also the U.S. Director of the Canadian - U.S. Law Institute and a senior advisor to the Robert H. Jackson Center in Jamestown, New York, where I have actually given a lecture and I'm a great admirer of Justice Jackson. It's a great privilege for me even to be associated even at one removed from Justice Jackson, and of course, to Henry King.

Let me just say that I am the son of a Montreal mother and a Massachusetts father, and as such, I am the direct beneficiary of Canadian-American relations. Since I was a young boy growing up in Massachusetts, I've had a peculiar but a

relentless fascination with Canada, which I considered my second country. I'm now a dual citizen. I've been to all ten provinces. Many of you probably haven't even done that. I've been to all ten provinces, I've even lectured at the University of Saskatchewan. As a young boy, I was fascinated with Canada. And as a professional at *The New York Times* and *The Wall Street Journal*, I asked to be able to be assigned to cover Canada. The editor of *The New York Times* - his name was Abe Rosenthal, who grew up, actually, in Ontario - heard about this preoccupation of mine. I said, 'I'd like to be a Montreal Bureau Chief or a Toronto Bureau Chief.' And sadly, he said to me: 'You're too young to die.' But my interest in Canada never did die. And for the past three years, going on four, I would have taught at McGill, which is my mother's alma mater. She was class of 1951 at McGill University. We live not too far from where she grew up. And if I look out my apartment window I can see where Kamala Harris, and where Leonard Cohen, and where my mother went to high school. So, it is a great honor for me to be affiliated with not only with Henry King, but anything having to do with Canada. I'm life-long admirer of the country. I've dedicated myself to explain each country to the other; with scant success, I must say, but with great enthusiasm.

And so, I'm going to accept this award very gratefully, in the name of my mother and my grandparents, who I wish were here to celebrate with me and with you. They would have been so proud, but my father from Massachusetts would have been bewildered. In any case, I'm delighted to have anything to do with Canada. And my entire family, my only relatives really live in Canada. We say thank you to you and we salute you for the work you do and the honor you bring upon that work. I'm very, very grateful and I'll be very, very happy to have this award, so I thank all of you. And all I can say: is we stand on guard. Thank you so much. I guess I'll see all of you at 9:15 tomorrow morning.

Mr. HERMAN: David, there's a plaque here. This plaque is given to you for your dedication to our Institute. So, thank you very much.

Mr. PETRAS: Alright. The next award is the Sidney Picker Award, and Sidney Picker was actually the founder of the Canada - United States Law Institute. And it's interesting - this institute was founded in 1976, here at Case Law School, which was the year that I started law school at this law school. And I remember I went up to Sidney because he was the professor of international law. I said, 'Professor Picker, I'm interested in international law.' And he goes, 'Let me tell you about what I'm doing. I'm starting this Canada - United States Law Institute.' And I thought, "Wow, that's fabulous, what a great idea." And I've been involved ever since. Sidney was the founder, outstanding professor of international law here at Case and we have the outstanding pleasure, Sidney passed away on us, but tonight, to honor us with her presence, is Sidney's wife, Jane Picker. Jane, thank you very much. And what an outstanding couple Jane and Sidney were, because Jane is a professor of international law, and she was at Cleveland State University. A very powerful combination, the two of them. And I was just informed today by Dean Michael Scharf that an alumni of our law school, who was a student of Professor Picker, was so impressed he has set up an endowed scholarship in honor of Professor Picker to support students who have an interest in international law or international business. That's hot off the press today. That's awesome.

This year's winner of the Sidney Picker Award is our own Professor Diane Francis. Now some of you may have said wait a minute, I thought that she might have gotten that award in 2014. Well, that was the intention, but she couldn't be here to accept it. So tonight, we're going to do a special tribute to Diane Francis, editor-at-large of the National Post, distinguished professor at Ryerson University in the Ted Rogers School of Management, and importantly, a member of our executive committee. Diane is a well-known journalist and author, broadcaster, and editor-at-large at the National Post. She writes publications around the world and is a regular contributor to radio, television, the Postmedia newspaper chain, the Atlantic Council, and the Kyiv Post, among other publications. She has written several books, interesting books on corruption and books on US - Canada relations. If you really want to dig deep into U.S. - Canada relations, read the *Merger of the Century*, that she wrote. Fabulous book.

She has recently been publishing a column that has been focusing on Ukraine, which has very well thought out, researched, and insightful approaches to what's going on there. She has truly been an impact in journalism and particularly in the relationship between Canada and the United States. Diane, it's an honor to present this award to you. Please come forward.

