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# Differences That Matter: Canada, the United States and Environmental Policymaking

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## **Differences That Matter: Canada, the United States and Environmental Policymaking**

By Leslie R. Alm and Ross E. Burkhart

### **Introduction**

Does the way Canada, as a nation state, approach international environmental policymaking make a difference with respect to solving environmental problems in the Americas? We argue that it does, and it is a difference that matters. Canadian efforts toward multilateralism and toward inclusiveness (e.g., willingness to work with weaker nations) serve as a counter balance to the growing unilateralism and ever present exceptionalism of the United States, currently the most powerful country in the world, and Canada's southern neighbor and regional partner in developing environmental policy that affects the northern Americas directly and all of the Americas indirectly. Our argument is made first generally, and then specifically using involvement and reaction to the goals set out by the Commission for Environmental Cooperation (CEC), where, along with Mexico, Canada and the United States play leading roles. The basic contention of this paper is that the vision for and goals of the CEC are much more aligned with the way Canada perceives the way international environmental policymaking should be implemented, and that by fostering that vision, Canada tries to counter the tendency of the present-day United States administration to go at it alone, and thereby provides a linkage to other countries in the Americas to position themselves for participation in regional environmental policymaking.

The CEC was created under the auspices of the North American Agreement on Environmental Cooperation (NAAEC), a separate agreement between Canada, Mexico, and the United States stemming from concern for the environment in the context of the North American Free Trade Agreement (NAFTA). As portrayed by government officials in Canada and the United States and as documented by such NAFTA analysts as Andre Beaulieu, Daniel C. Esty, Barbara B. Hogenboom, Stewart Hudson, Pierre Marc Johnson, Ardadhana Kumar, Jean Milner, Annie Petsonk, J. Timmons Roberts, and David Vogel, NAFTA is considered one of the "greenest" multilateral trade agreements ever concluded.<sup>1</sup> The reasons for such acclaim rests with the heavy emphasis on environmental considerations that arose with the creation of the CEC, which is considered to be the first international organization in the world that specifically links environmental cooperation with trade relations.<sup>2</sup>

The CEC works through three major entities: (1) the Council, which is the governing body of the CEC and composed of the highest-ranking environmental authorities from Canada, the United States, and Mexico; (2) the Secretariat, which is located in Montreal and implements the annual work program by providing administrative, technical and operational support to the Council; and (3) the Joint Public Advisory Committee (JPAC), which advises the Council on any matters pertinent to the scope of NAAEC and is composed of five citizens from each of the three countries.

The mission of the CEC is to

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<sup>1</sup> Arthur Mol, *Globalization and Environmental Reform* (Cambridge: The MIT Press, 2001), 125-126.

<sup>2</sup> Commission for Environmental Cooperation, *Ten Years of North American Environmental Cooperation* (Montreal: CEC, 2004), ix.

[facilitate] cooperation and public participation to foster conservation, protection and enhancement of the North American environment for the benefit of present and future generations, in the context of increasing economic, trade and social links among Canada, Mexico, and the United States.<sup>3</sup>

Indeed, the CEC is viewed as an international model because of “its provisions for public participation and for the unprecedented commitment by the three governments to account internationally for enforcement of their environmental laws.”<sup>4</sup> Essentially, the CEC represents a regional model of developing and implementing environmental policy across the North American continent.

### **The Setting: Global Environmental Politics**

There appears no doubt that we now live in an era of global environmental politics,<sup>5</sup> with an increasing focus on global environmental issues,<sup>6</sup> an increased integration of economic and environmental measures at the international level,<sup>7</sup> and a proliferation of new multilateral environmental treaties, declarations, strategies, and organizations.<sup>8</sup> As Martello and Jasanoff state, “The proliferation of multilateral environmental agreements in the last quarter of the twentieth century attests to the wholesale adoption of shared environmental ontologies among the nations of the Earth.”<sup>9</sup> Mol puts this trend into perspective when he speaks of

the construction of global, multilateral or supra-national environmental organizations, institutions, and regimes as

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<sup>3</sup> Commission for Environmental Cooperation, *Continental Pollutant Pathways* (Montreal: CEC, 1997), iv.

<sup>4</sup> Commission for Environmental Cooperation, 2004, ix.

<sup>5</sup> Ken Conca and Geoffrey Dabelko, *Green Planet Blues* (Boulder: Westview Press, 2004), 1; Sheila Jasanoff, “Heaven and Earth: The Politics of Environmental Images,” in *Earthly Politics: Local and Global in Environmental Governance*, eds. Sheila Jasanoff and Marybeth Long Martello (Cambridge: The MIT Press, 2004), 32; Clark Miller, “Resisting Empire: Globalism, Relocalizing, and the Politics of Knowledge,” in *Earthly Politics: Local and Global in Environmental Governance*, eds. Sheila Jasanoff and Marybeth Martello (Cambridge: The MIT Press, 2004), 82.

