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ACTION-RESEARCH ROUNDTABLE

Advancing Canadian Interests in the United States:

A Practical Guide for Canadian Public Officials

CSPS Action-Research Roundtable on Managing Canada-US Relations

Chaired by Louis Ranger

by Jeff Heynen and John Higginbotham

CANADA SCHOOL OF PUBLIC SERVICE
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STRUCTURE OF THE GUIDE

The Guide is intended both for experienced practitioners of Canada-US relations as well as those new to the issue. It is both descriptive and prescriptive in its approach. While users are encouraged to read the document from start to finish, chapters can also be read separately.

Chapters 2 and 3 provide an overview of the main channels of collaboration between Canadian and US governments, focusing on bilateral processes and agreements between sectoral specialists. Chapters 4 and 5 focus on how bilateral relations are co-ordinated within and between Canadian governments. Chapters 6 and 7 focus on the US political system and how Canadian interests can best be advanced by government officials within this environment.

Figures, case studies, and tables are used throughout the guide. The selected quotations that appear in the margins were taken from interviews conducted by the authors of this study during the course of research. The lessons placed at the end of each chapter arise from the Roundtable's discussion and research. They are organized by the subject matter of each chapter rather than by order of importance.

The appendixes provide further information on bilateral processes and agreements, the similarities and differences between Canadian and US political institutions at the national and sub-national levels, and useful Web-based resources on US politics and government.

A companion document to this Guide entitled *Building Cross-Border Links: A Compendium of Canada-US Government Collaboration* is also available. The Compendium provides a representative sampling of the institutional channels of co-operation between Canadian and US governments at the federal and provincial-territorial-state levels.

Both this Guide and the Compendium are available on the Web site of the Canada School of Public Service at **www.mySCHOOL-monECOLE.gc.ca** under the Research section.

PREFACE

ACTION-RESEARCH

CSPS's Action-Research Roundtables bring together practitioners and experts to develop practical advice for dealing with pressing management challenges. The research process revolves around the deliberations of a diverse Roundtable—an ideal forum for rapidly pooling and scrutinizing knowledge, insights and experiences. The work of the Roundtable is typically conducted over a one-year period.

The management challenges are selected by managers and senior executives according to their urgency and importance to the public service as a whole. The objective is to provide leading-edge, focused and practical products that public managers genuinely value and use in their work.

The Roundtable is supported by a secretariat composed of public service researchers.

Few issues loom larger in Canadian public policy and administration than our relations with the United States—our neighbour, ally and principal economic partner. During the last few years, there has been wide debate about the direction of our bilateral relationship. Numerous studies inside and outside government have proposed new initiatives, from reinventing borders to enhancing regulatory co-operation.

The Canada School of Public Service (CSPS) launched this Action-Research Roundtable to contribute to an important although under-studied component of this debate. While many academic studies and media accounts emphasize the "high politics" of the bilateral relationship, particularly relations between Prime Ministers and Presidents, relatively few focus on the vast networks of public service and legislative co-operation occurring between governments. Indeed, it is surprising how limited our understanding is of the way individual departments, agencies and legislators co-operate across the border. In order to further strengthen Canada-US co-operation, we must understand how these relations actually work among sectoral specialists in federal and provincial governments.

The work of this Roundtable draws inspiration from previous Action-Research Roundtables undertaken by the Canada School of Public Service, in particular two Roundtables on horizontal management (*Moving from the Heroic to the Everyday* and *Using Horizontal Tools to Work Across Boundaries*) and one on crisis management (*Crisis and Emergency Management: A Guide for Managers of the Public Service of Canada*). The common thread in these studies is the importance of collaborating across organizational boundaries. Recognizing how to strengthen our collaborative practices across geographical borders is no different.

I would like to thank the Roundtable's Chair, Louis Ranger, Deputy Minister of Transport, for his commitment and leadership. I also applaud the invaluable contribution of the Roundtable members who volunteered their time and expertise. I am confident that you will find the work of this Roundtable a path-breaking contribution to the way we manage this vital relationship.

Janice Cochrane
President
Canada School of Public Service

A WORD FROM THE CHAIR

As domestic issues are increasingly affected by events taking place beyond borders, and as new actors emerge on the foreign policy stage, governments are reassessing the way they manage international issues. If "domestic" departments are pursuing and responding to global issues, then who defines a "whole-of-government" approach? What then is the role of a foreign ministry? What are the skills and competencies required in sectoral departments and central agencies to work effectively in an increasingly complex and specialized international environment?

The Canada-US relationship, defined by its deep and historic cross-border linkages, is the perfect test case to address such questions. Close co-operation between governments across sectors has long been a staple of this unique bilateral relationship. What has changed more recently is the range and scale of these linkages. Virtually all federal and provincial departments now have strong ties with their US counterparts, whether by sharing information on food safety, conducting joint inspections at ports of entry, or co-leading working groups on energy matters. Indeed, the extent of this collaboration in certain sectors has blurred the division between domestic and bilateral affairs.

By focusing on the networks of collaboration between government officials in Canada and the US, the Roundtable sought to provide guidance to Canadian public officials to make the most of these unique channels of cross-border co-operation. It aimed to highlight many of the essential practices that energize these channels, from building trust at the person-to-person level to understanding the institutional context within which US officials operate. Indeed, several lessons in this study can also be applied to Canada's other foreign relationships.

There are important implications of this research, which will require sustained attention by key practitioners of the relationship. The growing number of actors on both sides of the border requires reinforced strategic co-ordination in the pursuit of Canadian interests, whether through political leadership, formal institutions, overarching policy frameworks or formalized training. At the same time, governments must admit humility in the face of this environment: they can never co-ordinate all aspects of the Canada-US relationship.

The two main outputs of the Roundtable—this Guide for public officials and the accompanying Compendium—provide information and lessons geared to both new and seasoned practitioners of Canada-US relations. There is clearly much expertise on bilateral relations within Canadian governments. But given the dynamic and complex nature of this relationship, there is a pressing need for more, from the working levels to senior official levels.

Finally, I would like to thank the Roundtable members for their invaluable contribution. All of them generously shared their considerable expertise on this important topic. I would also like to thank the members of the Roundtable Secretariat, especially Jeff Heynen (as co-ordinator) and John Higginbotham (as senior advisor), for their energy and intellectual support throughout the process.

Louis Ranger
Chair
CSPS Action-Research Roundtable on Managing Canada-US Relations

ACKNOWLEDGMENTS

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The Roundtable Secretariat would like to thank the many individuals who contributed to this project, especially those who responded to the survey questionnaire (see Compendium on page 5 for names), prepared case studies, participated in interviews, and contributed to the revision of drafts. The International and Intergovernmental Affairs Branch of the Government of Alberta kindly provided much of the information in Appendix II. The success of this Roundtable would not have been possible without the collaboration of all these individuals.

EXECUTIVE SUMMARY

CONTEXT

Canada-US relations have always been driven by a complex set of interactions among state and non-state actors. Indeed, the interconnected nature of both economies and societies has meant that decisions made in one country often have important ramifications in the other. In exploring the management of Canada-US relations, the Roundtable has focused on better understanding the bilateral networks of governmental officials. In particular, it has examined the interaction between Canadian and US public servants and legislators in federal, provincial, territorial and state governments across a range of cross-border sectoral issues.

NETWORKS OF COLLABORATION

The key finding in the Roundtable's research is that the unique strength of Canada-US relations resides primarily in the person-to-person linkages between officials. The bulk of contact now takes place "beneath the surface" of formal diplomatic arrangements through highly specialized and functional channels (e.g., regulators, scientists, economic analysts, etc.). Interaction is largely expert- and issue-driven, led primarily by sectoral departments rather than central or co-ordinating agencies in the federal or sub-national governments.

Despite the myriad points of contact and the over 300 treaties in force, the Canada-US relationship is a largely non-institutionalized one at the supranational level, particularly relative to the European Union. However, "light" institutions and agreements, such as working groups and memoranda of understanding, play an important role in facilitating collaboration and contact. This is important given regular changes in personnel, especially following new US administrations. Moreover, these institutions are very effective in bringing attention to Canadian issues within the diffuse and dynamic nature of the US political environment.

A hallmark of most of these processes is their informality, whether through information sharing, joint problem solving or joint operations. The personal relationships within these networks create incentives to establish a good reputation, essential for long-term co-operation.

CO-ORDINATION OF THE RELATIONSHIP

The multiplicity of international actors within governments, a feature of most developed nations, raises new challenges in the management of Canada-US relations. While the bilateral relationship is too complex for a single government to "manage," the role of providing some guidance to the increasing number of government and non-government players nonetheless remains. This role requires that practitioners of the relationship share information about the US and seek guidance from the main co-ordinators of Canada-US relations, such as the Privy Council Office, Foreign Affairs Canada, International Trade Canada and Canadian missions in the US, among others. An important motivation for co-ordination is to ensure as much as possible that Canadian actors speak with a single voice in their interactions with US officials.

The active involvement of provincial and territorial governments in foreign affairs also necessitates intergovernmental collaboration on Canada-US issues, particularly in areas of concurrent jurisdiction (e.g., agriculture and immigration) and overlapping responsibilities (e.g., environment, natural resources, policing and transportation). Canadian governments have considerable knowledge of the regional variances of the US through the work of Canadian consulates, extensive provincial-state government contact, and informal regional networks. It is critical that Canadian officials at all levels share this expertise.

UNDERSTANDING THE UNITED STATES

Given global imperatives and historical preoccupations, the US government approaches Canada-US relations with a different set of foreign policy priorities. Preoccupations over security and defence have typically been the key bilateral concern for US officials. It is fundamental that Canadian officials be aware how an issue is perceived from the American perspective, including the policy preferences at play among state and non-state actors at the national and local levels.

Canadian officials must also understand how an issue of importance to Canada will play out in US domestic politics. This requires a comprehension of constitutional and institutional differences of the US political system. Key among these differences is the enormous role played by the US Congress in policy development and oversight of the executive branch. The sheer size of the US federal public service, sometimes leading to lack of cohesion and divergent opinions within a single administration, also presents challenges for Canadian officials. These differences require Canadian officials to find ways of mobilizing positive pressures upon Congress on policy issues and to interact frequently with US departments and agencies with opposing points of view on a particular issue.

ASSERTING CANADIAN INTERESTS

Given the diffuse nature of the US policy-making process—involving complex interaction between Congress, the US administration and lobbyists—foreign governments face challenges in asserting their own perspectives within the US. Unlike bilateral relations with most other countries, where interaction is mediated mostly through foreign ministries, Canadian interests in the US political system must often be asserted through multiple channels and in the public domain.

This requires Canadian officials to be strategic in the manner in which they advance issues of importance to Canada in the US domestic context. This may necessitate working with US businesses and local interests that share Canadian interests on a particular issue. It also requires knowing when to solve issues—especially non-contentious ones—at the working-level and when to appeal to more senior political leadership to advance a policy issue that might be blocked at lower levels. Above all, being strategic means demonstrating to US officials how working with Canada on a common issue will contribute to US interests too.

IMPLICATIONS

The Roundtable believes there are a number of implications for governments as a result of its research. First, Canadian governments need to comprehend more fully the extent of theses channels of collaboration occurring with US counterparts. The companion document to this guide, *Building Cross-Border Links: A Compendium of Canada-US Government Collaboration*, represents a useful first step.

Second, these networks of co-operation at all levels of organizations need to be supported. Leaders in government need to empower each official, office, department or agency to take even greater responsibility for their part of the relationship within a coherent whole. This may have resource implications, whether for travel or information sharing tools (e.g., Web sites and conferences) to support a more conscious community of practice among Canada-US practitioners.

Third, the growing number of actors involved in the cross-border relationship requires strategic co-ordination in the pursuit of Canadian interests. This requires activating important and sometimes underutilized networks (e.g., between legislators), promoting the sharing of information on the US and ensuring that Canadian actors speak with one voice when possible.

Fourth, Canadian officials need to learn more about Canada-US relations and the US political system given the importance of this relationship. Impending public service retirements and the highly dynamic nature of the US policy environment mean that ongoing training is essential.

1

Scope, Rationale and Methodology of Study

1) SCOPE, RATIONALE AND METHODOLOGY OF STUDY

SCOPE

The Roundtable on Managing Canada-US Relations has prepared this document to assist practitioners of Canada's most important international relationship. It is intended to serve as a guide to public servants and legislators in federal, provincial and territorial governments who deal with Canada-US issues.

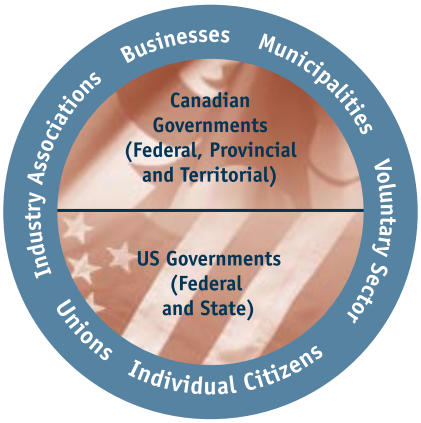
Understanding the full extent and complexity of Canada's relations with the United States would necessitate several volumes of study. As such, this Roundtable has focused on the transgovernmental linkages of the relationship—that is, international networks of government officials.[1] Specifically, the research has focused on the actors at the federal, provincial and territorial orders of government in Canada along with their US counterparts (represented by the inner circle in Figure 1). The Roundtable recognizes that these governments are embedded within an even larger network of actors, including the private sector, voluntary sector, municipal governments and individual citizens, among others. It has chosen here to focus on government officials, given their primacy in establishing the basic infrastructure of the relationship.

Given the complex nature of government-to-government interaction, this document is an initial study of a constantly shifting territory. It provides an overview of the main networks of collaboration, describes how these networks are co-ordinated at the federal and provincial/territorial orders of government, and suggests effective ways to interact with US officials. We have strived to provide advice to practitioners at all levels and across a variety of sectors. Given that most studies on Canada-US relations have tended to focus on the relationship between elected officials, particularly between the President and Prime Minister, the Roundtable has placed greater emphasis on the role of public servants. The compendium document to this study provides a representative sample of the key institutions and agreements in place between Canadian and US counterparts as identified by relevant federal departments and agencies and each provincial and territorial government.

This guide for practitioners has been structured to provide lessons, facts and tools to help Canadian officials understand the conduct of Canada-US relations as well as the US political system. Case studies are included as well as quotations from interviews that were conducted during the research. The appendixes to this study provide information about bilateral processes and agreements, various institutional similarities and differences between the Canadian and US political systems, and on-line resources about US government and politics.

1 This is distinct from transnationalism, which refers to international activities of non-state actors. For a useful discussion of these concepts, see Anne-Marie Slaughter, *A New World Order* (Princeton and Oxford: Princeton University Press, 2004).

FIGURE 1: ACTORS IN THE CANADA-US RELATIONSHIP



RATIONALE

The Roundtable believes that focusing on how government actors manage the Canada-US relationship is a timely exercise. Several reasons account for this.

First, during the past decade, the number of actors involved in cross-border activity has increased significantly. Moreover, the number of practitioners of Canada-US relations has proliferated within Canadian governments, with the bulk of interaction occurring among specialists in sectoral departments and agencies. Given the range of contacts, government practitioners told the Roundtable they often require more support and guidance in the identification of Canadian interests as well as assistance in developing linkages with US counterparts. There is a thirst for more sharing of information both within and between governments on bilateral issues.

Second, today's policy issues require a greater understanding among public servants of both the domestic and international spheres. In the Canadian context, globalization has largely been manifested in more enhanced Canada-US linkages. For example, Canadian regulators of automobile safety standards must be conscious of international (and particularly American) standards, just as international trade negotiators must be conscious of how a new trade agreement can potentially affect a provincial government. Indeed, most policy areas today require domestically oriented public servants to have at least some comprehension of international issues, especially US ones. The same sensitivity towards domestic issues applies for internationally focused public servants.