Ms. DIANE FRANCIS: Totally unfair. I had no idea. No tip off. I couldn't do any good lines. Wow, this is amazing. I'm so honored. Holy mackerel. Well, like your last recipient, I'm a 50/50; born in the U.S., chose Canada at 19, stayed, dual citizen. Love both places. Understand the foibles of both and the good things of both. And I'm honored to be part of the Law Institute. And I'm really, I'm quite bowled over by this award. Thank you so much. Thank you.

Mr. PETRAS: Yes, alright everyone, now it's time for our keynote presentation. And here to introduce our keynote speaker is the Honorable Jim Peterson. Jim is the co-chair of the Canada U.S. Law Institute's executive committee. He's counsel at the Canadian law firm of Fasken LLP. He served in the government of Canada as Minister of International Trade, Secretary of State, and chair of the House of Commons Standing Committee on Finance. As Minister of International Trade, Jim represented Canada at the World Trade Organization's Doha Round of negotiations, which were focused on expanding trade and investment in the leading emerging markets, which at that time were Brazil, Russia, India, and China. He was also materially involved in Canada's participation the North American Free Trade Agreement, as well as representing Canada to the European Union. While Secretary of State from 1977 to 2002, Jim was instrumental in piloting significant financial institution reforms throughout the Parliament, including legislation permitting foreign bank branching, aligning Canada with the international standards to fight against money laundering and terrorism. Jim retired from the House of Commons in 2007, after 23 years of public service as the Member of Parliament from Willowdale, Toronto. He has been a stalwart member to the Canada - United States Law Institute. And Jim, to introduce our keynote speaker, the floor is yours.

THE HONORABLE JIM PETERSON: This is our first annual meeting of CUSLI in three years which is being conducted not only virtually but in person. I must tell you I have long been looking forward to being with you this year at Case

Western. However, last Thursday my wonderful wife Heather and I had a meeting with our family doctor. He outlined to us the very real risks from COVID-19 which are still there, and especially for Heather, who is immunocompromised. As much as I wanted to be with all of you in Cleveland, I decided it would be most irresponsible to do so in person.

I wish to thank our very fine CUSLI staff, headed by Steve Petras, and including Ted Perrin, Eric Tyler, and many others. I want to tell you that I still feel very privileged to be a co-chair of CUSLI's executive committee, and to serve with Jim Blanchard, whom I have known since he was US Ambassador to Canada. A great co-chair, a great ambassador, a great politician, and great friend. And I could not be more grateful to the members of our executive committee, both American and Canadian. We work together in such a cooperative way. Just to talk about our Canadian members, Larry Herman from whom you've heard already, and Selma Lussenberg, Diane Francis, Martha Hall Findlay, Dean Erika Chamberlain, and Chi Carmody, all of whom you will be hearing from tomorrow. They have all played leading roles in our annual meeting on our supply chain challenges. And also, I would like to mention, the latest member to join our executive committee, Peter MacKay. He has been a 30-year friend of the Canadian keynote speaker tonight, Goldy Hyder.

Goldy Hyder is president and CEO of the Business Council of Canada. The council was founded in 1976 and represents the chief executives of over 150 leading Canadian companies who employ over 1.7 million Canadians and are from every major industry and every region of Canada. The Business Council is a bridge bringing together governments and business to help Canadians prosper in so many ways, through better jobs, attracting foreign investment, our global competitiveness, our digital economy, and working with foreign governments to make Canada's economy stronger.

When I was Member of Parliament and in cabinet, the Business Council was regarded as the single most important voice from the business world. And I'm just thrilled that as president and CEO, Goldy Hyder is with us today.

Mr. Hyder brings a truly impressive background, as being a top person at the Business Council. He served as Director of Policy and Chief of Staff to the Right Honorable Joe Clark, former Prime Minister, and leader of Canada's Progressive Conservative Party. As one of Goldy's former colleagues, who was a Liberal said to me, "Well don't let that bother you Jim, he was a good Conservative." I've always had a lot of respect for Mr. Clark. Mr. Hyder, went from government to Hill & Knowlton Strategies Canada, a global public relations firm. He served as president and CEO from 2014 to 2018. As a leader, he was active in attracting a great deal of foreign investment to Canada and opening up new markets. He gained much respect throughout our business communities. But also respect for the work that he did for charities and non-profits. He was a former co-chair of the United Way in Ottawa, a chair of the Ottawa Senators Foundation, and was on the board of governors of Carleton University. Currently, he's vice-chair to the Asia Pacific Foundation. He's on the Canada's Asia Business Leaders Advisory Council, a co-chair of Canada's World Trade Organized Business Advisory Council and a member of Century Initiative, which is aimed at responsibly growing Canada to a

population of 100 million by the next century. He's a host of Speaking of Business, a podcast which interviews entrepreneurs, innovators, and business leaders. Mr. Hyder has also been a leader in promoting diversity and inclusiveness. He's on the advisory board of Catalyst Canada, which constitutes a galvanized community of multinational corporations to accelerate and advance women into leadership. It works to address the innate concerns of Canadian women in business through research, education, and events. And he's also on the advisory board of the 30% Club, which consists of the 1000 board chairs and CEOs from more than twenty countries to deliver at least 30% female representation at both board and CEO levels. They have found time again that research shows that diverse corporations outperform their less diverse peers.