<sup>6</sup> Gary Bryner, “Global Interdependence,” in *Environmental Governance Reconsidered: Challenges, Choices, and Opportunities*, eds. Robert Durant, Daniel Fiorino, and Rosemary O’Leary (Cambridge: The MIT Press, 2004), 70; Uday Desai, “Institutions and Environmental Policy in Developed Countries,” in *Environmental Politics and Policy in Industrialized Countries*, ed. Uday Desai (Cambridge: The MIT Press, 2002), 16; Michael Hart, “A New Accommodation with the United States: The Trade and Economic Dimension,” in *The Art of the State II*, eds. Thomas Courchene, Donald Savoie, and Daniel Schwanen (Montreal: Institute for Research and Public Policy, 2004), 21.

<sup>7</sup> Jennifer Clapp, “Responses to Environmental Threats in an Age of Globalization,” in *Managing Leviathan: Environmental Politics and the Administrative State*, 2<sup>nd</sup> Edition, eds. Robert Paehlke and Douglas Torgensen (Peterborough: Broadview Press, 2005), 271.

<sup>8</sup> Robyn Eckersley, *The Green State* (Cambridge: The MIT Press, 2004), 28; Robert Paehlke, *Democracy’s Dilemma* (Cambridge: The MIT Press, 2003), 265.

<sup>9</sup> Marybeth Martello and Sheila Jasanoff, “Globalization and Environmental Governance,” in *Earthly Politics: Local and Global in Environmental Governance*, eds. Sheila Jasanoff and Marybeth Martello (Cambridge: The MIT Press, 2004), 6.

instruments to contribute to environmental reform of a globalizing world.<sup>10</sup>

There even appears to be a move to push environmental responsibilities away from the nation-state and more toward international bodies, states or provinces, and localities.<sup>11</sup> Jasanoff and Martello warn however, “there cannot be a meaningfully accountable, let alone a democratic, global order without making room for voices and epistemologies organized at levels below the global.”<sup>12</sup> In this same vein, Lipschutz argues that local and global are so closely bound with respect to environmental politics that understanding one without the other would not be possible,<sup>13</sup> and Mol posits that globalization, in conjunction with the decentralization and localization of environmental governance and reform, has led to new political arrangements at the national, sub-national, and supranational levels.<sup>14</sup>

Despite the move toward the internationalization of environmental policymaking,<sup>15</sup> nation-state domestic policymaking remains crucial in the global arena,<sup>16</sup> where it is pointedly characterized as “the most important pathway to change.”<sup>17</sup> Because the existing network of global environmental regimes is looked upon as “woefully inadequate to meet global environmental challenges”<sup>18</sup> and environmental standards found in voluntary international agreements are seldom backed up with sanctions for noncompliance,<sup>19</sup> sovereign nation-states are still viewed as the single most important determinants with respect to redirecting “societies and economies along more ecologically sustainable lines to address ecological problems.”<sup>20</sup> With this in mind, the sections that follow highlight the styles of Canada and the United States as each looks to influence environmental policy in the Americas and the world.

### **The Canada–United States Divergence**

It is at the junction between the nation-state and global governance that Canada and the United States take substantially different turns. The United States, explicitly

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<sup>10</sup> Mol, 205.

<sup>11</sup> Robert Durant, Daniel Fiorino, and Rosemary O’Leary, “Conclusion,” in *Environmental Governance Reconsidered: Challenges, Choices, and Opportunities*, eds. Robert Durant, Daniel Fiorino, and Rosemary O’Leary (Cambridge: The MIT Press, 2004), 508.

<sup>12</sup> Sheila Jasanoff and Marybeth Martello, “Knowledge and Governance,” in *Earthly Politics: Local and Global in Environmental Governance*, eds. Sheila Jasanoff and Marybeth Martello (Cambridge: The MIT Press, 2004), 346.

<sup>13</sup> Ronnie Lipschutz, *Global Environmental Politics: Power, Perspectives, and Practice* (Washington, DC: CQ Press, 2004), 7.

<sup>14</sup> Mol, 104.

<sup>15</sup> Desai, 18.

<sup>16</sup> Emmanuel Brunet-Jailly, “Toward a Model of Border Studies: What Do We Learn From the Study of the Canadian-American Border,” *Journal of Borderlands Studies* 19, no. 1 (2004): 4; Mol, 110; Paehlke, 2003, 269.

<sup>17</sup> Conca and Dabelko, 5.

<sup>18</sup> Bryner, 69.

<sup>19</sup> Evan Ringuist and Tatiana Kostadinova, “Assessing the Effectiveness of International Environmental Agreements: The Case of the 1985 Helsinki Protocol,” *American Journal of Political Science* 49, no. 1 (2005): 89.