Third, recent developments south of the border have necessitated a re-examination of our methods of co-operation. The events of September 11 have amplified historic US security concerns, putting renewed focus on border management and all security-related aspects of the relationship. More than ever before, Canadian co-operation has been measured by its efforts in protecting the US against outside threats. At the same time, the creation of the US Department of Homeland Security—which constitutes the largest reorganization of the US government since World War II—has partially disrupted contacts with several Canadian departments and agencies. Also, recent crises, such as SARS and "mad cow" outbreaks in 2003, have enhanced forms of collaboration, whether through enhanced information sharing or regulatory collaboration. Additionally, the salience of NAFTA and the growing Hispanic—especially Mexican—presence in the US have led US officials to think increasingly in trilateral terms. This has forced Canadian officials to be more conscious of Mexican issues while at the same time reminding Americans about the differences between their northern and southern neighbours.

METHODOLOGY

Research for the Roundtable was conducted between September 2003 and May 2004. Key activities included:

- a review of pertinent literature;
- questionnaires to approximately 70 federal departments and agencies detailing institutions and agreements in place with US counterparts;
- similar questionnaires to all provinces and territories;
- identification and analysis of case studies submitted by federal and provincial departments and agencies;
- approximately 30 senior-level interviews with federal and provincial deputy ministers, assistant deputy ministers, former ambassadors, parliamentarians, and private sector officials (selected quotations appear in the margins throughout this study);
- federal working-level focus groups in three sectoral "clusters";
- site visits to three provincial capitals (Edmonton, Toronto and Halifax);
- a workshop on the impact of the US Department of Homeland Security on Canadian departments/agencies.

FIGURE 2: SNAPSHOT OF THE CANADA-US RELATIONSHIP

ECONOMIC SPACE

- Canadian population: 32.5 million; US population: 293 million
- Canadian GDP: US$958 billion; US GDP: US$11 trillion
- Canadian GDP per capita: US$29,700; US GDP per capita: US$37,800
- 80% of Canadians live within 320 km of the US border
- 87% of Canadian exports go to the US; 30% of Canadian GDP linked to trade with US
- 23% of US exports go to Canada; 2% of US GDP linked to trade with Canada
- Canada is largest export market for 39 of 50 US states
- Main transportation modes for trade (by value): trucks (63%), rail (17%), pipeline (10%), air (6%) and marine (3%)
- 45% of all trade between Canada and US is intra-corporate
- Canadian foreign direct investment in US: US$92 billion in 2002; US foreign direct investment in Canada: US$152 billion in 2002

NATURAL RESOURCES/ENVIRONMENT SPACE

- Canada's landmass: 9.98 million km^2; US landmass: 9.63 million km^2
- Canada's coastline: 202,080 km; US coastline: 19,924 km
- Arable land in Canada: 4.94%; arable land in US: 19.3%
- Canada's 2001 per capita energy consumption was 402.6 million Btu per person; US level at 341.8 million Btu per person
- Canada is largest overall energy supplier to the US, providing 15% of petroleum imports, 94% of natural gas imports, 35% of domestic nuclear fuel requirements, and almost 99% of electricity imports
- Key environmental agreements:
  - Boundary Waters Treaty (1909)
  - Migratory Birds Convention (1916)
  - Great Lakes Water Quality Agreement (1972)
  - Canada-US Air Quality Agreement (1991)
  - Canada-US Inland Spill Response Plan (1994)
  - Framework for Co-operation for Species at Risk (1997)

SECURITY/DEFENCE SPACE

- Canadian defence budget: US$9.8 billion
- US defence budget: US$399 billion
- More than 300 bilateral defence treaties, agreements, accords, MOUs, etc., between the two countries
- Over 20,000 defence-related visits are conducted annually to the US by Canadian officials and industry representatives
- Approximately 600 Canadian Forces personnel currently serving in the US, mostly in NORAD-related assignments
- 145 bilateral forums in which defence matters are discussed
- 8495 firearms seized at Canada-US border between 1995-2000
- 50% of trafficked handguns in Canada come from the US

SOCIAL/CULTURAL SPACE

- Main ethnic groups in Canada: white (85.6%), Asian (8.9%), Aboriginal (3.3%), black (2.2%)
- Main ethnic groups in US: white, including Hispanic (81.7%), black (13.4%), Asian (4.0%), Amerindian and Alaskan native (1.5%), other (4%)
- Foreign-born population in Canada: 18.4%; foreign born population in the US: 11.1%
- Languages spoken at home in Canada: English (70.7%), French (22.7%), Spanish (0.3%)
- Languages spoken at home in US: English (82.1%), Spanish (10.7%), French (0.8%)
- Total government expenditure as percentage of GDP: Canada (42.3%), US (34.9%)
- Health care expenditure as % of GDP: Canada (6.9% public, 1.8% private); US (6.2% public, 7.7% private)

Note: Statistics are the latest available (2003 or 2004) unless otherwise indicated.

2

Networks of Collaboration

2) NETWORKS OF COLLABORATION

Canada-US relations have always been driven by a complex set of systems and coalitions that crisscross boundaries. Interdependence among advanced industrial societies has created an intricate spider's web of linkages touching all spheres, whether through transactions among businesses, cross-border coalitions of environmental activists, or contact between families. Interaction between governments is equally complex, given the federal government's key role in setting Canada's foreign policy, the provincial and territorial governments' growing participation in international activities, and even municipalities' efforts in promoting trade and investment.

While the "state" has far from disappeared in an era of globalization, the role and function of the state have altered. New players have emerged, each with different allegiances, expertise and international reach. Scholars have attributed these shifts in part to a change in the structure of organizations: from hierarchies to networks, from centralized compulsion to voluntary association.[2] An underlying driver of the changes has been the information technology revolution, which has significantly expanded communication capacity while diminishing traditional authority. While far from disappearing, governments are disaggregating more and more into separate and functionally distinct parts where hierarchies and networks co-exist, sometimes uneasily. According to one noted scholar, "these parts—courts, regulatory agencies, executives, and even legislatures—are networking with their counterparts abroad, creating a dense web of relations that constitutes a new, transgovernmental order."[3]

"Given the precious nature of the relationship, we need to cherish and activate more our internal expertise on the US."

Government sectoral departments (also called "line" or "functional" departments) have become especially active in "foreign" affairs.[4] For several decades, international developments have increasingly shaped national policy issues, requiring domestic departments to factor the international dimensions of their issue areas into new and existing policies and programs.

Many studies in Canada and elsewhere have examined how governments are adjusting internally to address this challenge of "intermesticity," the overlap and integration of domestic and international issues.[5] From these studies, a number of key trends can be identified:

- Foreign policy has become decentralized within governments (from foreign ministries to sectoral departments) and between governments (from the national to sub-national governments), thereby widening the circle of international affairs participants. This trend has made foreign policy-making more complex and less susceptible to central co-ordination or priority-setting.

2 Jessica T. Mathews, "Power Shift," *Foreign Affairs* 76, 1 (January/February 1997).

3 Anne-Marie Slaughter, "The Real New World Order," *Foreign Affairs* (Vol. 76, No. 5), 1997, pp. 184.

4 An early academic study of these relationships is Annette Baker Fox, Alfred O. Hero, Jr., and Joseph S. Nye, Jr., eds. *Canada and the United States: Transnational and Transgovernmental Relations* (New York: Columbia University Press, 1976).

5 See Canada. Privy Council Office. *Towards an International Policy Framework for the 21st Century*, 2003.

- Technical expertise has become more important in the conduct of foreign relations, which cannot reside within a single ministry. Many "domestic" departments participate frequently in international institutions and in the development and negotiation of bilateral or multilateral rules. These departments have also frequently acquired in-house trade policy and trade development expertise.
- Most domestic departments have established international bureaus or divisions to manage or co-ordinate a growing portfolio of international activities. Actual specialists dealing with international issues, however, are scattered throughout these departments.

The Roundtable's research has confirmed the extraordinary range of functional linkages at all levels in the conduct of Canada-US relations, some well beyond the purview of the international sections of domestic departments. The compendium document provides a representative sampling of the key channels of co-operation between the Canadian and US federal governments as well as between provincial/territorial and state governments. It would be fair to say that the expanse of bilateral activities between Canadian and US officials is so pervasive that it is virtually impossible to accurately quantify all bilateral activities on a government-wide level.

THE VIEW FROM WASHINGTON: THE VIEWS OF TWO FORMER AMBASSADORS

Charles Ritchie, Canadian Ambassador to the US (1962-66)

"I manage to keep up with most of the current work conducted here [at the Embassy] by other government departments. All the same, a great deal escapes me. There are a multitude of direct department-to-department contacts between Ottawa and Washington between officials who have known each other, very often, for many years, while ambassadors have come and gone. Their contacts are close and informal, by telephone Ottawa-Washington, Washington-Ottawa, or by frequent visits. The armed forces, of whom there are hundreds stationed here in Washington, have their own close relationship with their American counterparts. The Bank of Canada and the Federal Reserve are in touch daily. Many of their conversations, which effect the whole economy of Canada and thus bear heavily on Canada-American relations, take place on the telephone. Such conversations are not reported, except in the most general terms and not always then, to the Ambassador. All these direct relationships form a valuable ingredient in Canadian foreign policy. The Ambassador, however, is often hard put to it to obtain full knowledge and understanding of all the activities for which he bears a wide measure of official responsibility."

Storm Signals (Toronto: Macmillan, 1983), p. 71.

Allan Gotlieb, Canadian Ambassador to the US (1981-89)

"In the Canadian public sector, the relationship is driven by hundreds of institutions and organizations in both the national and the provincial capitals, each interacting with points of contact south of the border. This has always been the case, at least in the postwar history of our relations. But as these relations deepened and became more penetrating, and as domestic regulation and intervention mushroomed in both countries, the number of direct cross-border contacts on the functional level also exploded."

'I'll be with you in a minute, Mr. Ambassador': The Education of a Canadian Diplomat in Washington (Toronto: University of Toronto Press, 1991), p. 118.

As two former Canadian Ambassadors to the United States suggest, Canadian department-to-department collaboration with US counterparts has a long history. Today the vast majority of bilateral government-to-government relationships take place below formal diplomatic channels—through working-level institutions, ad hoc collaboration and transboundary communities of practice (e.g., regulators, scientists, economic analysts, etc.). While many of these channels have long been active in Canada-US affairs, we have found they often remain under-appreciated and under-supported.

The key finding in the Roundtable's research is that the unique strength of Canada-US relations resides primarily in the person-to-person linkages between officials. There is a high degree of informality to these relationships, which are focused on information sharing, joint-problem solving and joint operations. Trust is an essential component in establishing the high degree of "social capital" in the relationship. The personal relationships within these networks create incentives to establish a good reputation, essential for long-term co-operation. As many experienced practitioners stressed, probably no other bilateral relationship is as deep, mature and subtle as Canada's with the US.

Despite the myriad points of contact (as identified in the compendium document) and the approximately 343 treaties in force, the Canada-US relationship is a largely non-institutionalized one at the supranational level, particularly relative to the European Union. However, "light" institutions and agreements, such as working groups or memoranda of understanding, remain extremely useful in facilitating collaboration and contact. Examples include the Binational Planning Group, bringing together Canadian and US defence officials, and the binational Power System Outage Task Force, formed in response to the August 2003 black-out.

"In Canada-US relations, formal meetings are often a confession of failure. Most of the useful work gets done quietly and informally, underpinned by mutual trust."

A common message from practitioners is that "people" and "structures" are mutually reinforcing. Quite simply, the manifold global responsibilities of a superpower means that Washington, DC has little time to focus on Canadian issues. The attention of US foreign policy makers is necessarily diverted and dissipated. Indeed, there is no single American policy towards Canada, but rather a number of different policies applied at different times.[6] As an antidote, institutions and agreements can help regularize contact on specific issues, creating a foundation to establish or renew personal collaboration. This is particularly critical given the churn of US officials during changes of the administration and to a lesser extent in Canada.

Finally, practitioners also highlighted the robust nature of working-level interaction, even during political "down-cycles" in the relationship. Co-operation on specific and often technical issues typically provides steady ballast that helps maintain the effectiveness of the relationship. Since very few issues, and often only the most contentious ones, reach the pinnacle of the relationship at the level of Prime Minister and President, the bulk of cross-border contact takes place by public servants through co-operative channels.

6 For more description of this point, see Edelgard Mahant and Graeme S. Mount, *Invisible and Inaudible in Washington: American Policies Toward Canada* (Vancouver: UBC Press, 1999).

NETWORKS OF COLLABORATION: LESSONS

Lesson 1: Cultivate the person-to-person connections in the relationship.

Mutual trust is at the core of functioning relationships between Canada and the US. This spans all levels, from meetings of heads of departments and agencies to co-operation between agents at the border. The complex nature of decision-making in the US government means that there is no commodity more valuable than access. Strong levels of respect allow for a frank airing of differences.

Lesson 2: Know your US counterparts, along with the powers, constraints and limitations they face.

One of the most daunting tasks for a Canadian official dealing with a new bilateral file is first to determine with whom they must interact. Government structures and authorities on both sides of the border are rarely symmetrical (see Appendix II for a basic description of these differences). At the working level, it is essential to interact with the appropriate person and to determine who is best positioned to make a difference, whether by sharing information or moving a file forward.

Lesson 3: Share information early on with US officials about Canadian realities and interests.

With few exceptions, US government policy-makers are professionals rather than Canada specialists. They are trained for their functional expertise as lawyers, economists, or military planners and may not have specific knowledge about Canada. Accordingly, much of your initial interaction must be informative—explaining your government's views on a particular issue as well as the broader nature of the Canadian political system (e.g., federal-provincial dynamics, and cultural and linguistic differences). At the same time, Canadian officials must make clear their interests and objectives quickly when interacting with US counterparts. Americans, who often have a more direct negotiating style, respect difference when clearly expressed and defensibly argued.

Lesson 4: Correct misperceptions about Canada, especially those in the media.

Given the relative paucity of coverage about Canada in the US, incorrect perspectives (e.g., the myth of 9/11 terrorists coming from Canada) require rapid response from Canadian officials before they become enduring beliefs. This necessitates contacting appropriate US officials to correct misperceptions. Canadian officials should also articulate Canadian successes on particular policies and programs, especially those that have resonance with US counterparts.

3

Functional Channels of the Relationship

3) FUNCTIONAL CHANNELS OF THE RELATIONSHIP

As indicated in the previous chapters, the bulk of governmental interaction between Canada and the US occurs through highly specialized and functional channels, such as regulatory co-operation or joint scientific assessment. For the most part, these channels operate "under the radar," receiving limited public visibility. Working through these channels can help defuse conflict on issues before they reach policy or political levels.

"We have to encourage officials to get to know their American counterpart even before a problem emerges. This is our early warning system in preventing larger problems."

The multitude of bilateral functional channels can be organized loosely into three main categories: bilateral processes, bilateral agreements and multilateral channels. A fuller description of bilateral channels, as well as examples, is provided in Appendix I of this report.

BILATERAL PROCESSES

- Advisory groups
- Commissions
- Coalitions
- Exchanges of personnel
- Forums
- Joint boards or panels
- Joint operations
- Joint programs
- Joint training
- Meetings of legislators
- Minister-Secretary meetings
- Panels
- Summits
- Symposiums/Colloquiums/ Conferences/Workshops
- Task forces
- Working groups

As the above list indicates, bilateral processes are remarkably varied in the Canada-US relationship. They range from formal summits between heads of government and ministers to informal professional networks of officials. Indeed, a hallmark of most of these bilateral processes is their informal nature, marked by issue-specific and ad hoc (as opposed to institutionalized) meetings and exchange of information. Informal dimensions are especially critical as they allow much co-operation without elaborate rules or agreements.

CASE STUDY: CANADA-US TRANSPORTATION BORDER WORKING GROUP (TBWG)

Established in 2002, this group works to enhance binational and interagency co-ordination and planning on border infrastructure matters. The TBWG holds plenary meetings twice a year and convenes sub-committees on an as-needed basis. It brings together a number of federal departments and agencies (Transport Canada, Canadian Border Services Agency, Foreign Affairs Canada, International Trade Canada, Citizenship and Immigration) as well as relevant provincial and territorial transportation ministries. The TBWG has a relatively informal structure and approach, particularly in contrast to its US-Mexico counterpart.