Mr. Hyder, not only are you the top person at one of the very top positions in Canada today, you are a person who spends so much effort and knowledge making Canada better in so many ways, not just business. And you are following in the footsteps of Tom d'Aquino and John Manley, your predecessors at the Business Council. Both have been recognized as being among our very best and brightest, as are you. We cannot be more fortunate than to have you present and open our keynote address and distinguished lecture on securing Canada's future. Thank you so much for being with us.

MR. GOLDY HYDER: Well, I'm quite moved Jim, thank you so much. To hear those words from you is really humbling, and it's a real pleasure and a privilege to be affiliated with anything that people like Jim Peterson and Peter McKay, my friends, are. And so, it's great to be here. Great to be here with you tonight. Diane, congratulations. One of our members is John Beck who happens to be, how do we say that again, you're his better half? Right, is that how we say that?

You know, one of the things they always say in speeches is to try and establish your local roots in some way, shape, or form. And so, this is my first trip to Cleveland, my first chance to be here, so thank you for having me and it's wonderful to be here on this campus. But actually, I was looking through my phone to quickly identify how many people I know here from a client that I used to have at Cliffs Natural Resources, and it turns out there are a dozen contacts in my phone list at Cliffs Natural Resources, going all the way back to Dana and others. So, it feels like even though we never had a chance to come down here at that time, it's like coming home to a client like yours, that you were. So, it's great to be here where at least I have some connection.

I'm not going to be as funny as the other speakers to be honest, partly because I think this is a very serious time now and my prepared remarks will hopefully help you understand why I'm feeling the way I am. And it's really reflecting the views of the members that Jim described that I represent, many of whom are not just Canadian business leaders but frankly global business leaders.

The great American author, Mark Twain, famously noted 'history doesn't repeat itself, but it often rhymes,' and had I been standing here two years ago or even two months ago, I might have said that we are in the rhyming 20s. As was the case in the 1920s, we find ourselves in the aftermath of a global pandemic, with socio-political upheaval around the world. Today, however, our

circumstances more closely resemble a more recent period, one that is only a half a century ago. You see, in the 1970s, inflation evolved into stagflation, amid a global energy crisis caused by the weaponization of oil. Russian soldiers invaded a bordering country where they faced fiercer fighting than they had expected. Sound familiar? A Republican President had left office under the cloud of congressional investigations into his abuse of power. He was to be followed by a Democrat destined to be a one term commander in chief, who faced an emerging China. Canadians, meanwhile, were being led by a Prime Minister, wait for it, with the last name Trudeau.

The 70s were a decade of difficulty but ushered in an era of unprecedented cooperation between Canada and the United States. The creation of the G7 and, later, the US - Canada Free Trade Agreement, strengthened and solidified our economic ties; and of course, it was in that same period, 1976 to be exact, that the Canada - United States Law Institute was born. The same year, a group of far-sighted Canadian business leaders founded the very counsel that I am now privileged to lead. It was, in short, a period of great upheaval and great transformation, but even greater ambition. And so today, as we experience similar challenges, we must meet our moment with similar outsized ambition. It is a time for what former U.S. Treasury Secretary Larry Summers, called a 'new seriousness'. We must not only strengthen our integrated economies and supply chains; we must actually secure them. Every day I have the privilege of speaking to North American business leaders and they say we must focus on three areas. First, economic security, second, energy and environmental security, and third, defense and cyber security.

Now when I speak of economic security, I'm referring to our collective ability to ensure the growth and stability of the American and Canadian economies. Put simply, having the means and the ability to produce or acquire the essentials that power our economic engines and provide a high standard of living to our people. In my view, frankly, the view of our members, the best way, in fact probably the only way, to achieve economic security in these uncertain and competitive global markets is to adopt a more continental approach. The Coronavirus pandemic and Putin's war have unleashed a combination of chaotic forces into the world economy. We've experienced shortages and supply chain disruptions on a scale, frankly, we haven't endured since World War Two. Domestically, these forces have also given new life to an old threat: protectionism. North America's economic security requires us to resist or remove barriers to cross border trade and travel. Now, sometimes this means actually removing physical barriers as was the case in February when protestors had blockaded the Detroit-Windsor Ambassador Bridge. Now, let me pause here to recognize another ambassador who is with us tomorrow; and that is U.S. Ambassador to Canada David Cohen. Ambassador Cohen has been very busy, including pushing for new legislation to prevent future border blockades. And let me say to Ambassador Cohen, he has the full support of the members of the Business Council of Canada for his efforts.