<sup>20</sup> Eckersley, 7-8.

described as “the crusading hegemon”<sup>21</sup> displaying “increasingly muscular American unilateralism,”<sup>22</sup> appears to be heading down a road that emphasizes unilateral geopolitics,<sup>23</sup> while Canada remains committed to following a path firmly committed to multilateral institutions.<sup>24</sup>

Cox describes the movement of the United States toward a unipolar concept of world power, founded on what Americans view as their exceptional historic mission: “American ‘exceptionalism’ affirms in practice that the United States is not a state like all the others and that American officials, the agents of this special responsibility, cannot be subject to other than United States law”.<sup>25</sup> Representing its unilateral tendencies at the international level, the United States administration—characterized as “the leading point of resistance”<sup>26</sup> and as “a laggard in international environmental politics”<sup>27</sup>—has dismissed the Kyoto accord on international warming, the biological weapons convention, and the United Nations agreement on small arms trafficking.<sup>28</sup> This blatant rejection of multilateralism by the United States—viewed by many as “casting a pall over the prospects for ambitious multilateral environmental diplomacy”<sup>29</sup>—runs counter to Canada’s vocal and enthusiastic support for such a rule-based international system.<sup>30</sup> Hawes describes Canada’s position quite accurately:

For more than fifty years two basic and interrelated facts have shaped and subsequently characterized Canada’s role in the world. The first is the disproportionately large role that the United States has played in the economic, social, cultural, and political lives of Canadians. The second is a significant commitment to the principles and the practice of multilateral diplomacy and multilateral management.<sup>31</sup>

In this regard, it appears that many Canadians share a dislike for President George W. Bush and his administration. Moreover, this dislike is “broadly shared geographically and

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<sup>21</sup> Stephen Clarkson and Maria Banda, “Congruence, Conflict, and Continental Governance: Canada’s and Mexico’s Responses to Paradigm Shift in the United States,” *American Review of Canadian Studies* 34, no. 2 (2004): 313.

<sup>22</sup> Conca and Dabelko, 4.

<sup>23</sup> Steinar Andresen, “Future U.S. Climate Policy: International Re-engagement?” *International Studies Perspectives* 6 (2005): 285.

<sup>24</sup> Donald Alper and David Biette, “Weathering the Storm: The State of the Canada-U.S. Relationship,” *American Review of Canadian Studies* 33, no. 1 (2003): 2; Michael Hawes, “Managing Canada-U.S. Relations in Difficult Times,” *American Review of Canadian Studies* 34, no. 4 (2004): 594; Dwight Mason, “Managing the Canada-United States Relationship,” *Teaching Canada* 23 (2005): 21.

<sup>25</sup> Robert Cox, “Is There a Specifically Canadian Perspective on the World?” Lecture at the Liu Institute for Global Issues, University of British Columbia, Vancouver, January 27, 2005.

<sup>26</sup> Paelke, 2003, 269.

<sup>27</sup> Norman Vig and Michael Faure, *Green Giants: Environmental Policies of the United States and the European Union* (Cambridge: The MIT Press, 2004), 1.

<sup>28</sup> John Herd Thompson, “Playing by the New Washington Rules: The U.S.-Canada Relationship, 1994-2003,” *American Review of Canadian Studies* 33, no. 1 (2003): 8.

<sup>29</sup> Conca and Dabelko, 6.

<sup>30</sup> Mason, 21; Thompson, 11.

<sup>31</sup> Hawes, 595.

conceptually—across [Canada] and across a wide range of issues.”<sup>32</sup> For instance, over 80 percent of Canadians believe that the Chrétien government made the correct decision in deciding not to participate in the 2003 Iraq War, and a further 76 percent of Canadians believe that the federal government has been too soft in its negotiations with the United States on resolving the softwood lumber dispute.<sup>33</sup> At least part of the reason for this dislike is reflected in Bush’s clear and unequivocal statements that reflect the belief that if multilateral initiatives are such that they are not pursued in a way acceptable to the way the President views the world, the United States will not participate.<sup>34</sup>

Canada appears to have accepted the simple fact that in today’s world, as has historically been true, it plays “a relatively insignificant role in the dynamics of great power rivalry.”<sup>35</sup> Put another way, Canada has come to recognize that it has become “a functional part of ‘Empire,’”<sup>36</sup> where ‘Empire’ refers to the United States as the dominant military and economic power in the world today. “If Canada’s role in the world seemed to be defined more and more by its relationship with the United States, that’s because it is.”<sup>37</sup> Having said that, Canada remains committed to a multilateral view of the world in hopes of offsetting its absorption into the ‘Empire.’<sup>38</sup> Along these lines, Canada takes special pride in its multicultural society, as it views itself in this light as “a microcosm of the whole world,”<sup>39</sup> with a strong multilateral heritage based on multilateral rule-making and institution-building.<sup>40</sup>

A generally accepted assumption on the part of Canadians is that the United States will “always accord their country consideration when calculating the American interest.”<sup>41</sup> Thompson takes issue with the validity of this assumption, describing Canada’s relationship with the United States in the same terms that the United States has with all other nations, “*uni-lateral*.”<sup>42</sup> Simply put, Thompson sees the eternal hopefulness of Canadians that the United States can be constrained within a multilateral international regime as quite misplaced.<sup>43</sup>

Canadian foreign policy has, to be sure, employed unilateralism and bilateralism instead of multilateralism. The famous 1911 general election that swept the Liberals of Sir Wilfrid Laurier (who favored trade reciprocity with the United States) from power in

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<sup>32</sup> Hart, 7.

<sup>33</sup> Michael Adams, “Bash thy neighbor,” *The Globe and Mail*, 19 October 2005.

<sup>34</sup> Lipschutz, 212.

