

Greater Cleveland International Lawyers Association

## After the Elections United States, Canada and the Rule of Law

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**Interesting Comparisons** 

- History of independence
- Revolution vs evolution
- Settlement of the West
- Social organization
- Size and economic weight
- National focus — global responsibilities

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**Shared Interests** 

- Common language
- Geographical space
- Stable democracies and Political systems
- Federal structures
- Accommodation of minorities
- Impact of global events
- Respect for Rule of Law

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### Safeguarding North America Geographic Space



- Terrorism and Border Security
- Water/Energy/Resources
- Economic well-being, trade & investment
- Defense and Sovereignty

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### Mutual Objectives



- Bilateral interests and challenges
- NAFTA/SPP — trilateral frameworks
- US-Mexico issues - qualitatively different
- NAFTA/SPP issues involve Mexico-US
- Limitations on tri-lateralism
- Effective bilateral solutions

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### Canada-US Legal Engagements



- Treaties, agreements, MOUs
- Federal/State-Provincial arrangements
- Inter-agency cooperation
- Pragmatic and incremental — work well
- Major over-arching treaties are few

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Canada-US Legal Engagements



- Boundary Waters (1909), PJBD (1941), St. Lawrence Seaway (1954), NORAD (1958), Columbia River (1961), Acid Rain (1991)
- FTA (1987) and NAFTA (1994)
- Smart Border Declaration — not legally binding
- Few legal institutions

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Need for New Political and Legal Framework



- Need to address today's issues
- Border security and trade
- Climate change, shared resources, terrorism, global peace and security
- Inject substance — bilateral institution building

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Need for New Political and Legal Framework



- President and PM meetings — infrequent & pro forma
- Challenges & issues
- High-level examination
- Shared values and Rule of Law

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