Fortunately, physical barriers are rare. It's the ones you don't see, actually, that sometimes get you into trouble. By that, I mean we need to remove political barriers; rules, or regulations restricting the movement of people and goods. You

know, you don't need to have a Western or a Case Western law degree to support a rules-based trading regime - although, I'm sure it would be helpful to you to understand it - but any such rules must facilitate and not frustrate trade between our two countries. Regional preferences and rules of origin which disrupt and discourage trade undermine our economic security. And this includes Made in America provisions, which may seem innocuous, but hurt innocent trade partners in Canada. As CEO of the Business Council of Canada, I've spoken out against proposed actions by the U.S. government on EV tax credits, buy America rules, and section 232 tariffs. These measures were intended to target other countries, but unfortunately Canada got caught in that crossfire. That's not to say that Canada always comes to the trade table with clean hands. We don't. I have to acknowledge that; we don't. And Canadian business leaders have and will always speak out against restrictive trade policies even at home. We believe that Canada and the US must adhere to both the letter and the spirit of the USMCA. We must implement and leverage it fully, including the North American Competitiveness Committee that it created. In addition, we must align or harmonize our regulatory regimes to avoid creating non-tariff barriers to trade. We need to focus on productivity, not on protectionism. Our fully integrated auto sector, which has its roots in the 1960s Auto Pact, is a model for this type of cooperation. That is why back in December we were so concerned about the proposed Build Back Better tax credits. When we met Senator Joe Manchin in Washington last month, members of the Business Council thanked him for his decisive opposition to these credits. Around the world, we see countries and regions coalesce into a variety of formal and informal trading blocks. Now to compete with them, we in North America need to think of ourselves as partners in a continental joint venture.

Which brings me to our second area of focus: energy and environmental security. Russia's unprovoked and unacceptable attack on Ukraine has disrupted global energy markets. Despite being rich in resources, North America is clearly not insulated from dramatic shifts in both energy demand and energy supply. Even where we are capable of ramping up production or releasing reserves, we actually struggle getting them into the market. So, to be clear, I don't just mean overseas markets; it embarrasses me to say that Canadian producers today, struggle to deliver energy to customers on the other side of our shared border. The cause of this problem is quite simple: we haven't made the necessary investments in our cross-border energy infrastructure. Instead of acting to shore up our shared energy security, we've allowed these decisions to be politicized. We simply cannot afford to keep making that mistake. We need to act together to prepare for the next energy crisis; whatever, whenever, and wherever it might be. Now in the short term, that means continuing to pursue responsible development of our oil and gas revenues. It also means building the necessary infrastructure to leverage our shared security, to produce and distribute next generation net zero energy resources. And here, it is up to government to lead. For too long now, NGOs and special interests have had de facto veto on energy infrastructure development and while governments must listen to their concerns, energy security requires that we have the means to both extract and to export it. As I noted, Ambassador Cohen, who is again with us tomorrow, I would be remiss if I didn't mention the marching orders he received

from his boss, the President. Last year, President Biden and Prime Minister Trudeau unveiled a road map for renewed US - Canada partnership. It is a comprehensive blueprint for how our two countries can, and must, work closer together in key vital areas. It includes a commitment to clean energy, and the infrastructure that supports that clean energy, as well as cross-border electricity transmission. Specifically, it calls on us to enhance security and resilience - that's a word you hear a lot these days, the resilience - of our shared critical infrastructure. And given the integrated nature of our transportation networks, we must work together to accelerate the adoption of zero emission vehicles. Now you'll note that I said zero emission in full. I just wanted to avoid the 'Zee-E' or the 'Zed-E' gaffe. Now, to make North America a global leader in EVs and battery technology, production and integrated supply chains, we have to simply harness the critical minerals that are here in North America. We must deal with geopolitical realities, as well as geological realities. You know that the main ingredient in electrical vehicle battery is cobalt. Most of it is in the Democratic Republic of Congo, DRC, which is really influenced by a country called China. There's a little bit of it in Idaho, but not a heck of a lot anywhere else in the world. We have a town called Cobalt in Ontario, but it doesn't actually have cobalt. The only way we're going to not be reliant on that is if we do the innovation to make batteries that don't necessarily require cobalt. So, we've got to be strategic; we've got to think through what we have, and what we don't have, and how it is we are going to be able to control our own destinies. I mean the truth is, much of the world's critical mineral deposits are located outside of North America. So, we need to map out these reserves we have within our borders and also those we can access with friendly allies so that we can have access in a secure reliable way; otherwise we'll be driving electrical vehicles that may not be able to have a new battery or we won't be able to charge it. We must find a way to control our own destiny. China and Russia have been doing exactly this for years and so we need to combine our efforts, not fight each other, but combine our efforts to catch up to them. They are well ahead of us in this regard. So, securing access to critical minerals is absolutely vital to both our energy security and our economic security.