Since its inception, TBWG members have been interested in enhancing co-ordination between inspection and transportation agencies. However, interagency and intergovernmental disconnects, within both Canada and the US, can often be just as challenging as bilateral co-ordination.

The Roundtable research found that virtually all of these bilateral processes involved multiple governmental actors on both sides. In other words, most of these channels necessitate both horizontal (between departments within governments) and vertical (between orders of government) collaboration. Some practitioners noted that collaboration with other Canadian officials can often be just as challenging as co-operation with US counterparts.

Effective collaboration ultimately requires bringing people from diverse organizational and occupational backgrounds together into teams and networks with a common purpose and shared culture.

FOUR ESSENTIALS OF EFFECTIVE HORIZONTAL MANAGEMENT

1. ***Mobilizing teams and networks*** **is crucial to getting an initiative off the ground, especially in the face of entrenched interests. The enabling elements include the following:**
   - leadership;
   - teamwork;
   - shared understandings and vocabularies; and
   - trust.

2. ***Developing shared frameworks*** **helps to ensure that everyone is working towards the same goals. It involves the following:**
   - a shared understanding and fact base of the key issues;
   - clarity about shared goals and results, as well as roles and responsibilities; and
   - planning and reporting.

3. ***Building supportive structures*** **can help public officials create lasting relationships. Informal structures are less resource-intensive, more flexible, and less binding on members (e.g., communities of practice). Formal structures, which often include written agreements, are resource-intensive but less ambiguous (e.g., working groups established by an MOU). Key elements here include the following:**
   - reflecting on the range of appropriate structures available;
   - being strategic about timing;
   - being aware that the formality of structures can affect the flow, quality and consistency of information; and
   - recognizing that when an initiative has a concrete end-point, structures should be designed to facilitate long-term relationship building.

4. ***Maintaining momentum*** **is critical given the ups and downs of initiatives. Leadership is important to motivate key players, channel information to keep everyone engaged, and make horizontal teamwork routine. Here, vital elements include the following:**
   - building on small successes;
   - learning continuously;
   - introducing money at strategic times;
   - using deadlines; and
   - recognizing that an initiative can pass through several transitions during its life cycle.

Adapted from Mark Hopkins, Chantal Couture and Elizabeth Moore, *Moving from the Heroic to the Everyday: Lessons Learned from Leading Horizontal Projects* (Ottawa: Canadian Centre for Management Development, 2001).

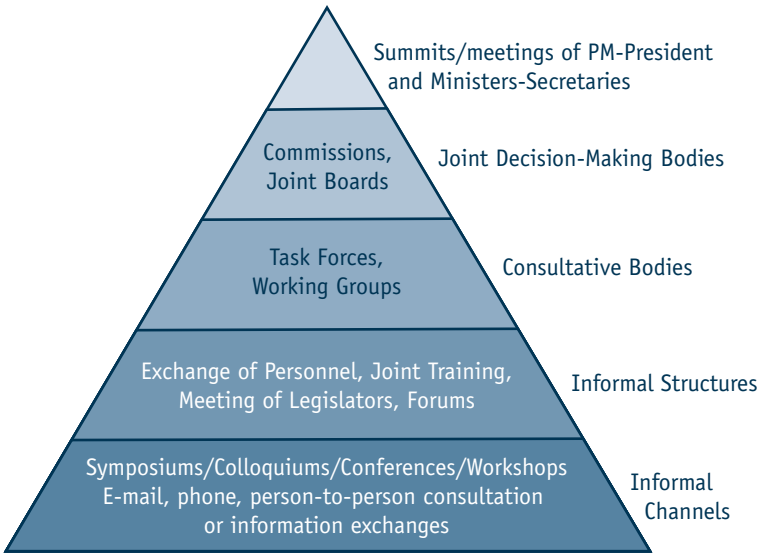
BILATERAL AGREEMENTS

- Treaties
- Protocols
- Memorandums of understanding
- Exchanges of letters/notes
- Mutual recognition agreements

The above list—further elaborated in Appendix I—highlights a number of the bilateral agreements of a legal nature that underpin more formal dimensions of the relationship. Interestingly, with the principal exception of treaties, most of these agreements are not binding in international law. Most are not authorized by specific orders in council and are therefore not intended to be enforceable obligations. Nonetheless, they establish important rules or patterns of collaboration.

Processes and agreements are not mutually exclusive and in fact are often linked. One of the most common forms of agreements between cross-border functional departments is the memorandum of understanding (MOU). MOUs commonly express an agreement in principle, such as an agreement to establish annual meetings between elected or working-level officials. They are typically considered informal in nature but serve as a useful means to commit to future collaboration.

FIGURE 3: THE FORMAL TO INFORMAL DIMENSIONS OF BILATERAL PROCESSES



CASE STUDY: US FEDERAL TRADE COMMISSION AND CANADIAN COMPETITION BUREAU INFORMATION SHARING PROTOCOL

In November 2002, the US Federal Trade Commission (FTC) and Canada's Competition Bureau formalized how they share consumer complaints and investigative information to pursue cross-border fraud operators more efficiently and effectively. The protocol, which builds upon prior agreements, is not a single document. Rather, it includes a joint work plan that stresses increased communication and sets information-sharing and co-operation priorities, clarifies to staff what information can be shared under applicable law and rules, and provides a template for each agency to use for information requests.

While both the FTC and the Competition Bureau are subject to certain confidentiality protections restricting their ability to share investigative information, the information sharing protocol instructs staff of both agencies to keep in regular contact to maximize information-sharing and co-operation while respecting these protections. Under a prior confidentiality agreement, the Competition Bureau has access to the more than a half-million consumer complaints in the FTC's Consumer Sentinel database, which includes Canadian complaints provided to the FTC by the PhoneBusters national call centre in Canada.

MULTILATERAL CHANNELS

In addition to bilateral processes and agreements, multilateral channels serve as a third major area of interaction between the Canadian and US governments. Joint bilateral rule-making and problem-solving with the US frequently occurs within multilateral forums. For example, 21 of the 24 meetings between Prime Minister Chrétien and President Clinton between November 1993 and October 1999 took place in the margins of multilateral meetings. Collaboration with the US through multilateral forums is considered an important way to manage important bilateral issues.

The World Trade Organization (WTO) and the North American Free Trade Agreement (NAFTA) are perhaps the most important multilateral channels for Canada, wherein considerable bilateral contact and conflict resolution occur across a range of economic sectors. Other important multilateral organizations include the United Nations, the Organization of American States (OAS), the North Atlantic Treaty Organization (NATO), the Organization for Economic Co-operation and Development (OECD), the G8 and the Asia-Pacific Economic Co-operation forum (APEC). Canada and the US often have similar values and desired outcomes within these settings. By helping the US communicate their perspectives to the world where their interests coincide with ours, Canada can leverage agreement and build influence with the US.

Lesson 5: Be proactive in engaging US officials.

The diffuse nature of policy-making in the US government as well as competing global and domestic priorities often hinders its ability to work horizontally on a Canada-US issue. This often requires Canadian departments to do much of the initial work in drafting proposals and helping counterparts build consensus within the US government. US officials respond best to practical problem-solving rather than diplomatic niceties.

Lesson 6: Find ways of institutionalizing or regularizing your contact with US officials.

The hallmark of the US political system is the diffusion of power among legislators, the executive, lobbyists, and many other actors outside government. Institutionalizing contact with key policy-makers, either through bilateral processes or arrangements, can be very effective in bringing attention to Canadian issues within such a diffuse and dynamic environment. As a general rule, it is very useful to engage US officials as early as possible in their decision-making processes. Solving an issue at the regulatory level, for example, can help avoid escalating conflict to the policy or political levels.

Lesson 7: Don't neglect the informal dimensions of the relationship.

While institutions can help provide opportunities for officials to meet, the quality of the person-to-person relationships is what ultimately makes them effective. Trust arises from the openness to share information, perceived fairness in understanding the interests of the other party, and the willingness to contribute to shared goals. Formalized meetings are not always the best venue to build this trust. Visits to Canada by US officials can be very effective when possible, since some US officials have less direct contact with Canada.

Lesson 8: Take advantage of multilateral forums to engage with US officials.

Canada's longstanding membership in international organizations allows numerous opportunities for Canadian officials to interact with their US colleagues. Canada's reputation as a sensible, independent party can also be used to help build consensus where appropriate between US positions and those of other countries. Finally, when differences between Canada and the US become irreconcilable through normal bilateral channels, Canada can work through multilateral channels to resolve disputes (e.g., WTO on trade issues) or build international consensus (e.g., international regulatory coorperation on BSE).

4

Co-ordination of the Relationship

4) CO-ORDINATION OF THE RELATIONSHIP

Given the high degree of functional co-operation between specialists in Canada-US relations and the differences between the Canadian and US political systems, how much formal co-ordination do these activities need? Not surprisingly, Canadian views on this issue have evolved as the relationship has grown more complex.

Traditionally, managing Canada-US relations was a form of "single-point diplomacy," wherein state-to-state relations were primarily the domain of the President and Prime Minister, ambassadors and foreign ministers. The Roosevelt-King years represented the apogee of this perspective, where informal exchanges between the two heads of government helped cement key trade and defence agreements. Linked to this view was a cardinal precept that diplomats were never to interfere in the domestic affairs of their host countries. A slightly more nuanced vision was articulated in the Merchant-Heeney report of 1964, which saw bilateral relations occurring through consultation at a number of levels, although mediated through foreign affairs departments and preferably through "quiet diplomacy."[7]

Relations between nations have changed significantly since the Merchant-Heeney report, largely a result of continental integration. Societies have become more interwoven and interdependent in many areas. Businesses that cross borders must be regulated across borders. Diseases and security threats, spread by the relative ease and accessibility of international transportation, require international monitoring and responses. Environmental challenges, such as climate change, require global attention. Many areas once considered domestic increasingly require bilateral or multilateral solutions. Often policy analysts, regulators, scientists, legislators and other government officials can only be effective today when co-operating across borders.

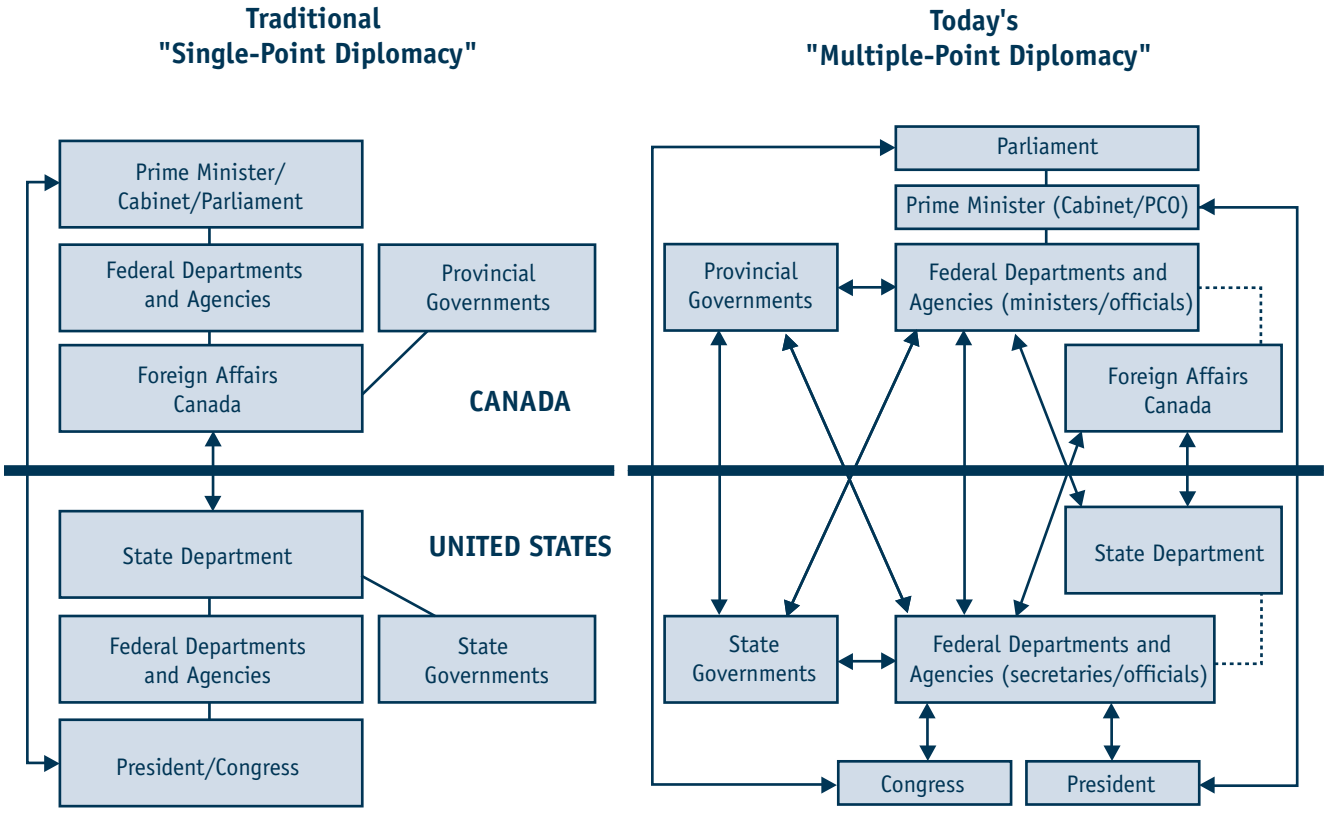
"You can never control the bilateral agenda—but you can ensure that the various Canadian actors are better co-ordinated."

Thus the role of governments in foreign affairs has become increasingly complex, specialized and differentiated. International relations now include a variety of diverse actors networking with their foreign counterparts for different reasons. Taken together, they engage in a wide array of activities that either never took place or were once largely the responsibility of professional diplomats. Foreign ministers and ministries still play a critical role in many areas, from human rights policy to international security to managing the "high-politics" of state-to-state relations. Yet foreign ministries must now share an increasingly crowded international stage with other participants. There are few cases that illustrate this point more effectively than the deeply entrenched channels of collaboration involving sectoral departments and agencies in Canada and the US.

The multiplicity of international actors raises new challenges of co-ordination. Most experts in Canada-US relations believe no government can "manage" the relationship with the US. The relationship is too complex and has too many players (such as federal and provincial governments, the private sector, non-governmental organizations). Most experts of the relationship believe that over-management of the relationship would be undesirable, since it would reduce the flexibility of existing arrangements. Nonetheless, there is still a need to provide some co-ordination and guidance to the increasing number of government and non-government players.

7 A.D.P. Heeney and Livingston, T. Merchant, *Canada and the United States: Principles For Partnership* (Ottawa: Queen's Printer, 1965).

FIGURE 4: APPROACHES TO THE CO-ORDINATION OF CANADA-US RELATIONS



At present, there are a number of key co-ordinators of the relationship at the federal level. It is vital that practitioners of the relationship be aware of these individuals and organizations.

PRINCIPAL CO-ORDINATORS OF THE BILATERAL RELATIONSHIP

Prime Minister's Office (PMO) and Privy Council Office (PCO)

- The priority of the US relationship has demanded that the most critical and sensitive issues be managed by the Prime Minister (rather than the Foreign Minister).
- The Prime Minister is supported within PCO by a Foreign Policy Advisor, who communicates directly with the Embassy of the United States and senior officials in the White House.
- The Foreign Policy Advisor also helps co-ordinate interaction between senior Ministers also dealing with Canada-US issues (e.g., the Minister of Foreign Affairs, the Minister of International Trade and the Minister of National Defence).
- The National Security Advisor within PCO also plays an important role advising the Prime Minister on bilateral security issues.
- In December 2003, a new Cabinet Committee on Canada-US Relations, chaired by the Prime Minister, was established to ensure an integrated, government-wide approach to Canada-US issues.