<sup>35</sup> John McDougall, “The Long-run Determinants of Deep/Political Canada-United States Integration,” in *The Art of the State II*, eds. Thomas Courchene, Donald Savoie, and Daniel Schwanen (Montreal: Institute for Research and Public Policy, 2004), 7.

<sup>36</sup> Cox, 10.

<sup>37</sup> Andrew Cohen, *While Canada Slept: How We Lost Our Place in the World* (Toronto: McClelland and Stewart, 2003), 187.

<sup>38</sup> Cox, 10.

<sup>39</sup> Cox, 10.

<sup>40</sup> Hart, 22.

<sup>41</sup> Allan Gottlieb, Wendy Dobson, and Michael Hart, “Bed the Elephant: We Need Much Closer Integration with the US—Before It’s Too Late,” *Maclean’s* 118, no. 13 (2005): 22; Bruce Muirhead, “From Special Relationship to Third Option: Canada, The U.S., and the Nixon Shock,” *American Review of Canadian Studies* 34, no. 3 (2004): 439.

<sup>42</sup> Thompson, 6.

<sup>43</sup> Thompson, 19.

Ottawa demonstrates the appeal of Canadian unilateralism.<sup>44</sup> In addition, the Ogdensburg Agreement of 1940, which cemented a bilateral defense bond between Canada and the United States, excluding Britain, also demonstrates how Canada has adapted its foreign policies to fit the times.<sup>45</sup> At present, however, according to *Canada's International Policy Statement*, "multilateral cooperation remains the only way to tackle some of the world's most pressing problems, such as environmental degradation or global financial instability. Collective action is the only viable path to a lasting solution."<sup>46</sup>

In fact, a strain of thought in Canadian foreign policy circles questions the relevancy of a foreign policy partnership with the United States. Canada's lack of investment in foreign policy has caused it to decline in both power and prestige. "Without real resources, it is harder for Canada to be taken seriously these days in London and Washington, in NATO and at the UN. It no longer speaks with the same authority in the international community."<sup>47</sup> Just in October 2005 alone, Canada has been criticized on four international fronts on which it would ordinarily have carried great weight and respect. Amnesty International released a report which took the government to task for the deportation of people to states known to practice torture.<sup>48</sup> Transparency International ranked Canada 14<sup>th</sup> on the Corruptions Perceptions Index, a decline for the third straight year.<sup>49</sup> The Conference Board of Canada chided Canada for lack of action to arrest the decline in productivity, dropping to 12<sup>th</sup> place in economic performance.<sup>50</sup> Pollution Watch issued a report that faulted Canada for its lack of movement in reducing air pollution: between 1995 and 2003, Canada reduced its emissions by 1.8 percent, while the United States reduced its emissions by 45 percent.<sup>51</sup> In short, critics of Canadian foreign policy conclude that Canada has not proven it should be taken seriously as a foreign policy actor; rhetoric is no substitute for constructive action.

Along these same lines, Clarkson and Banda document the recent emergence of a United States-centered bilateralism that minimizes the prospects for any type of continental convergence occurring in North America.<sup>52</sup> Furthermore, Segal claims that North American integration has not, and never will be, a central element of the United States domestic debate.<sup>53</sup> Instead, "U.S. political institutions within the paradigm of North American regional integration...are here to stay."<sup>54</sup> Hart gets right to the point, insisting that Canadians, especially, must be careful about making sure they are engaged

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<sup>44</sup> J.L. Granatstein, Irving M. Abella, David J. Bercunson, R. Craig Brown, and H. Blair Neatby, *Twentieth Century Canada*, 2<sup>nd</sup> Edition (Toronto: McGraw-Hill Ryerson Ltd., 1986), 67.

<sup>45</sup> Desmond Morton, *A Short History of Canada*, 5<sup>th</sup> Edition (Toronto: McClelland and Stewart Ltd., 2001), 234.

<sup>46</sup> Government of Canada, *Canada's International Policy Statement: A Role of Pride and Influence in the World* (Ottawa: Department of Foreign Affairs and International Trade, 2005), 27.

<sup>47</sup> Cohen, 187.

<sup>48</sup> Jeff Sallot, "Canada chided over rights," *The Globe and Mail*, 14 October 2005.

<sup>49</sup> Campbell Clark, "Canada's reputation loses some lustre," *The Globe and Mail*, 18 October 2005.

<sup>50</sup> Heather Scoffield, "Canada lags, productivity ranking says," *The Globe and Mail*, 18 October 2005.

<sup>51</sup> Jeff Sallot, "Canada weak on air pollution," *The Globe and Mail*, 13 October 2005.

<sup>52</sup> Clarkson and Banda, 337-339.

<sup>53</sup> Hugh Segal, "The Politics of Enhanced Canada-United States Relations." Speech at the University of British Columbia, Vancouver, November 27, 2004.

