

Anti-American or pro-Canadian?

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When I was 7 or 8, my best friend taught me an important lesson. "If we don't do it my way, I'll go home" she'd threaten. This was very effective: not wanting her to leave, I'd concede.

As resentment built up, I consulted my mother. "Next time it happens, just tell her to go home," she said.

"But she's my best friend!" I protested. "I want her to stay!"

"You'll see... She'll stay", replied my mother. "Because you're *her* best friend too."

With some trepidation, I tried it. "Go home then" I said, chin high and shoulders squared. To my amazement, it worked. Seems going home wasn't really what she wanted to do after all. Game over for the bullying.

Canada's relationship with the United States, always a complicated one, has become more so since September 11th 2001.

The longest undefended border in the world, once a symbol of friendship between our communities, is now considered a security risk.

The post-911 "if-you're-not-with-us-you're-against-us" mentality of the US government has made nations reliant on trade with the Americans act as though they're walking on eggs.

Nowhere is this more evident than in Canada. The U.S. is our largest trading partner. When Bush invaded Iraq and Canada – true to her principles - stood with the United Nations, not Washington, Bay Street shuddered.

Driven by bottom-lines that disrespect sovereignty, the word was out: any actions that might anger the Americans were to be avoided at all cost. Ottawa's failure to challenge Washington to fully open the US border to Canadian beef and cattle under the North American Free Trade Agreement's Chapter 20 is a tragic case in point.

Had Ottawa launched a NAFTA Chapter 20 challenge when entitled to do so in July 2003 (following the report of the international scientific panel), the border would have been open last winter.

In what is perhaps the most convoluted logic of all, calls for a NAFTA challenge in defense of Canada's ranchers have been labeled "anti-American" by back-room industry leaders, who fear it could provoke even further trade retaliation by Washington.

We are cowering in our collective boots.

The NAFTA Chapter 11 action announced in August by the newly formed Canadian Cattlemen for Fair Trade is a strong step forward.

By closing the border, Washington expropriated the U.S. market share of Canada's ranchers to the betterment of their American counterparts. That's taken profits out of the pockets of Canadians, and Chapter 11 is the NAFTA route to claw them back from Washington.

(The first and most prominent NAFTA Chapter 11 case was the 1997 action by US-based chemical giant Ethyl Corporation challenging Ottawa's ban on the controversial gas additive methylcyclopentadienyl manganese tricarbonyl. Or MMT. It was also banned in California because of concerns that it harms catalytic converters and releases neurotoxins that may cause brain and nervous-system disorders and, in high doses, symptoms similar to Parkinson's disease.

In their NAFTA Chapter 11 action, Ethyl Corp. argued there was no scientific evidence linking MMT to dangers to human health, and that under NAFTA, it is scientific - not precautionary - principle that prevails.

Following preliminary tribunal judgments against Canada, Ottawa repealed the MMT ban, apologized to the company, paid Ethyl \$13 million U.S in damages and issued a public statement that MMT was neither an environmental nor a health risk.

Ethyl Corp's new Ottawa MMT lobbyist is none other than former Canadian Agriculture Minister Lyle VanClief.

In launching a Chapter 11 action under NAFTA to recover profits expropriated by Washington as a result of the illegal and continued border closure, the Canadian Cattlemen for Fair Trade have started the fiscal clock.

Prior NAFTA rulings have found "access to market is a property interest subject to protection" under Chapter 11.

Damages against Washington mount every day the border remains closed. This is a good thing for Canada's ranchers.

It's now time for Ottawa to do its part by calling for a NAFTA Chapter 20 panel ruling against Washington's closure of the US border to Canadian beef and cattle — a ruling that will give us the authority to apply measures of equivalent economic impact against the US if Washington does not promptly restore market access for our ranchers and feedlot operators.

Ottawa's failure to invoke this perfectly valid NAFTA defense must be partly laid at the feet of Canadian industry leaders, who to date have let the federal government completely off the hook on BSE.

Bullying persists until someone stands up and puts a stop to it by calling the bully's bluff. The United States needs trade with Canada every bit as much as Canada needs trade with the US. Without Canada's energy, Americans would be left in the dark.

Holding the Americans to their trade commitments is not "aggression", it's simply following a course of action both parties agreed to at the outset.

This is not anti-American. It's Pro-Canadian. As a nation, we ignore this distinction at our peril.