Foreign Affairs Canada and International Trade Canada (Headquarters)

- The North American Bureau at the Department of Foreign Affairs (Headquarters) helps co-ordinate various foreign policy actors, including diplomatic missions in the US and Mexico, as well as other Canadian departments and agencies. Three of four divisions are dedicated to the US (US General Relations Division, US Transboundary Division, and US Business Development Division).
- Other branches play key roles in co-ordinating relations with US counterparts, especially the trade policy and international security branches.

Canadian Missions in the United States

- The Canadian Embassy in the United States plays a critical role in gathering political intelligence in Washington, providing advice to Ottawa and asserting Canadian interests through its networks of contacts. It works closely with federal government sectoral departments on US issues. Several sectoral departments and agencies have staff seconded to the Embassy (e.g., Canadian Security Intelligence Service, National Defence, RCMP, Public Works and Government Services, Citizenship and Immigration).
- Canada's Ambassador to the United States serves as the visible face of Canada in Washington. The Ambassador typically enjoys good access and, to do this, must be seen to be plugged into decision-making back in Canada.
- Under the Enhanced Representation Initiative (ERI), Canada's representation will be expanded from 15 to 22 offices by the fall of 2004. In addition to the Embassy, these will include 13 consulates general (Atlanta, Boston, Buffalo, Chicago, Dallas, Denver, Detroit, Los Angeles, Miami, Minneapolis, New York, San Francisco, Seattle) and eight consulates and trade offices (Anchorage, Houston, Philadelphia, Phoenix, Princeton, Raleigh, San Diego, San Jose). There are plans to establish Honorary Consuls in key US cities where Canada has no formal office. The ERI will also foster consultation with provincial governments and other federal departments to define priorities for these missions.
- The Canadian Embassy has also established a public advocacy and legislative secretariat (to be operational in the fall of 2004) that will work with provinces and territories and Parliamentarians to plan and support new outreach activities directed at members of the US Congress and those who influence it.

International bureaus within sectoral departments

- Most medium and large federal departments (along with some provincial departments) have created international sections, usually within the corporate or strategic policy sectors.
- Many of these domestic-oriented departments have acquired in-house trade policy and trade development expertise. Many have also developed strategic frameworks to set priorities for their international activities.

North American Free Trade Agreement (NAFTA)

- NAFTA (and the World Trade Organization) governs trade relations between Canada and the US.
- Political direction for NAFTA is provided by Ministers through the NAFTA Commission. NAFTA Deputy Ministers of Trade meet twice annually to provide high-level oversight of the over 30 NAFTA Working Groups, Committees and subsidiary bodies to ensure effective implementation and administration of NAFTA.
- The NAFTA Secretariat, comprising the Canadian, US and Mexican sections, is responsible for the administration of the dispute settlement provisions of the Agreement.
- Two institutions were also established under the NAFTA side agreements to enhance cross-border co-operation on sectoral issues (the Commission for Environmental Co-operation and the Commission for Labour Co-operation).

Specialized bilateral institutions with investigatory or quasi-adjudicative function

- Several bilateral organizations of a more or less supranational character have been established, many of which were originally created to resolve disputes over contentious resource management issues. These organizations include the International Joint Commission (1912), the Pacific Halibut Commission (1923), the International Boundary Commission (1925), the Great Lakes Fisheries Commission (1955), and the Pacific Salmon Commission (1985).

US Government

- The White House plays a strong, though intermittent, role in co-ordinating executive departments and key agencies on Canada-related issues; it is generally acknowledged that the influence and goodwill of the President is an asset of considerable value to a foreign power. The new department of Homeland Security is playing an increasingly important role on various Canada-US issues.
- The State Department presently co-ordinates Canadian affairs through one of its six regional bureaus (Western Hemisphere Affairs). Similar to the Government of Canada, however, most functional linkages form largely through departments and agencies with direct Canadian counterparts.
- The US Embassy in Ottawa provides critical intelligence and advice to the White House and the State Department on Canadian affairs and works to advance US interests. It also frequently works with Canadian departments and agencies seeking guidance in dealing with US counterparts. Personnel from 15 other (i.e., non-State Department) government agencies are posted to the Embassy. It mirrors the Canadian Embassy in Washington in many ways.
- The US government maintains seven Consulates General across Canada (Vancouver, Calgary, Winnipeg, Toronto, Montreal, Québec, and Halifax).

"To make up for the size and resources of the US government, we have to be smarter, faster and more deliberate in asserting our interests."

Most Canadian practitioners believe that "horizontal agility" within the federal government constitutes a considerable asset for Canada, and one that must be exploited to full advantage. Practitioners told the Roundtable that Canadian departments and agencies generally tend to be more focused than their US counterparts in organizing horizontally. In large measure, this relates to the more diffuse nature of policy-making in Washington, exemplified by the powerful policy-making role of Congress and the less collegial Cabinet structure. It is also related to the relative weight each country gives to relations with the other; the United States government simply does not focus on Canada the way the Canadian government focuses on the United States. Greater cohesion and concentration help to redress the Canadian disadvantage in size.

CASE STUDY: SMART BORDER DECLARATION, 2001

The Smart Border Declaration and accompanying 30-point Action Plan were immediate responses to the events of September 11, 2001, and were intended to address Canadian security needs and US political concerns regarding new vulnerabilities on America's northern flank. The Declaration, drafted in Canada and presented to the US for discussion, focused on the link between prosperity and security.

Successful development of the Declaration stemmed from co-ordination by the newly established Borders Task Force housed in the Privy Council Office (PCO). PCO officials consolidated a number of the policy ideas and initiatives that key federal departments and agencies with border responsibilities (such as the Canada Customs and Revenue Agency, Citizenship and Immigration, Foreign Affairs Canada and International Trade Canada, Solicitor General, and Transport Canada) had been developing for almost a decade in concert with their US counterparts.

By appointing a Deputy Prime Minister with responsibilities over border management, Canada demonstrated its political commitment to ensuring a more secure but open border and underscored to American leaders and officials the importance Canada placed on this issue.

CO-ORDINATION OF THE RELATIONSHIP: LESSONS

Lesson 9: Ensure as much as possible that Canadian actors speak with a single voice.

One of Canada's assets in the relationship is the ability to focus our more limited bureaucratic resources on a common goal. This focus often requires co-ordination and consensus building among Canadian actors. When Canadian actors do not speak with a common voice in their interactions with the US officials, their divisions risk being exploited. Consultation is essential (see Lesson 10).

Lesson 10: Share information and intelligence on Canada-US issues with Canadian counterparts.

Given the many experts on US issues in Canadian departments and agencies, practitioners must share information and insights from their interaction with US officials. Principal co-ordinators of the relationship—such as Foreign Affairs Canada, International Trade Canada, and the Canadian Embassy and consulates—should be regularly informed of sectoral departmental activities in the US. Sectoral departments should also learn from the political and economic analyses of Canadian missions in the US.

Lesson 11: Recognize that virtually every issue in the relationship requires a different approach.

Given the enormous number of players in the relationship (departments, different orders of government, the private sector, etc.), Canadian officials should recognize that every issue calls for a different network of actors and therefore a different approach. Co-ordinators of the relationship should provide sectoral departmental officials with strategic guidance and support. At the same time, they need to recognize the limitations of designing a grand or overarching strategy to further national or regional interests.

5

Provinces, Territories and Intergovernmental Collaboration

5) PROVINCES, TERRITORIES AND INTERGOVERNMENTAL COLLABORATION

BASIS FOR PROVINCIAL AND TERRITORIAL INVOLVEMENT IN FOREIGN AFFAIRS

According to one scholar, Canadian provinces and territories may be the most internationally active of all sub-national governments in the world.[8] Provincial governments proportionately spend more on international programs and have more personnel involved than do US state governments. Part of the provinces' motivation for involvement in international affairs is their geographic reality. Whereas almost three out of four Americans live in a state which does not share a border with either Canada or Mexico, 96 percent of Canadians live in the seven provinces which share a common land border with the US.

Provincial involvement in foreign affairs arises in part from constitutional silence on this issue. Sections 91 and 92 of the *Constitution Act*, the provisions enumerating the division of powers, did not explicitly assign competence in foreign affairs to either the federal or provincial governments. In the absence of any constitutional prohibition against international activity, Canada's provincial governments have sought to project and protect their interests beyond their borders. In general, provincial and territorial governments have long been actively engaged in "foreign affairs," through efforts aimed at economic development (such as trade missions) or sectoral collaboration with foreign governments (such as waterways management with a neighbouring state). Typically provincial and territorial governments have avoided issues of "foreign policy," such as human rights and international security, which are addressed by the federal government. While there is a fine line between foreign affairs and foreign policy, the distinction is generally useful in understanding the main international competencies of both orders of government.

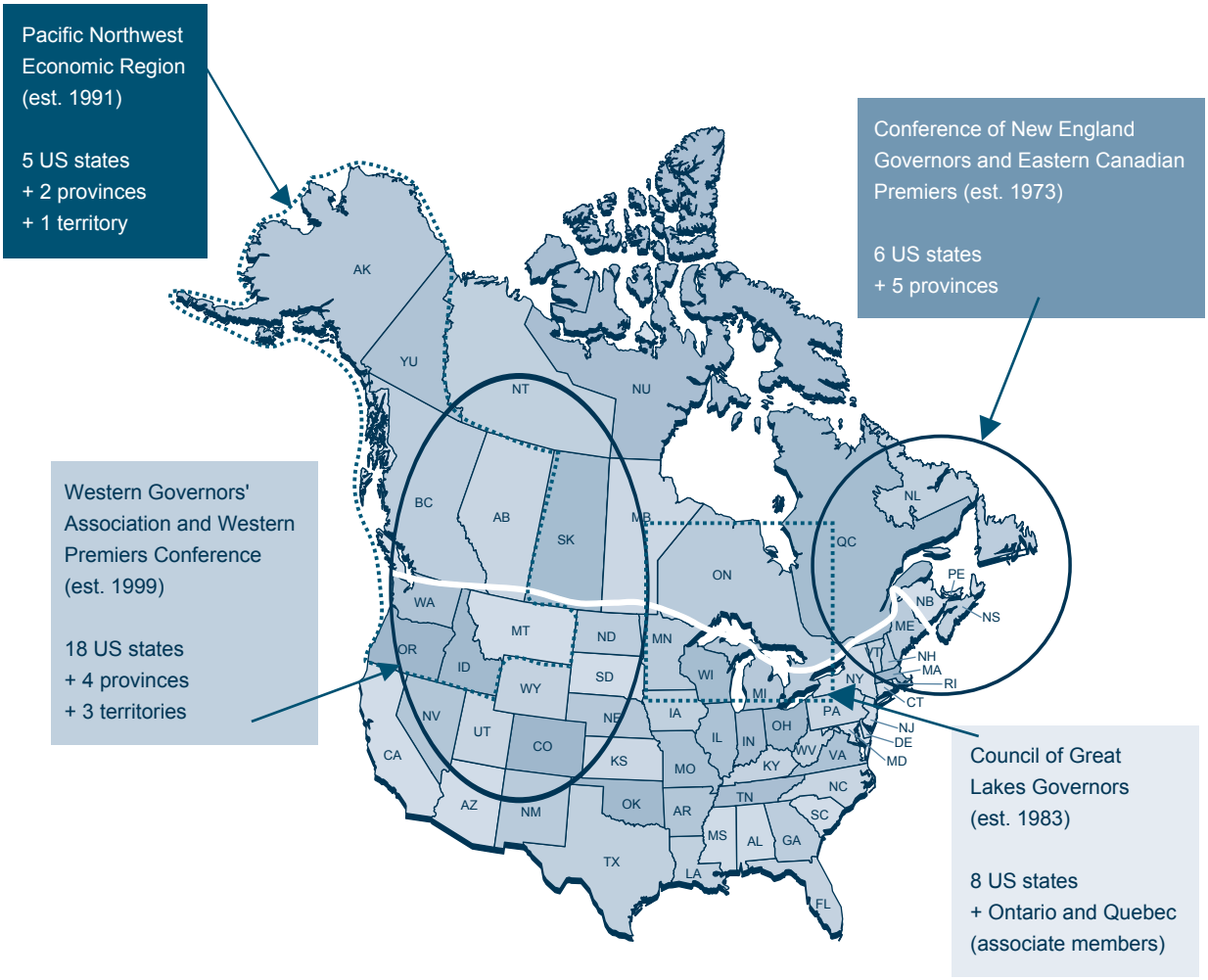
THE NATURE OF PROVINCIAL-STATE COLLABORATION

In their relations with US counterparts, provincial and territorial governments are typically structured in a fashion similar to the federal government, though on a smaller scale. Line departments and agencies lead the vast majority of interaction with US state governments on sectoral issues. The compendium report provides a representative sampling of these channels of co-operation in all provinces and territories. There are basically three types of linkages with US counterpart on functional issues: multi-state and multi-sector channels (e.g., participation in meetings of the National Governors Association or the National Conference of State Legislatures), multi-state and sector specific channels (e.g., forest fire co-operation agreements), and bilateral channels (e.g., province-state co-operation agreements). It should also be noted that some provinces also have direct interaction with the US federal government on particular issues, as the Alberta government has pursued recently on energy and beef exports to the US. For the most part, these consultations are conducted in concert with the Canadian federal government.

8 Earl H. Fry, *The Role of Sub-National Governments in North American Integration* (Montreal: Institute for Research on Public Policy, 2004), p. 11.

Several regional organizations bringing together Canadian premiers and US governors serve as important drivers of sub-national relationships across borders. The Conference of New England Governors and Eastern Canadian Premiers (established in 1973) is the most well developed regional grouping. It manages a number of committees of provincial and state officials examining sectoral issues (e.g., energy, environment and economic development). More recent are the Council of Great Lakes Governors and the Western Governors' Association. A slight variant of these regional groupings is the Pacific Northwest Economic Region (PNWER). Established in 1991, PNWER is a public-private partnership with membership from eight participating sub-national governments and the private sector.

FIGURE 5: BILATERAL REGIONAL GROUPINGS



As described above, the densest network of Canada-US sub-national linkages occurs among working-level public servants. For the most part, these functional ties remain highly decentralized within each provincial and territorial government. Limited co-ordination takes place within the Premier's office and quite often within the intergovernmental affairs ministry or agency. The most robust co-ordination takes place in Québec through the Ministry of International Relations. The following chart provides a snapshot of each government's co-ordinating agency, along with a short description of its responsibilities.

PROVINCIAL AND TERRITORIAL CO-ORDINATION OF INTERNATIONAL ACTIVITIES

Province/ Territory	Ministry/Agency Responsible for Canada-US or International Affairs	Responsibilities
British Columbia	Ministry of State for Intergovernmental Relations supported by an Intergovernmental Relations Secretariat	A small staff works with line departments to provide strategic and policy advice on international activities.
Alberta	Department of International and Intergovernmental Relations	Two sections deal extensively with international issues (international relations and trade policy). The line department of Economic Development manages Alberta's representatives abroad. Alberta may open up an Alberta office within the Canadian Embassy in Washington.
Saskatchewan	Ministry of Governmental Relations and Aboriginal Affairs with the Assistant Deputy Minister as contact for trade and international relations	The small international relations branch has a general co-ordinating function, along with responsibility for US files.
Manitoba	The Premier is Minister of Federal-Provincial Relations supported by the Deputy Minister of Federal-Provincial Relations.	Responsibilities cover trade policy, trade promotion and ministerial travel. Office helps co-ordinate line departments' international activities.
Ontario	Office of International Relations and Protocol, within the Ministry of Intergovernmental Affairs. The Premier serves as Minister.	The Office lightly co-ordinates international activities, most of which are discharged by line ministries. Ontario maintains an official at the Canadian Consulate General in New York City (reporting to the Ministry of Economic Development and Trade).