<sup>54</sup> Ross E. Burkhart, "National Institutions and Politics in the United States," in *North American Politics: Globalization and Culture*, eds. Yasmeen Abu-Laban, Radha Jhappan, and Francois Rocher. Peterborough, Ontario: Broadview Press.

at all levels, as there appears to be a natural tendency, without this engagement, to “drift toward United States-determined default positions.”<sup>55</sup>

Still, Canadians cling to a strategy of hopefulness, “increasingly reaching across borders to network with allies, to lobby governments and corporations that have dealings with the Canadian government, and to bring external pressures to bear on the Canadian government.”<sup>56</sup> They put their faith in the commonly accepted belief that “the degree of global interdependence is now such that even superpowers need the cooperation of other states in the longer run.”<sup>57</sup>

Canadians can take some measure of hope in this regard, as many foresee a rise of environmental multilateralism, characterized by “the emergence of environmental advocacy within civil society and of new democratic discursive designs within the administrative state.”<sup>58</sup> Canadians can take heart in what some believe to be a move toward greater influence for multilateralism in the environmental realm:

[M]obilizing at the domestic level can have important *multilateral* consequences over time, as a small number of relatively green democratic states emerge to take leadership roles in multilateral negotiations, and whose credibility rests in part on their successful domestic environmental initiatives and records.<sup>59</sup>

At this time in history it appears that Canadians, as a whole, appear less threatened by their relationship to the United States—viewing their proximity in a positive light, as something to take advantage of rather than to feel threatened by.<sup>60</sup> Perhaps this optimism comes from the fact that Canada and the United States not only share fundamental values and goals,<sup>61</sup> but also share a vital interest in their relationship; a relationship built on mutual trust and confidence.<sup>62</sup>

Americans as a whole remain unaware and uninterested in the United States–Canada relationship as well as Canada and Canadians in general.<sup>63</sup> On the northern side of the border, anti-Americanism remains a staple of Canadian thought and perceptions.<sup>64</sup> Moreover, Canadians continually point to the uniqueness of their country (as compared to the United States):

the official constitutional enshrinement of both French–English biculturalism and multiculturalism; a more

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<sup>55</sup> Hart, 18.

<sup>56</sup> Conca and Dabelko, 67.

<sup>57</sup> Eckersley, 253.

<sup>58</sup> Eckersley, 15.

<sup>59</sup> Eckersley, 252.

<sup>60</sup> Hart, 38.

<sup>61</sup> Paul Cellucci, “The Ties That Bind: The Common Borders and Uncommon Values of Canada-U.S. Relations.” Remarks made to the Association of Canadian Studies in the United States, Vancouver, British Columbia, October 29, 2004.

<sup>62</sup> Hart, 17.

<sup>63</sup> Thompson, 16.

<sup>64</sup> Thompson, 17-18.



welcoming attitude to immigrants; a more generous welfare state that includes a national health care delivery system; the existence of a social democratic party and a more effective labor movement; more generous government recognition of native peoples; livable cities in which citizens experience much lower levels of urban violence; and effective gun laws and a murder rate a tenth of that in America.<sup>65</sup>

### **Canada As An International Environmental Leader**

Despite the fact that economic globalism has seemingly diminished Canada's capacity to engage in across-the-board, proactive multilateralism, Canada continues to push an environmental agenda that reflects the pursuit of what some argue are purely Canadian values—the pursuit and promotion of the virtues of multilateralism and international institutions.<sup>66</sup> In this light, Canada has used the international stage for the germination of environmental policy ideas, gaining a “positive international image on the environmental front.”<sup>67</sup> For instance, during the acid rain debate that permeated the 1980s and early 1990s, the Canadian government invited ten nations to Ottawa for a two-day International Conference of Ministers that resulted in the formation of the 30 Percent Club, a group of nations agreeing to reduce SO<sub>2</sub> emissions by 30 percent over ten years.<sup>68</sup> Moreover, Canada was one of only a few nations that made a pledge to unilaterally reduce SO<sub>2</sub> emissions by 50 percent.<sup>69</sup> Over the years it has been actions of this type—where Canada has advocated for progressive environmental solutions—that has earned Canada the reputation of being an active environmental policy entrepreneur.<sup>70</sup>

Canadians view global leadership with respect to environmental protection as a way to gain prestige within the world community and take pride in their efforts to bring about global environmental cooperation. They perceive themselves as “enthusiastic joiner[s] of international agreements” and embodied with “a strong internationalist tradition.”<sup>71</sup> At the state level, Canada draws on a reservoir of “internationally recognized contributions to global environmental leadership,”<sup>72</sup> with governments around the world increasingly

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<sup>65</sup> Thompson, 19.

<sup>66</sup> Robert Boardman, “Milk-and-Potatoes Environmentalism: Canada and the Turbulent World of International Law,” in *Canadian Environmental Policy: Context and Cases*, 2<sup>nd</sup> Edition, eds. Debora VanNijnatten and Robert Boardman (Don Mills, ON: Oxford University Press, 2002), 197.

<sup>67</sup> Robert Paehlke, “Environmentalism in One Country: Canadian Environmental Policy in an Era of Globalization,” *Policy Studies Journal* 28, no. 1 (2000): 161.

<sup>68</sup> Marvin Soroos, *The Endangered Atmosphere* (Columbia, South Carolina: University of South Carolina Press, 1997), 128.

<sup>69</sup> Soroos, 128.