Now look, I'm an Albertan, so I've obviously talked a lot about extraction, but let me be clear: environmental security is essential to energy security. Moreover, climate change is a great and grave threat to our economic security. So, last year we saw how flooding in the Pacific Northwest crippled a crucial trade corridor in British Columbia. Wildfires in western parts of the United States and Canada resulted in billions of dollars of damage. Extreme weather events are becoming more common and costly, not only to our livelihoods but, frankly, in human lives. On the eve of Earth Day, let me emphasize the need to address the devastating impact of climate change. This is another area where we should take our cue from the golden age of cross-border cooperation. The same two leaders, who ushered in the US-Canada Free Trade Agreement, President Ronald Reagan and the Right Honorable Prime Minister Brian Mulroney, also signed the landmark Acid Rain Treaty. That is the level of cooperation we need again, now. Geographic proximity requires us to address climate change and environmental sustainability in lock step. We need a common front on the climate change battle.

Now, I use those military terms deliberately as I pivot to our final priority: defense and cyber security. Russia's illegal and outrageous invasion of Ukraine is a stark reminder that our two countries are not just friends, neighbors, and economic partners; we are NATO and NORAD allies. Canada and the United States must continue to stand shoulder to shoulder on continental defense. Soon after Russian troops moved into Ukraine, I wrote to our government on behalf of our members to reiterate our long-standing support for increased defense spending. Now, some said 'Why would the head of the Business Council of Canada have a point of view on some defense issue?' It's called the national interest, and I wasn't the first one, both my predecessors, who were named by Jim, John Manley and Tom d'Aquino, had written in their own time about the importance of defense as a national interest issue. Because if you don't have that, you don't have a business environment in which you can operate. So, we were pleased to do it; we were even more pleased to see that this government, Mr. Trudeau's government, responded positively in the recent federal budget, at least directionally putting us on track to meet our NATO commitments. We were also pleased by the government of Canada's long-standing decision to purchase 88 US-made Lockheed Martin F-35 fighter jets, finally. Now my good friend, Peter McKay, who is with us, I believe, virtually tonight, deserves a great deal of credit for all of his work on this file, as Canada's former Defense Minister; and, obviously, today's Defense Minister, also a good friend, Anita Anand, deserves credit for finally bringing it across the finish line. Now let me be frank, it is tough to sustain a positive bilateral economic partnership if the United States thinks that Canada is going to be a freeloader or a laggard on national security. I don't believe we are, but the perception can be a problem as well. We need to do more, and we need to do better and we're on, at least, the right track now to do so. It's too bad it took a war to do that. I've seen the reputational harm that this can do in Washington when discussing trade and investment issues. We've heard much talk about how Australia has muscled its way into America's heart through a strong defense policy. My hope is that the recent moves by the Government of Canada will remind Americans that we too are committed to defense. And to that end we know that continental defense isn't simply about conventional forces. It's also about cybersecurity.

Earlier, I mentioned the roadmap for a renewed US-Canada partnership and, importantly, that road map calls for increased and bilateral cooperation on cybersecurity. If I ask any one of my members what's keeping you up tonight, the answer is 99.9% of the time cyber threats. Sure, labor issues, sure taxes, regulations all kinds of other things show up - the single answer you will get from them is cyber security. Especially now, because of the mischief being caused by Russians and others during this war. So, we need to commit our two countries to create a framework for collaboration on cybersecurity. State-sponsored cyber-attacks target trade by basically disrupting our energy infrastructure, utilities, financial networks, telecommunications. You know, the attacks on the telecommunication industry are in the billions in a day, billions. That's how much mischief is going on out there. And when I was in Washington last month on the day that President Biden spoke with the Business Round Table, our counterparts here in the United States, he spoke about cyber security amongst many things. In

fact, when I met with some of the members of the Business Round Table immediately after the President's remarks, they told myself and my colleagues that he said it's up to business leaders and that it was their patriotic duty - this is President Biden saying to the American business community - it is your patriotic duty to help protect Americans by investing more in cyber security. Now, I would go further. I would suggest to you that we have a shared obligation to do more to protect all of North America from cyber threats because, you see, cyber threats are much like the virus; they don't know any borders or boundaries. They don't do customs and immigration on their way into the continent. We need to work together because states that sponsor or engage in cyber warfare can and will target each of us through the other. Your weakness is our weakness, your strength is our strength.