Québec	Ministry of International Relations	The Ministry has geographical and functional bureaus, along with legal and public affairs sections. It maintains one *délégation générale* (New York), three *délégations* (Boston, Chicago and Los Angeles), two *bureaux* (Atlanta and Miami) and a *bureau de tourisme* in Washington, DC. Approximately 70 staff are dedicated to US issues at headquarters and in the US.
New Brunswick	The Premier serves as Minister of Intergovernmental Affairs with the Department of Intergovernmental Affairs covering international affairs.	The Premier helps co-ordinate international issues with line departments. Business New Brunswick is the government agency tasked with trade policy, export promotion, investment attraction and immigration.
Nova Scotia	The Premier serves as Minister of Intergovernmental Affairs with the Deputy Minister responsible for FPT and international issues.	Two directorates deal extensively with international issues, including Premiers/Governors meetings, interaction with the Canadian Embassy in Washington and Boston consulate, and trade policy.
Prince Edward Island	The Premier serves as Minister of Intergovernmental Affairs. The Intergovernmental Affairs Co-ordinator works out of Executive Council Office and deals with FPT issues.	A small staff supports the New England Governors and Eastern Canadian Premiers as well as the Premier's involvement in Team Canada Atlantic. It works closely with line departments on international issues.
Newfoundland and Labrador	Minister of Intergovernmental Affairs; supported by the Intergovernmental Affairs Secretariat with the Assistant Deputy Minister designated as contact for international issues	Sectoral departments and agencies usually co-ordinate US relations. Intergovernmental Affairs often helps in developing necessary briefing materials.
Yukon	Executive Council Office including a Director of Intergovernmental Affairs	The Office provides some co-ordination of departmental interaction with US officials. The bulk of Yukon-Alaska linkages are handled directly by sectoral departments and agencies.
Northwest Territories	Department of the Executive as well as Intergovernmental Affairs and Strategic Planning	NWT has few formal relations with the US. These are handled directly at the departmental level.
Nunavut	The Premier serves as Minister of Intergovernmental Affairs, supported by Department of the Executive and Intergovernmental Affairs.	Nunavut has few formal relations with the US. These are handled directly at the departmental level. A small staff works with line departments to provide strategic and policy advice on international activities.

Although the research of the Roundtable did not specifically examine the nature of cross-border collaboration at the local or municipal area, it is clear that such contact occurs through numerous channels. This includes, for example, contact through twinning arrangements, trade promotion activities, and professional conferences (e.g., for land use planners or municipal administrators). In addition, more formal bi-national institutions have been created at the local level to address regionally specific issues, such as tourism or the environment. One of the more prominent institutions is the International Association of Great Lakes and St. Lawrence Mayors.

CASE STUDY: INTERNATIONAL ASSOCIATION OF GREAT LAKES AND ST. LAWRENCE MAYORS

Since 1987, the Association has brought together mayors from the eight US states and two Canadian provinces bordering the shores of the St. Lawrence and Great Lakes. The vision of the organization is to form a bi-national coalition that will actively work with federal, state and provincial governments to advance the protection and restoration of the Great Lakes ecosystem and to become active participants in regional issues relating to governance, economics and science.

Mayors meet at an annual conference that brings together experts and other stakeholders. The mayors adopt unified positions and make recommendations concerning water levels, transportation, commercial development, dredging, waterfront development, water quality, tourism and other topics.

INTERGOVERNMENTAL COLLABORATION ON CANADA-US ISSUES

Federal-provincial-territorial collaboration on bilateral issues is extensive. This stems largely from areas of concurrent jurisdiction (agriculture and immigration) as well as overlapping responsibilities (such as the environment, natural resources, policing, and transportation). Consultation and collaboration on these functional issues are often co-ordinated by intergovernmental units in specialist line departments, particularly at the federal level.

Another important driver of intergovernmental collaboration is international trade policy. Although the negotiation of trade agreements and treaties falls under federal jurisdiction, provincial governments are often called upon to implement agreements, particularly when elements of these agreements come under their authority. As such, federal-provincial consultation now occurs before and during the formulation of trade policy. Examples of consultation include annual meetings between the Minister of International Trade and his provincial and territorial counterparts as well as quarterly meetings of the working-level Federal-Provincial-Territorial Committee on Trade (C-Trade).

Several innovative and highly effective intergovernmental groupings bring together federal, provincial and US officials. The following table provides a number of examples.

EXAMPLES OF TRIPARTITE COLLABORATION ON CANADA-US ISSUES

Provinces/States Advisory Group (PSAG) on Agriculture Issues

Established in the mid-1990s, PSAG is mandated as an advisory forum to the federal Canada-US Consultative Committee on Agriculture. Canadian participants include provincial departments of agriculture along with Agriculture and Agri-Food Canada and Foreign Affairs Canada. US representatives include the heads of the state departments of agriculture. PSAG meets annually as well as on an ad hoc basis to respond to pressing agricultural trade issues.

Canada-US Cross-Border Crime Forum (CBCF)

Established in 1997 and led by the Minister of Public Security and Emergency Preparedness and the US Attorney General, the CBCF brings together provincial, state and local partners. Numerous sub-groups (intelligence, border enforcement, organized crime, prosecutions, interoperability, mass marketing fraud) are also active throughout the year. The Forum has improved Canada-US law enforcement co-operation and information sharing to reduce terrorism and organized crime.

Canada-US International Emergency Management Group (EMG)

Established in 1998 through a resolution (and subsequent MOU) at the Annual Conference of New England Governors and Eastern Canadian Premiers, EMG brings together on a semi-annual basis participating provincial and state working-level officials from emergency management authorities. Frequent interaction occurs between meetings on an ad hoc basis and often includes representatives from federal departments and the private sector.

PROVINCES, TERRITORIES AND INTERGOVERNMENTAL COLLABORATION: LESSONS

Lesson 12: Be aware of regional differences in the United States.

The old adage that "all politics is local" in the United States remains a reality. Given the short two-year terms of US representatives and the tradition that US Senators are the chief defenders of regional interests, US legislators are highly responsive to local interests. Canadian officials must be cognizant of the impact of local dynamics on national politics, and vice-versa.

Lesson 13: Seek to resolve issues at the regional level before they escalate nationally.

Provincial-state collaboration on a range of issues should be encouraged. Identifying and resolving conflicts regionally is far more effective than letting them escalate to the national level, where the diffusion of interests can marginalize Canada's voice.

Lesson 14: Recognize the synergies of intergovernmental collaboration on bilateral issues.

Canadian governments writ large have considerable knowledge of the regional variances of the US, given the network of Canadian consulates, extensive provincial-state government contact and informal regional networks. It is critical that Canadian officials at all levels of government share this expertise. It is also important that Canadian governments speak with one voice in their interaction with US governments, wherever possible (see Lesson 9).

6

Understanding and Engaging the US Political System

6) UNDERSTANDING AND ENGAGING THE US POLITICAL SYSTEM

All public officials dealing with the US require a basic understanding of US institutions and norms of policy-making. Practitioners reminded the Roundtable that learning about the US during a crisis is always too late. While both nations share basic similarities in their political structures (e.g., federal systems) and values (e.g., respect for democracy and the rule of law), the aggregation of differences in constitutional structure and variations of political culture often lead to major differences in the policy-making process and outcomes. Appendix II provides a detailed examination of the constitutional and institutional differences between Canada and the United States. This chapter highlights what Canadian practitioners need to know when dealing with US issues.

DIFFERING FOREIGN POLICY PRIORITIES

Given global imperatives and historical preoccupations, the US government approaches Canada-US relations with a different set of foreign policy priorities. Preoccupation with security and defence has typically been the key bilateral concern for US officials. Canada has generally been concerned with trade access given its overwhelming economic relationship with the US and reliance on trade as a proportion of its GDP. It should therefore not be surprising that agreement between the two countries is sometimes difficult to achieve; even when interests are not fundamentally opposed, the two governments weigh their foreign policy priorities differently.

"It is a relationship of interests, not merely of favours."

INSTITUTIONAL ASYMMETRIES

Two key differences between the Canadian and US political systems greatly complicate working-level relations between both countries. The first difference is the enormous role—relative to the Canadian Parliament—played by the US Congress in policy development and oversight of the executive branch. The strength of Congress arises first and foremost from its separation from the executive branch of government, unlike Canada's system of responsible government, wherein the executive and legislative branches are fused. Since the power of the President (head of the executive branch) is not directly related to support from Congress (the legislative branch), individual members of Congress can wield a degree of independence unmatched in the Canadian political system. The policy and budget power of Congress is amplified by the longer tenure of legislators (relative to Canadian parliamentarians) and the power of its committees, which have substantial resources to conduct research and draft legislation. The reality for Canadian practitioners is that agreements struck between the executive branches of the Canadian and US government may be blocked by Congressional pressures, or even if achieved, may not necessarily receive the blessing of the US Congress.

CASE STUDY: EAST COAST FISHERIES AGREEMENT, 1979

A good example of conflict between Congressional and Administration interests on a Canada-US issue occurred in the late 1970s, when a long-negotiated treaty over the East Coast fisheries fell apart because of the impact of one US senator and a few hundred fishermen in Rhode Island. After nearly two years of negotiations, Canada had sought and won the US administration's support for arbitrating maritime boundaries on the east coast and for creating a binational council to which both countries would delegate regulation and management of their east coast fisheries resources. However, the US Senate failed to support the creation of the supranational management body. This episode gave credence to the old cliché that there are 535 foreign ministers elected to Congress.

Thus, Canadian public servants must actively monitor Congress. When appropriate, Canadian public officials must develop strategies that engage Congressional offices and committees in order to define and defend Canadian interests, always with the support of the Canadian Embassy. Shifting US alliances and coalitions, partly a result of weaker party discipline, mean that Canadian governments generally have no permanent "friends" or "adversaries" in the US Congress. A Senator or Representative might support Canada's interests on one bill but should the interests of Canada and their local constituents collide on another, there is little question of whose interests will take precedence.

The second major institutional difference relates to the sheer scale of the US government. While horizontal co-ordination within any government is among the most challenging tasks, the size of the US executive branch—consisting of 14 executive agencies and approximately 4500 newly installed presidential appointees—renders inter-agency collaboration all the more difficult. Dealing with a lack of cohesion and divergent opinions on a particular issues within a single administration is a frequent challenge for Canadian officials. At a minimum, Canadian officials must be aware of these divisions. They must also consider ways to address divergent opinions on an issue and sometimes devise means to "organize" key US interlocutors.

CASE STUDY: CANADA-US INTERPARLIAMENTARY GROUP

The Canada-US Interparliamentary Group was established in 1959 and holds annual meetings alternating between Canada and the US. Although Canadian membership has tended to fluctuate in recent years, participating US Senators and Representatives typically possess considerable expertise on bilateral issues affecting their constituencies. These meetings permit valuable informal discussion on a wide-range of issues.

SOVEREIGNTY CONSIDERATIONS

"We support the Americans because 95% of the time our interests coincide, not as a result of obeisant behaviour."

Another constant reality for Canadian officials is domestic public concern about loss of Canadian sovereignty when co-operating with the US government. How to maintain policy choice and an independent voice in world affairs while living on the doorstep of a superpower has been among the great debates in Canadian history. Strong currents of economic nationalism and anti-Americanism as well as integrationist and pro-American sympathies co-exist in variable strengths across Canada's regions. While highly dynamic, these currents are unlikely to abate.

Public officials must weigh and balance these concerns. To those segments of the population that believe all co-operation with US governments means loss of sovereignty, Canadian officials must be ready to explain the benefits and rationale for bilateral co-operation. In fact, the complex nature of transgovernmental and transnational co-operation does not appear to strengthen the US government's ability to achieve its objectives when bargaining with Canada, despite its overwhelming advantage in population, military resources and government resources.[9] With their constant consultation and inherent trust, Canada-US networks are more characterized by their efforts to find joint gain rather than to seek zero-sum outcomes. Opponents of bilateral collaboration must be reminded that engaging with US officials is a proactive way to assert Canadian sovereignty. Canada's independence is compatible with its interdependence as a nation. Equally, Canadian officials must remember that long term Canadian interests are the ultimate test of any agreement.

UNDERSTANDING AND ENGAGING THE US POLITICAL SYSTEM: LESSONS

Lesson 15: Understand how a Canadian issue will play out in US domestic politics.

Public policy issues will rarely be perceived in the same way by any two national governments. For example, an issue regarded in Canada as purely economic may be regarded by US counterparts through the lens of security. Therefore Canadian officials must learn to see the complex dynamics of an issue through the American perspective. They need to understand historical policy preferences as well as the regional and national interests of legislators and the executive, civil society groups and private sector actors.

Lesson 16: Understand the complexity of US decision-making—and especially the critical role of Congress.

The very nature of the US system of government encourages fragmented policy-making. The separation of powers between the executive and legislatives branches means that there is no one institution responsible for making policy. In particular, relative to the Canadian Parliament, Congress plays an enormously important role in policy-making while US Cabinet departments and independent agencies typically implement these decisions. This means Canadian officials must find ways to engage Congress on policy issues while interacting with US departments and agencies often with opposing points of view.

Lesson 17: Be prepared to communicate at home the benefits of bilateral co-operation.

When co-operating with US counterparts, Canadian public officials must be mindful of domestic public concern over loss of sovereignty, whether real or imagined. This requires communicating the rationale for working with the US in an open and forthcoming manner. Skeptics of bilateral co-operation must be reminded that we ultimately engage with the US to address common concerns and to advance Canadian interests.

9 See for example Robert O. Keohane and Joseph P. Nye, *Power and Interdependence* (New York: Longman, 2001 [3rd edition]).

7

Asserting Canadian Interests

7) ASSERTING CANADIAN INTERESTS

The traditional tenets of diplomacy—such as managing bilateral relations through the foreign ministry and strictly avoiding involvement in the domestic debates of a foreign country—have long been incomplete in understanding the Canada-US relationship. The interconnected nature of both economies and societies has meant that decisions made in one country often have important ramifications in the other. For example, US automobile emission standards influence Canadian regulations, or US sanctions against a third country can have an impact on Canadian-based businesses operating there. Accordingly, Canada, like other nations, must increasingly assert its interests in the US, often in the public domain. This has become a standard practice within the American political process.

INTERESTS GROUPS AND LOBBYING IN THE US

A veritable army of "influencers" stands ready in Washington, DC to inform, educate and ultimately change the thinking of legislators and other policymakers. According to the *Encyclopedia of Associations*, there are 23,000 official groups in the US, many of which have their national headquarters in Washington, DC in order to influence public policy. These include economic interest groups (e.g., US Chamber of Commerce, National Association of Manufacturers), public interest groups (e.g., League of Women Voters, Environmental Defense Fund), government interest groups (e.g., National Governors Association, National League of Cities) as well as ideological, civil rights, single-issue and religious interest groups. In addition, there are more than 50,000 lawyers and thousands of registered and unregistered lobbyists, public affairs and other political consultants based in the US capital. Finally, there are embassies from virtually all countries.

With its critical policy-making role, Congress is often at the centre of interest group lobbying efforts. Lobbyists testify at committee hearings, provide powerful committee staff with information, and—in contrast to the Canadian system—sometimes even write the legislation. Partisan committee staff in the US Congress, which do not exist in the Canadian system, have enormous influence and have been likened in influence to permanent deputy ministers. For lobbyists, the most effective way to influence members of Congress is to explain how a bill is important to the elected official's constituency or home state.

In the US, regulatory agencies such as the Federal Communications Commission or the Food and Drug Administration also make important public policy decisions. Lobbyists or interest group lawyers, particularly those representing corporations and trade associations, use the same tactics with agencies as they do with Congress. Developing regulations is a multi-step process that involves initial drafting, hearings and submissions of comment, and the issuance of final rules. Interest groups are involved in all stages: they testify before administrative hearings, submit comments or file briefs, and draft the regulations under which their clients are required to operate. The term "iron triangle" is often used to describe the ties between congressional committees, administrative agencies whose funding is set by the committees, and the lobbyists who work closely with both.

"In order to be effective, we have to immerse ourselves in the interplay of US domestic politics."