<sup>70</sup> Neil Harrison, “Political Responses to Changing Uncertainty in Climate Science,” in *Science and Politics in the International Environment*, eds. Neil Harrison and Gary Bryner (Boulder: Rowman and Littlefield, 2004), 121.

<sup>71</sup> Glen Toner, “Contesting the Green: Canadian Environmental Policy at the Turn of the Century,” in *Environmental Politics and Policy in Industrialized Countries*, ed. Uday Desai (Cambridge: The MIT Press, 2002), 73.

<sup>72</sup> Boardman, 194.

looking toward Canada “as the world’s most successful pluralist state.”<sup>73</sup> Furthermore, Canada pursues its domestic environmental policy goals through international means and uses its middle-power statecraft as a way to affect policy change in the international arena,<sup>74</sup> gaining “a reputation as one of the world’s most ecologically minded nations.”<sup>75</sup>

This tendency toward multilateral relations is characterized as an “intrinsic, substantial, and growing feature of environmental policy in Canada,”<sup>76</sup> one that plays directly to the values that Canadians believe are the foundation of their existence—the rule of law, liberty, democracy, equality of opportunity, and fairness.<sup>77</sup> Wood sums up Canada’s unique view toward the world outside its borders:

Canada...does not get its influence from power but from cooperation, supporting proposals, enthusiasm, forming coalitions, willingness to work with weaker nations, and contributing more than its fair share. Canada has a focus on values like understanding the social aspects of globalization; a need for a fair process to ensure legitimization; a sharing of the burdens and the focus on legitimization.<sup>78</sup>

Still, Canada is not sitting idly by, waiting for this special status to somehow appear without warning. Canada continually reaches out to the international community in ways that build upon its commitment to improving its status and influence at the global level, as well as with the United States. Canada clearly recognizes its asymmetric relationship with its powerful neighbor and looks beyond its borders for ways to foster values important to the Canadian way of life while, at the same time, gaining some leverage in its bilateral relations with the United States and influence on the international stage.

There is a glaring weakness to the Canadian position on the environment, however: the gap between Canadian rhetoric and reality has been considerable at times. For example, Canada’s lofty statements regarding the Kyoto Agreement are not matched by equally ambitious policies. In fact, Canada’s position on Kyoto “was only slightly ‘greener’ for symbolic purposes” than that of the United States.<sup>79</sup> Also, Canada’s ranking in global environmental performance has been rated mediocre at best by several global environmental tracking organizations. The most recent, The David Suzuki Foundation’s *The Maple Leaf in the OECD: Comparing Progress Toward Sustainability*, ranked Canada 28<sup>th</sup> out of 30 OECD countries in environmental performance, based on an

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<sup>73</sup> John Ibbitson, “Pluralism: the world wonders how we pulled it off,” *The Globe and Mail*, 6 February 2004, page A21.

<sup>74</sup> Robert Boardman, *Canadian Environmental Policy: Ecosystems, Politics, and Process* (Toronto: Oxford University Press, 1992), 237.

<sup>75</sup> Howard Schneider, “Economy, Ecology Lock Horns: Canada Redefines Relationship With the Land,” *Washington Post*, 27 October 1997, page A01.

<sup>76</sup> Boardman, 1992, 224.

<sup>77</sup> Paul Martin, “Speech From the Throne.” Ottawa, Ontario, February 2, 2004.

<sup>78</sup> Duncan Wood. Seminar discussion, Biennial Meeting of the Association for Canadian Studies in the United States, Portland, Oregon, November 23, 2003.

<sup>79</sup> Karen T. Litfin, “Advocacy Coalitions along the Domestic-Foreign Frontier: Globalization and Canadian Climate Change Policy,” *Policy Studies Journal* 28, no. 1 (2000): 250.

assessment of such goals as shifting to cleaner forms of energy, reducing waste and pollution, and protection of water source and conservation.<sup>80</sup>

### **Canadian Values and the CEC**

Based on the discussion above, it appears that international environmental policymaking, because of its necessarily cooperative orientation, becomes more desirable to countries like Canada than the United States. Simply put, the different orientations toward international politics espoused by Canada and the United States serve to differentiate their approaches to international environmental policymaking. Canada tends toward multilateralism, inclusiveness, and global interdependence, with a firm commitment to multilateral institutions and multilateral rule making. The United States tends toward unilateralism and exceptionalism, with an emphasis toward unilateral geopolitics and a belief that the United States will not be subjected to any other rules than United States law. However, if the United States' law does not conflict with international law, then the international law will be followed. This is clearly not the case with the softwood lumber dispute, "which has led some Canadians to question whether the United States will comply with NAFTA if decisions by the dispute settlement mechanism run counter to private U.S. interests."<sup>81</sup>

Highlighting these divergent approaches to environmental policymaking at the international level, it is our goal to use the context of CEC—as defined by the North American Agreement on Environmental Cooperation (NAAEC)—to show that the goals of the CEC are more aligned with Canada's view of how we should approach regional environmental integration in the Americas. Furthermore, in completing such a comparison, we hypothesize that Canada's actions in pursuing its multilateral agenda through the CEC has put Canada in a position to serve as a conduit for other countries in the Americas to participate with the United States in a meaningful way in formulating environmental policymaking in the region and hemisphere.