Let me close by simply saying that we must recognize - here's that word again - the resilience and reliability of our economic ties. We're facing similar threats. And when similar forces threatened our two countries in the 1970s and the 1980s, we overcame them together. Not separately, together. Leaders such as Ronald Reagan and Brian Mulroney acted together on trade, on the environment, and yes, on defense. Our leaders today must follow that example, and act to protect our collective economic security, our collective energy and environmental security, as well as our collective defense in cyber security. Simply put, a failure to act would in fact be an act of failure. And we do this not for ourselves, but we do this for future generations. Thank you.

Mr. PETRAS: Thank you very much, Mr. Hyder, for your remarks, your very insightful, very provocative remarks. We do have time for some questions, so if anyone has a question for Mr. Hyder. Any questions? Anybody, anybody with a with a question? Chris?

UNIDENTIFIED SPEAKER: Can you talk a little about the rule of law in Canada's relations and why the law matters for the way in which we conduct our relationship?

Mr. HYDER: Thanks, Chris. I mean look. The short answer is, at least from a business perspective, what is it that we look for: we look for predictable, stable regulatory and political environments in which we can make long-term investments to help the local community create jobs and use that possibly as a hub to create jobs in other places. It's not asking for much, actually, when you think about it. Just give me a rule of law that allows me to say that law is actually going to be applied the way it's intended to be applied when the time comes. I've said this publicly in many of the places I've traveled around the world pre-COVID. If we don't do that - money is agnostic, capital is about multiplication, it's not a philosophy class. It will go to where it can multiply. And sadly now, what that means is you actually end up driving capital to the very people you're competing against: communist regimes autocrats and others. Because at the end of the day, they may roll out the red carpet of predictability and stability and offer you labor, offer you discounts, offer you an environment that's conducive to investing. You know you're going to do that for your shareholder, in some cases they're in the room with the shareholders who say, 'thank god they're doing that because I like my dividend.' It doesn't have to be that way; if we made sure, and this is what I

meant earlier about the politicization; like with all due respect, the fact is there are hundreds and thousands and millions of miles of pipe underneath us, all across North America. They were built largely at an arm's length from political decision making. The politicization of infrastructure, and the politicization of foreign investment, has created investment chill. Now, I know people say oh the numbers have all gone up, yeah they're going up in technology sectors: what has Canada built? What have you [America] built? And if we don't do that, we're going to go somewhere else, and I think we are guinea pigs, with all due respect, like none of us here are questioning climate change or anything that's going on, but it isn't a light switch, it's a transition; it's going to require a hell of a lot of capital, and it's going to require a lot of innovation, a lot of patience there's a commitment I know. Martha, my friend, is going to be moderating a panel tomorrow, you know she's at the core of a group called the pathways group. We're all working together because you know what, governments go out to these conferences and set targets 'oh it's going to be 30 percent, no it's going to be 40 percent.' They haven't got a clue how they're going to do that because it's not their job it's our job. And so, if you give us the capacity to innovate, get out of the way, let us put the capital to work. Let us use the ingenuity of the Canadian and American minds to lead the world on the climate transition. Instead, what we've done is driven the capital away, right, and the other countries, take a look at Europe - and Diane's the expert on this so I won't take her on any of this - take a look at Europe, but they invaded Crimea, the Russians, and the vast response from Europe was to buy 25% more grass from Russia. This is a marketing event for him [Putin]. Right? Like, we have got to get off the reliance, you have a President of the United States calling Venezuela, Iran, and Saudi Arabia -two of whom haven't returned the call. You have a President of the United States who took 50 million barrels of reserve out only to add another 180 million barrels of reserve over the next six months, and instructed those very members in that room 'in six months in one day you need to come up with a million a day because we need it for them' Well, what happened? I thought we're all off fossil fuels and all. I thought that's what the plan was, right? And so, you said no to keystone, with all due respect, 800,000 barrels a day Russia gives you 600,000, you would have had all of that and then some. We're [Canada] only able to now send you [America] two to three hundred thousand on a train - can't put it in a pipe, pipes are full. These are self-made problems, and it all comes back to either we have a predictable stable regulatory system that attracts capital, that allows us to do what we do best; bring in the talent and lead the world in transition because let me tell you those other countries he's calling, I'm pretty sure they're not thinking about climate change - pretty sure. So we owe it to ourselves to have that conversation, and I think government, with all due respect, this is why you run for office, this is why you get elected, is to stand up and to say "look the reality is this, not what you framed it to be."