What does this tight relationship between US domestic lobbyists and government officials imply for foreign governments such as Canada? First of all, it requires Canadian officials to recognize the influence of the private sector in US public policy. Members of Congress are naturally far more interested in protecting jobs (and therefore votes) in their constituencies than in another country. Second, it means that Canadian governments must often target US businesses and local organizations that share Canadian interests on particular issues. In the words of Allan Gotlieb, former Canadian Ambassador to the United States, "a good domestic US ally is worth a hundred protest notes to the State Department." [10]

Canada has often pursued this strategy. For example, in the continuing softwood lumber dispute, efforts have been made to work through US associations of homebuilders and of construction workers, both of whom benefit from lower-priced building material and increased demand for home construction. For another example, US car manufacturers have been a key ally for Canada in the struggle to keep the border open, given their need of Canadian-made parts for "just-in-time" production processes. Thus experience shows that the most effective way to assert Canadian interests, particularly on contentious trade disputes, is to find a powerful US ally in the private sector. Moreover, working with narrowly targeted lobby groups, such as producers and suppliers, is often more effective than working with broad-based organizations such as consumer groups.

THE LOCUS OF DECISION-MAKING

"The US government is so large that we have to hit a whole bunch of people with the same message. We need to work DC the way Americans work DC."

The dispersed nature of decision-making in the US political system means that no foreign power can afford to put all its energy into activating only one channel, whether it is the President, White House staff, members of Congress and their staff, Congressional committee staff, the State Department, sectoral departments, or relevant interest groups. The critical question for any foreign country is how to channel the appropriate levels of energy into each of these channels and at the appropriate stage of the decision-making process. Such decisions will naturally be contingent upon the issue at hand.

Reflecting on his tenure as Canadian Ambassador to the United States from 1981 to 1989, Allan Gotlieb came to support a "multiplicity of instruments" strategy in the management of Canada-US relations. Essentially he recommends encouraging the maximum number of Canadian officials, legislators, politicians, businessmen, lobbyists and others from all levels of government to actively advance Canadian interests in the US. According to Gotlieb, "as time went on and I came to understand better the phenomena of power dispersal in the US political system, I became persuaded that, although management was essential, it had to be used to expand, not restrain, the number of Canadian players in the field."[11] For Gotlieb, this maximizing strategy would insert new people, new governments and new energy into the fragmented US advocacy process.

10 Allan Gotlieb, *'I'll be with you in a minute, Mr. Ambassador': The Education of a Canadian Diplomat in Washington* (Toronto: University of Toronto Press, 1991), p. 58.

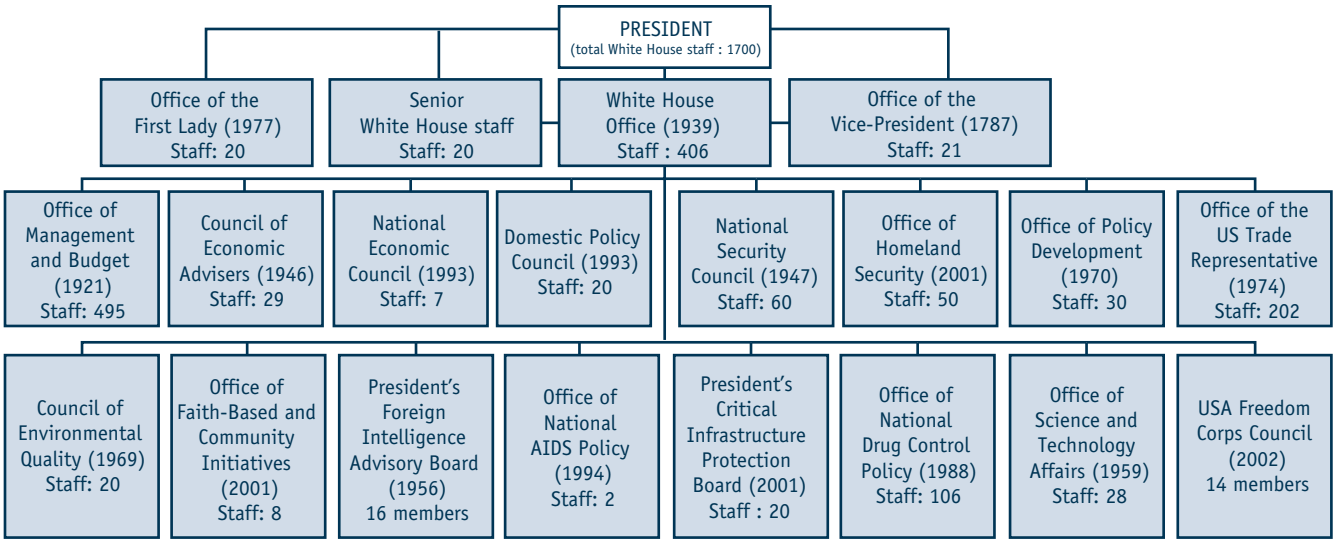
11 Allan Gotlieb, p. 126.

"We need to collectively take stock of our key contacts in the US administration and then activate these connections when appropriate."

As mentioned earlier, practitioners believe it is useful to keep non-contentious issues at the working level, avoiding conflict and resolving issues at the operational or regulatory level before they become matters of policy or high politics. It is also an effective means of avoiding the linkage of disparate issues in bilateral negotiations (e.g., agreeing to US desires for increased security at the border in return for a reduced protectionist duties on a Canadian import). Outside of comprehensive trade negotiations, such as NAFTA, explicitly linking issues is generally considered an ineffective strategy for Canadian governments.

However, occasional difficult issues in Canada-US relations require the active engagement of senior political figures. The more "stove-piped" US administration often impedes progress on resolving a policy matter of importance to Canada, either due to US bureaucratic inertia or attempts by Cabinet secretaries to protect their turf. In some instances, Congress may be severely divided on an issue. As a result, the Canadian government may sometimes have to appeal to White House officials, who play key roles in advancing the President's agenda and co-ordinating his administration. The most important issues will require consultation with the President.

FIGURE 6: EXECUTIVE OFFICE OF THE PRESIDENT



Note: The above figure corresponds to the White House structure under President George W. Bush. Only the main branches are indicated.

PUBLIC DIPLOMACY

Another unique consequence of the US political system is the need for foreign governments to be engaged in public diplomacy. In the eternal Washington competition for access and influence, the Canadian ambassador may need to seek publicity for his or her cause. Clearly, this kind of diplomacy must be practiced with considerable finesse or else risk being accused of interfering in US domestic affairs.

Finding key interlocutors with credibility to US policymakers can also bring attention to Canadian interests. Given the diffusion in US policy-making, ensuring that US policy makers at all levels have accessible, reliable and adaptable information on Canada is critical. In general, information best emanates from US sources, although with support from Canada.[12]

Important interlocutors also include "think tanks" and key universities in the US. Scholars and public policy experts from these organizations frequently give testimony before congressional committees and form close ties (sometimes called "issue networks") with members of Congress, committee staff, administrative and regulatory agency directors and staff, lobbyists, and executive departmental officials working in a common area of interest. Given the churn of officials in US administrations, many of these experts frequently serve in influential policy-making roles at different stages of their careers. Canadian officials are well advised to pay close attention to these individuals and groups and to inform them about Canadian perspectives and interests.

CANADIAN "EXEMPTIONALISM" AND "EXCEPTIONALISM"

"We have clung too long to the myth of the 'special relationship.' 'Warm and fuzzy' does not bring us influence."

Scholars of Canada-US relations debate to what extent Canada has benefited from a special "exemptionalist" or "exceptionalist" relationship with the US. Exemptionalism means that Canada is exempted from measures applied to other countries, while exceptionalism means that Canada is treated differently from other allies.

Certainly since World War II, the Canada-US relationship has indeed been one of the closest and most co-operative partnerships in diplomatic history. This closeness has manifested itself most visibly in tightly integrated military co-operation (e.g., DEW line and NORAD) and trade openness (e.g., the Autopact of 1965 and the Canada-US Free Trade Agreement of 1989). Numerous smaller and less visible issues can also colour the relationship in a unique light, such as exemptions for Canada for strict border controls (e.g., passports or exit-entry notification).

However, many practitioners who reported to the Roundtable believe that we have too long clung to a myth of the "special relationship." There is an enormous store of goodwill between our societies shaped in part by basic convergences of interest, ideology, and security, as well as by the extensive economic and personal linkages between both nations. But this goodwill does not necessarily translate to policies that are more favourable to Canada than to other nations. American decision-makers struggle increasingly with the question of why Canada should be treated differently from Mexico on several policies. The enduring reality is that the US government, like other governments, is first and foremost inclined to protect itself. Notwithstanding the fragmented nature of the US government, Canadians should never underestimate America's collective capacity to defend its interests. This particularly applies to strident local interests and national security priorities.

12 Chris Sands, "How Canada Policy is Made in the United States," *Canada Among Nations 2000: Vanishing Borders* (Toronto: Oxford University Press, 2000), p. 70.

Lesson 18: Show Americans how working with Canada on a common issue is in their best interest.

US officials at all levels, from working-level analysts to members of Congress, are naturally pre-disposed to protect US interests. Accordingly, Canadian officials must be strategic in the manner in which they seek support in advancing an issue of importance to Canada. For the most part, this necessitates demonstrating that the Canadian approach contributes to US objectives. Effective interpersonal relations are important in bilateral negotiations, but ultimately the most important factor is showing how bilateral co-operation advances US interests in addition to Canadian interests.

Lesson 19: Activate US domestic constituencies where possible.

The private sector, interest groups and think tanks have enormous influence in the US political system, especially through their well-organized lobbying efforts, their support for campaign fund-raising for elected US officials, and their specialized knowledge. Wherever possible and appropriate, Canadian officials must seek alliances with these bodies that share common interests. In other words, they must influence the domestic US "influencers." At the same time, however, they must be careful to avoid the perception of foreign interference in US domestic politics.

Lesson 20: Know when to engage higher levels in order to move an issue forward.

The most powerful bilateral links, particularly for crises or contentious issues, occur between the Prime Minister and President and between Ministers and Cabinet secretaries. Canadian officials must know when to engage these levels in order advance policies that may be held up by bureaucratic inertia, inter-agency turf battles or divisions within Congress. When in doubt, officials should consult with colleagues in Foreign Affairs Canada, International Trade Canada, the Canadian Embassy, or the Canada—US Secretariat of the Privy Council Office.

8

Conclusion

8) CONCLUSION

The 20 lessons in this study by no means represent the definitive guidelines for the conduct of Canada-US relations. Rather, they should be regarded as useful reminders of how practitioners can make the most out of their co-operative relationships with US officials. Taken together, these lessons place a premium on understanding the dynamic nature of the US political environment, promoting collaboration among Canadian government actors, and jointly working towards Canadian goals in the US domestic policy context.

SUMMARY OF MAIN LESSONS

1. Cultivate the person-to-person connections in the relationship.
2. Know your US counterparts, along with the powers, constraints and limitations they face.
3. Share information early on with US officials about Canadian realities and interests.
4. Correct misperceptions about Canada, especially those in the media.
5. Be proactive in engaging US officials.
6. Find ways of institutionalizing or regularizing your contact with US officials.
7. Don't neglect the informal dimensions of the relationship.
8. Take advantage of multilateral forums to engage with US officials.
9. Ensure as much as possible that Canadian actors speak with a single voice.
10. Share information and intelligence on Canada-US issues with Canadian counterparts.
11. Recognize that virtually every issue in the relationship requires a different approach.
12. Be aware of regional differences in the United States.
13. Seek to resolve issues at the regional level before they escalate nationally.
14. Recognize the synergies of intergovernmental collaboration on bilateral issues.
15. Understand how a Canadian issue will play out in US domestic politics.
16. Understand the complexity of US decision-making—and especially the critical role of Congress.
17. Be prepared to communicate at home the benefits of bilateral co-operation.
18. Show Americans how working with Canada on a common issue is in their best interest.
19. Activate US domestic constituencies where possible.
20. Know when to engage higher levels in order to move an issue forward.

IMPLICATIONS

The Roundtable's research has articulated a new way of looking at the management of Canada-US relations. It describes a long-standing although often over-looked dimension of the relationship, namely the dense networks of co-operation between public sector officials on both sides of the border. Given the greater attention placed on the "high-politics" of Canada-US relations, particularly between the President and Prime Minister, academics and commentators have often neglected the quiet and consistent collaboration occurring between sectoral specialists at headquarters and in the regions.

The Roundtable's perspective is that this "bottom-up" approach to Canada-US relations (exemplified by ongoing contact between officials) is a natural compliment to the "top-down" approach (marked by co-ordination from Foreign Affairs and central agencies). The vast web of interaction occurring between public officials every day constitutes the bedrock of the relationship. It builds trust and allows for problem-solving without elaborate rules. At the same time, these many actors require guidance and some co-ordination in the direction of their efforts. In this vein, the Roundtable believes there are four important implications for governments as a result of its research.

First, governments need to comprehend more fully the extent of these channels of collaboration occurring with US counterparts. The accompanying document to this guide, *Building Cross-Border Links: A Compendium of Canada-US Government Collaboration*, represents a useful first step. Given the highly dynamic nature of the relationship, continued updating of these links would be useful. As a future step, bilateral institutions and agreements could be systematically evaluated in order to determine where they might be eliminated, enhanced or streamlined. This process would also help suggest which sectors may require additional institutions or if cross-sectoral institutions might be useful.

Second, these networks of co-operation at all levels of organizations need to be supported. This support requires effective leadership at the top of the organization, both by the minister and the deputy. At the working level, a more sophisticated approach to Canada-US relations may have resource implications, whether for travel or information sharing tools (e.g., Web sites and conferences) to support a more conscious community of practice among Canada-US practitioners. Above all, leaders in government need to empower each official, office, department or agency to take even greater responsibility for their part of the relationship within a coherent whole. As the US goes through cycles of international engagement and withdrawal, and as other countries become increasingly sophisticated in their dealings with the US government, Canada will have to work even harder to keep its privileged ties.

Third, the growing number of actors involved in the cross-border relationship requires strategic co-ordination in the pursuit of Canadian interests. We need to take advantage of synergies between particular channels. For example, ties between the Canadian Parliament and the US Congress represent a tremendous resource to pursue Canadian interests. Many observers believe we have not sufficiently exploited these opportunities. Similarly, sectoral officials often admit they have not sought advice from the Canadian Embassy or consulates, which understand the day-to-day nuances of the US. Canada's multiplicity of "access points" into the US political system both centrally and in the regions represents a vast knowledge resource which must be better shared in real time among various actors. Co-ordinators of the relationship must strive to activate these networks in a coherent fashion, ensuring that Canadian actors speak with one voice when possible.

Fourth, Canadian officials need to learn more about Canada-US relations and the US political system. Considerable expertise regarding the conduct of bilateral relations already exists within Canadian governments. Yet impending public service retirements and the highly dynamic nature of the US policy environment mean that ongoing training is essential. The Canada School of Public Service, for example, should continue its seminars on US political and economic developments for senior managers while expanding learning opportunities to all levels of the public officials. Other organizations, such as Foreign Affairs Canada and its Canadian Foreign Service Institute, could also play a role here.

The research of the Roundtable shows that the unique nature of the Canada-US relationship resides less in the granting of special favours by the US Administration and more in the myriad person-to-person and co-operative linkages on both sides of the border. Through telephone calls, e-mails, faxes and face-to-face encounters, hundreds of Canadian and US officials collaborate daily to secure ports, manage joint waterways, undertake joint scientific projects or improve highway safety. Much of this work is technical in nature, taking place with minimal co-ordination of foreign ministries and with limited public visibility. But this quiet and unobtrusive style of collaboration is arguably a measure of its success and a model for the world. For it is ultimately through the trust built up between individuals, honestly reflecting the values and interests of their peoples, that a border between nations joins more than it divides.

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Appendixes

APPENDIX I: SELECT BILATERAL PROCESSES AND AGREEMENTS

*Please note the tables below are organized roughly in descending order of formality.