We use three major documents to conduct a straightforward analysis regarding Canadian values and the goals and vision of the CEC: the draft of the Strategic Plan of the Joint Public Advisory Committee 2006-2010 (November, 2005); the Strategic Plan of the Commission for Environmental Cooperation 2005-2010 (17 June 2005) and the Report of the Ten-year Review and Assessment Committee to the Council of the Commission for Environmental Cooperation (15 June 2004).<sup>82</sup> The draft JPAC Strategic Plan was designed to supplement the CEC's strategic plan and is based on the principles of transparency, outreach, and engagement. The Strategic Plan of the CEC purports to provide a vision for the future of the CEC as well as setting priorities for the CEC's long-term viability. The Ten-year Review provides a comprehensive critique of the CEC authored by six individuals: Pierre Marc Johnson and Robert Page of Canada, Jennifer A.

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<sup>80</sup> David Suzuki Foundation, *The Maple Leaf in the OECD: Comparing Progress Toward Sustainability* (Vancouver: David Suzuki Foundation, 2005), 6.

<sup>81</sup> John Manley, Pedro Aspe, Robert A. Pastor, and William F. Weld, *Building a North American Community: Report of the Independent Task Force on the Future of North America* (New York: Council on Foreign Relations, 2005), 16.

<sup>82</sup> Commission for Environmental Cooperation, *Our Future Within the CEC: Strategic Plan of the Joint Public Advisory Committee 2006-2010* (Montreal: CEC, 2005), 1-11; Commission for Environmental Cooperation, 2004, 1-76; Commission for Environmental Cooperation, *Looking to the Future: Strategic Plan of the Commission for Environmental Cooperation 2005-2010* (Montreal: CEC, 2005), 1-20.

Haverkamp and John F. Mizroch of the United States, and Daniel Basurto and Blanca Torres of Mexico. The report offers both an assessment of the CEC and recommendations for the future.

Throughout the earlier sections of this manuscript we have cited many descriptions of how Canada and the United States are perceived with respect to their outlooks on approaching environmental policymaking at the international level. The United States was described within the context of such terminology as unilateralism, American exceptionalism, and U.S.-centered bilateralism, while Canada was described in terms of such things as multilateralism, inclusiveness, and global interdependence. What we do next is delineate some of the words commonly used throughout the draft of JPAC's Strategic Plan, the CEC's Strategic Plan and Ten-year Review to show that these documents, and hence the CEC, tends more toward the Canadian outlook than the United States' outlook.

#### The Draft JPAC Strategic Plan

- promotes “continental cooperation”
- advocates building “a tri-national model of collaboration, consensus building, and consensus-based results”

#### The Strategic Plan of the CEC

- proclaims the need to “build bridges among the three countries to promote environmental collaboration”
- establishes the CEC as a way to “facilitate cooperation on the conservation, protection, and enhancement of the North American environment”
- refers to the CEC Council operating “on the basis of consensus”
- declares a need for “regional and national coordination”
- describes the CEC as “a forum through which we can discuss and facilitate regional action on our common global commitments”

#### The Ten-year Review

- speaks of “the unprecedented commitment by the three governments to account internationally for the enforcement of their environmental laws”
- promotes the CEC as an “international model”
- asserts that the CEC facilitates “more fluid cooperation among the Parties...and their various stakeholder groups by broadening their relationships and increasing the number and range of their contracts”
- highlights the importance of “a North American environmental community”
- notes the CEC's presence as a “safe harbor” forum to discuss issues and a “neutral forum” for examining emerging and complex issues
- remarks on North America as “a collection of linked ecosystems”
- maintains that part of the mission of the CEC is to “create a sense of regional environmental consciousness”
- expresses the hope that the countries can work on a “consensual basis” while pursuing “a trilateral agenda that at least purports to benefit all three countries equally” along “a common agenda”

Further, in commenting upon the CEC's weaknesses and failures, the Ten-year Review

- posits that the main CEC stakeholders “have not been able to develop a common vision about the CEC mandate or their respective roles”
- proclaims the United States as “the dominant partner” with “greater influence”
- criticizes the fact that, even after a decade of efforts, the three countries still “pursue their trade and environmental policies largely separately rather than through the CEC”
- points out that “United States agencies still see little value added in the CEC for their program areas” and that the “interest of United States NGOs [in the CEC] has declined”

We believe there is a clear pattern of ideas and concepts that pervade the CEC mission and goals as demonstrated by its public reports. Words and phrases such as building bridges, promotion of environmental collaboration, facilitating cooperation, consensus building, broadening relationships, consensual decision-making, and common agenda all relate to Canada's emphasis on inclusiveness with respect to environmental policy making. Words and phrases such as North American environment, common global commitment, and common vision relate to Canada's emphasis on global interdependence. Words and phrases such as regional coordination, international accountability, international models, North American environmental community, and regional environmental consciousness relate to Canada's emphasis on multilateralism. In short, the mission and goals of the CEC are a strong reflection of the values and ideals that Canada brings to the bargaining table.