Mr. PETRAS: Other questions? Jim Blanchard.

THE HONORABLE JIM BLANCHARD: I have a question. I thought that was a wonderful speech. Thank you for your comments, thank you for being with us. We really appreciate it. We're honored to have you. My question is: how do you and your members view the political climate in the United States today?

Mr. HYDER: So, you were the diplomat of the two of us, right? I'm looking to you for some advice here, Jim. Well, first of all thank you for your kind words, it's good to see you again. Our paths have crossed many, many times, and you're a great example of what our relationship is about: people who care about both sides of the border.

Well look, let me put it this way, I have now spent three of the last five weeks in Washington. Multiple trips, again and again and again, which you've got to ask yourself: why I am doing that as regularly as I am? I'm going to have no trouble getting meetings in Congress and in the Senate including, as I said with Senator Manchin, Senator Toomey, all kinds of other people. I think this is a reality check moment. I think even the Democrats that I've been speaking to, and my members have been talking to and others are realizing some of the things we did over the last decade, whoops. Look at Europe as I said, right. You turned off nuclear plants, you wanted to run on renewables, uh oh, that didn't work out very well. Four or five, six hundred percent inflation on your utilities costs. Like, we're doing a lot of things that the public is not on the ride for. The public's issue out there today is inflation, and not any of the things that I've talked about. That's what Joe Public is talking about in Canada and the United States. So, when we went down there, we had a sense that this is a moment where just maybe we can recalibrate and reset some of the things that I just spoke about tonight. Because, when you see a President of the United States calling those people that I mentioned begging - let's be honest, begging - for oil when you know your neighbor has it, and your neighbor cares about climate change, your neighbor cares about human rights, your neighbor would do whatever it took to get that infrastructure built in as responsible of a way as possible, would do restitution, God forbid, because you know what? Stuff does happen. To make sure, that if it does happen, that there's restitution to make sure that you build collaborative partnerships and build the so-called 'social license' with Indigenous communities and others; it's Canadians who would help and think about all of those things.

Now, I know it's not fair for me to say that to you, because we can't build energy east either, but the hijacking of our agenda is I think cherry-pick democracies, because we're vulnerable to having our leaders follow movements now. They call themselves movements. What happened to leadership? What happened to Ronald Reagan saying you're all fired to the air traffic controllers, or Margaret Thatcher saying this lady's not for turning, you know? What happened to Pierre Trudeau saying "just watch me." I mean, these are all iconic leaders I'm not talking about whether you agree or disagree with what was said. They had a point of view. And they led. We need the return of political leadership. That's what our people expect of us, and I'm very worried that the situation in the United States is going to ripple into Canada. When I spoke with our Prime Minister about this very issue in December of 2019, we both said to each other we got to make sure that never happens up here. I said, well, what makes you think we're so immune? What makes you think we're so immune to that, right? We have to be very careful of that emerging up here. I'm optimistic, because I've often said you know why are you laughing, well the alternative is to cry, but I believe that this is a moment where we might be able to insert reason, facts, rationality into the discussion and

the debate about just what kind of a transition we're into. Because the biggest risk out there, I never talked about: it's actually the public. The public is not entirely aware of what's coming at them on this climate change thing. They're all for it if there's a carbon tax, and there's a rebate. Good spirits, "here's 50 bucks for my utilities budget you know what I'll double it I'll make 100 a year out of my utilities budget for the climate change agenda, but don't ask me for 101. I don't have 101." Who's going to tell them it's 25,000 to replace your heat pump? Who's going to tell them that if natural gas is going to be turned off - their barbecue, their pool heater, their stove, their dryer, what is that going to run on, right? Meanwhile we're sitting on all of these assets here; America is utilizing its fracking, sending it out because it's light oil and they can't do anything with it, here. We've got LNG that could be sent to Europe - I had the European ambassador in my office last week and she said "tell me what you can do for us in the next 10 years. We need to get off reliance on Russia and others, we've got 10 years to do it, what can you do?" And I said could you have people in Europe call some of my premiers to say "hey can we get that thing built? Because if we don't get access to the coast, I can't send you anything." The best thing we can do for Europe today is send them LNG so they can store it and keep it for any day that they want to use it. You need infrastructure for that, and so I think if we can come together in a moment of rational reasonable reset and recalibrate the discussion, I really believe the people would come with us.

Mr. PETRAS: Michael Robinson.