SELECT BILATERAL PROCESSES

Type	Explanation	Examples
Prime Minister and Presidential visits and summits	High-level meetings serve as important events to move issues forward on the bilateral agenda. They typically constitute the only time the US government fully concentrates its attention on Canada.	Meetings are typically held in either Ottawa or Washington or during multilateral meetings such as the G8 or NATO. For example, Prime Minister Chrétien and President Clinton met 24 times between November 1993 and October 1999. Three meetings occurred through official visits while the remainder took place in the margins of multilateral meetings.
Premier-Governor meetings	Important drivers of the bilateral sub-national relationship. Meetings often take place through regional forums.	Annual meetings of the Conference of New England Governors and Eastern Canadian Premiers.
Minister-Secretary meetings	Key meetings to drive progress on sectoral issues.	Quarterly meetings (now defunct) between the US Secretary of State and the Canadian Secretary of State for Foreign Affairs took place during the 1980s.
Commissions	Institutionalized bodies usually of an indefinite duration to investigate or adjudicate specific issues.	International Joint Commission, Pacific Salmon Commission, Great Lakes Commission, International Boundary Commission.
Joint boards or panels	Less formal than commissions, bilateral boards often provide a forum to review progress on issues and to facilitate further contact.	The Permanent Joint Board on Defence (PJBD) was set up by Canada and the US under the Ogdensburg Agreement (1940). It is composed of military and diplomatic representatives from both nations and serves as a window on Canada-US defence relations.
Joint operations	A general term to describe actions conducted by joint civilian or military staffs under arrangements or agreements.	The North American Aerospace Defence Command (NORAD), established in 1958, is one of the most prominent binational institutions. It facilitates the joint monitoring and defence of North American airspace.

Joint programs	Joint programs are established by both countries under specific formal or informal agreements to foster bilateral co-operation in various areas of interest.	The Nova Scotia-New England Exchange Program (1988) promotes the exchange of university students between NS and New England institutions.
Task forces	A temporary group or organization established to carry out a specific task or tasks or to address a specific issue and make recommendations to policy-makers.	Co-chaired by the Minister of Natural Resources Canada and the US Secretary of Energy, the Canada-US Power System Outage Task Force was created to investigate the August 14, 2003 power blackout.
Working groups	Scientific committees, panels of experts, specialists or government representatives, established to address a specific issue.	The bilateral Energy Consultative Mechanism was established in the 1980s by senior Canadian and US staff of the Energy and Foreign Affairs departments. It holds annual bilateral meetings and fosters informal technical talks among experts on an ongoing basis.
Panels	Group of experts/specialists set up to address a specific scientific, technical or socio-economic issue. A panel can also be formed by two parties to settle a dispute.	The Great Lakes Panel on Aquatic Invasive Species is a federal-provincial-state initiative created in 1991 to deal with the introduction of aquatic invasive species to the Great Lakes Basin.
Advisory groups	Advisory bodies are created to advise policy-makers on the implementation of formal agreements by the way of recommendations and reports.	The International Joint Commission (IJC) Air Quality Advisory Board.
Exchanges of personnel	Exchange of personnel for training and also for operational purposes.	Canada and the US exchange a limited number of unarmed customs officers at the ports of Vancouver, Montreal, Halifax, Seattle-Tacoma and Newark to examine marine containers. The Canadian military typically has approximately 600 staff serving in the US, mostly on NORAD-related assignments.

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Type	Explanation	Examples
Joint training	Participation by assigned personnel in joint formal or informal exercises (including learning activities, workshops, military exercises, drilling, fire and rescue training, etc.).	The RCMP has a number of integrated training and development projects with international partners, including the US. Examples include Integrated Border Enforcement Team training, Firearms Trafficking Schools, and training for the Operation Pipeline/Convoy/Jetway program.
Meetings of legislators	Meetings of elected officials (generally non-ministerial rank) often of an informal nature to discuss a broad range of issues.	The Canada-US Interparliamentary Group was founded in 1959 and has generally met on an annual basis. A number of provincial, territorial and state legislatures have twinning or exchange arrangements (e.g., Saskatchewan and North Dakota, Yukon and Alaska legislatures).
Forums	Meetings, co-operative initiatives or bilateral/multilateral consultation groups formed for general discussion of an issue.	The Cross Border Crime Forum is a consultative forum established in 1997 bringing together border, police and security officials from Canada and the US at both the federal and sub-national levels.
Symposiums/ Colloquiums/ Conferences/ Workshops	Formal meetings or institutions of individuals or groups, set for consultation or discussion.	Regular meetings between Federal – Provincial – Territorial Heads of Prosecution and National District Attorneys Association (NDAA).

SELECT BILATERAL AGREEMENTS

Type	Explanation	Examples
Treaties	Legally binding agreement between two or more states. Usually reserved for matters of some gravity that require solemn agreements. Their signatures are usually sealed and they normally require ratification.	Boundary Waters Treaty (1909); Boundary Demarcation Treaty (1925)
Protocols	Agreements less formal than treaties or conventions. They often address particular clauses of the treaty, formal clauses not inserted in the treaty, or the regulation of technical matters.	Federal Trade Commission-Competition Bureau Information Sharing Protocol (see Chapter 3 of this study)

Memorandums of understanding	In international negotiations, a MOU is considered to be a preliminary document, not a comprehensive agreement. It is an interim or partial agreement on some elements, in some cases a mere agreement in principle on which there has been accord. Most MOUs imply that something more is eventually expected.	MOU between the National Energy Board and the Federal Energy Regulatory Commission to enhance Interagency coordination (2004).
Exchanges of letters/notes	Routine agreement that consists of the exchange of two documents, with each of the parties possessing the record signed by the other representative. The technique of exchange of notes is frequently used, either because of its speedy procedure or because it bypasses the process of legislative approval.	Exchange of Notes recording an Agreement between Canada and the US to improve bilateral security through enhanced military cooperation with respect to maritime, land and civil support functions (2002).
Mutual recognition agreements	Formal agreements between two countries that provide for a reciprocal reliance upon facets of each other's regulatory systems to the degree specified in the agreement.	Mutual recognition agreement between the accounting bodies representing the Canadian Chartered Accountant (CA) profession, the Certified Public Accountant (CPA) profession in the United States and the Contador Público Certificado (CPC) profession in Mexico, under the terms of NAFTA (2002).
Congressional-Executive Agreements (US law)	Agreements with a foreign power that have been approved by the US Congress. Unlike a treaty (in the US constitutional sense), it does not supersede existing law and does not require a two-thirds vote by the Senate. Instead, it is enacted as an ordinary law which requires majority votes by both the House and Senate followed by approval from the President. (In contrast, a sole executive agreement is ratified by the President alone.)	CEAs are often used to implement trade agreements such as the North American Free Trade Agreement (1994) and United States accession to the World Trade Organization (1995).
Executive Agreements (US law)	International agreements usually partaining to administrative matters entered into by the US President, outside of the treaty ratification process. Unlike formal treaties, the President can make them without the advice and consent of the Senate. Some agreements require subsequent implementing bills passed by both chambers before they can take force.	US-Canada Softwood Lumber Agreement (1996-2001); Social Security Totalization Agreement between Canada and the US (1984-2004).

APPENDIX II: CANADIAN AND AMERICAN GOVERNANCE: A COMPARATIVE VIEW

DEMOCRACY

United States	Canada
• United States of America formed between 1776 and 1783 during the War of Independence from Great Britain.	• Canada formed in 1867 following negotiations by the British North American (BNA) colonies and the passage of the BNA Act by the British Parliament.
• Federal republic; three constitutionally mandated branches of government (executive, legislative and judicial) • Bicameral, elected legislatures at federal and state levels (Nebraska only unicameral legislature)	• Federal constitutional monarchy; responsible government (executive and legislature fused, with an independent judiciary) • Bicameral Parliament; elected House, appointed Senate • All provinces have unicameral, elected legislatures
• Comprehensive written Constitution with amendments (the first ten of which are known as the Bill of Rights). In addition, the Constitution identifies the powers of, responsibilities of, and relationships between the executive, legislative and judicial branches. Also, the Constitution sets out the authority of the federal government and powers reserved to the states.	• Written and unwritten Constitution. Custom, usage, practice and convention play an important part in the Canadian Constitution. For example, until 1982, the Constitution did not even make reference to the position of Prime Minister or provincial Premiers. • In 1982, a Charter of Rights and Freedoms was added to the Constitution.
• The Framers designed a government based on a system of checks and balances, in which the executive, legislative and judicial branches are held in check by each other. For example, the President may provide leadership and initiate important legislation, but does not vote on bills in the legislative branch. Instead, once both houses have passed a bill, the President signs it into law. If the President is not in favour of particular legislation, he/she may use the veto power to block parts or all of a bill. The veto can be overcome by a 2/3 majority vote in both houses of Congress (Senate and House of Representatives).	• Canada inherited a system of responsible government from the British tradition. In this system, the executive (Prime Minister and Cabinet) sits in the legislative branch and depends on votes of confidence by the House of Commons (legislature) for its mandate. Confidence essentially refers to the legislature's majority support of the executive's mandate. When the legislative branch loses confidence in the executive, the Government must resign, or recommend to the Governor General that Parliament be dissolved and an election called. Alternatively, the Governor General may ask another party to form a Government that could garner majority support.

EXECUTIVE

United States	Canada
• The President and his Cabinet (heads of various departments and agencies) form the executive branch at the federal level. • Governors head the executive branch at the state level.	• At the Canadian federal level, the executive branch is composed of the Queen or her representative the Governor General (Head of State), the Prime Minister and the Cabinet. • Provincially, the executive is comprised of the Lieutenant Governor (representative of the Queen), the Premier and the Cabinet.
• The Executive Office of the President comprises four main bodies that advise the president: the White House Office, the National Security Council, the Council of Economic Advisors, and the Office of Management and Budget.	• In Canada, these functions are generally provided by the Prime Minister's Office (partisan staff) and the Privy Council Office (non-partisan officials).
Heads of State and Government • While Governors are directly elected by the people, Presidents win office through the electoral college, a body which reflects the number of Members of Congress in each state. The candidate who receives the most votes in any given state is awarded all the electoral college votes in that state (except in Maine and Nebraska). • Candidates for Governor or President receive their party's nomination following an extensive party primary election. However, some states have conventions or caucuses instead of primary elections. • American Governors and Presidents occupy the executive branch and may not concurrently sit in the legislative branch.	**Heads of State and Government** • Governors General and Lieutenant Governors are appointed on the advice of the Prime Minister. • Prime Ministers and Premiers (or First Ministers) must be members of the legislature and therefore represent a constituency. They arrive to the position as the leaders of the majority party. • Leaders of political parties (both the majority and minority parties) are elected by registered members of the party during leadership conventions. Leadership conventions are evolving in Canada, as several parties have adopted a full membership vote system, rather than the traditional delegate-convention system.

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EXECUTIVE

United States	Canada
Cabinet • Presidents and Governors appoint an unelected Cabinet, whose members head various departments and agencies. In Washington, Cabinet members are called Secretaries and at the state level, they are often called Directors. • Since Cabinet officials and their principal deputies are not elected, they typically come from private business, universities, think tanks, foundations, law firms, and ranks of former and present members of Congress. • The full federal Cabinet typically meets far less regularly than the Canadian equivalent. It rarely makes decisions in any collective capacity. Before a clear and firm presidential position is taken, Cabinet secretaries can often take their own position on an issue.	**Cabinet** • Cabinet or the government is composed of elected Members of Parliament (federal) or of the Legislative Assemblies (provincial), who are appointed by the Prime Minister or Premier to head specific departments or agencies. There is usually at least one Senator who serves in the federal Cabinet. In Canada, the First Ministers in effect lead both the legislative and executive branches of government. • The full federal Cabinet meets on a regular basis to direct government policy. Cabinet committees play an important policy role. Cabinet solidarity is an important doctrine in the Canadian system.
Powers • Presidents and Governors possess many powers, but are held in check by a constitutionally mandated balance of power by the legislative and judicial branches.	**Powers** • In Canada, there is a concentration of power in the executive. Based on the system of responsible government, the executive has a strong mandate to govern with the support of a majority in the House. • In the case of minority governments, the executive must broker support from legislators from other parties on an ongoing basis or seek a coalition of parties that together receives a majority of legislators' support.
• The President, Governors and Cabinet members cannot appear in the legislature to debate a bill or respond to questions without an invitation from the legislators. As this occurs rarely, it is more common for other administration officials to appear before legislative committees.	• As legislators and the executive, the Prime Minister, Premiers and Cabinet members regularly speak in the legislature and must submit to a regular question period. When the legislature is in session, question period is the main mechanism by which the government is held to account.

FEDERAL PUBLIC SERVICE

United States	Canada
• There are 15 executive departments. The total size of the federal public service (excluding military personnel) is 2,650,000 (as of 2002).	• There are 21 main departments. The total size of the federal public service (excluding military personnel) is 155,360 (as of 2001).
• Given the sheer size of the public service and the important oversight role played by Congress, the federal bureaucracy is generally more "siloed" than in Canada.	• The greater concentration of power in the executive in Canada has generally facilitated more horizontal collaboration between Canadian departments and agencies than in the US.
• The US Constitution permits both the President and Congress to exercise authority over the bureaucracy. In practice, every senior appointed official has at least two masters: one in the executive branch and the other in the legislative.	• Canadian public servants report to and support their ministers in the development and execution of policy. Interaction with Parliament and the media is relatively limited.
• Given the powerful role played by Congress in policy-making, the federal bureaucracy places a greater emphasis on implementation and administration.	• The federal public service engages equally in both policy-making and implementation.
• The President appoints the key members of the federal bureaucracy. Among almost 5000 political appointees, these include approximately 1000 leadership posts, including over 300 full-time positions in the 15 executive departments (Cabinet secretaries, deputy secretaries, under secretaries, assistant secretaries and general counsels) and 150 ambassadors (two-thirds of whom customarily come from the career foreign service).	• All public servants are considered non-partisan. Deputy Ministers are appointed by the Prime Minister but are generally career public servants.
• Changes in administration, especially shifts in political party, often necessitate a whole-scale change of senior public servants. As Senate confirmation is generally required of these appointments, this can create considerable delays in implementing the President's agenda.	• The Prime Minister, however, does possess considerable discretion in government appointments. These include, for example, Supreme Court justices and members of federal boards and commissions. • Transitions between governments typically do not result in changes at the bureaucratic level.

LEGISLATIVE

United States

- Congress is composed of 100 Senators (two from each state) and 435 Representatives.
- Candidates for representative or senator emerge from primary elections. Except in very few constituencies, political parties exercise limited control in the selection of who is nominated to run for Congressional office. This increases the independent nature of individual candidates.
- The Senate possesses fundamental powers in the American political system. Among these responsibilities are the confirmation of presidential (federal level) and gubernatorial (state level) appointments, as well as the ratification of international agreements (by a two-thirds vote).
- The US Congress is traditionally very active in foreign affairs, since it possesses the power to regulate commerce with other nations and to declare war.
- In Congress, there are approximately two dozen committees in each chamber and well over one hundred subcommittees.
- Congressional committees play a very important role in controlling the legislative agenda. These committees also have their own partisan staff, many of whom are extremely influential in the policy development process.
- The US Congress maintains a large and capable bureaucracy, often used to conduct studies as a counterweight to the executive branch. This includes, for example, the Congressional Research Service, the Congressional Budget Office and the General Accountability Office.
- State legislatures vary in size from 61 Senators in New York to 20 Senators in Alaska and from 400 Representatives in New Hampshire to 40 Representatives in Alaska. Some states call their lower house other names (e.g., the Assembly or House of Delegates).