### **The Canadian Difference**

Canada and the United States share a rich tradition of cooperation with respect to environmental policymaking. In fact, Canada and the United States have been partners in some of the world's oldest international environmental treaties.<sup>83</sup> This tradition is being carried forward within the trilateral framework of NAFTA, with “huge importance” placed on environmental cooperation.<sup>84</sup> Yet, despite the impact of NAFTA, governance in North America appears to be comprised of “asymmetric dyads” entrenched within a system of bilateralism.<sup>85</sup> The bilateral relationship between Canada and the United States remains a potent force in all policymaking,<sup>86</sup> albeit, it is a bilateral relationship of disproportionate framing, with United States domestic policy serving as the driving force.<sup>87</sup>

Having said all that, Canada—through its ever-present efforts to push the values of multilateralism and inclusiveness—plays a substantial role in promoting the need for

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<sup>83</sup> Scott Vaughan, “North American Environmental Cooperation and NAFTA,” in *The Art of the State II*, eds. Thomas Courchene, Donald Savoie, and Daniel Schwanen (Montreal: Institute for Research and Public Policy, 2004), 3.

<sup>84</sup> Cellucci.

<sup>85</sup> Clarkson and Banda, 313.

<sup>86</sup> Hart, 25.

<sup>87</sup> Debora VanNijnatten, “Analyzing the Canada-U.S. Environmental Relationship: A Multi-Faceted Approach,” *American Review of Canadian Studies* 33, no. 1 (2003): 94.

solving environmental problems within a regional or international context, rather than relying solely on the seemingly entrenched system of bilateralism. Canada does so in two major ways that have influence within the Americas. First, Canada plays a highly visible and public role in regional and international environmental policy venues. Moreover, there is concrete evidence that the values that Canada portrays as important are being institutionalized in the processes of organizations (e.g., the CEC) whose primary mission is to ensure that environmental protection remains a central consideration in all North American policymaking. The draft of the JPAC Strategic Plan, the Strategic Plan of the CEC and the Ten-year Review of the CEC (as documented above) reflect the values that Canada portrays as necessary to solving environmental problems across the Americas. Clearly, the goals and mission of the CEC tend toward collaboration and coordination within a framework of consensus among many countries, with no single country attaining a position of dominance within the organization.

While it is easy to argue that the actual implementation of environmental policy within the CEC remains skewed toward United States domestic policymaking (as noted by the criticism delineated in the Ten-year Review), the simple fact remains that the language defining how the CEC is to be organized and administered represents multilateral ideals at their best. This is no small accomplishment. The United States has signed on to work within this framework and despite the United States tendency to go its own way at times, to retain some semblance of credibility, the United States still must respond to the rules that govern the CEC in a meaningful way. And these are rules that encompass a common (not unilateral) vision for environmental policymaking.

The second way that Canada influences environmental policy in the Americas is by serving as a role model for how other countries can approach the influence and power of the United States. There certainly is not any doubt that the United States plays the dominant role in policymaking across the world today (including the Americas), be it economically, militarily, or environmentally. Within this current system of policymaking, Canada manages to publicize its strong commitment to multilateral values as a counter-balance to the unilateral power of the United States. Further, Canada does so within the context of maintaining a close, friendly, and respectful relationship with the United States.

Bilateral-type relationships remain the way the United States likes to deal with its regional partners. However, the United States is being pulled more and more in the direction of regional affiliations that recognize the value of consensus building and participation by all countries on equal terms. This is certainly true in the Americas. This movement, in our opinion, is in no small way related to the persistence of Canada in using its unique relationship with the United States to champion multilateralism over unilateralism and inclusiveness over exceptionalism.

In this regard, Canada has chosen to remain engaged with the United States at all levels. While Canada retains its important bilateral linkages to the United States, it also continues to actively push the United States toward the ideals of multilateralism. Canada values the recognition it receives within the world community as both a leader in environmental protection and a country willing to work with weaker nations. Canada uses this recognition, along with its proximity and strong positive ties with the United States, to champion the ideals of multilateralism as one way the United States (and all other countries in the Americas) can address domestic and regional environmental problems. In

doing so, Canada brings external pressure on the United States to at least recognize the values that are important to other countries in the Americas, all of which are considerably weaker than the United States in most important considerations. In essence, Canada—because of its unique position vis-a vis the United States and its public rhetoric trumpeting inclusiveness, cooperation, and interdependence—offers hope that positive multilateral engagement with the United States is a realistic possibility.

It is certainly too strong a statement to say that the United States will soon abandon the way it unilaterally views the world and accept Canada's slant on the benefits of multilateralism. But in hopes of ultimately changing the tone of the debate in its favor, Canada continues to push its multilateral values onto the North American environmental policymaking agenda through its active participation in NAFTA, NAAEC, and the CEC. In this way, Canada can confront the United States and its immense powers within institutions designed to treat nations on an equal basis. While these efforts may not bring about instantaneous changes in United States policy positions, it does allow for Canada to openly espouse its views in hopes of bringing about such change. This use of multilateral institutions by Canada to foster values it considers important should not be overlooked by other countries in the Americas hoping to become part of the environmental policymaking process.