

Are we surprised?

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Last week's decision by a United States district court in Montana and the 52-46 Senate vote the next day calling for a continuation of the NAFTA-illegal trade embargo on Canadian should come as no surprise.

Those who disagree need only read the January 4th call to arms of the National Cattlemen's Beef Association, formerly the trusted ally of the Canadian Cattlemen's Association.

In its nine action steps, three of which begin with the word "insist"; one with "demand", the NCBA rallies its members to contact Congressmen, Senators and senior White House officials "to strongly communicate their concerns" about the (then) pending resumption of fair trade in beef and cattle on March 7th.

In a system driven by special interest groups and an elected judiciary, politics has and will continue to dictate the terms of US trade. And once more, both the CCA and Ottawa were caught with their pants down around their collective and quivering knees...

Ottawa's reaction to the March 2nd ruling? Incredibly, in his press statement of last week, Agriculture Minister Andy Mitchell assured Canadians that he "shares the profound disappointment" of Canada's ranchers, but "appreciates the assurances" of the United States Department of Agriculture (USDA) that they will continue to work to reestablish trade "in an expeditious manner".

Right. Rather than picking up the North American free Trade Agreement bat and using it to launch a Chapter 20 panel ruling against Washington, a ruling that would most assuredly be in Canada's favour, resulting in an open border or the right to \$7 billion in trade retaliation, Mitchell instead promises Ottawa will "continue to stand behind Canada's livestock industry" and "carefully consider the appropriate next steps."

What hogwash.

With vision like that, it's little wonder farmers are losing ground. If the situation weren't so critical, Mitchell's response would be laughable. Instead, it should be actionable.

If Ottawa was really standing up for Canada's ranchers, it would have used the trade tools at its disposal to end this charade almost two years ago.

Last fall, in desperation, the Canadian Cattlemen for Fair Trade, some 500 strong, launched a private NAFTA action to recover profits lost by Washington's trade-illegal expropriation of Canada's market share.

According to statements made by Lori Wallach, director of the US based public advocacy group Public Citizen, CCFT's NAFTA suit is what finally started the clock ticking in February: "We wonder what role this secretive \$300 million NAFTA challenge is playing in the Bush administration's irresponsible proposal to reopen the border to Canadian beef and cattle in March."

If, as Mitchell claims, Ottawa was indeed standing up for Canada's ranchers, they would have given up the "good guy" stance and backed the Canadian Cattlemen for Fair Trade with a federal NAFTA challenge of their own.

Instead, bureaucrats have continued to shuffle paper while industry leaders - with Washington and Ottawa on their speed dials - mutter empty assurances to an industry left twisting in the wind.

The Canadian Cattlemen's Association's reaction to last week's Montana District Court ruling? Could have been written by Mitchell's bureaucrats.

In its press release of March 2nd, the CCA called the injunction “a temporary setback” and assured ranchers that it “remains convinced of the merits of the USDA rule”.

Convinced by what? Convinced by whom? Instead of protecting Canada’s trade rights under NAFTA, Ottawa and the CCA instead spent the winter months preparing uninvited briefs to the Montana District Court, a venue where they have no standing.

Both were rejected by the judge hearing the R-CALF petition. Are we surprised?

Both were a waste of time and money when there is precious little time and money left.

Interestingly, it is the 300-plus page U.S. rule itself that may be Canada’s strongest defence under a NAFTA claim. An unintended indictment of the US processes, it confirms there is no new information to justify Washington’s 22-month delay in fully re-opening the border to Canadian beef and cattle.

Invoking NAFTA Chapter 20 to defend the trade rights of Canada’s ranchers is Ottawa’s responsibility. Pushing them to do so is CCA’s responsibility.

Failing that, it falls to Canada’s ranchers to either light a fire under the current CCA leadership or declare the organization irrelevant and go directly to Ottawa demanding action.

The shame of it is that for the past two years, those whose jobs it is to defend the trade interests of Canada’s ranchers have been afraid to do so. You can bet Washington would come out swinging if the situation were reversed, and Americans respect nothing less.

Wake up, Canada. We are a strong, articulate and proud nation. It’s past time to stand up and fight for our rights and not yield to the bullying tactics of American trade politics. The fate of rural Canada and the men and women whose families have built this great nation hangs in the balance.

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