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Restoring frayed links with U.S.

Canada should adopt a Swiss Army knife approach to dealing with America: A different tool for every purpose

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When the verbal missiles are flying about our ears, it is easy to forget that Canada and the United States are condemned to share a continent, and there's no cure for that. We have been drafting treaties and creating organizations to manage the complexities of our relations since the 18th century, and we'll still be at it when "disappointment" about any given war is long forgotten.

Nevertheless, prominent academics, business leaders and former ambassadors still worry about the apparent weaknesses of North American institutions.

Canada is more dependent on the United States than ever before, they contend, but Americans are less interested than ever in taking account of other countries' views and we have no institutional mechanisms that can override this deafness.

The grand schemes designed to address these worries about North American institutions are usually based on the idea that more North American integration is needed, and that Canada can get inside the "perimeter" only by concentrating all aspects of our relations in one centralist framework.

We hear proposals for a single "seamless" market, "legal integration," a common currency, a North American "community" and a new constitution or treaty for North America.

I have a simple argument. If Canada and the U.S. had the strong common institution such proposals envisage, it would be located in Washington, for reasons Canadians should find easy to understand.

Recall the last referendum debate, when the rest of Canada was not too keen on the idea that Quebec wanted both sovereignty and some common institutions in which it would have parity with the rest of the country.

Those of us who would regret being even more tightly bound to our southern neighbours should seek both to recognize and to build on the strong constitutional framework that we already share.

The framework for the grand schemes took symbolic form in September, 2002 when the Ambassador Bridge between Detroit and Windsor was used as a backdrop for the signing of the Smart Border Accord by the U.S. president and the Canadian prime minister.

With the soaring bridge in mind, it is possible to dream of an overarching constitution in which the relations of Canadians and Americans can be subsumed in a strong state-to-state framework with a single set of coherent policy tools. This concrete framework is, however, a misleading metaphor for our shared future.

When we allow the temperature of relations with the White House to be the gauge of Canada-U.S. relations, we are also thinking metaphorically.

I'd like to suggest an alternative metaphor, one in which the decision of President George Bush to "postpone" his May visit to Canada is not especially worrying.

Instead of the metaphor of the overarching bridge, or one comprehensive treaty, the pluralist metaphor of the legal framework suggested by McGill law professor Rod Macdonald is a kaleidoscope, with its constantly shifting shapes and colours, just like our many shared institutions.

The kaleidoscopic North American constitution has been evolving at least since the Jay Treaty of 1794.

Canadians meet with their American counterparts in academic societies and professional associations. The provinces are members of many U.S. state associations.

Thousands of firms have integrated operations across borders, and myriad standard-setting bodies affect industrial and commercial practices. Family ties spread social norms. TV signals and the Internet ignore the border.

The NAFTA texts work well, but they do not work alone in guiding the interactions of millions of traders. Hundreds of treaties, arrangements and joint organizations govern aspects of the Canada-U.S. relationship, including the International Joint Commission created in 1909 and the nearly 60 bodies, covering everything from anti-dumping to road signs, created in the 1990s as a result of the NAFTA treaty.

The reader who accepts my depiction of North American institutions may still wonder what the federal government should do about the apparent difficulties in Canada-U.S. relations.

Do the proponents of grand schemes have a point? I don't think so. In single-point diplomacy, state-to-state relations are the responsibility of ambassadors and foreign ministers.

But in the U.S. power is everywhere, not just in the White House or on Capitol Hill, and no central institution can be created to manipulate it on Canada's behalf.

Canadians do not vote in U.S. elections and nothing we can say in the political arena will make much difference.

Whining does not win exemptions for "Canada" from new U.S. laws. And our difficulties with the U.S. Congress cannot be solved by creating more legal texts, let alone by trying to codify the North American "constitution" that we already have.

In contrast to the image of a document signed by our two leaders to solve all policy problems, or even a soothing speech by the president to Parliament, imagine a Swiss Army knife: Not a single tool nor even the same tool for every person, but a collection of tools infinitely adaptable to the purposes of millions of users. In Swiss knife diplomacy, Canada-U.S. relations are everyone's responsibility, not just the prime minister's. We should not treat the United States as a single point, nor should we try to put all Canada-U.S. relations on an Ottawa—Washington axis.

We should encourage Canadian officials, legislators, politicians, businessmen, lobbyists and other people from all levels of Canadian life to participate actively in the constant effort of defending Canadian interests in the United States.

Proponents of grand schemes should be clear about which "Canada" they have in mind. We need to distinguish the Canada that wants to be rich, from the Canada that wants its own administrative law traditions.

Analysts should avoid the temptation to say "we" will benefit from a policy of deeper integration with the United States when their desired outcome is merely reduced transaction costs for business.

Many Canadians hold other values more dearly. To be clear: I am not counselling inaction; rather, I am arguing that Canadians, be they private citizens or prime ministers, should be using all the institutions of North American integration that already exist, whether formal legal agreements or the informal ones created in the course of the millions of daily interactions between Canadians and Americans.

We must not be complacent, but we do not need to bundle everything into one framework.

Rather than seeing North American institutions only in Washington or only on an ambassadorial bridge from Washington to Ottawa, we can see them everywhere.

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