Canada

- The federal House of Commons is composed of 308 Members of Parliament, including the Prime Minister and Cabinet. The Senate is composed of 104 appointed members. One or more Senators serve in the Cabinet.
- Although parties hold local nomination races to select MP candidates, it is common for local party officials to take suggestions for candidates from national party headquarters.
- The Senate has the power to propose non-spending legislation and approve House of Commons legislation. Although Senators represent regions, they are not considered the primary defenders of regional or provincial interests, a role undertaken by the provincial governments themselves.
- Outside of the appropriate standing committees and a variety of inter-parliamentary groups (such as the Canada-US Interparliamentary Group), individual Parliamentarians typically have limited involvement on foreign affairs issues.
- In the federal parliament, there are 16 committees and one subcommittee in the Senate and approximately 20 committees and 10 subcommittees in the House of Commons.
- While committees play an important role in reviewing and amending legislation, governments typically do not permit strong autonomous committees to develop. (The role of committees and of the opposition parties is generally stronger under a minority government situation.)
- Outside of the Library of Parliament, federal parliamentarians typically have relatively limited resources to undertake independent studies. Non-partisan staff supports the work of Parliamentary committees.

- While service in Congress is clearly a full-time pursuit, the time commitment and remuneration for state legislators vary. For example, many states have part-time, citizen legislatures that meet every other year and whose members necessarily maintain occupations outside of politics.

- Provincial legislatures range in size from 125 members in Québec to 27 members in Prince Edward Island. Their titles differ depending on the province: e.g., Members of Provincial Parliament in Ontario, Members of the National Assembly in Québec.
- All MPs and members of provincial legislatures serve publicly in a full-time capacity.

Elections

- Senators and Representatives are accountable to specific districts and are elected by those citizens who reside in their district. The state Governor is elected by all state voters and is thus accountable to all state citizens. Federal House districts average well over half a million people in size.
- Elections occur on the first Tuesday of November of the last year in an elected official's term. Terms range from 2 years for Representatives, to 2-4 years for Governors, to 4 years for Presidents and 6 years for Senators.
- Most states hold their elections at the same time as federal elections.

Elections

- All MPs and MLAs, including the Prime Minister, Premiers and Cabinet members, represent a constituency or riding. The average riding consists of 100,000 in the House of Commons.
- Elections can be called at any time, but must be called within five years of the last. Some provinces, however, are moving towards fixed election dates.
- Provincial and federal elections do not coincide.

Passing legislation

- Presidents and Governors may have legislation sponsored by Senators and Representatives. In Congress and in some states, each chamber may add or remove items from the bills or reject them completely, and what emerges may bear little resemblance to the original proposed bill. In other states, there is scarce latitude to alter the original intent of a bill or to add riders that are not integrally related to the main subject of the legislation.
- Presidents and Governors also possess an important veto power, which can only be overridden by a two-thirds majority vote in both houses. Not all state constitutions possess the same veto procedure.

Passing legislation

- The Prime Minister/Premier and Cabinet advance the vast majority of the legislative agenda, with the confidence of the House.
- Backbenchers or non-Cabinet legislators may present private-member's legislation, although private members' bills will usually need Cabinet approval (at least tacitly) if they come to a vote.
- Canada's legislatures tend to deal with much less legislation than their US counterparts. Often the number of bills presented and passed is the same, due to the majority party power in the executive and legislature. There is also much greater party discipline in Canada.

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LEGISLATIVE

- Since there is room for individual legislators to vote independently, the American political system involves much bargaining between different groups. Multiple legislators may form coalitions on a series of personal projects and push them through the legislative process (called "logrolling").
- Lobbyists and interest groups play an important part in all facets of American politics.
- The Speaker of the House is the leader of the House majority party, and possesses important powers regarding the scheduling of bills, procedures, committee membership and decorum.

- Lobbyists have a more indirect role in Canadian politics. Lobbyists may present their position to legislative committees or to caucus, but they must ultimately persuade the government as a whole.
- The Speaker of the House, who is also an elected member, impartially oversees the functioning of the legislature. The Speaker interprets the rules of conduct in the House, acts as arbitrator during debates and oversees the legislative process.

FEDERALISM

United States	Canada
• US composed of 50 states, the District of Columbia and at least 7 significant territories and possessions.	• Canada composed of 10 provinces and 3 territories.
• In early American history, the federation was highly decentralized, but has become more centralized over time.	• In early Canadian history, the federation began as moderately centralized but has become relatively decentralized over time.
Dynamics of the federal system • The 10th Amendment to the Constitution reserves to the states all powers not given to the federal government. While this amendment has not been fully implemented in practice, evidence suggests that the Supreme Court is currently giving it more weight. • Each state has its own constitution, which may not conflict with the US constitution, but may contain provisions, such as an explicit right of privacy, a right to know (about government) and a means for citizens to exercise legislative authority through initiative and referenda. These provisions may reach beyond the parameters of the national constitution.	**Dynamics of the federal system** • The Canadian Constitution specifies in Sections 91 and 92 a division of powers between the provincial and federal orders of government. Beyond the provincial power to tax directly, the primary provincial responsibilities include natural resources, education and health. • The territories are responsible for many of the same roles and responsibilities as provinces but these responsibilities are not constitutionally entrenched. All territorial powers are delegated from the federal government.

• American states are active in the promotion of their states through trade missions and foreign offices, but play little direct role in federal trade policy and trade negotiations.	• In practice today, the division of responsibilities has some grey areas. For example, the federal government has used the federal spending power to attempt to influence public policy in areas of largely provincial responsibility. • Like US states, provincial governments have long been active in trade promotion and in negotiating international agreements (although not binding under international law). The federal government typically consults or actively engages provincial governments in the negotiation of international commitments, particularly when these commitments require provincial implementation.
• Most agencies of the federal government share their functions with related agencies in state and local governments. For example, the federal government supplies funds for education, but the state and local school boards choose curriculum and set qualifications for teachers. This overlapping jurisdiction is often called "marble-cake federalism."	• Since the Canadian constitution is much more explicit in enumerating responsibilities at both the federal and provincial levels, direct federal involvement in provincial or local affairs has been less explicit. However, functional collaboration between federal and provincial governments on a number of issues has been a mainstay of Canadian federalism.
Dispute resolution and intergovernmental relations • American federal-state-local relations are based on legal interpretations and ongoing political negotiations. Disputes are usually played out in the bureaucracy, Congress and the courts. Rarely would the Governors meet with federal officials to secure a mutual agreement. • Whereas Canadian First Ministers exercise considerable influence on federal policy, the intergovernmental lobby in the US is much more diffuse (e.g., mayors, governors, superintendents of schools, state directors, police chiefs). Accordingly, the US federal government often regards state governments as an "interest group." • The US Senate, which can be looked on as a house of states, has traditionally been the venue where regional and state interests are presented and debated. US Senators are considered important defenders of the interests of their states.	**Dispute resolution and intergovernmental relations** • Canadian Premiers and Territorial Leaders meet occasionally with the Prime Minister at First Minister Meetings, which are called at the discretion of the Prime Minister. Premiers also meet in regional and national premiers conferences. An important objective of premiers conferences is to develop common positions and demands to take to the federal government. • In addition to meetings of federal, provincial and territorial leaders, sector ministers meet on a regular basis (e.g., Ministers of Health, Ministers of the Environment). • Canadian premiers are considered the pre-eminent defenders of the province's interests.

JUDICIARY

United States	Canada
Supreme Court • Supreme Court appointed by President and confirmed by the Senate, with lifetime appointments. • There are no specific regional or representational requirements, other than successful confirmation by the Senate. • Through its constitutional interpretations, the Supreme Court has played a pivotal role in American governance. It has had the power to engage in judicial review of legislation since 1803.	**Supreme Court** • Supreme Court appointed by the Prime Minister, with mandatory retirement age of 75. • Typically composed of 3 judges from Québec, 3 from Ontario, 2 from the West, and 1 from Atlantic Canada. • The role of the Supreme Court has changed dramatically since the implementation of the Chart of Rights and Freedoms in 1982. The Court is increasingly involved in contentious issues of public policy that were previously the sole domain of elected legislatures.
Other courts • For the most part, other judges are elected.	**Other courts** • No judges are elected in Canada. • The federal Cabinet appoints approximately 750 judges to the Supreme and Federal Courts of Canada, as well as provincial Superior, District, and County courts. • Provincial Cabinets appoint approximately 1250 judges to provincial courts.

APPENDIX III: USEFUL WEB SITES

WEB SITES ON CANADA-US ISSUES

www.can-am.gc.ca
Web site maintained by Foreign Affairs Canada and International Trade Canada related to Canada-US issues. Includes links to Canadian missions in the US.

www.dfait-maeci.gc.ca/nafta-alena
Web site devoted to the North American Free Trade Agreement.

www.treaty-accord.gc.ca
Web site maintained by Foreign Affairs Canada providing a database of treaties to which Canada is signatory or party.

www.usembassycanada.gov
Web site of the US Embassy in Ottawa. The US Embassy also maintains an e-mail list service, providing updates on key policy developments in the US.

WEB SITES OF KEY US THINK TANKS

www.aie.org
American Enterprise Institute – a generally conservative think tank that publishes research across a range of economic, international, security, social and political issues.

www.brookings.edu
Brookings Institution – one of the oldest and largest US think tanks. Generally considered moderate or liberal in orientation, it focuses on economics, foreign policy, governance, and metropolitan policy.

www.csis.org
Center for Strategic and International Studies – a bipartisan think tank with a focus on foreign affairs and security. CSIS maintains a Canada project.

www.cfr.org
Council on Foreign Relations – an independent US think tank which focuses on US foreign policy and international affairs. It publishes the influential *Foreign Affairs* journal.

www.heritage.org
Heritage Foundation – an influential research institute whose declared mission is to formulate and promote conservative public policies.

wwics.si.edu
Woodrow Wilson International Center for Scholars – a nonpartisan institution engaged in the study of national and world affairs. The Center recently established a small Canada Institute.

WEB SITES ON US POLITICS AND GOVERNMENT (BY SUBJECT)

www.firstgov.gov
The official gateway to all US government organizations. Information organized by topic.

Budget and Economics

www.cbo.gov
Web site of the nonpartisan Congressional Budget Office provides official cost estimates of legislation.

www.whitehouse.gov/omb
The Office of Management and Budget's site provides the President's budget online, as well as testimony that OMB officials have given on Capitol Hill.

www.bea.doc.gov
The Commerce Department's Bureau of Economic Analysis site, which provides information on the gross domestic product and its various components.

www.federalreserve.gov
Web site of the US central bank provides data on the nation's regional economic health, daily exchange rates, growth of consumer credit and much more.

Congress

www.house.gov
www.senate.gov
Main links to the US House of Representatives and the Senate.

thomas.loc.gov
The site of the Library of Congress has become the authoritative resource for legislative information, including the text and status of bills, committee reports and public laws.

www.cspan.org
The site of the cable television network that covers Congress extensively. Live programming can be accessed over the Internet.

Culture and History

www.archives.gov
The National Archives and Records Administration (NARA)'s Web site offers a comprehensive listing of links and resources on history and public records. It is also a gateway for all presidential libraries.

www.loc.gov
The Library of Congress has one of the world's most extensive online databases for bibliographical resources.

Defence

www.defenselink.mil
Main site of the US Defense Department.

www.norad.mil
The North American Aerospace Defense Command's Web site is a useful source for updated news on its operations as well as for links to Canadian and US sites.

Demographics and General Statistics

www.fedstats.gov
One of the most comprehensive sources of federal statistics. Users can browse agency-by-agency or by geographic unit.

www.census.gov
Main site of the US Census Bureau. A "QuickFacts" page offers statistical profiles of states, counties, and localities in an easy-to-use format.

www.prb.org
The nonprofit Population Reference Bureau offers much data on the US and the world.

www.bls.gov
US Bureau of Labor Statistics is the principal fact-finding agency for the US government in the broad field of labour economics and statistics. The Web site includes useful information on labour demographics in the US.

www.gallup.com
Influential research firm includes comprehensive data on polls and research studies.

Energy

www.eia.doe.gov
The Energy Information Administration Web site is the Internet's most comprehensive source of energy data.

Environment

www.epa.gov
The Environmental Protection Agency's official Web site provides information on the minutiae of environmental regulations, pollution issues, and enforcement actions.

www.doi.gov
Provides access to the Interior Department and its eight bureaus.

www.cec.org
The North American Commission for Environmental Co-operation regularly updates databases on North American environmental issues. Database includes a useful summaries of environmental law in North America.

Foreign Affairs

www.cia.gov
The CIA's World Factbook lists the most important facts for countries large and small.

www.state.gov
The State Department's Web site offers links to press briefings as well as detailed information on all nations.

Health Policy

www.hhs.gov
The Health and Human Services Department's Web site includes information from the Food and Drug Administration, the National Institutes of Health, and the Centers for Disease Control and Prevention.

www.cms.gov
Official federal Web site for statistics on Medicaid, Medicare and the state-based Children's Health Insurance Program.

www.kaisernetwork.org
Run by the Henry J. Kaiser Foundation, this site lets browsers view Congressional hearings and press briefings, peruse daily health policy reports, and tap into an extensive poll-tracking service.

Homeland Security

www.dhs.gov
Web site of the Department of Homeland Security.

www.fema.gov
Web site of the Federal Emergency Management Agency offers information on everything from national strategy to personal survival.

www.cdc.gov
Run by the Center for Disease Control and Prevention (an agency of the Department of Health and Human Services), this site is the definitive place to go for authoritative information on the latest disease outbreak.

Immigration

uscis.gov/graphics/index.htm
Web site of the US Citizenship and Immigration Services (USCIS) within the Department of Homeland Security (DHS) includes information about the organization's enforcement activities, statistics on immigrants, and information about various functions and responsibilities formerly under the Immigration and Naturalization Service.

www.migrationpolicy.org
Web site of the Migration Policy Institute, a Washington-based think tank. One of its main research focuses is North American borders. Frequently updated with useful research reports.

Legal resources

www.law.cornell.edu
Web site of the Legal Information Institute at Cornell University. Useful source for US jurisprudence and comprehensive legal information.

www.law.nyu.edu/library/foreign_intl/index.html
New York University's Guide to Foreign and International Legal Databases provides a comprehensive database for international law issues as well as useful links to information on Canadian and US legal systems among more than 50 jurisdictions.

Presidency

www.whitehouse.gov
The first stop for information about the White House. Provides links to executive departments and agencies.

www.lib.umich.edu/govdocs/fedprs
Maintained by the University of Michigan, this site provides important documentation from various presidents.

www.americanpresident.org
Site maintained by the Miller Center of the University of Virginia, which includes a good overview of the history of the American presidency. Good source for understanding how the Office of the President works.

Social Security and Welfare

www.ssa.gov
Web site of the Social Security Administration provides facts and figures pertaining to the program.

www.welfareinfo.org
A comprehensive gateway to information on welfare reform and related topics.

www.urban.org
Web site of the Urban Institute, a Washington-based think tank, provides research studies and raw data pertaining to poverty and welfare.

State Governments

www.stateline.org
Underwritten by the Pew Charitable Trusts, this site exists to help journalists, policy-makers, and citizens tap into public policies at the state level.

www.statelocalgov.net
Provides convenient one-stop access to the Web sites of thousands of states agencies and city and county governments.

www.nga.org
This site, which belongs to the National Governors Association, contains governors' Web addresses, biographies, pictures, speeches and NGA position papers.

www.ncsl.org
The site of the National Conference of State Legislatures is a clearinghouse for the nation's 7500 state legislators.

www.csg.org
The Council of State Governments is an interparliamentary organization bringing together legislators from all US states and territories. Several Canadian provinces are also involved with the CSG.

Trade and International Economics

www.ita.doc.gov
Official site of the Commerce Department's International Trade Administration, providing access to trade statistics by country and by product.

www.ustr.gov
The site of the US Trade Representative includes information on recent governmental trade actions.

www.iie.com
Site of the Institute for International Economics. IIE conducts extensive research into economic and trade-related public policy issues, including NAFTA.

Transportation

www.dot.gov
Department of Transportation's site provides links to all its bureaus and agencies.

www.bts.gov
The Bureau of Transportation Statistic's Web site provides data on transport topics.