Mr. MICHAEL ROBINSON: Thank you for that very illuminating speech. Speaking of the disincentives to foreign investment, has your organization taken a position on the United Nations Declaration of the Rights of Indigenous People, by which we are the only one of two countries in the world - the other being Bolivia, which of course has an indigenous president - to incorporate into the law of Canada.

Mr. HYDER: Yeah, so, UNDRIP is something that this Government has embraced. Our position really is one of what I have seen is the modern Indigenous community, the community that is emerging today, 50 percent of Indigenous people in Canada are below the age of 25. They want to play. They want a piece of it. They want to have the skills developed, they want equity, you know the number one bidder on the TMX Pipeline is probably going to be an Indigenous group. One of my members sold an asset in Atlantic Canada - two billion dollars came from the Indigenous groups. There is an opportunity here to bring them in, and help with jobs, help with economic development, help with prosperity, help with the long-term agenda. I really believe that when there's a will, there is a way, and I don't know if we need the United Nations to tell us that. But the truth is in Canada, we tend to be naturally stakeholder oriented. We do believe in dialogue. We do believe in being able to sit down and engage in the work that Martha and others are doing in Alberta. I think it is a great example of that; there is actually a lot of social license that does exist, but our governments are beholden to those interests whom they hear from every day, which actually I believe represents a minority. I mean just take a look at our own position from the Environment Minister now. He wasn't for carbon capture. Look, we've got along great so if he's

listening, I'm sorry, or if he sees this. But originally, he didn't believe in carbon capture. Now, the international body said actually carbon capture is going to be one of the most effective ways to help bring down emissions, right. So, carbon capture was a prominent feature of the budget. It featured what we asked for, which is basically an incentive tax credit because remember for a corporation – please, if you've learned nothing tonight remember this - capturing carbon for a corporation is a hundred percent cost. There is no market for that carbon after it's captured. So, it's a societal good being done on behalf of business in the interests of Canadian national interest in this case, right. There's nobody, I mean unless carbon fibers come to be or whatever, this is all cost. We're absorbing 50 percent of it now. Hopefully this tax credit allows the 50 percent that government to share in that. Same thing on nuclear. How can you have a clean energy policy that says, "we don't want nuclear?" Japan turned off nuclear plants and turned on coal plants. Now, Japan has to turn back on nuclear plants because it's not working. Germany did the exact same thing, right. Back to leadership. Tell the people the truth. I really think the Canadian public and the American public are pretty darn smart. Just be honest with them. This is what it's going to take; this is how it's going to happen; this is what it's going to cost you; this is what we're going to do; this is how long it's going to take; these are some of the bets; we don't know if they'll materialize; nobody knows if blue or green hydrogen will materialize, we're trying. We don't know." It could be something else. But give them some confidence and some hope that the leaders of their country, business leaders, and government leaders are working together to solve that problem with the Indigenous communities and with others. And I think there's a real opportunity here because there is a will. And the Indigenous communities I'm dealing with, I just met with a Chief a couple weeks ago, it was all about entrepreneurialism: how do I participate. And I think that's one of the game-changing moments from what we're accustomed to versus where we find ourselves now.

Mr. PETRAS: We have time for one more, yes back there.

UNIDENTIFIED SPEAKER: My question is very similar. Yes, we started with the land acknowledgment today and I'm wondering if you see opportunities for the United States and Canada to both work on addressing the atrocities of their colonial past of course.

Mr. HYDER: Of course. And I think that government after government has – both Conservative and Liberal - at least in Canada, has been um doing exactly that. There is a Truth and Reconciliation Report in Canada. This government has had it for seven years, and frankly should do more on what's on that list. Many of the things that are in that report are actually not that hard to do. We can just do them. And I think it's a question of action, and execution. Enough of the slogans, enough of the talk, I mean you're in power—just do it, right. To borrow from Nike, just do it. All I'm saying is that I do believe that there is a new dawn when it comes to the opportunities to engage with Indigenous communities who are very much entrepreneurial, who are very interested in, as I said, their own education, their own well-being, skills development. When you have the labor shortage that we do in Canada and you hear that 50 percent of the Indigenous communities are below the age of 25, we're ready to train them; we're ready to re-skill them; we're ready

to put them through whatever programs they need to be able to be a part of the economic success of our country. So, I think it's happening. It's also happening because people want it to happen, right. Again, I go back to the sensibilities of the Canadian and American people - we're good people, and I think we're pretty smart people. And so, on those areas, I only wish our governments would actually do what they said they were going to do.

Mr. PETRAS: Well, thank you very much. Well, everyone, that brings us to the conclusion of the opening of our 46th annual Canada-United States Law Institute Annual Conference. We start again tomorrow at eight o'clock at the Botanical Gardens. So, we stand adjourned; see you bright and early tomorrow. Thank you.